

Whatcom County Planning & Development Services Staff Report

WCC 20.72 Point Roberts Special District Amendments

I. Background Information

File # PLN2019-00007

File Name: WCC 20.72 Point Roberts Special District Amendments

Applicants: Point Roberts Community Advisory Committee (PRCAC) & Whatcom County Planning and Development Services (PDS)

Summary of Request: Proposed amendments to WCC 20.72 Point Roberts Special District

Location: Point Roberts

Planning Commission Recommendation: Approve

Staff Recommendation: Approve

Background: The PRCAC is proposing amendments to WCC 20.72 to address changes in land use demand.

The Point Roberts Special District is an overlay zone. From the zoning map provided (Exhibit B) it can be seen that Point Roberts is zoned with many of the County's standard zones (Rural, Small Town Commercial, Resort Commercial, etc.), but laid over the entire peninsula is this Special District that modifies the underlying zoning. It was created as a way to help realize the Point Roberts Subarea Plan (a part of the Comprehensive Plan), first adopted back in 1979 (though updated a few times since).

The Point Roberts Subarea Plan (and its subsequent iterations) was developed during a different economic time. In particular, the U.S. dollar was low compared to the Canadian dollar, and travel was quite easy pre-9/11 (and now pre-COVID-19). Simply put, there were a lot more Canadians investing in and visiting Point Roberts for recreation. Thus, the subarea plan was based on an economic development strategy of creating a quaint, walkable downtown commercial core geared towards capturing tourist dollars. It was thought that there would be high demand for hotels, motels, bars and restaurants, small shops, and recreational opportunities.

However, since then, things haven't gone according to plan: Most commercial development in Point Roberts has been new gas stations, commercial mailboxes, and storage for Canadians; or local construction/services businesses. This has led to struggles between those citizens wanting to maintain the Subarea Plan's vision and those wanting to start businesses that may work better under the current economic conditions. This in turn has resulted in multiple code violation complaints, in particular about commercial storage uses.

The genesis of the amendments included herein is an attempt by the PRCAC to balance these two competing demands. They know that until the Subarea Plan is updated any amendments to WCC 20.72 must remain consistent with it, but they would also like to allow some of the businesses attempting to make a go of it to do so, and, in the interim, resolve some of the code enforcement cases. At this time, the next opportunity to update the Point Roberts Subarea Plan would be a part of the next

Comprehensive Plan update cycle due in 2025. However, PDS will work with the PRCAC and the County Council to identify any earlier opportunities.

II. Code Amendments

The proposed code amendments are found in Exhibit A. Please refer to that attachment; explanations are provided therein. Briefly, in addition to simplifying and clarifying some of the language of 20.72, the substantive amendments would:

1. Allow permitted businesses in the Small Town Commercial district to have up to two on-site storage containers as an accessory use (WCC 20.72.102(1)), and up to three through a conditional use permit (WCC 20.72.154(4)), and add setback standards for them (WCC 20.72.350(3)). This amendment would alleviate certain code enforcement cases where some storage of goods and materials has been found necessary, contrary to the existing code.
2. Make it clear that businesses with fleet vehicles are not considered accessory to a commercial use in the Small Town Commercial district (WCC 20.72.101(2), in keeping with the subarea plan's goal of encouraging a pedestrian-friendly commercial core (and not allowing vehicle storage).
3. Allow hotels, motels, and timeshare condominiums in the Small Town Commercial district as a conditional use (in addition to the Resort Commercial district, which is already allowed) (WCC 20.72.154(1)). This amendment would potentially allow for additional economic development in the commercial core.
4. Allow kennels for kenneling up to 6 animals when associated with an animal groomer in the Small Town Commercial district as a conditional use (WCC 20.72.154(2)). This would allow a proposed pet groomer with limited kenneling to locate in the commercial core. Large kennels would still be prohibited (WCC 20.72.204(2)).
5. Allow RV parks in the Small Town Commercial district as a conditional use (WCC 20.72.154(3)). This amendment would potentially allow for additional economic development in the commercial core.
6. Repeal the larger, 40-foot setback along Roosevelt Way (erroneously referred to as Roosevelt Road in the existing code), though the underlying zones' standard setbacks would still apply (WCC 20.72.350(1)). The larger, 50-foot setback along Tyee Drive, the main entrance to Point Roberts, would be maintained. This amendment would potentially allow for additional economic development in the commercial core.
7. Allow a 10-foot setback throughout the Small Town Commercial district, not just along Gulf Road (WCC 20.72.350(2)). This amendment would potentially allow for additional economic development in the commercial core.
8. Make the maximum building height of 45 feet apply throughout the Small Town Commercial district, not just along Gulf Road (WCC 20.72.401). This would complement the allowance of hotels, motels, and timeshare condominiums, limiting their height in the commercial core.
9. Add measurable standards to the existing screening requirements for trash and utility areas of commercial and institutional uses (WCC 20.72.653(a)) and for vehicle storage areas (WCC 20.72.653(b)). Though the code already required screening of these areas, it did not say to what standard, making it difficult to judge code compliance.

10. Allow some flexibility as to where businesses' parking lots area located in the Small Town Commercial district (WCC 20.72.659(a)). Though the subarea plan's goal is to have a pedestrian-oriented commercial core, some lots have been found to be too constrained to meet this requirement.

III. Comprehensive Plan Evaluation

The proposed amendments are consistent with the Comprehensive Plan, and in particular the Point Roberts Subarea Plan.

IV. Proposed Findings of Fact and Reasons for Action

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted, on behalf of the Point Roberts Community Advisory Committee, an application to make various amendments to Whatcom County Code (WCC) 20.72 (Point Roberts Special District).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 3, 2020.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 9, 2020.
4. The Point Roberts Community Advisory Committee discussed these amendments in 27 public meetings over a two and a half year period. The PRCAC heard from members of the community in person at these meetings and through e-mail correspondence. PRCAC's at-large members reached out to Point Roberts for feedback outside the meetings. In addition the 3 member groups Chamber of Commerce, the Point Roberts Taxpayers Association and the Point Roberts Registered Voters Association all held multiple public meetings regarding 20.72 changes.
5. The Planning Commission held a duly noticed public hearing on the proposed amendments on October 8, 2020.
6. The County Council held a duly noticed public hearing on the proposed amendments on X, 2020.
7. The amendments are consistent with Comprehensive, and in particular the Point Roberts Subarea Plan.
8. In addition to simplifying and clarifying some of the language of 20.72, the amendments would:
 - a. Allow permitted businesses in the Small Town Commercial district to have up to two on-site storage containers as an accessory use (WCC 20.72.102(1)), and more through a conditional use permit (WCC 20.72.154(4), and add setback standards for them (WCC 20.72.350(3)).
 - b. Allow hotels, motels, and timeshare condominiums in the Small Town Commercial district as a conditional use (in addition to the Resort Commercial district, which is already allowed). (WCC 20.72.154(1))
 - c. Allow kennels for kenneling up to 6 animals when associated with an animal groomer as a conditional use. (WCC 20.72.154(2))
 - d. Allow RV parks in the Small Town Commercial as a conditional use. (WCC 20.72.154(3))

- e. Repeal the larger, 40-foot setback along Roosevelt Road (though the underlying zones' standard setbacks would still apply) (WCC 20.72.350(1))
- f. Allow a 10-foot setback throughout the Small Town Commercial district, not just along Gulf Road (WCC 20.72.350(2))
- g. Make the maximum building height of 45 feet apply throughout the Small Town Commercial district, not just along Gulf Road. (WCC 20.72.401)
- h. Add measurable standards to the existing screening requirements for trash and utility areas of commercial and institutional uses (WCC 20.72.653(a)) and for vehicle storage areas. (WCC 20.72.653(b))
- i. Allow some flexibility as to where businesses' parking lots area located in the Small Town Commercial district. (WCC 20.72.659(a))

V. Proposed Conclusions

1. The amendments are the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

VI. Recommendations

The Planning Commission and the Department of Planning and Development Services recommend that the County Council approve the proposed amendments.

Attachments

1. Draft Ordinance
2. Exhibit A – Proposed Code Amendments
3. Exhibit B – Point Roberts Zoning Map
4. Exhibit C – Excerpts from the PRCAC minutes regarding discussions of WCC 20.72 amendments
5. Exhibit D – Written comments from Thomas O'Brien representing the Point Roberts Independent Business Council submitted to the Planning Commission