

ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE PLANNING AND ZONING, REPEALING THE FAIRHAVEN NEIGHBORHOOD PLAN AND REPLACING IT WITH THE FAIRHAVEN NEIGHBORHOOD AND URBAN VILLAGE PLAN; AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20) AND THE PROCEDURES AND ADMINISTRATION CODE (TITLE 21) FOR THE PURPOSE OF ADOPTING THE FAIRHAVEN NEIGHBORHOOD AND URBAN VILLAGE PLAN AND ASSOCIATED DESIGN STANDARDS AND DEVELOPMENT REGULATIONS.

WHEREAS, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated primarily in compact “urban centers” (or “villages”) while preserving the character of existing single-family neighborhoods (FLU-15); and

WHEREAS, the Comprehensive Plan directs that master plans be developed for each proposed urban village (FLU-18); and

WHEREAS, urban villages are intended to provide a pleasant living, shopping and working environment; pedestrian accessibility; adequate, well located open spaces; an attractive, well-connected street system; and a balance of retail, office, residential, and public uses (FLU-18); and

WHEREAS, the Comprehensive Plan identifies the Fairhaven District Urban Village as a Tier 1 urban village, recognizing that the area is already developed with a mix of commercial, residential and industrial land uses and that the basic regulatory framework is already in place to allow village concepts to continue to develop; and

WHEREAS, Infill Strategy 2 in the comprehensive plan identifies the City Center and Fairhaven ahead of all other urban villages as "expected to accommodate significant additional residential and mixed use development"; and

WHEREAS, the Fairhaven Neighborhood Association (Fairhaven Neighbors) in 2007 requested the City initiate a neighborhood plan update process for the 1980 Fairhaven Neighborhood Plan; and

WHEREAS, in 2010 the City Council directed staff to move forward with a combined neighborhood and urban village planning process; and

WHEREAS, the City Council, in docketing the plan for an update, recognized that the existing neighborhood plan, zoning and development regulations in Fairhaven needed to be reviewed and updated; and

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WHEREAS, a series of community workshops were held in 2011 to discuss the vision and goals for the future, transportation and parking issues, the natural environment, parks and recreation, and development character for the Fairhaven Urban Village; and

WHEREAS, Planning staff worked closely with neighborhood residents, business and property owners, and other stakeholders to identify issues of primary concern and attempted to obtain general consensus on these issues; and

WHEREAS, the public process and Council's direction culminated in a package that included the Fairhaven Neighborhood and Urban Village Plan, design standards and development regulations that were then reviewed by the stakeholders, Planning Commission and City Council; and

WHEREAS, on March 20, 2012, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act issued a Determination of Non-significance; and

WHEREAS, in accordance with the Growth Management Act, the State of Washington Commerce Department was notified on February 14, 2012 of the City's intent to adopt a comprehensive plan amendment and new development regulations for the Fairhaven District; and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on April 19, 2012, on the package of amendments, with appropriate public notice provided, and held additional work sessions in April and May 2012.

WHEREAS, the Planning Commission adopted Findings of Fact, Conclusions and Recommendations on May 10, 2012; and

WHEREAS, the Bellingham City Council held a public hearing on June 4, 2012 and a series of work session thereafter to review of the recommendations of the Planning Commission; and

WHEREAS, the Bellingham City Council finds that the Fairhaven Neighborhood and Urban Village Plan satisfies the requirements for comprehensive plan amendments and rezones in BMC 20.20.040.A. and BMC 20.19.030.A., and the amendments are consistent with the State Growth Management Act, and will implement relevant goals and policies in the Bellingham Comprehensive Plan; and

WHEREAS, the City Council finds that the accompanying Land Use Development Code Amendments satisfy the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act, and the Bellingham Comprehensive Plan; and

WHEREAS, the City Council agrees with, and hereby adopts the Findings and Conclusions of the Planning Commission.

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NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Fairhaven Neighborhood Plan is hereby repealed in its entirety and the Fairhaven Neighborhood and Urban Village Plan, as shown in Exhibit A, is hereby adopted in its place.

Section 2. The Fairhaven Neighborhood Plan Land Use Map is repealed and replaced with the map attached as Exhibit B.

Section 3. BMC 20.00.070 Fairhaven Neighborhood Table of Zoning Regulations is amended as shown on Exhibit C.

Section 4. BMC 20.00.070 Fairhaven Neighborhood Zoning Map is repealed and replaced with the map attached as Exhibit D.

Section 5. Bellingham Municipal Code 20.13.050 B. concerning Wireless Communication Facilities, is amended as follows:

20.13.050 - Priority Of Location And Prohibited Locations

In reviewing applications for new personal wireless communication facilities, preference shall be given to locations in the following order:

A. [No changes]

B. A new support structure should only be considered when the applicant demonstrates that it is necessary to provide acceptable service and there are no suitable and available locations on existing structures. Support structures are prohibited within (1) the Shoreline Management Act jurisdictional area, (2) sites in any general use type, other than Industrial, designated with a "historic" special condition in the neighborhood plan, (3) sites in any general use type, other than sites owned by the City of Bellingham, designated with a "view" special condition in the neighborhood plan and (4) sites in the Fairhaven Design Review District as identified in the ~~Fairhaven Neighborhood Plan~~ **BMC 20.25, Figure 25-7**. Sites that contain residential structures will have a lower priority than other sites in the same zone. In all cases, towers should not be visible from public recreational areas such as parks and trails. Locations for support structures are prioritized as follows:

1. Heavy Industrial zones located east of Interstate 5.
2. Clustering on existing tower sites when additional impacts will be negligible.
3. Industrial zones. In Industrial zones if the WCF will not have a negative impact on waterfront views and the area is not developed primarily for commercial uses. Generally these areas will be located east of Interstate 5.

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4. Planned Commercial and Institutional zones. Public zones on sites already used for utility structures when the tower will not be visible from public recreational facilities.
5. Other commercial zones.
6. Residential and other public zones. Sites that are not used for residential purposes are preferred.

Section 6. Bellingham Municipal Code 20.13.160 D. concerning Wireless Communication Facilities, is amended as follows:

20.13.160 - General Criteria For Issuance Of Permits

A. through C. [No changes]

- D.** When antennas are proposed to be located within the Fairhaven Design Review District, as identified in the Fairhaven Neighborhood Plan BMC 20.25, [Figure 25-7](#), they shall generally be considered to be "construction of a structure" or "exterior alteration of a building" and shall be subject to approval of a design review ~~contract~~ permit in the Core and Influence sub-areas Historic District and Historic Influence Area of the district unless the Director determines the installation is not externally visible or is sufficiently incorporated in an authorized feature in such a way as to exempt it from the design review process.

[No further changes beyond this point]

Section 7. Bellingham Municipal Code Section 20.25.020 B. concerning Design Review is amended as follows:

20.25.020 - Applicability

The following areas and developments are subject to design review under this chapter. No building or sign permit shall be issued for projects regulated under this chapter until design review approval has been issued. The provisions of Chapter 20.14 regarding nonconformance establish which of the standards and criteria in this chapter apply to developed sites. In addition, some standards in this chapter specify the level of development that requires full compliance.

A. [No changes]

B. Development in the Fairhaven Design Review District. ~~Developments of the type listed in Section 20.26.030 and located within the Fairhaven Design Review District as defined by Section 20.26.020 and shall obtain design review approval. All~~ development activities requiring a City permit within the Fairhaven Design Review District ([Figure 25-7](#)) shall obtain design review approval unless exempted by this subsection.

1. The following activities are exempt:

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- a. Single family detached dwelling units,
 - b. Interior work which does not alter the exterior of the structure,
 - c. Normal maintenance and repair,
 - d. Minor renovations, additions and alterations, including electrical and mechanical equipment and accessory buildings, which the Director determines do not affect the architectural character of the building and will have minimal detrimental impact on adjacent uses,
 - e. Signs,
 - f. Restoration of historic elements of a building as approved by the Director, and
 - g. Any activity requiring a Certificate of Alteration or Certificate of Demolition for any existing building, structure, or object on any property individually listed on the City of Bellingham's register of Historic Places, or listed on the Register as a contributing property to a historic district, shall be processed pursuant to BMC 17.90.060.
2. The following activities shall be reviewed either by staff or the Historic Preservation Commission as noted, unless exempted by B.1. above. The Commission shall provide a recommendation to the Director regarding a design review decision. The Director shall give substantial weight to the recommendation of the Commission.
- a. Projects subject to review by the Historic Preservation Commission:
 - (1) Within the Historic District:
 - (a) Any construction of a new building or structure, and
 - (b) Any addition or exterior alteration to an existing building.
 - b. Projects subject to staff review and an "optional" review by the Historic Preservation Commission:
 - (1) Within the Historic, Industrial and Maritime Influence Areas:
 - (a) Any construction of a new building or structure, and
 - (b) Any addition or exterior alteration to an existing building.
 - (2) The Director may refer any project that is subject to staff review to the Commission for recommendation if staff has identified potential inconsistencies with the design standards.

[No further changes beyond this point]

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Section 8. Bellingham Municipal Code Section 20.25.020 B. concerning Design Review is amended to add "Figure 25-7: Fairhaven Design Review District", attached hereto as Exhibit E.

Section 9. Bellingham Municipal Code Section 20.25.040 B. concerning Design Review is amended as follows:

20.25.040 - Decision Criteria

A. [No changes]

B. For projects listed in Section 20.25.020 B., the Fairhaven Design Review District, the Director shall base his or her decision on consistency with the ~~standards in Chapter 20.26 Fairhaven Design Standards as contained in Exhibit B.~~ If the project is located in a Residential Transition Area, the standards of the Multi-Family Residential Design Handbook shall also apply. If there is any conflict between these standards, the Historic Preservation Commission and/or Director shall apply the standard that would result in the best design, based on the context of the area in which the project is located and the policies in the applicable neighborhood plan.

[No further changes beyond this point]

Section 10. Bellingham Municipal Code Section 20.25.040 B. concerning Design Review is amended to incorporate Exhibit B - Fairhaven Urban Village Design Standards, attached hereto as Exhibit F.

Section 11. Bellingham Municipal Code Chapter 20.26 Design Review District is hereby repealed in it's entirety.

Section 12. Bellingham Municipal Code Section 20.37.020 concerning Urban Village is amended as follows:

20.37.020 Purpose and Intent

A. through D. [No changes]

E. The Fairhaven Urban Village qualifier is intended to implement the Fairhaven Neighborhood and Urban Village Plan which provides a policy framework for an approximately 190 acre area generally located north of Cowgill Avenue, west of 14th Street, south of Knox Avenue, and east of Bellingham Bay.

Section 13. Bellingham Municipal Code, Chapter 20.37 Urban Village is amended as shown in Exhibit G to add Fairhaven development regulations consisting of Sections 20.37.300 through 20.37.370.

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Section 14. Bellingham Municipal Code Section 21.10.100 C. concerning Procedures and Administration is amended as follows:

21.10.100 - Type I Process: Minor Administrative Decisions

A. and B. [No Changes]

C. **Fairhaven Design Review.** Applications for projects in the Fairhaven Design Review District shall have an optional review and recommendation by the Historic Preservation Commission. The procedure in Section 21.10.110 ~~C.D.4.~~ shall be used to determine whether the Commission will review the application.

[No further changes beyond this point]

Section 15. Bellingham Municipal Code Section 21.10.110 D. concerning Procedures and Administration is amended as follows:

21.10.110 - Type II Process: Administrative Decisions

A. through C. [No Changes]

D. Public Meeting.

1. The Planning Commission Shoreline Committee shall hold a public meeting and make recommendations to the Director on shoreline permits.
2. An optional public meeting and review by the Planning Commission shall be available for planned development, general binding site plan and institutional site plan applications.
3. The Historic Preservation Commission shall hold a public meeting and make recommendations to the Director for projects requiring design approval in the Fairhaven Design Review District 'Historic District'. An optional public meeting and review by the Historic Preservation Commission shall be available for projects requiring design approval in the Fairhaven Core Area and for new buildings or structures in other areas of the Fairhaven Design Review District.
4. If an application provides for an optional public meeting, staff shall send a notice of optional meeting together with the project plan to members of the applicable board or commission. The notice shall be sent no later than the date of the notice of application. For projects in the Fairhaven Design Review District Influence and Approach areas, only the Planning Director may require review by the Historic Preservation Commission. For all other applications that provide for an optional review meeting, the Planning Director or the board or commission chair may require a meeting of the board or commission for review and recommendation on the application if they believe the proposal is likely to raise substantial planning issues or is a matter of public interest. A decision to conduct a public meeting must be made

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within 10 days from the mailing of the notice of optional meeting. If a public meeting is required, the proposal shall be scheduled for a meeting date. The Board or Commission shall transmit its recommendations to the Planning Director following the public meeting.

5. If a public meeting has been required, notice of the meeting shall be mailed at least 10 days prior to the hearing in the same manner as provided in BMC 21.10.200.D and shall also be published in a newspaper of general circulation at least 10 days prior to the meeting date.

[No further changes beyond this point]

Section 16. The Council adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission dated May 10, 2012.

PASSED by the Council this _____ day of _____, 2012

Council President

APPROVED by me this _____ day of _____, 2012

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: _____

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