

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeff Griffin	JG	10/10/97	<b>RECEIVED</b>  <b>OCT 15 1997</b>  <b>WHATCOM COUNTY COUNCIL</b>	10/21/97	Council Introduction
Commission Head: Sylvia Goodwin	SG	10/10/97		11/18/97	P & D / Council
Dept. Head: Michael Knapp	MK	10/10/97			
Prosecutor:	KLF	10/10/97			
Purchasing/Budget:					
Executive:	PK	10-14-97			

**SUBJECT:** File #22-94:ZT: An Ordinance to amend the Official Whatcom County Zoning Ordinance, Title 20, to allow resort-oriented transient accommodations an increase in the total number of sleeping units from 20% to a maximum of 50% of the total number of dwelling units that would be allowed on the property by the underlying urban zone regulations.

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

**SUMMARY STATEMENT:** Please complete sections of box as appropriate & explain the item below.

Related County contract #: n/a	Should Clerk schedule a hearing? NO / <input checked="" type="checkbox"/> / YES / ___ / Requested date:
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES / ___ / NO / ___ / (Please explain below) n/a
Budget line item number(s): n/a	

At a public hearing on September 11, 1997 the Planning Commission voted 6 to 2 in favor of the request.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning and Development Services recommends that Council accept this recommendation of the Planning Commission and approve the requested rezone.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

1997- 354 10/21/97: Introduced  
 11/18/97: Adopted 7 - 0. Ord. #97-061

**Related File Numbers: 22-94:ZT**

**Ordinance or Resolution Number (this item only):**

Ord. # 97-061

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 10/21/97

ORDINANCE NO. 97-061

1  
2 AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING  
3 ORDINANCE, TITLE 20, CHAPTER 20.85, PLANNED UNIT DEVELOPMENTS  
4 ALLOWING AN INCREASE IN THE TOTAL NUMBER OF SLEEPING UNITS FROM  
5 20% TO A MAXIMUM OF 50% OF THE TOTAL NUMBER OF DWELLING UNITS  
6 THAT WOULD BE ALLOWED ON THE PROPERTY BY THE UNDERLYING ZONE  
7 REGULATIONS, WITHIN URBAN ZONES.

8  
9 **WHEREAS**, an application was submitted to amend the text of the Point Roberts  
10 Special District, Official Whatcom County Zoning Ordinance regarding Planned Unit  
11 Developments; and

12  
13 **WHEREAS**, staff recommended alternate text amendments which would apply to all  
14 Planned Unit Developments; and

15  
16 **WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham  
17 Herald on Friday, August 29, 1997. In addition, notice was published in the Point Roberts All  
18 Points Bulletin; and

19  
20 **WHEREAS**, a SEPA checklist for this proposal was submitted to the Deputy SEPA  
21 Official on July 29, 1994. An EIS Adoption Notice for adoption of an existing environmental  
22 document was issued on February 6, 1995 by the Official. This provided that SEPA  
23 requirements were met as part of the Draft and Final EIS submitted for The Resort at Lilly  
24 Point in June, 1992. The final EIS was published February 19, 1993. A SEPA DNS was also  
25 issued in 1989 for the original request allowing resorts County-wide within residential PUDs,  
26 on a limited basis; and

27  
28 **WHEREAS**, the Planning Commission held a public hearing on the proposed  
29 amendments and recommended approval of the alternate language proposed by staff on  
30 September 11, 1997; and

31  
32 **WHEREAS**, the Council held a public meeting on November 18, 1997 and approved  
33 the Planning Commission recommendation; and

34  
35 **WHEREAS**, the Council found the amendments in the best interest of the public  
36 health, safety, and welfare; and

37  
38 **WHEREAS**, the Council has adopted the following Findings and Conclusions:

1  
2 **FINDINGS**

- 4 1. The request, as written, currently limits applicability to Lily Point, in Point Roberts.  
5  
6 2. Lacking justification for limiting the amendment to Point Roberts, it should be applicable  
7 County-wide. This approach would also provide for a clear, legislative focus.  
8  
9 3. The 1989 text amendment which allowed transient accommodations in the first place was  
10 County-wide, and originated in the Birch Bay - Blaine Subarea.  
11  
12 4. The effect of the amendment would be limited to allowing an applicant to propose and  
13 the County to consider additional transient accommodations as part of a residential PUD.  
14  
15 5. The PUD process requires the conservation of natural features, compatibility between  
16 land uses, conformance with the goals and policies of the comprehensive plan, and other  
17 requirements of benefit to the public.  
18  
19 6. The purpose of the PUD is to utilize innovative and efficient land-use and design by  
20 permitting greater flexibility in zoning requirements than is generally permitted.  
21  
22 7. The review process in a PUD allows adequate review to insure compatibility problems  
23 are addressed.  
24  
25 8. Under interim Ordinance #97-040, the location of PUDs is limited to within an Urban  
26 Growth Area and Short Term Planning Area only.  
27

28 **CONCLUSIONS**

- 29  
30 1. Provided that traffic, compatibility, and other land use concerns can be adequately  
31 addressed through the PUD process, the remaining question is whether this text  
32 amendment negatively circumvents zoning and/or the public interest. At some point the  
33 Residential PUD becomes more of a Resort Commercial PUD, without the Resort  
34 Commercial zoning. This would certainly occur at 51 percent, if not sooner. At some  
35 point transient accommodations would also be considered the primary land use. But this  
36 is prohibited by AC 20.85.054(1), which requires that in order to expand uses allowed by  
37 AC 20.85.053, the applicant must demonstrate that the primary land use activity of the  
38 PUD are those uses allowed by the underlying zone district. Going beyond 50 percent  
39 would contradict this provision but allowing up to 50 percent could be in conformance.  
40 This keeps a check on maintaining land uses in accordance with the adopted provisions of  
41 the County's zoning and comprehensive plan. The public interest is served through  
42 conformance with zoning, the PUD process and greater regulatory flexibility.  
43

1 2. If a future applicant desires a higher percentage, or a primary use as a resort hotel, then it  
2 would be more appropriate to seek a PUD location that includes some Resort commercial  
3 zoning, which would then allow up to 100 percent transient accommodations.  
4

5  
6 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:  
7

8 Section 1. The Official Whatcom County Zoning Ordinance, Title 20, Chapter 20.85, Planned  
9 Unit Development is hereby amended as follows:  
10

11 (WCC 20.85.053)(2)(a) The total number of sleeping units shall not exceed ~~20~~ 50  
12 percent of the total number of dwelling units that would  
13 be allowed on the property by the underlying zone  
14 regulations.  
15

16 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this  
17 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof  
18 other than the part so declared to invalid.  
19

20  
21 ADOPTED this 18 day of November, 1997.  
22

23  
24  
25 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

26  
27  
28 

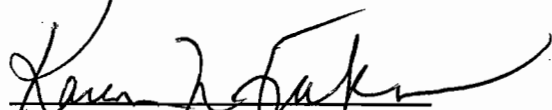
29  
30 Dana Brown-Davis, Clerk of the Council



Ward Nelson, Council Chair

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32  
33  
34 APPROVED as to form

Approved  Denied

35  
36 

37  
38 Karen Tak, Civil Deputy Prosecutor



Pete Kremen, Executive

39  
40  
41 Date: 11-24-97  
42