

Waterfront District
Planned Action Ordinance Summary for Waterfront Advisory Group
November 14, 2012

Background and Purpose Established as a land use planning tool in Washington State, a planned action is a development project whose impacts have been addressed by an Environmental Impact Statement (EIS) associated in conjunction with sub-area plans. The City and the Port jointly completed an Environmental Impact Statement for the Waterfront District Redevelopment Project, including a Draft Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, 2010 Addendum to the Supplemental Draft Environmental Impact Statement, the Final Environmental Impact Statement which evaluated a range of development alternatives, including a 2010 Updated Preferred Alternative. The 2012 Addendum to the Final Environmental Impact Statement will be issued in the coming weeks and studied revisions since 2010. The Waterfront District Sub-area Plan is currently under review by the Waterfront Advisory Group.

Designation of a planned action expedites the permitting process and increases predictability for projects whose impacts have been previously addressed in an environmental impact statement. The State Department of Commerce has studied planned actions in various communities throughout Washington and found that predefined mitigation as allowed under a planned action ordinance has resulted in increased certainty and predictability, time and cost savings for project proponents and cities, and increased revenues for cities when used with other economic development tools.

Summary The Ordinance sets forth a procedure for designation of certain projects within the Waterfront District as “planned actions” consistent with RCW 43.21C.031 and provides the public with an understanding as to what constitutes a planned action, the criteria for planned action approval, and how development applications which qualify as planned actions will be processed by the City. The City's Planning Director utilizes land-use and traffic thresholds as well as applies applicable regulations within the mitigation framework contained in the Ordinance for the purpose of processing planned action development applications and incorporating the applicable mitigation measures into project permit conditions.

If the City's Planning Director determines that the proposed project qualifies as a Planned Action, the PAO Responsible Official shall issue a “Determination of Consistency”. Upon issuance of the Determination of Consistency, the project shall proceed in accordance with the applicable permit review procedure. In the event a project application does not qualify as a Planned Action, a SEPA project threshold determination and compliance with SEPA shall be required. A Determination of Consistency or a Determination of Inconsistency includes notice requirements and may be appealed to the Hearing Examiner.

Further, the Ordinance sets forth monitoring and reporting requirements of the City of Bellingham.

Status and Approval Process Draft complete awaiting publication of the 2012 EIS Addendum. This Ordinance requires approval by the City Council will be vetted through the legislative process, including review by the Bellingham Planning Commission. A public hearing is required by the City of Bellingham.

Waterfront District

Development Agreement Summary for Waterfront Advisory Group

November 14, 2012

Background and Purpose A development agreement is a contract between a local jurisdiction and a person who has ownership or control of property within the jurisdiction - in this case the Port of Bellingham. The purpose of the agreement is to specify the standards and conditions that will govern development of the property. The intent is to create predictability and certainty for development on property currently owned by the Port of Bellingham. In this case, the development agreement sets forth any special considerations that the City of Bellingham does not consider "business as usual".

Summary Terms are summarized as follows:

- The agreement provides assurance to the developer that he/she may proceed to develop the project subject to certain rules and regulations in effect at the time of approval, also known as "vesting". Waterfront District Development Regulations and Design Standards and the Planned Action Ordinance (PAO). No vesting to any other regulations.
- For projects that are not determined to be a Planned Actions pursuant to the PAO, the City of Bellingham will be SEPA lead official for Commercial and Institutional Mixed Use Land Use Areas as described in BMC 20.37.400, and the Port of Bellingham shall be SEPA lead official for Industrial Mixed-Use Land Use Areas as described in BMC 20.37.410.
- Port Property is granted a traffic impact fee credit based upon vehicles trips generated by the former Georgia Pacific mill and other historic industrial uses within the Waterfront District. Park impact fee credit will be granted for the dedication of park land as dedication occurs per the CFA. These credits are retained by the Port and may be applied to Projects within the Waterfront District.
- Allows certain light industrial uses to be located within a portion of the Downtown Waterfront Area (properties south of Commercial) as interim uses.
- Further clarifications are included regarding City procedures and targets for affordable housing and mix of land use are established.
- The proposed term of the draft Development Agreement is 20 years.

Status and Approval Process Final draft under review by Port and City staff. Requires approval by the Bellingham Port Commission, as landowner, and the City, as the local jurisdiction. This Agreement will be one of several documents vetted through the legislative process, including review by the Bellingham Planning Commission. A public hearing is required by the City of Bellingham.

Waterfront District
Interlocal Agreement for Remedial Cleanup Actions, Arterial Streets and Parks
November 14, 2012

Background and Purpose On January 2005, the City and the Port executed the "Interlocal Agreement Regarding the New Whatcom Special Development Area" with subsequent amendments that among other things set forth respective commitments of the Port and of the City with regard to the Waterfront District, provided for the study of the environmental impacts of the redevelopment of the Waterfront District, and provided for the adoption of master planning documents for the redevelopment of the District.

This agreement will replace the 2005 interlocal between the Port and City. It will clarify future partnership obligations for phased implementation of capital improvements in the Waterfront District, including remedial cleanup actions and construction for arterial streets and parks.

It establishes "partnership protocols" for coordinated decision-making, project management, project requirements, budget planning, cooperative funding strategies and implementation. Redevelopment of the Waterfront District will require ongoing coordination and cooperation by the Port and the City in a phased approach to development over many years.

Summary Because redevelopment of the District is a long-term undertaking, this agreement sets forth obligations for Phases 1, 2 and 3 only. Phases 1 and 3 focus Port and City investments within the area closest to Downtown thereby helping to revitalize the "Downtown Waterfront Area". Phase 2 focuses investments in the "Cornwall Beach Area", an area proposed for a large community park. Each phase is described by the amount of development on the site, new square footage, not by a date. Investments by each party will proceed as development proceeds.

In general, the Port is responsible for having responsibility to complete the cleanup actions and the City is responsible to construct arterial streets and parks. All other infrastructure within the District is the responsibility of future developers.

The Agreement is drafted with the following principles:

- Cleanup actions should be conducted in advance of or in conjunction with construction of arterial streets and parks.
- Construction of cleanup activities, arterial streets and parks will be phased such that expenditures by the Port and the City are not unnecessarily stranded awaiting demand.
- Conditions are established for each capital facility. Examples of conditions: cleanup actions complete, permits are secured, and development is ready to proceed.

Status & Approval Process City and Port staff are completing final negotiations. The Bellingham City Council and Bellingham Port Commission must execute the Agreement. This agreement will be available for public review throughout the legislative process in 2013. City Council and Port Commission will take action on this Agreement following or concurrent with the legislative action required of the Waterfront District Sub-area Plan, Development Regulations and Design Standards, Development Agreement and the Planned Action Ordinance.