INFORMATION BULLETIN NO. 10

City of Blaine

Updated March 2009

THE TYPE III-LEG APPLICATION PROCESS

WHAT IS A TYPE III-LEG APPLICATION?

A Type III-LEG application is an application for a legislative action to change the law. They are applications to change the City's Municipal Code or Comprehensive Plan. A limited number of applications are legislative. Those include Zoning Text Amendments, Comprehensive Plan Amendments, and Rezones. The City Council makes the final decision on Type III-LEG applications.

Type III-LEG actions can be initiated by:

- The City Council,
- The Planning Commission,
- Community Development Director , or
- Any Citizen.

The review process includes an "open record hearing" or public hearing. The public hearing is held by the Planning Commission, and they develop the information upon which the decision is based .

Although the Planning Commission does not make the final decision, they do make a recommendation to the City Council.

Because this is a legislative decision, the City may hold more than one public hearing. It is not uncommon for the City Council to hold an additional public hearing before making a decision to change the Municipal Code.

HOW DO I APPLY?

Application is made by obtaining the appropriate forms, scheduling a submittal appointment with Community Development Services Department staff, submitting a complete application and paying the applicable fees.

Please refer to the City's Unified Fees Schedule for fee information.

It is advisable to consult with staff prior to preparing your submittal. Staff may be able to offer guidance or assistance.

There is also an option for interested persons including staff and citizens to suggest amendments without paying an application fee. While the City is not obligated to process suggested amendments, the director shall maintain a list of suggestions, and annually consider them for inclusion on the development code docket. The Planning Commission and the City Council may also review the list of suggested amendments from time to time, and may place suggested amendments on the development code docket.

HOW IS THE APPLICATION PROCESSED?

Once an application is submitted, City staff will do an initial review to make sure that all the necessary information has been provided and the application is complete. The City will provide notice to inform you whether your application is complete or incomplete and what specific items, if any, are needed to make the application complete. If your application is determined incomplete you have 90 days to submit the supplemental information.

Once your application is deemed complete, the Director will conduct environmental review under SEPA. A staff report will be prepared and the proposal along with the staff report will be forwarded to the Planning Commission for consideration.

The Planning Commission review will be conducted at a public hearing. A Notice of Public Hearing is posted in the newspaper of record (Bellingham Herald), on the City website, and at City Hall, at least 10 days prior to the public hearing. All interested parties are invited to attend and provide written or oral testimony.

(See reverse.)

After closing the public hearing, the Planning Commission will deliberate and render a written recommendation to the City Council within 14 days. In making the recommendation, the Planning Commission must determine if the proposed amendment meets the requirements of state law and the City's Comprehensive Plan.

After the Planning Commission makes its decision, the Community Development Services staff schedules a "closed record hearing" before the City Council. At that hearing the Council will consider the record developed by the Planning Commission's public hearing. The City Council will make a final decision based on the record. Although the City Council is not obligated to follow the recommendation of the Planning Commission, the Commission's recommendation is given substantial consideration. The City Council then votes and makes a final decision on the amendment.

A Notice of Decision is distributed within three working days of the City Council decision. A Notice of Decision will be mailed to the applicant and anyone who submitted comments or testified at the public hearing and to all other parties of record.

At the closed record hearing the Council may determine that an additional hearing is appropriate. The Council may schedule an additional public hearing based on a vote to do so. The hearing must be properly noticed. If the Council conducts a public hearing, that will occur before a decision is made on the amendment.

WHAT IF I DISAGREE WITH THE CITY COUNCIL'S DECISION?

There is no administrative process to appeal a City Council decision. The City Council's decision may be subsequently appealed in Whatcom County Superior Court. Time limits apply to such an appeal. Anyone considering a judicial appeal is advised to consult with an attorney.

STATE REVIEW OF LEGISLATIVE ACTIONS:

Most legislative actions involve review by the State of Washington. There are two different review processes.

The first review process is for Municipal Code Amendments. Whenever a code amendment includes a change to any development regulations, the code amendment is required to undergo a 6-day review by state agencies. The proposed code amendment is forwarded to numerous state agencies, who then review the proposed code for compliance with or conflicts with state regulations.

The second review process is for Comprehensive Plan Amendments. This review is conducted by the Department of Community Trade and Economic Development (CTED). CTED is the state agency responsible for oversight of the Growth Management Act goals and implementation. Whenever a Comprehensive Plan Amendment is proposed it is forwarded to CTED for review and consideration. CTED has an opportunity to provide comments on the change before final adoption.

MORE QUESTIONS?

For further information, please call the Community Development Services Department at the City of Blaine (360) 332-8311.

The City of Blaine's Community Development Department has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult City of Blaine, CDS staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.