ORDINANCE NO. 2021-10-041

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE CAPITAL FACILITIES AND UTILITIES CHAPTER OF THE 2016 BELLINGHAM COMPREHENSIVE PLAN TO INCORPORATE BELLINGHAM'S SURFACE AND STORMWATER COMPREHENSIVE PLAN (SSCP) BY REFERENCE.

WHEREAS, the City has a process to amend the comprehensive plan and the neighborhood plans once per year in accordance with Bellingham Municipal Code (BMC) 20.20 and BMC 21.10.150; and

WHEREAS, on September 28, 2020, the Bellingham City Council adopted a new SSCP (Resolution 2020-37); and

WHEREAS, the Planning and Community Development Department received a docketing request to amend the Capital Facilities and Utilities Chapter of the comprehensive plan to incorporate the newly adopted SSCP; and

WHEREAS, the proposed comprehensive plan amendment includes changing the text in the Capital Facilities and Utilities Chapter to include by reference the new SSCP; and

WHEREAS, on November 19, 2020, the Planning Commission held a public hearing regarding the 2020-2021 docket requests and recommended to the City Council that the proposed amendment be placed on the annual docket; and

WHEREAS, the City Council held a public hearing on December 14, 2020 and placed the proposed amendment on the annual 2020-2021 list of comprehensive plan amendments; and

WHEREAS, the responsible official reviewed the proposed comprehensive amendment under the procedures of the State Environmental Policy Act, and a non-project Determination of Nonsignificance was issued on May 14, 2021; and

WHEREAS, as required by RCW 36.70A.106 notice of the City's intent to adopt the proposed comprehensive plan amendment was sent to the Washington State Department of Commerce on June 3, 2021; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed comprehensive plan amendment on July 8, 2021; and
WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions and Recommendation for approval of the proposed comprehensive plan amendment by a 5-0 vote; and

WHEREAS, the Planning Commission finds that the proposed amendment is consistent with the 2016 Bellingham Comprehensive Plan and meets the comprehensive amendment review criteria in BMC 20.20.040 (A); and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed comprehensive plan amendment on August 30, 2021; and

WHEREAS, the City Council considered the recommendation of the Planning Commission, the staff report, and the public comment and hereby adopts the Findings, Conclusions and Recommendation of the Planning Commission; and

WHEREAS, the City Council finds that the amendment proposal will update information in the comprehensive plan and will direct the public and staff to the newest adopted SSCP; and

WHEREAS, the City Council finds that the proposed comprehensive plan amendment is consistent with the 2016 Bellingham Comprehensive Plan and meets the comprehensive plan amendment criteria in BMC 20.20.040 (A).

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Capital Facilities and Utilities Chapter of the Bellingham Comprehensive Plan is hereby amended to incorporate Bellingham’s SSCP by reference in the Bellingham Comprehensive Plan.

Section 2. The Capital Facilities and Utilities Chapter of the 2016 Bellingham Comprehensive Plan is hereby amended as follows:


The City has an adopted 2007 Surface and Stormwater Comprehensive Plan (incorporated herein by reference). The purpose of this plan is to address requirements and regulatory issues that create the need to plan and resolve difficult stormwater issues.

Appendix Page 3 of 3 of the 2016 Bellingham Comprehensive Plan
Other Plans and Documents:
• 2007 Surface and Stormwater Comprehensive Plan
• 2009 Comprehensive Sewer Plan
• 2009 Comprehensive Water System Plan
• 2013 Water System Plan Update
• Bellingham School District No. 501 Capital Facilities Plan (2015-2021)
• 2012 Pedestrian Master Plan
• 2014 Bicycle Master Plan
• 2013 Shoreline Master Program

Section 3. City administration and the codifiers of this ordinance are authorized to make necessary clerical corrections including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any reference thereto.

Section 4. The City Council agrees with and hereby adopts the Findings, Conclusions, and Recommendation of the Planning Commission, attached as EXHIBIT A.

PASSED by the Council this 25th day of October 2021

Hannah Stone, Council President

APPROVED by me this 27 day of October, 2021

Seth Fleetwood, Mayor

ATTEST: Andy Asbjornsen, Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: October 29, 2021
SUMMARY:

Following the public hearing and deliberation on the proposed comprehensive plan amendment to amend the Capital Facilities and Utilities Chapter of the 2016 Bellingham Comprehensive Plan to incorporate the City's new Surface and Stormwater Comprehensive Plan (SSCP) by reference, the Bellingham Planning Commission has determined with a 5-0 vote that the proposed comprehensive amendment comply with and will implement the goals and policies of the comprehensive plan and should be adopted.

I. FINDINGS OF FACT:

1. Project or Proposal Description:

City staff requests an amendment to the Capital Facilities and Utilities Chapter of the 2016 Bellingham Comprehensive Plan to incorporate the City's new SSCP by reference. The proposal includes the following text amendments to the comprehensive plan:

Page 7 of the Capital Facilities and Utilities Chapter:

The City has an adopted 2007 Surface and Stormwater Comprehensive Plan (incorporated herein by reference). The purpose of this plan is to address requirements and regulatory issues that create the need to plan and resolve difficult stormwater issues.

Appendix Page 3 of 3:
Other Plans and Documents:

- 2007 Surface and Stormwater Comprehensive Plan
- 2009 Comprehensive Sewer Plan
- 2009 Comprehensive Water System Plan
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2. Background Information/Procedural History:

- The Bellingham City Council adopted a new SSCP on September 28, 2020 (Resolution 2020-37). The new SSCP provides standards and recommendations to meet the State's regulatory requirements and manage Bellingham's surface and stormwater systems and
facilities. The amendment proposal is consistent with and implements the goals and policies of the comprehensive plan as shown in Section 3, and is intended to direct the public and staff to the newly adopted plan.

- On November 19, 2020, the Planning Commission held a public hearing regarding the 2020-2021 docket requests and recommended to the City Council that the proposed amendment be placed on the annual docket.

- The City Council held a public hearing on December 14, 2020 and placed the proposed amendment on the annual 2020-2021 docket of comprehensive plan amendments (Resolution 2020-46).

3. Comprehensive Plan Goals and Policies:

The City's Comprehensive Plan identifies the goals and policies that are used as a guide for legislative and administrative decisions regarding changes to the comprehensive plan and development codes. Relevant comprehensive plan goals and policies are listed below:

- **GOAL LU-7:** Protect and restore our community's natural resources (land, water, and air) through proactive environmental stewardship.
- **GOAL CF-3:** Continue efforts to improve the overall water quality throughout Bellingham.
- **GOAL EV-1:** Protect and improve drinking water sources.
- **Policy CF-28:** Water, sanitary sewer, and stormwater services should be provided as adopted in the existing comprehensive system plans.
- **Policy CF-29:** Update comprehensive system plans for capital facilities, stormwater, and other City services whose level of service standards could be affected by aging infrastructure and future growth and development.
- **Policy CF-30:** Manage water, sanitary sewer, and stormwater facilities and plans so that they meet federal and state requirements.

4. Public Comment:

On June 3, 2021, notice of the City's intent to adopt the proposed comprehensive plan amendment was sent to the Washington State Department of Commerce.

Per BMC 21.10, notice of the Planning Commission public hearing notice was mailed to neighborhood representatives and associations. The notice was also published in the Bellingham Herald and posted on City web site notice locations.

5. State Environmental Policy Act (SEPA):

A non-project Determination of Non-Significance was issued on May 14, 2021. Within the 14-day SEPA comment period, no public comment was submitted.
6. Consistency with the Comprehensive Plan, and/or Review Criteria:

Comprehensive and Neighborhood Plan Decision Criteria:
BMC 20.20.040

Petitioners requesting amendments to the Bellingham Comprehensive Plan and/or a Neighborhood Plan shall be prepared to offer justification for the request using the following criteria. These criteria will be used by the Planning Commission and the City Council to evaluate amendment requests:

A. There exists an error, omission or inconsistency in the pertinent Comprehensive Plan or neighborhood plan provision; OR

The Commission finds that the proposed amendment meets BMC 20.20.040 (A) and implements the goals and policies of the 2016 Bellingham Comprehensive Plan as shown in subsection 3. In September 2020, the Bellingham City Council adopted a new Surface and Stormwater Comprehensive Plan. This new plan provides updated surface and stormwater information to the community and guides the City’s management of surface and stormwater and related facilities in Bellingham. An amendment to the Capital Facilities and Utilities Chapter of the Bellingham Comprehensive Plan is needed to remove the outdated 2007 Stormwater Plan reference and to add the newly adopted SSCP by reference.

The Commission finds that this criterion has been met.

B. All of the following criteria have been met:

(1. through 5. N/A as the proposed amendment meets BMC 20.20.040 (A) above.)

1. The proposed amendment is consistent with the Growth Management Act and other applicable laws;

2. The proposed amendment addresses changing circumstances, changing community values, and is consistent with and will help achieve the Comprehensive Plan goals and policies.

3. The proposed amendment will result in long term benefit to the community and is in the community’s overall best interests.

4. The amendment will not adversely affect the public health, safety or general welfare.

5. If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in BMC 20.19.030.
II. CONCLUSIONS:

Based on the staff report and the information presented at the public hearing, the Planning Commission concludes that:

1. The amendment proposal will update information in the comprehensive plan and will direct the public and staff to the newest adopted SSCP.

2. The proposed amendment meets the comprehensive plan amendment criteria in BMC 20.20.040 (A).

III. RECOMMENDATION:

Based on the findings and conclusions, the Bellingham Planning Commission, with a 5-0 vote recommend that the City Council approve the proposed comprehensive plan amendment (REZ2020-0007).

ADOPTED this 8th day of July, 2021.

Planning Commission Chairperson

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

City Attorney