

ORDINANCE NO. 96-2229

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, RELATING TO LAND USE PLANNING AND ZONING, ESTABLISHING A NEW CHAPTER, CHAPTER 17.48, "PLANNED RESIDENTIAL" AND ESTABLISHING A LAND USE DESIGNATION FOR THE AREA COMMONLY KNOWN AS THE "EAST BLAINE ANNEXATION."

WHEREAS, the City Council of the City of Blaine has approved an annexation for the area commonly known as the "East Blaine Annexation"; and

WHEREAS, RCW 35A.14 provides for the simultaneous adoption of zoning within a area proposed to be annexed; and

WHEREAS, public hearings were held before the Blaine Planning Commission on October 8, 1992 and before the Blaine City Council on November 23, 1992; and

WHEREAS, the City Council of the City of Blaine voted to approve the annexation and the simultaneous rezone at its regular public meeting held on March 13, 1995 and consequently adopted an ordinance establishing the effective date of the annexation as February 29, 1996; and,

WHEREAS, the Blaine City Council has approved a new land use designation, "Planned Residential"; now, therefore,

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLAINE as follows:

SECTION 1: There is hereby added a new chapter to the Blaine Municipal Code, Chapter 17.48, "Planned Residential", the text of which is attached hereto as "Exhibit A" and by this reference incorporated herein.

SECTION 2: The real property, legally described on the attached "Exhibit B" and commonly known as the "East Blaine Annexation" shall have as its land use designation "Planned Residential" as defined in Blaine Municipal Code Chapter 17.48. The Findings and Conclusions supporting this designation are attached hereto as "Exhibit C" and by this reference are incorporated herein.

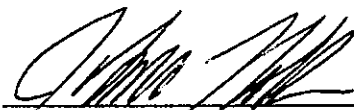
SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise, as provided by law and five days after the date of posting for publication.

PASSED BY THE CITY COUNCIL OF BLAINE, WASHINGTON on the 12 day of February, 1996, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON

By: 
MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY CLERK


CITY ATTORNEY

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City of Blaine

Chapter 17.48

PLANNED RESIDENTIAL

Sections:

- 17.48.010 Purpose.
- 17.48.020 Permitted uses.
- 17.48.030 Accessory uses.
- 17.48.040 Conditional uses.
- 17.48.050 Maximum density, Minimum lot size.
- 17.48.060 Setback, land coverage, height, width.
- 17.48.070 Off-street parking.
- 17.48.080 Modification to PUD Section 17.54

17.48.010 Purpose

A. The intent of this zone is to promote an orderly transition from a rural to residential development, to encourage land uses and associated densities which will be complementary with existing rural densities, while allowing reasonable transition uses of the properties. In addition, it is the intent of this zone to provide the opportunity for the development of building sites which will maximize the efficient use of both energy and land use by allowing an option for clustering of residential lots. (17.14.050)

Flexibility of residential unit types, density and mix is allowed in order to provide major open space systems and to retain the wetlands, streams, aquifer recharge areas, and wildlife habitat corridors in as natural a state as possible. The performance standards in the zone require the preparation of a planned unit development for the development to achieve the flexibility of residential unit types and commercial accessory uses, and to provide a guide to phasing any future project.

B. The purpose of this planned approach is the same as those in Chapter 17.54, planned unit development district. Developments under this chapter shall be subject to the procedures for application and approval described in Chapter 17.54.

17.48.020 Permitted uses. Permitted uses in the planned residential zone are:

- A. Single-family detached dwellings;
- B. Single-family attached dwellings provided that public sewer, water, stormwater collection (quality) and retention (quantity) facilities serve the site, not more



than four units are attached, and the number of dwelling units conforms to the density requirements of the District.

- C. Garden and plant nurseries;
- D. Raising of crops and livestock, excluding dairy farming.
- E. Non-commercial neighborhood parks and public recreation facilities.
- F. Agriculture including animal husbandry, horticulture, viticulture, floriculture, silviculture and beekeeping.

17.48.030 Accessory uses. Garages, home occupations, swimming pools, and other uses customarily incidental to the permitted uses are accessory uses in the planned residential zone.

17.48.040 Conditional uses.

- A. Kennels
- B. Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar non-commercial uses.
- C. Public schools; and parochial or private schools, provided such schools shall be approved by the State Superintendent of Public Instruction.
- D. Churches, educational and religious training institutions, summer camps, and cemeteries.
- E. Retirement, boarding and convalescent homes; social and health rehabilitation centers, child and adult care centers in a building not used as a primary residence except as it relates to the owner or manager of said facility; and other health related services consistent with the purpose of the district.
- F. Neighborhood grocery stores, drug store, barber/beauty shop, laundromat or restaurant; provided that:
 - (1) The gross commercial floor area per building shall not exceed 8,000 square feet, including sales and storage areas. No single use or business within the 8,000 square foot area shall exceed 2,500 square feet.
 - (2) Storage areas shall be located entirely within the structure; however, outside trash receptacles shall be enclosed and screened from public view;
 - (3) Hours of operation shall be limited to 7:00 a.m. through 11:00 p.m.;

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- (4) Height of the building shall not exceed 25 feet from the average grade;
- (5) The site shall be full fronting on two or more improved public roads or streets;
- (6) All lighting shall be designed and installed to prevent the illumination of adjacent properties during business hours; however, security lighting may be permitted during non-business hours if it is designed to prevent the illumination of adjacent properties;

G. One accessory apartment per single family detached residence.

- (1) There shall be not more than one accessory apartment per lot;
- (2) The owners of the lot shall occupy one of the dwelling units on the premises;
- (3) Adequate provision has been made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory apartment;
- (4) There shall be only one front entrance to the house visible from the front yard and street;
- (5) The accessory apartment shall be clearly a subordinate part of an existing building attached by a common wall, floor or ceiling and not simply by an attached breezeway or porch, and there shall be no external evidence of occupancy of more than one dwelling unit; and
- (6) The accessory apartment shall be no larger than 35% of the original square footage of the existing dwelling unit and all existing building setbacks and lot coverage requirements shall be existing regulations.

H. Bed and breakfast lodgings (Title 17.55)

17.48.050 Maximum Density, Minimum Lot Size, Width and Depth. For the purpose of creating new building lots within the Planned Residential District, several land use densities are herein provided. The minimum lot size requirements for new construction vary according to the method of subdivision, as well as whether or not public sewer, water, stormwater collection and retention facilities serve the project site. The minimum lot size allowed outright shall be one unit in five (5) acres for a single family dwelling unit; however, if the property is served by public sewer, water, stormwater quality and quantity drainage facilities, and is designed under Blaine's planned unit

development ordinance, then the maximum average density shall be four units per acre excluding any density bonus allowed by existing ordinance.

17.48A.060 Setback--Land Coverage--Height--Lot width. Those properties not developed under a planned unit development shall have the following setbacks: A. Front, 25 feet; B. Rear, 30 feet; C. Side, eight feet on each side. Height limit is 30 feet. Maximum land coverage is 35% and minimum lot width shall be 75 feet.

Those properties developed as a planned unit development shall have setbacks, land coverage, and lot width established and approved as part of the planned unit development process. Height limit is 35 feet or three stories. The minimum open space requirements under the lot cluster provision shall be 20% and any deviation from this provision shall only be allowed at the discretion of the planning director or city planner. Critical areas shall be considered part of the open space area in order to protect them from human activity.

17.48.070 Off-street parking. Off-street parking for the Planned Residential zone shall be provided in accordance with specifications in Chapter 17.58, parking and loading, or as modified in the approved plan for the zone.

17.48A. 080 Modifications and reinforcement to the Planned Unit Development standards.

A. A planned unit development must be approved by the Planning Commission and City Council prior to the issuance of any development permits on the site (per Chapter 17.54). If the entire area of Planned Residential zone is not included in the planned unit development, the relationship to existing uses or areas not included must be indicated and considered in the overall plan.

The plan shall contain reports, maps, sketches and supporting documents to adequately describe the applicant's proposal. The scope of the needed reports, and their process and schedule of review and approval would be established and monitored by the planning coordinating committee. Written documents required for the master plan should include, but are not limited to, the following:

1. Description of existing site conditions including but not limited to topography, watercourses, soils/geologic conditions, unique natural and built features, forest cover, wetlands, wildlife corridors and aquifer recharge areas and other items required to fully understand the site. Supplementary reports may be included for reference;
2. Phasing of the development including at least the location, use, density, extent, or amount by each phase; general timing (ranges); and reasonable security devices to assure projects approved in each phase are completed.

3. Economic feasibility studies or market analyses necessary to evaluate phasing proposals and fiscal impact on the city;

4. Other documentation required by the Planning Commission or City Council.

B. An environmental checklist for each phase of the development, as defined in the State Environmental Policy Act, will be done for the overall planned unit development evaluating the impact of the above items.

C. The Planning Commission shall use the above criteria in review of planned unit development plans in the Planned Residential Zone and shall indicate results of the review in their recommendations to the City Council

D. Planned unit development proposals in an aquifer recharge area shall be evaluated for their potential adverse impacts on ground water quality and quantity. The SEPA official shall review the SEPA checklist and submit to the Commission or Council a SEPA threshold determination. The SEPA official shall use all available sources of information when reviewing a project for potential ground water contamination in aquifer recharge areas. The Commission or Council shall condition any project to minimize the potential contamination from such sources.

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PETITION FOR ANNEXATION INTO THE CITY OF BLAINE
OF CERTAIN REAL PROPERTY
(RCW 35A.14.120)

LEGAL DESCRIPTION FOR EAST BLAINE ANNEXATION:

Portions of Sections 31, 32, 33, 34, and 35, Township 41 North, Range 1 East of the Willamette Meridian, Whatcom County, Washington, more particularly described as follows:

That portion of Section 31, lying directly South of the Canadian border, described as follows: The Easterly 1210.8 feet of Government Lot 1 lying directly East of the Blaine City Limits.

That portion of Section 32 lying between the Canadian Border and "H" street, EXCEPT for the Plat of Hansons Subdivision as recorded in Volume 9 of the Book of Plats, Page 127, recorded in Whatcom County, Washington.

All of Sections 33 and 34 lying between the Canadian Border and "H" Street.

That portion of Section 35 lying between the Canadian Border and "H" Street, described as follows, Government Lot 4 and the West Half of the Southwest Quarter of Said Section 35.

TOGETHER with the right of ways of all streets and roads within the described Sections and the right of way of "H" Street Road, Whatcom County Road No. 78, abutting the aforesaid parcels in section 32, 33, 34, and 35.

Comprising an area of approximately 1,182 acres.

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Note: Updated by APC May 10, 1995

Exhibit B

FINDINGS AND CONCLUSIONS
PLANNED RESIDENTIAL REZONE
SIMULTANEOUS WITH ANNEXATION
EAST BLAINE ANNEXATION

FINDINGS:

1. The area petitioned for annexation and simultaneous rezone, known as the East Blaine Annexation, is an area measuring approximately 1180 acres located north of H Street, east of the current City Limits to a point approximately 500 feet east of Valley View Road, abutting the Canadian border. There are currently about 100 residences occupied by about 240 residents.
2. The Whatcom County zoning designations currently applied to this property are UR-4 and R-10A. UR-4 Zoning allows up to four units of housing per acre where public utilities are available. R-10A requires a minimum 10-acre parcel for each single family dwelling.
3. Most of the existing development in this area is served by city water; some homes are served by Blaine City Light; and no sewer service exists yet in the area.
4. Approximately one-third of the area is within the Blaine aquifer recharge area. If the area were to develop under current County zoning with wells and septic systems, this could result in 30-40 individual wells and systems in the city watershed.
5. Protection of the City's watershed has been identified as a high priority. The proposed zoning text was designed to encourage development in this area through the planned unit development process, which requires development of larger parcels and encourages maintenance of open spaces, and development is permitted only when public services become available.
6. The proposed zoning text and annexation were considered at public hearings held by the Planning Commission on October 8, 1992 and by the City Council on November 23, 1992. Blaine City Council voted to approve the annexation and simultaneous rezone at a regular public meeting held on March 13, 1995.

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CONCLUSIONS:

1. If the development is properly designed and constructed with clustered development as required by the proposed text, the water quality and aquifer recharge impacts of the proposed development would be less than if the area developed in the County at rural densities on wells and septic systems.
2. Adoption of this text to regulate development in the annexation area is vital to protect the natural resources contained therein.
3. Having voted to annex the area, and to create the opportunity for development in an identified resource protection area, the City should adopt the proposed zoning text to achieve that purpose.