

RESOLUTION NO. 2013-26

**A RESOLUTION AUTHORIZING THE CITY OF BELLINGHAM TO FORWARD PROPOSED AMENDMENTS TO BELLINGHAM MUNICIPAL CODE (BMC) TITLE 22, SHORELINE MASTER PROGRAM TO THE DEPARTMENT OF ECOLOGY FOR REVIEW AND APPROVAL.**

**WHEREAS**, the Shoreline Management Act (RCW 90.58) requires local governments with Shorelines of the State within their boundaries to adopt and periodically update their shoreline master programs. (SMP); and

**WHEREAS**, on February 4, 2013 the Department of Ecology officially approved the City's SMP; and

**WHEREAS**, on February 11, 2013 the Bellingham City Council approved Ordinance #2013-02-005 which adopted and codified the City's SMP into Title 22, Shoreline Master Program; and

**WHEREAS**, during the months of March through June, 2013, the City's Planning and Development Commission held public hearings and conducted work sessions in order to review and consider drafts of the Waterfront District Sub-Area Plan, Development Regulations, Design Standards, and Planned Action Ordinance; and

**WHEREAS**, on June 6, 2013, the City's Planning and Development Commission forwarded Findings of Fact, Conclusions and Recommendations (including recommended revisions) for approval of the documents specified above by a vote of 7-0; and

**WHEREAS**, Planning Commission's recommended revision #3 from the June 6<sup>th</sup> findings included an addition to the description of the Log Pond Area on page 33 of the Subarea Plan which reads, "Preferred land uses in the area also include light manufacturing and assembly, high technology and research and development;" and

**WHEREAS**, on June 7, 2013 the Planning and Community Development Department's Director / SEPA Official issued a non-project SEPA Determination of Non-Significance on two proposed amendments to the SMP for which the comment period expired on June 21, 2013; and

**WHEREAS**, the two amendments are to; 1) re-designate the Recreational Use subarea along the "Log Pond" to Shoreline Mixed Use within the Waterfront District shoreline designation thereby creating an allowance for stand-alone non-water-oriented

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

uses and 2) clarify which portions of the Shoreline Mixed Use sub area allow residential uses; and

**WHEREAS**, the purpose of the amendments are to make the SMP and the Waterfront District Subarea Plan and Development Regulations consistent with each other; and

**WHEREAS**, on June 9, 2013 the Planning and Community Development Department issued a Notice of Public Hearing for the proposed amendments on July 11, 2013; and

**WHEREAS**, on June 20, 2013 the SEPA Official extended the public comment period to July 3, 2013; and

**WHEREAS**, on July 11, 2013 the Planning Commission heard public testimony and considered the amendments shown and described on EXHIBIT A within the shoreline areas shown and described on EXHIBIT B.

**WHEREAS**, on July 11<sup>th</sup>, 2013 the Bellingham Planning and Development Commission held a public hearing on two proposed amendments to the SMP; and

**WHEREAS**, at the conclusion of the July 11, 2013 public hearing the Planning Commission by vote of 5-2 issued a recommendation of approval to City Council of the proposed amendments provided that the Waterfront District Sub-Area Plan and Development Regulations were consistent with the proposed amendments to the SMP; and

**WHEREAS**, on October 11, 2013 the Planning Commission adopted their findings of fact, conclusions of law and a recommendation which are provided in EXHIBIT C; and

**WHEREAS**, on October 18, 2013 the City Council office published a Notice of Public Hearing in the Bellingham Herald and circulated said notice to the Mayor's Neighborhood Advisory Board, Neighborhood Association Presidents and various special interest organizations; and

**WHEREAS**, the Public Hearing was held on November 18, 2013 at 7:00 P.M. in the City Council Chambers; and

**WHEREAS**, the City Council heard presentations from City staff and public testimony and considered the proposed amendments; and

**WHEREAS**, on November 18, 2013, after the public hearing was closed and after consideration of the proposed amendments the City Council directed staff to forward the proposed amendments to the Department of Ecology; and

**WHEREAS**, final approval of the proposed amendments may be granted by the Department of Ecology pursuant to the timelines and procedures specified in RCW 90.58.090; and

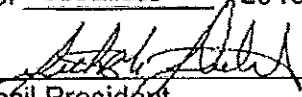
**WHEREAS**, after final approval by the Department of Ecology the City Council intends to adopt the proposed amendments by ordinance.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:**

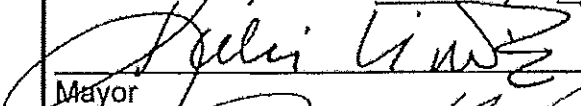
City Council adopts the Planning Commission's findings of fact, conclusions of law and recommendation provided in EXHIBIT C.

Staff is directed to forward the proposed amendments as described in EXHIBITS A and B to the Department of Ecology for review and approval pursuant to the procedures and timelines specified in RCW 90.58.090.

PASSED by the City Council this 2nd day of December, 2013.

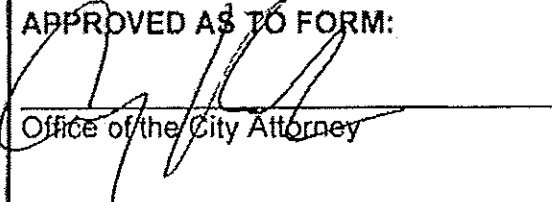
  
\_\_\_\_\_  
Council President

APPROVED by me this 11th day of December, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney