



CITY OF BLAINE
COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

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Agenda Item Summary

Study Session: Zoning Text Amendments

Meeting Date: April 22, 2021
Staff Contact: Stacy Clauson

Agenda Item Number: 3

SUMMARY:

Community Development Services (CDS) is providing this memo in advance of the April 22nd Planning Commission meeting. CDS is planning to bring back two Zoning Text Amendments first introduced on March 11th for further discussion before the public hearing is scheduled. Staff is seeking Planning Commission feedback on the draft code amendment language.

BACKGROUND

The Community Development Services Department (CDS or “the Department”) has prepared a legislative work program of proposed amendments to the Zoning Code. City Council has authorized this work program, which contains 8 different proposed Zoning Text Amendments, identified in Table 1 below.

Table 1: 2021 Zoning Text Amendments (authorized by City Council under Resolution 1843-21)

Item	Applicant	General Description of Amendment	Notes	Schedule
1	City	Periodic update of development regulations for critical areas	State mandated periodic update pursuant to RCW 36.70A.130.	2021 Q1 – 2021 Q4
2	Citizen-Initiated	Revise Manufacturing Subzone B zone to permit live-work units as an accessory use.		2021 Q1 – 2021 Q2
3	City	Revise Highway Commercial, Subzone C zoning district standards.		2021 Q1 – 2021 Q2
4	City	Amend Central Business District standards to eliminate a Conditional Use Permit process for use of public plazas.		2021 Q3 – 2021 Q4

5	City	Amend Title 17 to identify the Hearing Examiner as the appropriate review authority for quasi-judicial land use decisions.	Required to comply with RCW 35A.63.110 (Code cities).	2021 Q2 – 2021 Q3
6	City	Update Sign Code contained in Chapter 17.122 BMC.	Required to respond to the Supreme Court judicial review findings	2021 Q3 – 2021 Q4
7	City	Amend Wireless Facility Regulations contained in BMC 17.106.030.		2021 Q3 – 2021 Q4
8	City	Amend Binding Site Plan provisions contained in Chapter 17.64 BMC	Required to bring the current provisions into consistency with RCW 58.17.035.	2021 Q4 – 2022 Q1

On March 11, 2021, CDS introduced the items shown in bold and highlighted in blue to the Planning Commission. At the meeting, the Commission had preliminary discussion and feedback on potential issues to consider with the amendment. These are summarized under the specific amendment request below.

SUMMARY OF PROPOSED TEXT AMENDMENTS

Item 2: Revise Manufacturing Subzone B zone to permit live-work units.

This proposed text amendment has been submitted by Pioneer Post Frame. The application materials are available for review at this [project website](#). The applicant’s justification statement indicated that the change is being proposed for 3 main reasons:

1. Combining commercial with residential encourages more efficient building, leading to less sprawl;
2. Combining the uses also allows for reduced transportation, improving quality of life and the environment; and
3. The live-work concept fosters innovation and is beneficial for incubating new businesses and ideas.

The purpose of the Manufacturing Zone notes that the zone is intended primarily for manufacturing and closely related uses. There are 3 subzones, and this proposal would apply to Subzone B. Subzone B is located on the southern area of the City, generally between H Street on the north, and extending all of the way to the southern border south of Dakota Creek. The zone straddles the west and east sides of I-5 and contains several vacant and developed industrial uses (see map [here](#)). The zone currently permits a broad range of uses, including industrial, research and development centers, warehousing, processing and shipping terminal uses. Permitted accessory uses include cafeterias, overnight accommodations, restaurants, offices which are not part of a business park, and caretaker or security residences.

At the March 11th meeting, Commission discussion addressed several issues. CDS has reviewed these issues and worked with the applicant to proposed revised, more detailed code language for Planning Commission consideration (Attachment 1). The key changes and potential policy issues for Planning Commission consideration are outlined below:

1. Definition of live/work. The proposed language includes a description of a work/live unit under subsection B.1. Note: The provisions have been renamed to 'work/live' based on discussions with the City of Ferndale staff (who recently adopted code provisions) and the Building Official. The Building Code contains provisions for 'live/work' units, but in those the residential component occupies the larger space. In order to avoid confusion, we have used the term 'work/live' to emphasize that the residential space would occupy the smaller space in the unit.
2. Development standards. There was discussion on whether additional development standards were necessary to address some of the following items:
 - a. Residential occupancy. The proposed language limits who can live in the residential component under subsection B.6. The applicant has asked that the Planning Commission consider whether this restriction on occupancy of the residential space is necessary. As an example, if the business were to close, would the Commission want to see the warehouse space available for sublease, while the residential tenant still occupies their space? There is concern that the proposed code language does not provide the needed flexibility for subleasing one unit or the other.
 - b. Standards for number of work/live units. The proposed language includes a limitation on the number of work/live units could be established for each business under subsection B.4.
 - c. Cap on % of the area of the space that could be for residential purposes. The proposed language includes a proposed cap under subsection B.5.

Other changes have been proposed by staff, including:

1. Requiring a conditional use permit process, to allow an opportunity to test out the concept and review on a site-specific basis;
2. Provide additional standards addressing:
 - a. Buffering standards (subsection B.9); and
 - b. Requirement for a deed restriction outlining some of the provisions (subsection B.8).

Item 3: Revise Highway Commercial, Subzone C zoning district standards.

This proposed text amendment has been submitted by Alex Wenger, the City of Blaine's Economic Development and Tourism Coordinator. The application materials are available for review at this [project website](#). The applicant's justification statement indicated that the change is being proposed spur economic development and bring the HCc development standards into conformity with current development practices. The proposed amendment is intended to bring the District up-to-date with current development practices and allow for enhanced development opportunities that will better support the Central Business District and improve the character of the Highway Commercial District. Please note that this effort is a continuation of the 207-2018 effort that received support from the Planning Commission and local business owners to update the HCc zoning regulations.

The purpose statement of the Highway Commercial notes that the zone is intended to provide for establishments offering accommodations or services to motorists, and to provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions.. There are 4 subzones, and this proposal would apply to Subzone C.

Subzone C is located just north and east of the Central Business District and is generally bound by C Street on the north side, F Street on the south side, 4th Street on the east side and Semiahmoo Bay on the west side (see map [here](#)). Subzone C’s purpose is to provide for businesses and services that support the Central Business District. This district is intended to service highway motorists, the auto-oriented demand from the central business (CB) district and adjacent residential neighbors, including those in this district. While not a part of the CB district, its character and function should be complementary to the CB district with little impact on the low-density neighbors to the south and east.

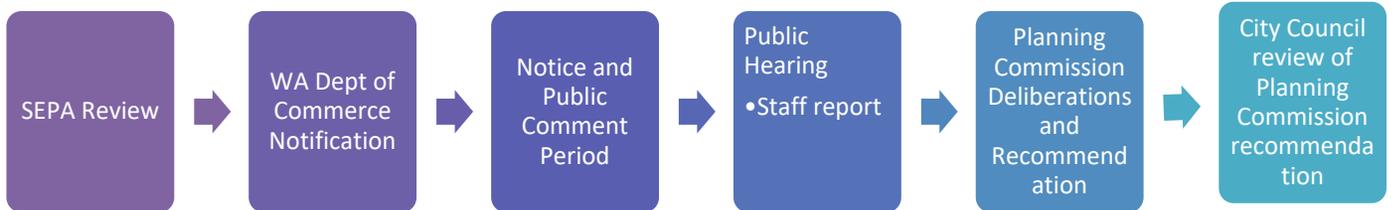
Amendments include revisions to permitted and conditional uses, setbacks, building height, parking, access, and landscape standards.

At the March 11th Planning Commission meeting, the Commission requested that additional design standards be included in the proposal. The design standards were to be a ‘light’ version, as compared to the more fully developed standards in the Central Business District. CDS has revised the proposed language (Attachment 2) to include additional standards addressing:

1. Blank wall treatment (new section 17.24.115.3);
2. Building materials and colors (new section 17.24.115.4); and
3. Lighting (new section 17.24.115.5).

PROCESS

BMC 17.04 outlines the process for zoning text amendments as follows:



Public Comment: The proposal will receive at least one public hearing and written comment period before the Planning Commission, consistent with the process for zoning text amendments outlined in BMC 17.04.

In making a recommendation on the proposed text amendment, the Planning Commission should consider:

- a. The amendment’s relationship to the goals, objectives and policies of the Blaine comprehensive plan;
- b. The environmental implications as identified by the city SEPA official, if any; and
- c. Any other special provision as set forth in BMC 17.04.080.

SCHEDULE

Table 1 provides an estimated timeline for review of these proposals. Tentatively, a public hearing is scheduled for May 13, 2021.

ACTIVITY	MARCH	APRIL	MAY	JUNE
Planning Commission Study Session (S)	03/11/2021 (S) 04/22/2021 (S)			
Commerce Review	04/13/2021 to 06/12/2021			
SEPA Issuance and Appeal	03/10/2021 to 03/24/2021			
Publish Notice of Availability and Planning Commission Public Hearing	Send to newspaper on 4/28/2021; publish on 4/30/2021.			
Transmit Staff Report and Attachments to the Planning Commission		5/06/2021		
Planning Commission Public Hearing (PH)		5/13/2021 (PH)		
Planning Commission Deliberation ¹			05/27/2021	
Transmit RFCA; Draft ORD; and Amendments to the City Council				06/14/2021
City Council Deliberations and Potential Adoption				06/14/2021
Send Notice of Adoption to Commerce				06/14/2021

¹ If needed.