

**WHATCOM COUNTY COUNCIL AGENDA BILL**

**NO. 92-038**

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-cam			<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">JAN 22 1992</div> <div style="font-size: 1.1em; font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	1/28/92	Council - Intro
Division Head-				2/11/92	P&D/Council
Department Head-		<i>Dist</i> 1/22/92			
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

**SUBJECT: FILE REF: 12-91:ZT AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING CODE, TITLE 20, CHAPTER 20.72 TO CLARIFY LANGUAGE PROHIBITING SERVICE STATIONS. reference files A.B. 171 and A.B. 461**

**ATTACHMENTS:** Agency Report with attached Staff Report  
 Excerpts from Planning Commission Minutes  
 Draft Ordinance

*Public Hearing Needed? Yes /  / No /  /*

**SUMMARY STATEMENT:** When the Point Roberts subarea plan and related zoning were adopted, service stations were listed as prohibited uses. There was an assumption that this would also apply to expansion of existing stations. A court ruling regarding Ben's Store stated otherwise. In response to the problem, Council passed an emergency 60-day moratorium and followed up with another one effective to February 29 or until the language in the Code could be clarified. This proposed ordinance provides the clarity.

**RECOMMENDED ACTION:** Planning staff recommends Council uphold the Planning Commission recommendation and adopt the attached ordinance.

**COMMITTEE ACTION (Including dates):**

**COUNCIL ACTION (including dates):**

2-11-92 Council approved ordinance 7-0

**Related File Numbers:** \_\_\_\_\_ **Ordinance or Resolution Number:** 92-007

ORDINANCE NO. 92-007

**AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING CODE, TITLE 20, CHAPTER 20.72 TO CLARIFY LANGUAGE PROHIBITING SERVICE STATIONS AT POINT ROBERTS.**

WHEREAS, the Whatcom County Council directed the Planning Department and Planning Commission to review Title 20 to clarify the language in Chapter 20.72 regarding prohibition of service stations; and

WHEREAS, pursuant to RCW 36.70.590 and Council directive legal notice was published in the Bellingham Herald on Thursday, December 5, 1991; and

WHEREAS, a Determination of Nonsignificance was issued by the Deputy SEPA Official on December 10, 1991; and

WHEREAS, the Planning Commission held a public hearing on this matter on December 17, 1991, and heard all public testimony on the issues and after due deliberation made a determination that the application be approved with modifications; and

WHEREAS, the Council reviewed the Planning Commission recommendation and held a public meeting on February 11, 1992, to take additional testimony.

**NOW THEREFORE BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL:**

1. The Official Whatcom County Zoning Code, Title 20, Chapter 20.72 is hereby amended to read:
  - 20.72.200      Prohibited Uses
  - .201      ~~Service stations in all zones- including expansion of existing service stations by adding additional pumps or hose dispensers.~~
2. The Council finds the public health, safety and general welfare are promoted by this change.
3. The Council adopts the following findings and conclusions developed by staff and adopted by the Planning Commission.

**FINDINGS**

The existing service stations at Point Roberts far exceed the needs of its population, and are primarily serving a substantial Canadian demand for lower priced gasoline in the United States.

Point Roberts is surrounded on three sides by water and Tye Drive constitutes the only available exit or entrance for residents without access to a boat or plane.

The large number of Canadian customers visiting Point Roberts service stations have caused long lines of congested traffic on Tye Drive waiting to cross the border into Canada.

Point Roberts is served by a volunteer fire department which may be dependent upon assistance arriving from across the border in the event of a major fire or other calamity.

The frequent traffic congestion near the border may create a bottleneck capable of frustrating response to emergencies and any necessary emergency evacuation efforts, thus endangering the health and safety of Point Roberts residents.

