

## **RECORD OF PROCEEDING OF CITY COUNCIL**

### **CITY OF BELLINGHAM, WASHINGTON**

Monday, December 02, 2013, 01:00 PM

Book: 67, Page: 1

#### **Committee Meeting**

Council Chambers

#### Called To Order

#### Roll Call

##### *Present:*

Jack Weiss, Council Member, First Ward  
Cathy Lehman, Council Member, Third Ward  
Stan Snapp, Council Member, Fourth Ward  
Terry Bornemann, Council Member, Fifth Ward  
Michael Lilliquist, Council Member, Sixth Ward  
Seth Fleetwood, Council Member, At Large

##### *Excused:*

Gene Knutson, Council Member, Second Ward

### **PURPOSE**

### **DISCUSSION**

#### Committee Of The Whole

Seth Fleetwood, Chair

Jack Weiss, Gene Knutson, Cathy Lehman, Stan Snapp, Michael Lilliquist, Terry Bornemann

Gene Knutson Excused

AB20063 1. Waterfront District Sub Area plan and Associated Documents

TB/ML MOVED TO RECOMMEND APPROVAL OF THE FOLLOWING CHANGES RECOMMENDED BY STAFF AS AMENDED BY COMMITTEE:

Page 10 (537 of the Packet) – Add additional condition to Commercial Street.

c) **Commercial Street.** The City will design and construct, at its sole cost and expense, the portion of Commercial Street from Bloedel to interim Laurel Street.

Facility Trigger: Construction shall commence within twenty four (24) months of the City receiving notice from the Port that it has executed a development agreement, purchase and sale agreement or equivalent contract with a Developer(s) for the Downtown Waterfront Area parcels which are abutting Commercial Street, see **Exhibit E** for "Downtown Waterfront Properties Abutting Commercial Street #1." Provided, the City may delay construction of Commercial Street until a building permit application for a building abutting Commercial Street has been submitted and the following condition is met:

(i) The Port provides the City with (a) a Development Ready Certificate, or (b) Ecology's approval of the Port's Construction Completion Report, pursuant to WAC 173-340-400(8) for the Georgia-Pacific West Site Cleanup or Ecology's approval of the Port's post-construction Interim Action Completion Report for the area necessary for construction of Commercial Street from Bloedel to interim Laurel Street; (c) in the event Commercial Street from Bloedel to interim Laurel Street will be built as part of an Interim Action, an executed amendment to the GP West Agreed Order incorporating Commercial Street from Bloedel to interim Laurel Street in an attached Interim Action Plan pursuant to WAC 173-340-430(7).

(ii) Prior to commencing design of Commercial Street and/or Commercial Street Green, City staff, in coordination with adjacent property owners, shall re-evaluate the cross-section to determine if the transportation system could support modifications, such as including, but not limited to, alternatives to the one-way return drive lane."

The motion carried 6-0.

ML/CL MOVED TO RECOMMEND APPROVAL OF THE FOLLOWING CHANGES RECOMMENDED BY STAFF AS AMENDED BY COMMITTEE:

Page 22 (549 of the Packet) – Change the review period from 5 to 2 years.

19.2 ~~Five~~ **Two** Year Review. Every ~~two~~ **two** five years, the Port and the City will jointly scope and conduct a study of the economic impact of the Waterfront District, including data concerning employment, wages, including living wages, and, if possible, benefits.

The motion carried 6-0.

ML/TB MOVED TO RECOMMEND APPROVAL OF THE FOLLOWING CHANGES RECOMMENDED BY STAFF:

Page 12 (Page 315 of the Packet), last paragraph in Section 2.5, Bellingham Shoreline Master Program. Revise the text as follows:

~~"The proposed shoreline uses, setbacks and development standards in the Waterfront District Sub-Area Plan are consistent with and implement the Final Draft SMP. The Log Pond area is designated "Recreational Shoreline" in the Final Draft SMP. The shoreline will have a restored public beach and a 50-foot shoreline buffer, accessible by a pedestrian and bicycle trail. Water dependent and water related uses are also permitted within shoreline jurisdiction in the Log Pond area."~~

The motion carried 6-0.

ML/CL MOVED TO RECOMMEND APPROVAL OF THE FOLLOWING CHANGES RECOMMENDED BY STAFF:

Page 4 (Page 509 of the Packet) of the Development Agreement.

**Section 5. Mix of Land Uses and Living Wages**

**a. Mix of Land Uses.** To insure the Waterfront District contains the mix of land uses envisioned in the Waterfront District Sub-area Plan, the ratio between industrial, commercial and residential square footage, (the ***Target Land Use Ratios***) shall be consistent with the ratios set forth below: *(table deleted as it remains unchanged)*

**b. Living Wages.** It shall be the policy and goal of the Port and City to cooperate to create high quality, high skill, and higher-paying jobs in the new Waterfront District, through appropriate permitting, regulation, and selection of private sector partners, lessees, and successors in interest.

The motion carried 6-0.

AB20186 2. A Resolution Declaring Certain Real Property within the Waterfront District Surplus to the City of Bellingham

TB/CL MOVED TO RECOMMEND APPROVAL. Motion carried 5-1. JW opposed. GK Excused.

AB20205 3. A Closed Record Hearing to consider a petition to vacate portions of West Ivy Street, H Street, Central Avenue, Laurel Street and West Maple Street within the Waterfront District

SS/TB MOVED TO ACCEPT THE HEARING EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDATION. The motion carried 5-1. JW opposed. GK excused.

CL/TB MOVED TO REQUIRE COMPENSATION AS IDENTIFIED IN THE INTERLOCAL AGREEMENT. The motion carried 5-1. JW opposed. GK excused.

TB/SS MOVED TO RECOMMEND APPROVAL OF THE ORDINANCE. The motion carried 5-1. JW opposed. GK excused.

AB20206 4. A Closed Record Hearing to consider a petition to vacate portions of Army Street, Central Avenue, Oak Street and Portions of C, D, E and F Streets within the Waterfront District

TB/CL MOVED TO ACCEPT THE HEARING EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDATION. The motion carried 5-1. JW opposed. GK excused.

TB/CL MOVED TO REQUIRE COMPENSATION AS IDENTIFIED IN THE INTERLOCAL AGREEMENT. The motion carried 5-1. JW opposed. GK excused.

TB/CL MOVED TO RECOMMEND APPROVAL OF THE ORDINANCE. The motion carried 5-1. JW opposed. GK excused.

AB20207 5. A Closed Record Hearing to consider a petition to vacate a portion of G Street between Roeder Avenue and West Maple Street within the Waterfront District

CL/SS MOVED TO ACCEPT THE HEARING EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDATION. The motion carried 5-1. JW opposed. GK excused.

SS/CL MOVED TO REQUIRE COMPENSATION AS IDENTIFIED IN THE INTERLOCAL AGREEMENT. The motion carried 5-1. JW opposed. GK excused.

SS/CL MOVED TO RECOMMEND APPROVAL OF THE ORDINANCE. The motion carried 5-1. JW opposed. GK excused.

AB20188 6. Consideration of two amendments to the City's Shoreline Master Program [SMP] within the Waterfront District shoreline designation

CL/TB MOVED TO RECOMMEND APPROVAL. The motion carried 4-2. ML, JW opposed. GW excused.

AB20208 7. An Ordinance adopting amendment to the Bellingham Comprehensive Plan and Land Use Development Code for the Waterfront District Sub Area Plan and related code provisions

No action taken in committee.

AB20209 8. A Resolution adopting a fee schedule for the floor area development bonus in the Waterfront District

No action taken in committee.

AB20210 9. An Ordinance amending Title 16 of the Bellingham Municipal Code [BMC] to adopt the Waterfront District Planned Action Ordinance

No action taken in committee.

AB20211 10. A Resolution authorizing the Mayor to enter into a Development Agreement with the Port of Bellingham to implement the City of Bellingham's Waterfront District Sub Area Plan

No action taken in committee.

AB20212 11. Consideration of the Interlocal for Facilities within the Waterfront District with the Port of Bellingham ("Facilities Interlocal") to implement the Waterfront District Sub Area Plan

No action taken in committee.

AB20197 12. Army Street Memorandum of Agreement

ML/JW MOVED TO RECOMMEND APPROVAL AS AMENDED. The motion carried 4-2. CL, SS opposed. GK excused

### 13. Approval of City Council Committee and/or Special Meeting minutes

The minutes of the November 18, Committee Meetings were submitted for approval. Mr. Weiss noted the recording of the vote for approval of the November 4<sup>th</sup> Committee Meeting Minutes was 5-1-0, CL abstained and GK excused. It should have been recorded as 5-0-1.

CL/TB MOVED APPROVAL OF THE MINUTES AS CORRECTED. The motion carried 6-0.

The minutes of the November 25<sup>th</sup>, Special Meeting for Executive Session and Budget Worksession were submitted for approval. Ms. Lehman explained that her vote on the motion related to funding for the Public Development Authority was incorrect and that her vote is against it. The vote tally is corrected from 5-1, SS opposed, GK excused, to 4-2, SS, CL opposed, GK excused.

CL/TB MOVED APPROVAL OF THE MINUTES AS CORRECTED. The motion carried 6-0.

### 14. Old/New business

None.

## **ADJOURNMENT**

\_There being no further business, the meeting was adjourned at 3:27 PM.

**Seth Fleetwood, Council President**

**ATTEST: J. Lynne Walker, Executive Assistant to the Bellingham City Council**

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