



CITY OF BLAINE

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

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Planning Commission Recommendation to City Council: GMA Compliance Amendments

- I. BACKGROUND & STATE MANDATE
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I. BACKGROUND & STATE MANDATE

The City is mandated by the Growth Management Act to update its Comprehensive Plan every 7 years. City staff has been working on an update for the last couple of years, but with increasing development demands, the update has not progressed as planned.

Consequently The Comprehensive Plan Update has been separated into two parts. The first part is intended to meet the minimum compliance requirements contained in recent growth management legislation. These are called, “**Phase I - GMA compliance amendments**”.

The second part of Blaine’s Comprehensive Plan Update will be more substantial and includes amendments to each residential, commercial and industrial district within the city limits. The City has hired a consulting firm to assist in the part of the update. Staff projects that the **Phase II - Comprehensive Plan and Regulation Update** will require the remainder of 2006 to complete. It will include a substantial technical appendix that provides information, data and analysis supporting the proposed amendments in this more comprehensive update.

II. SUMMARY OF RECOMMENDATION TO CITY COUNCIL

A summary of the Planning Commission has been organized in the following manner:

Part I - GMA Compliance Amendments

There are a number of amendments to the comprehensive plan, development regulations and zoning map in this section. Each proposed amendment references the action number in the Compliance Analysis Table attached as Appendix A. The table was developed by staff to track all amendments to the 1990 Growth

Management Act and corresponding compliance by the City. Staff has inserted a number (CP-1, DR-1, etc, where applicable), corresponding to a proposed comprehensive plan or development regulations amendment. The number has been referenced in the following amendments. The zoning map amendments illustrate the location and type of zoning change that is being proposed. The outline for Part I includes the following headings:

- A. Comprehensive Plan Amendments (GMA Compliance)**
- B. Development Regulation Amendments (GMA Compliance)**
- C. Zoning Map Amendments (GMA Compliance)**

Part II – Other Pressing Amendments

While Part I of this compliance update is intended to bring the City’s document into minimum GMA compliance, the proposed amendments under Part II, address a number of persistent or technical problems within the City’s Comprehensive Plan and development regulations that should not wait the full length of year to be corrected. These include amendments that address:

- Lifting a moratorium on multifamily building in some established neighborhoods;
- Increasing opportunities for affordable owner occupied housing in central Blaine neighborhoods;
- Preservation of some well established neighborhoods;
- Creation of minimum design standards to maintain consistent integrity in residential neighborhoods;
- Halting the commercial stripping of Peace Portal Drive and the first steps toward its development as a downtown scenic loop;
- Elimination of an exclusive commercial zone that restricts small business location in favor of large malls or other large commercial projects over five acres;
- Codification of setback language on corner lots;
- Creation of enforcement provisions.

The outline for Part II includes the following headings:

- A. Development Regulation Amendments & (related) Zoning Map Amendments**

Part III – Official Land Use Maps

This section contains two maps proposed for adoption: The Comprehensive Plan Designations Map and the Official Zoning Map. The Comprehensive Plan Designations Map is contained in the Comprehensive Plan and provides geographic boundaries for guiding various land use activities, i.e.: residential, commercial and industrial uses. The Zoning Map is a regulatory tool that is used in conjunction with Title 17, BMC, LAND USE AND DEVELOPMENT.

Appendix A – GMA Compliance Analysis Table

The Compliance Analysis table identifies revisions to the Growth Management Act (GMA) since the 1999 Comprehensive Plan adoption, noting which ones pertain to Blaine’s plan and possible courses the City may take to achieve compliance. Staff used this as a tool to determine where changes needed to be

made to bring the City's Comprehensive Plan and Development regulations into compliance with the numerous amendments to the Growth Management Act. Each possible compliance action is numbered with that number corresponding to a proposed Comprehensive Plan (CP-1, CP-2, etc) or Development Regulations amendment (DR-1, DR-2, etc) included later in this packet.

CP = Comprehensive Plan

DR = Development Regulations

III. FINDING OF FACT

The Planning Commission recommendation is based upon the following Findings of Facts:

1. RCW 36.70A.13 (The Growth Management Act) requires that every seven years **Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom** counties and the cities within those counties review, evaluate, and adopt any needed amendments to comprehensive plans and development regulations to bring them into compliance with all GMA legislation.
2. The city of Blaine has invested considerable resources to compile an accurate data and information base necessary to develop rational and logical land use plans for future development in the City of Blaine. Recent work includes the following:
 - Completed Blaine population growth projections for 20-year planning period.
 - Completed aerial surveys of the City and its UGA.
 - Completely revamped and updated the City's GIS parcel data and property boundaries in a GIS format.
 - Completed critical areas identification and mapping.
 - Completed a shorelines inventory and draft program.
 - Completed a land use inventory.
 - Completed a buildable lands inventory.
 - Completed a draft background document with sufficient detail to provide the base line information necessary to help formulate policy.
3. The City of Blaine has coordinated with other jurisdictions and involved the community in the development of the proposed amendments. This includes the following:
 - Worked with all local jurisdictions to develop and approve County Wide Planning Policies.
 - Initiated the Comprehensive Plan update with a several public visioning work sessions and town meetings.
 - Reviewed initial concept changes to the Comprehensive Plan update with both the Planning Commission and the City Council on tours and several work sessions.
 - Conducted numerous workshops with various interest groups addressing unique components of the City.
 - Held numerous neighborhood meetings to review findings and seek participation in housing and neighborhood issues.
4. The City of Blaine provided the Washington State Department of Community, Trade and Economic Development (CTED) with a draft of the city's compliance amendments in February of 2006. On February 13, 2006 the city received a letter from CTED indicating that the City has met state procedural requirements.

5. Environmental Review was conducted and a Determination of Non-Significance was issued and circulated by the City of Blaine's SEPA Official on February 15, 2006 and published in the official paper of record (Bellingham Herald).
6. Public Notice was published in the official paper of record, which announced the public hearing scheduled for 7:00 PM March 9, 2006.
7. The proposal as described in this report complies with the requirements of the Growth Management Act, is consistent with County-wide Planning Policies and furthers the goals and policies Blaine's Comprehensive Plan.

VI. CONCLUSIONS AND RECOMMENDATION

Based on the above findings of fact, the Planning Commission concludes that the proposal brings the City of Blaine into minimum compliance with the Growth Management Act, is consistent with the County-Wide Planning Policies, and contributes to the goals of the City of Blaine.

At the conclusion of the Public Hearing the Planning Commission, in several work sessions, considered and deliberated over all relevant information, studies, public and agency comments, and a staff report that was provided to them. After a full and complete review, the Planning Commission recommends approval of the following amendments to the Comprehensive Plan and Blaine Municipal Code:

Signed:

Planning Commission Chair

Date

EXHIBIT A

Part I - GMA Compliance Amendments

A. Comprehensive Plan Amendments (GMA Compliance)

Text Amendment - Public Participation Program (CPA-1)

*(Page 4-20) Add a **new** Land Use Policy 6.2, with implementing actions, as follows:*

6.2 The City of Blaine shall involve the community in an early and continuous manner in the development and consideration of its legislative actions, including the adoption and amendment of its comprehensive plan, to ensure its compliance with the Growth Management Act, to establish a procedure for legal standing before the Growth Management Hearings Board, and to ensure adequate opportunity for the community's voice to be heard in the development of public policy.

Actions

- A. Blaine shall attempt to inform the public through various techniques including, but not limited to, the following:
 - 1. Compile, on an ongoing basis, a list of parties interested in GMA and local planning issues.
 - 2. Sign-in sheets shall be used at each meeting to develop a specific mailing list for the workgroup itself, as well as adding to the compiled list of parties interested in GMA and local planning issues.
 - 3. Post local planning information, meeting and hearing notices, summaries and documents on the City website.
 - 4. Issue press releases and public service announcements to inform the public about GMA, local planning, availability of documents, meeting and hearing dates.
 - 5. Produce and circulate, as appropriate, a newsletter regarding GMA, local planning issues, and meeting or hearing notices.
 - 6. Distribute printed and visual material, as appropriate, to inform the public about the local planning process and engage them in relevant discussions.
- B. Distribute documents so that they are readily available in a timely fashion to all who want to review them.
- C. Ensure that pertinent documents are available in a timely manner to those who want or need them:
 - 1. Proposals or alternatives shall be available at least 14 days before a public meeting or hearing scheduled for their discussion or a decision.
 - 2. Meeting and hearing notices shall state the availability and location of documents, proposals, alternatives or other supporting documents being considered.
 - 3. The public participation requirements shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to the Comprehensive Plan,

development regulations and where appropriate, project-specific proposals. Reasonable notice procedures shall include, as appropriate:

- a. Posting the property for site-specific proposals.
 - b. Publishing notice in the official designated newspaper for the City of Blaine.
 - c. Notifying public or private groups and neighborhood associations with known interest in a certain proposal or in the type of proposal being considered.
 - d. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals.
 - e. Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.
- D. Publicize public meetings and hearings to ensure that the broadest cross-section of the community is made aware of the opportunities to become involved in the planning process.
- E. As appropriate, given the specific proposal, public meetings should be hosted prior to the public hearing(s) as a means to involve and educate the public and solicit their opinions, reactions, or suggestions. The number of meetings should be based upon the specific circumstances of the case.
- F. Ensure that public meetings allow for an open discussion of the relevant issues and that hearings allow for appropriate public testimony.
1. Establish an agenda that clearly defines the purpose of the meeting or hearing, and the items to be considered. If available, the agenda should be included or summarized in notices of meetings or hearings.
 2. The scheduled date, time, and place shall be as convenient as possible to encourage the greatest number of people to attend.
 3. Special arrangements for meetings or hearings shall be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice.
 4. If the City Council or Planning Commission considers a change to a proposal (amendment to the Comprehensive Plan, development regulations or project specific proposal) after the opportunity for review and comment has passed, then an opportunity for public review and comment on the proposed change shall be provided before the appropriate decision making body votes on the proposed change.
 5. All persons desiring to participate shall be allowed to do so. However, specific factors, such as the purpose of the meeting, size of attendance, time factors, or other opportunities to participate, may suggest some appropriate constraints to be applied. Rules of order for the meeting or hearing shall be set forth clearly by the chair or facilitator.
 6. A record shall be made of all public hearings.
- G. Encourage submission of written comments or written testimony throughout the planning process as follows:
1. As appropriate, notices for meetings and hearings shall include the name and address of the person(s) to whom written comments shall be sent, along with the deadline for submitting comments.

2. Innovative techniques, as appropriate, to a specific planning task, should be developed and implemented to solicit and document the public's concerns, suggestions, or visions for the community.
3. The deadline for submitting written comments, if allowed subsequent to a meeting or hearing, shall be clearly announced.
4. Persons speaking or testifying should be encouraged to make concise comments verbally and provide specific details in writing.
5. The City will invite citizens to serve on local boards, committees, and commissions through local newspapers or web page announcements.

H. Consider relevant public comments and public testimony in the decision-making process.

1. The record (such as tape recordings, written comments or testimony, documents and summaries) shall be compiled and maintained by the City. That record shall be made available to the decision-maker(s) for consideration and review prior to a decision.
2. Relevant comments or testimony shall be addressed through the findings-of-fact portion of the decision-maker's written decision or recommendation, as appropriate.
3. Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision-maker(s) have an opportunity to adequately review all relevant material or comments.
4. Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses).

Text Amendment - Critical Areas (CPA-2)

(Page 4-18) Amend Land Use Policy 4.1 as follows:

4.1 Wetlands and Critical Areas – Development in areas which have designated shorelands, wetlands or critical areas, including flood plains, aquifer recharge areas, unstable slopes or important fish and shellfish habitat or wildlife and bird habitat areas should be conducted in a way which minimizes impacts to the areas and retains or replaces the physical or biological function of these areas. Wherever possible, wetlands, bird habitat and other critical areas should be utilized as buffers between dissimilar land uses. It is the policy of the City of Blaine to have no net loss of shoreline or wetland functions or values.

Text Amendment - Concurrency (CPA-3)

(Page 5-2) Add a new Transportation goal 1 as follows:

Goals

1. Promote convenient, accessible, safe and environmentally responsible multi-modal transportation for residents, employers, and employees, visitors, and commerce.

(Page 5-2) Add a new Transportation policy 1.1 as follows:

Policies

- 1.1 Transportation concurrency evaluation shall include provision of pedestrian and bicycle facilities along arterial roadways.

Text Amendment - Trails and Physical Activity (CPA-4)

*(Page 5-2) Add a **new** Transportation Policy 1.2 as follows:*

1.2 The City shall encourage development and maintenance of healthy community lifestyles by adopting, updating, and implementing a comprehensive non-motorized trails plan.

Text Amendment - Housing Access (CPA-5)

*(Page 2-13) Add a **new** Housing action items H and I as follows:*

- H. Revise regulatory definitions consistent with RCW 35.63.160, Regulations for Manufactured Homes.
- I. Revise zoning to prohibit the elimination of manufactured housing communities based on their non-conforming use status.

Text Amendment - Housing and Employment Growth (CPA-6)

*(Page 4-15) Add a **new** Land Use Policy 1.8 as follows:*

1.8 Comprehensive Plan and development regulations amendments shall be consistent with requirements to provide sufficient land to accommodate allocated housing and employment growth as adopted in the countywide planning policies.

Text Amendment - GMHB Standing (CPA-7)

*(Page 4-20) Add a **new** Land Use Policy 6.2 as follows (same as that for CPA-1):*

6.2 The City of Blaine shall involve the community in an early and continuous manner in the development and consideration of its legislative actions, including the adoption and amendment of its Comprehensive Plan, to ensure its compliance with the Growth Management Act, to establish a procedure for legal standing before the Growth Management Hearings Board, and to ensure adequate opportunity for the community's voice to be heard in the development of public policy.

Text Amendment - Shoreline Management Act Integration (CPA-8)

*(Appendix A) Add a **new** Goal 14 to Appendix A as follows:*

(14) Shorelines of Statewide Significance. Protect the ecosystem-wide processes of shorelines in accordance with the Shoreline Management Act and implementing guidelines, integrating those provisions into the Comprehensive Plan's goals, policies, and implementing actions.

Text Amendment - GMA Planning Goals (CPA-9)

*(Appendix A) **Amend** Appendix A Goal 5 & 9 as follows:*

(5) Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(9) ~~Encourage the retention of~~ Retain open space, ~~enhance recreational opportunities, and development of recreational opportunities,~~ conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation

facilities.

Text Amendment - Essential Public Facilities (CPA-11)

*(Page 6-20) Add a **new** Land Use Goal 7, with implementing policies and actions, as follows:*

GOAL 7 Insure that essential public facilities are developed in a manner consistent with and respectful of Blaine's character and consistent with requirements of state law.

Policies

7.1 Apply a siting process to all essential public facilities identified by the City, the County, regional agreement or by State or federal government when such facilities are proposed within the City or the UGA.

7.2 Develop and adopt regulations that ensure that facility siting is consistent with all adopted city ordinances and the adopted city comprehensive plan.

7.3 Coordinate with Whatcom County and other public and private entities to establish an "Official map" identifying precise arterial corridors, and other public facility locations for current and future dedication and acquisition.

7.4 Assure that the environmental and public health and safety are protected.

Actions

- A. Coordinate with Whatcom County and other jurisdictions to inventory needed facilities.
- B. Coordinate with Whatcom County and other jurisdictions to develop a method to determine "fair share" allocation of facilities.
- C. Coordinate with Whatcom County and other jurisdictions to develop a method for determining which jurisdiction is responsible for each facility.
- D. Coordinate with Whatcom County and other jurisdictions to create a public involvement strategy.
- E. Develop an evaluation process to assure policy and goals are met and to identify future needs as situations arise.
- F. The City shall notify adjacent jurisdictions of the proposed project and solicit their review and comment.

Text Amendment - Transportation Levels of Service and Six-Year Improvement Plans (CPA-12)

*(Page 5-2) Add a **new** Transportation Policy 1.3 as follows:*

1.3 The City shall periodically review its transportation element and capital facilities element to ensure consistency with regional transportation plans and improvement programs as adopted by the Whatcom County Council of Governments and to ensure that appropriate level of service standards are assigned to state highways.

Text Amendment - Watershed Restoration (CPA-13)

*(Page 4-18) Add a **new** Land Use Policy 4.5 as follows:*

4.5 Watershed Restoration – Fish habitat projects conforming to RCW 36.70A.395 are not required to complete a shoreline substantial development permit and shall be considered to be consistent with Blaine's shoreline master program.

Text Amendment - Capital Facilities Element Amendments (CPA-15)

(Page 4-19) **Amend** Land Use Policy 6.1 as follows:

6.1 City of Blaine land use and environmental regulations should be consistent with adopted Comprehensive Plan Policies, the Urban Waterfront Development Plan, Whatcom County planning policies and applicable federal and state laws. To be consistent with the State Growth Management legislation, Comprehensive Plan changes and zoning revisions must be limited to once per year, with the exception of amendments to the capital facilities element which can be amended concurrent with the adoption or amendment of the City's budget.

Text Amendment - Greenbelts and Open Space (CPA-16)

(Page 7-16) Add **new** Land Use Policies 4.6, 4.7 and 4.8 as follows:

4.6 Open Space and Greenbelts – Property designated as open space to a public agency or homeowner's association shall be protected from adverse possession in accordance with RCW 36.70A.165.

4.7 Parks and Recreation Plan - The City should implement the official City of Blaine Parks and Recreation plan included as a part of this Comprehensive Plan as Appendix H.

4.8 Allocation of impact fees to local parks, open space & trails - Where feasible, the City should use park impact fees for park, trail and open space improvements within the immediate surrounding area.

Text Amendment - Balancing Local Priorities and Circumstances (CPA-17)

(Appendix A) Amend the opening paragraph in Appendix A as follows:

The Growth Management Act ~~adopted by the State of Washington in 1990~~ includes the following goals 1 through 13 to guide the development and adoption of comprehensive plans ~~by Washington cities and counties and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040.~~ Goal 14 reflects legislation requiring the integration of shoreline planning into the comprehensive plan. These goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations, allowing the City of Blaine to prioritize as necessary to consider local circumstances:

Text Amendment - General Aviation Airports (CPA-18)

Blaine Municipal Airport is addressed in the 1994 transportation element, as well as in the transportation chapters of the 1997 Comprehensive Plan. No action is necessary as part of this compliance update.

Text Amendment - Comprehensive Plan Amendments Review (CPA-21)

(4-20) Add a new Land Use Policy 6.3 as follows:

6.3 The City of Blaine shall review and update its comprehensive plan in conformance to RCW 36.70A.130.

B. Development Regulation Amendments (GMA Compliance)

Text Amendment - Manufactured Housing (DRA-1)

The City adopted an ordinance in 2005 to comply with the new requirements regarding standards for manufactured housing in residential districts. There is no action necessary as part of this compliance update.

Text Amendment - Standing (DRA-2)

An amendment to Title 16, with a new section will require participation in the public process before a petitioner can have standing before a Growth Management Hearing Board.

(Page 16-7) **Add** a Section to 16.04.150 as follows:

B. A petitioner must be a party of record and submit an appeal reasonably related to issues that the aggrieved person previously rose at public hearings in order to appeal a city council action under this chapter.

Text Amendment - Shorelines Integration (DRA-3)

The Growth Management Act asks communities to integrate their shoreline master programs into their development regulations, making them consistent with critical areas ordinances. Both the City of Blaine and the County are currently working on their shoreline master programs. The City will coordinate its shoreline efforts with those of the County before final approval. For now, the City will insert the provision below into its section related to its Shoreline Master Program.

(Page 17-80) **Add** Section 17.81.020 as follows:

17.81.020 Relationship to critical areas management *(new language)*

In no case shall the regulations governing critical areas be construed to minimize or reduce the requirements imposed by the Shoreline Master Program, ensuring that qualities of regulated shorelines are maintained.

~~17.81.020~~ 17.81.030 Appeals

(No change in text) Any person aggrieved by the director's decision regarding the application of the provisions of the city's shoreline program to a particular proposal including any order requirement or administrative permit related to that proposal may appeal...

Text Amendment - Essential Public Facilities (DRA-4)

(Page 17-115) Add a **new** chapter to Title 17 of the Blaine Municipal Code as follows:

Chapter 17.110 Essential Public Facilities *(New chapter)*

Sections:

- 17.110.010 Purpose
- 17.110.020 Location
- 17.110.030 Relationship to Regional Siting Process
- 17.110.040 Conditional Use Permit Required.

17.110.010 Purpose

The purpose of this chapter is to provide a mechanism for the review, evaluation and permitting of essential public facilities in a manner consistent with the provisions of State law and in the best interests of the residents of Blaine.

17.110.020 Location.

No essential public facility shall be located immediately across the street from, immediately across a parking lot from, immediately adjacent to or within line of sight of the following pre-existing uses, as measured from the nearest property line of the essential public facility to the nearest property line of the pre-existing use:

- (1) Public playground, sports field, recreational center, community center, park, publicly dedicated trail
- (2) Public or private school and its grounds, preschool to twelfth grade
- (3) Places of worship, such as churches, mosques, temples and synagogues
- (4) Secure community transition facilities

17.110.030 Relationship to Regional Siting Process.

Before applying for a conditional use permit, the applicant for an essential public facility shall have complied with all applicable requirements for the siting such a facility in accordance with State, regional and local laws and policies, including the Whatcom Countywide Planning Policies for the siting of essential public facilities.

17.110.040 Conditional Use Permit Required.

Secure community transition facilities shall obtain conditional use permit approval prior to applying for building or occupancy permits. The conditional use permit shall be subject to the material and procedural requirements contained in Chapter 17.92, BMC and the Essential Facilities Siting element of the Comprehensive Plan. Conditional use permits for secure community transition facilities may include operational or design-related conditions to address concerns related to ensuring adequate sex offender treatment, continued community safety and public education and outreach.

Text Amendment - Public Participation (DRA-5)

The Blaine code mandates public participation as part of development applications and as part of comprehensive plan amendments. No action is necessary as part of this compliance update.

Text Amendment - Watershed Restoration (DRA-6)

The regulatory portion of this GMA amendment is directed more at shorelines than at zoning or critical areas regulations. For this reason, no action beyond the comprehensive plan amendment CPA-13 is necessary as part of this compliance update. The City's current shorelines master program is consistent with RCW 36.70A.460 in that it exempts these projects in the definition of Substantial Development in Appendix A.

Text Amendment - Definitions (DRA-7)

Urban Growth areas are not defined in the zoning ordinance, so no amendment is necessary as part of this compliance update.

Text Amendment - Greenbelts and Open Space (DRA-8)

The current zoning map incorrectly applies a variety of zoning designations on public land and has no zoning designation for public facilities, open spaces or greenbelts. This compliance update proposes the creation of a "Public" zoning district, added to Division 3 of Title 17.

*(Page 17-46) Add a **new** chapter to Title 17 of the Blaine Municipal Code as follows:*

Chapter 17.45 Public Zone

Sections:

17.45.010 Purpose.

17.45.020 Permitted uses.
17.45.030 Accessory uses.
17.45.040 Conditional uses.
17.45.050 Minimum lot size.
17.45.060 Setbacks.
17.45.070 Maximum height.

17.45.010 Purpose.

The purpose of this zone is to provide adequate land for public facilities and open spaces, preventing the acquisition of such land through adverse possession as required in RCW 36.70A, and permitting continued use of such public facilities and preservation of community open spaces and greenbelts.

17.45.020 Permitted uses.

Uses operated by public institutions or reserved for community purposes or open space

17.45.030 Accessory uses.

Accessory uses include those customarily incidental to public uses, including, but not limited to storage sheds, park facilities, parking lots, and monuments or kiosks.

17.45.040 Conditional uses.

- A. Schools, museums or other private
- B. Non-profit facilities of a civic nature
- C. Structures over 35 feet

17.45.050 Minimum lot size.

There is no minimum lot size.

17.45.060 Setbacks.

Setbacks for all buildings in this zone are:

- A. Front, 20 feet;
- B. Rear, 20 feet;
- C. Side, eight feet.

17.45.070 Maximum height.

The maximum height in this zone is 35 feet.

17.45.080 Off-street parking.

Off-street parking shall be provided in accordance with provisions of Chapter 17.124 BMC.

Text Amendment – Parks, Open Space and Trails (DRA-8)

Section 17.62.110 is **amended** to read as follows:

~~(delete)17.62.110 Open space requirements.~~

~~Because of the wide variety of topographic conditions, distances between established parks, proximity to natural areas and similar situations, the provision of required open space, play areas, etc., will be determined in each individual subdivision. (Ord. 2554 § 3, 2003)~~

(Replace with the following)

17.62.110 Parks, open space and trails requirements

Each development project shall include on-site parks, open space and trails sufficient to offer neighborhood recreation opportunities for projected residents. Impact fees shall contribute to off-site park, trail and open space amenities in a manner consistent with the City of Blaine Parks and Recreation Plan.

Text Amendment - General Aviation Airports (DRA-9)

The Blaine Municipal Code is currently compliant with Growth Management Act requirements.

Text Amendment - Urban Growth Areas (DRA-10)

Title 16 of the Blaine Municipal Code is currently consistent with GMA provisions regarding comprehensive plan review. No action is necessary as part of this compliance update.

Text Amendment - Comprehensive Plan Review (DRA-11)

Title 16 of the Blaine Municipal Code already is consistent with GMA provisions regarding comprehensive plan review. No action is necessary as part of this compliance update.

Text Amendment - Critical Areas (DRA-12)

Modify terms in the City of Blaine SMA reference to include the term “wetland” and reference RCW 36.70A.030. The City is currently developing a draft SMP that will incorporate these items.

Text Amendment - Family Day Care (DRA-13)

The current zoning ordinance permits these uses and is consistent with the requirements of RCW 36.70A.450. No action is necessary as part of this compliance update.

Text Amendment- Integrated Project/Environmental Review (DRA-14)

The City’s SEPA guidelines are consistent with current state law. There will be no work necessary as part of this compliance update, but the City’s future efforts to consolidate permit processes may involve additional revision to the SEPA processes, as well.

Text Amendment - Permit Streamlining (DRA-15)

The City’s processes are consistent with the requirements of state law. There will be additional work in the future to consolidate these permit processes to ensure they are clear and more accessible. There is no work necessary as part of the compliance update.

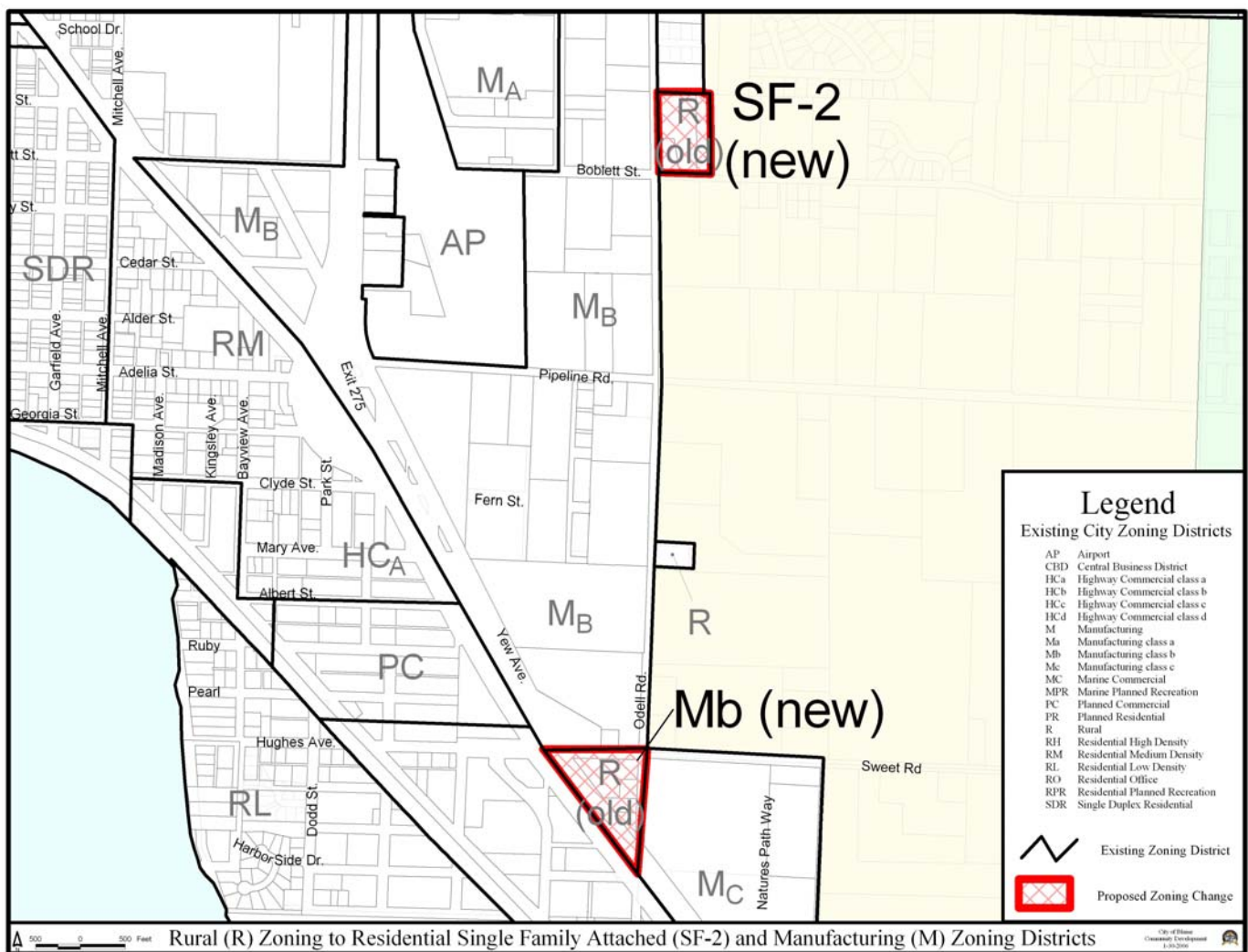
C. Zoning Map Amendments (GMA Compliance)

Zoning Map Amendment: Amend zoning from Rural to SF-2 and Rural to Manufacturing Subzone B (Mb) (CPA-24 -DRA-19).

There are two districts, one five acres and another seven acres, that are zoned rural and may be designated industrial and residential, respectively. These changes are indicated on the new Comprehensive Plan map and are consistent with the City's allowance of urban levels of development within its UGA.

Corresponding Text Amendment: Delete Chapter 17.40 BMC, Rural zone (R), and any references to the chapter.

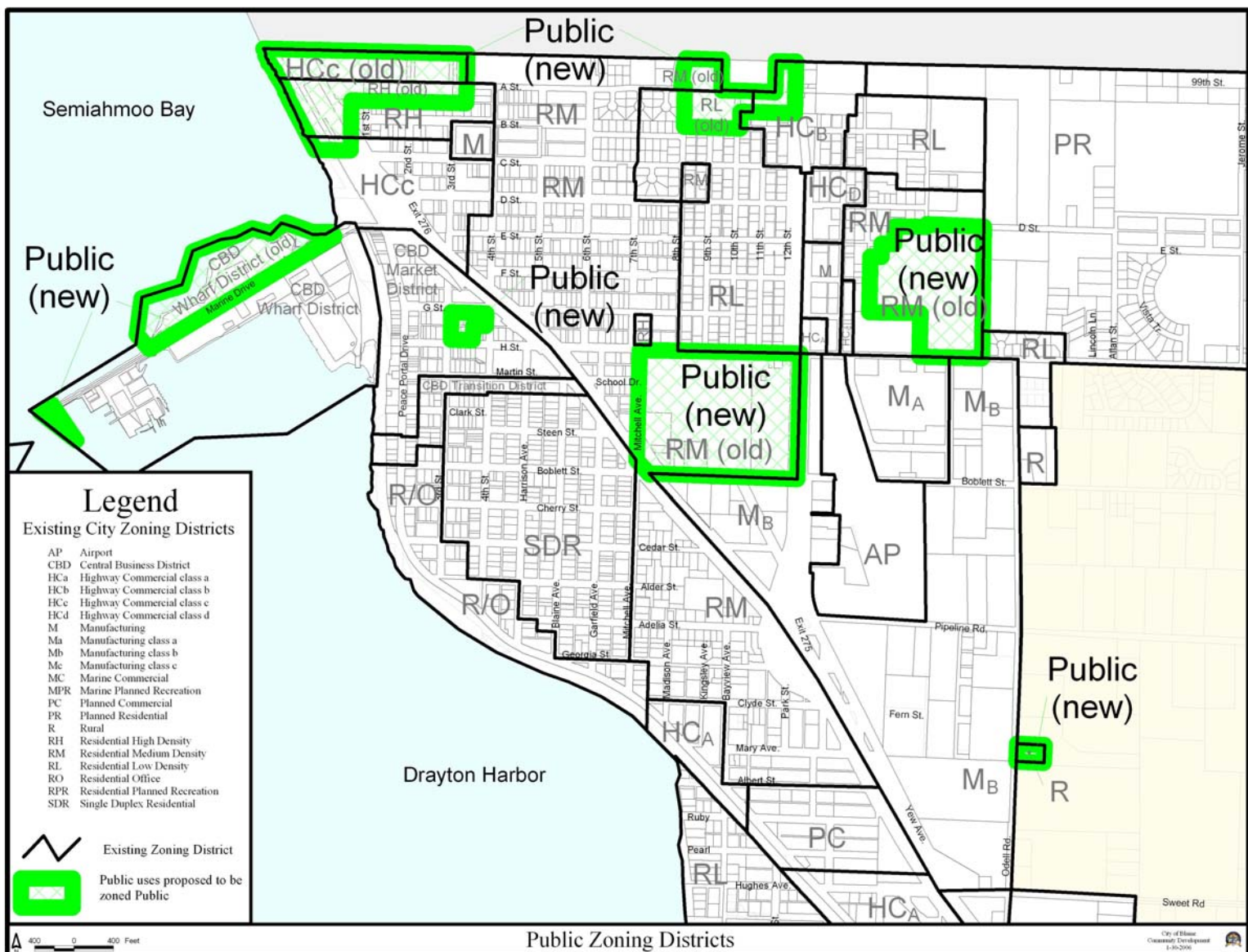
Map Amendment: from Rural to SF-2 & Mb.



Zoning Map Amendment - Create “Public” zoning districts (DRA-8).

Blaine currently has no zoning designation for public facilities, open spaces or greenbelts. This zoning map amendment is related to the text amendment above that proposes the creation of a “Public” zoning district, added to Division 3 of Title 17. It is compliant with the Growth Management Act and consistent with the Blaine Park and Recreation Plan.

Map Amendment: From various zoning designations to “Public” zoning district.



Part II – Other Pressing Amendments

A. Development Regulation Amendments

Text Amendment - New Single-Family Zoning district with an attached housing option (DR-16).

Rezone a portion of the residential area currently zoned RM to a new single family zoning designation. If approved, Chapter 17.31, would be added to permit attached single-family and two attached residential units with physical design elements that make them resemble single-family units.

(Page 17-37) Add a **new** chapter to Title 17 of the Blaine Municipal Code as follows:

Chapter 17.31 SINGLE FAMILY- 2/LOT (SF-2)

Sections:

17.31.010 Purpose.

17.31.020 Permitted uses.

17.31.030 Accessory uses.

17.31.040 Conditional uses.

17.31.050 Minimum lot size.

17.31.060 Setbacks.

17.31.070 Land coverage.

17.31.080 Height limit.

17.31.090 Lot width.

17.31.100 Off-street parking.

17.31.110 Design standards.

17.31.010 Purpose.

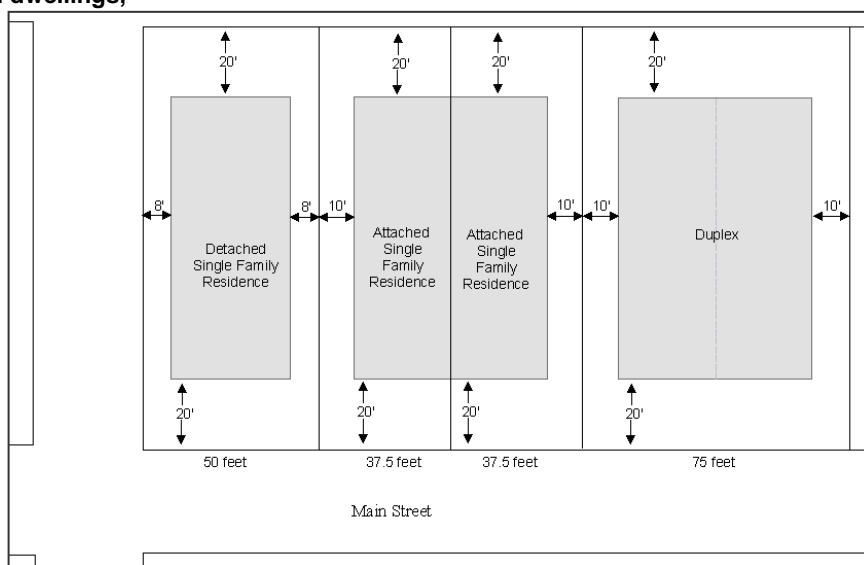
The intent of the Single family - 2/lot district is to maintain and create an environment which meets the community needs for attached single-family dwellings and single-family dwellings with small accessory apartments, by restricting other uses within the zone and by establishing a minimum lot size.

17.31.020 Permitted uses.

A. Single-family detached dwellings,

B. Attached single-family dwelling units on one lot, or on two adjoining lots provided that the attached units appear as if they are a single unit or two distinct units.

Treatments to promote that appearance shall include separate driveways for each unit, separate prominent entries for each unit, differences in exterior colors for each unit, or other features to enhance the appearance of the structure and encourage compatibility with its surroundings.



17.31.030 Accessory uses.

- A. Accessory apartments regulated at Chapter 17.102 BMC when accessory to one detached single family residence on one lot
- B. Family day care homes, , adult family care facilities
- C. Garages, swimming pools and other uses customarily incidental to the permitted use.

17.31.040 Conditional uses.

- A. Churches;
- B. nursing homes;
- C. Day care centers.

17.31.050 Minimum lot size.

- 6,000 sq. ft. for a detached single-family home
- 7,500 sq. ft. for two (2) attached single-family homes on one lot.
- 3,750 sq. ft. for one single family home on one lot when attached (0 setback on one side) to another approved housing unit.

17.31.060 Setbacks.

Setbacks for dwellings in this zone are:

- A. Front: 20 feet;
- B. Rear: 20 feet;
- C. Side:
 - Detached single family units – 8 feet;
 - Attached single family units - 10 feet on yard side and 0 feet on the common side;
 - Duplex units – 10 feet.

D. For special setback requirements on corner lots, see Chapter 17.130 BMC. For setbacks for detached accessory structures, see Chapter 17.104 BMC.

17.31.070 Land coverage.

Maximum land coverage in this zone is 40 percent.

17.31.080 Height limit.

The maximum height in this zone is 35 feet.

17.31.090 Lot width.

Minimum lot width in this zone is:

- A. 50 feet for a single family residence.
- B. 75 feet for an attached single family residence on one lot.
- C. 37 ½ feet for one single family residence on one lot when attached (0 setback on one side) to another approved housing unit.

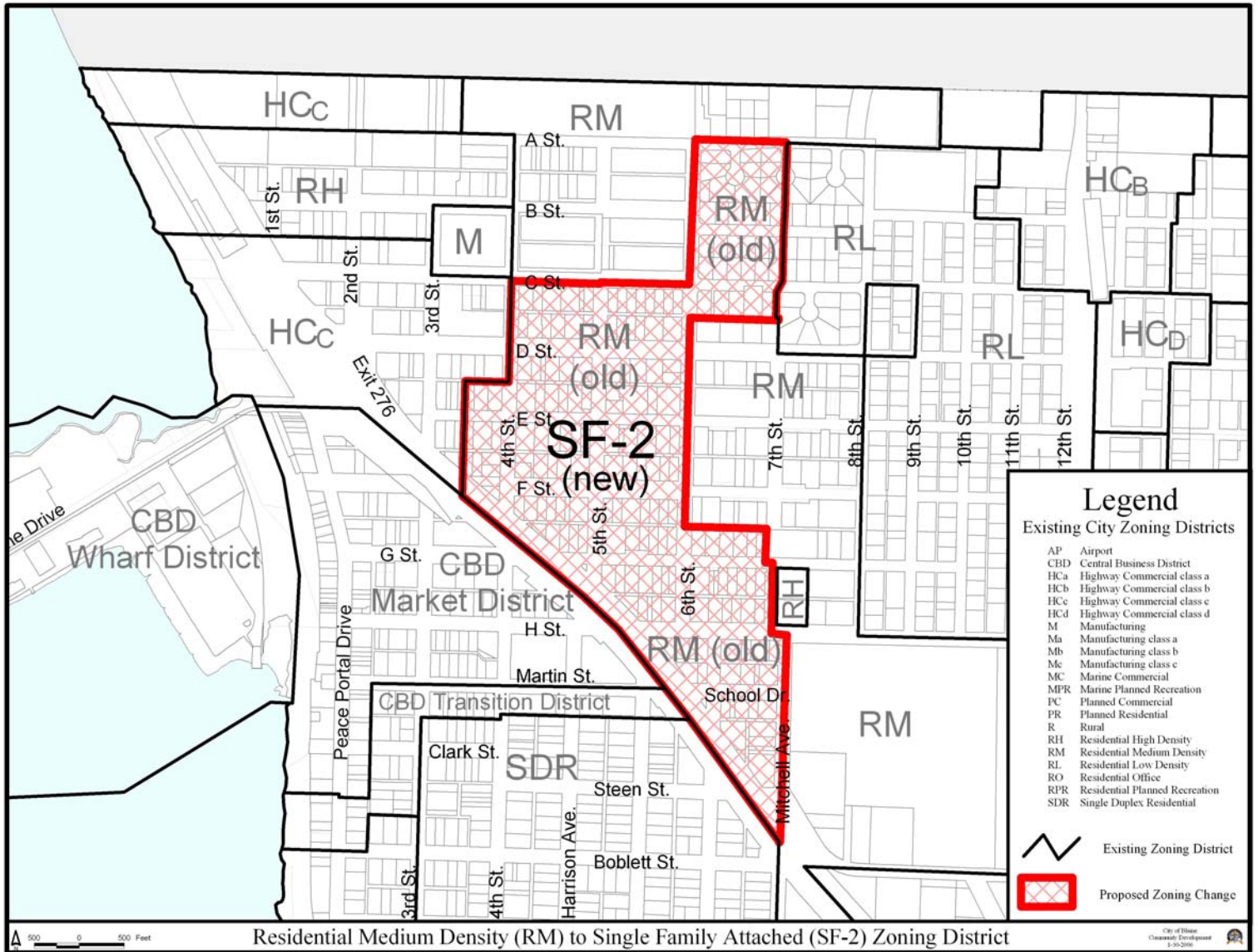
17.31.100 Off-street parking.

- A. Off-street parking shall be provided in accordance with provisions of Chapter 17.124 BMC.
- B. Where alleys exist, access to garages shall be primarily off the alley.
- C. Each lot shall provide for a minimum of two fully enclosed parking spaces.

17.31.110 Design standards.

No design standards apply to this district.

Zoning Map Amendment – Residential Medium Density (RM) to Single Family-2 Units/lot (SF-2) zoning district.



Text Amendment - Amend the SDR text and replace the named Single Family/Duplex Residential (SDR) with a heading of Single Family 1 unit/lot (SF-1). (DRA-17)

The well established residential Salishan neighborhood is currently zoned Single/Duplex Residential (SDR) which allows one and two residential units per lot. If approved, the text amendments to Chapter 17.32, would only allow one single family unit per lot. However, the zone would also allow an attached accessory dwelling unit when it is clearly accessory to the primary residence.

*(Page 17-37) Delete existing language in Chapter 17.32 and add **new** language as follows:*

Chapter 17.32 SINGLE FAMILY – 1 UNIT/LOT (SF-1)

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Accessory uses.

17.32.040 Conditional uses.

17.32.050 Minimum lot size.

17.32.060 Setbacks.

17.32.070 Land coverage.

17.32.080 Height limit.

17.32.090 Lot width.

17.32.100 Off-street parking.

17.32.110 Design standards.

17.32.010 Purpose.

The intent of the Single Family - 1 (SF-1) zone is to maintain and create an environment which meets the community needs for single-family dwellings with small accessory apartments, by restricting other uses within the zone and by establishing a minimum lot size. (Ord. 2554 § 3, 2003)

17.32.020 Permitted uses.

Single-family detached dwellings

17.32.030 Accessory uses.

A. Accessory apartments regulated at Chapter 17.102 BMC,

B. Family day care homes, , adult family care facilities,

C. Garages, swimming pools and other uses customarily incidental to the permitted use.

17.32.040 Conditional uses.

A. Churches;

B. nursing homes;

C. Day care centers;

17.32.050 Minimum lot size.

For single-family homes or single-family homes with accessory apartments in this zone, the minimum lot size is 6,000 square feet.

17.32.060 Setbacks.

Setbacks for dwellings in this zone are:

A. Front, 20 feet;

B. Rear, 20 feet;

C. Side, eight feet;

For special setback requirements on corner lots, see Chapter 17.130 BMC. For setbacks for detached accessory structures, see Chapter 17.104 BMC.

17.32.070 Land coverage.

Maximum land coverage in this zone is 40 percent.

17.32.080 Height limit.

The maximum height in this zone is 35 feet.

17.32.090 Lot width.

Minimum lot width in this zone is 50 feet.

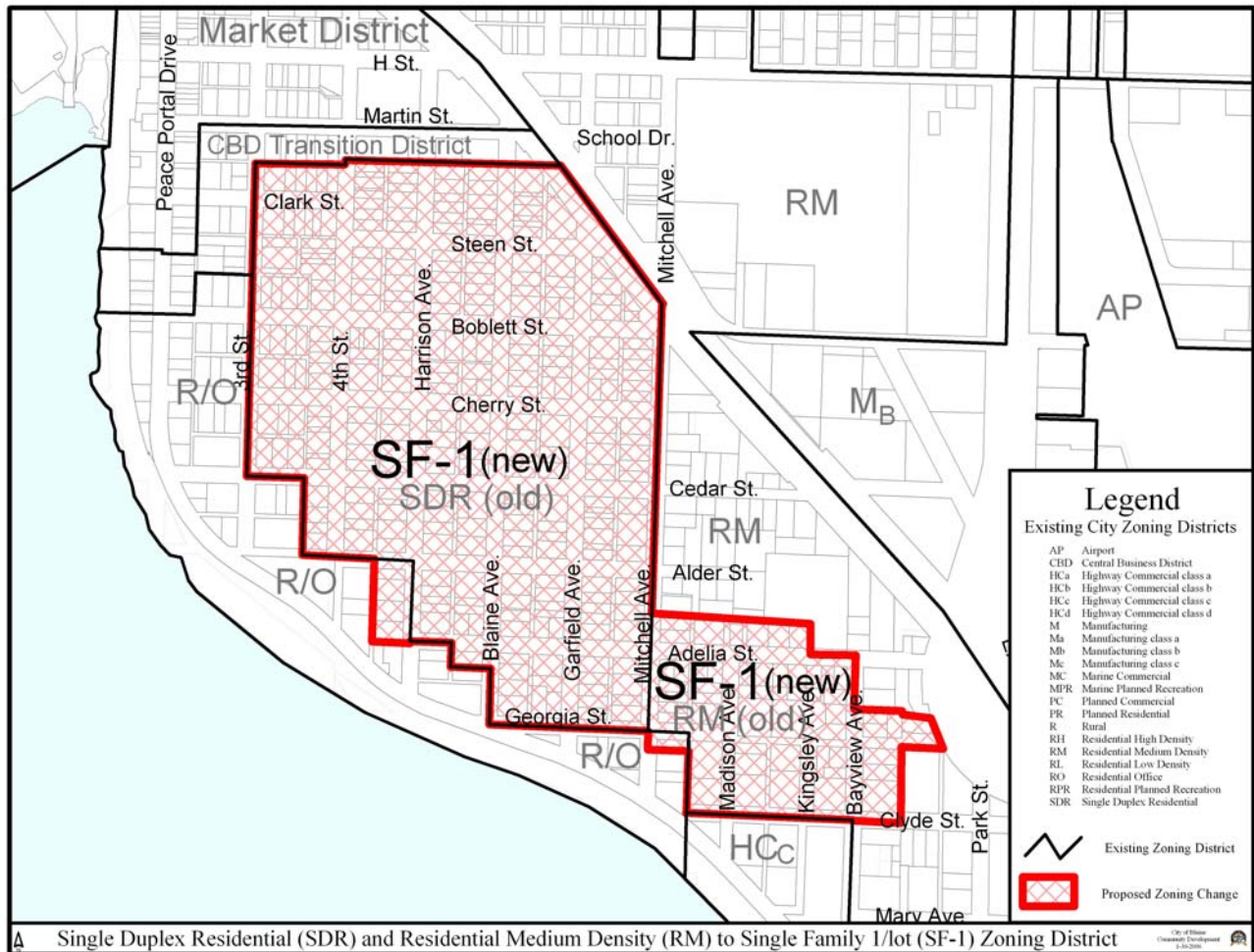
17.32.100 Off-street parking.

Off-street parking shall be provided in accordance with provisions of Chapter 17.124 BMC.

17.32.110 Design standards.

All development (including remodels & additions) in this chapter shall comply with the design standards contained in Chapter 17.121 BMC.

Map Amendment - Amend zoning from Single Family/Duplex Residential (SDR) and Residential Medium Density (RM) to Single Family – 1unit/lot (SF-1) zoning district.



Text Amendment – New Chapter, Residential Design Standards

Residential design standards help preserve the historical integrity of existing neighborhoods, promote orderly community growth which will both protect and enhance property values for the community as a whole and reduce potential impacts of new development and infill development. There has been a consistent and strong voice among community members to adopt these kinds of standards in the Salishan and Brickyard neighborhoods as quickly as feasible.
(page 17-124) **add new** Chapter 17.121 as follows:

Chapter 17.121 Residential Design Standards

Sections:

- 17.121.010 Purpose and intent.**
- 17.121.020 Adoption and applicability.**
- 17.121.030 Design review.**
- 17.121.040 Site design - front yards / entrances.**
- 17.121.050 Building design.**
- 17.121.060 Building design –windows.**
- 17.121.070 Site design -location of garages.**

17.121.010 Purpose and intent.

The standards in this chapter are intended to promote orderly community growth which will both protect and enhance property values for the community as a whole. The following objectives will help achieve this goal:

- A. Insure housing design is based on a consistent, compatible, and aesthetic architecture.**
- B. Insure that new housing is designed with sensitivity to the site, as well as pedestrian scale, and reflects a strong residential character for the neighborhood and community.**
- C. Supports and defines safe pedestrian, transit, bicycle and vehicular circulation.**
- D. Maintain the scale, context and texture of existing neighborhoods.**
- E. Encourage creative designs for sites and buildings.**
- F. Allow for infill development that is sensitive to the character and history of the surrounding neighborhood.**

17.121.020 Adoption and applicability.

- A. This chapter shall apply to all residential development within the city when specifically required in Title 17.**
- B. New residential development must demonstrate compliance with the design**
- C. standards included in this chapter before a building permit can be approved and issued by the city.**

17.121.030 Design review.

- A. The design review team shall conduct their project review in a manner consistent with Chapter 17.06A BMC, Design Review.**
- B. The design review team shall determine compliance with the design standards contained in this chapter. The community development director shall make a final compliance decision in a letter to the proponent.**

17.121.040 Site design - front yards / entrances.

Intent. To provide distinction and transition and separation between buildings and the public pedestrian and vehicular systems where the front yards function as usable outdoor space and provides a clear, welcoming, and safe entry for pedestrians from the public sidewalk and streets to the single-family residences.

Standards.

- 1. Primary residential entries shall be clearly identifiable and oriented to the street frontage, with well-defined walkways from public pedestrian and vehicular systems to the entry.**
- 2. Landscaping shall screen undesirable elements, including but not limited to utility boxes, outdoor storage areas, and dumpsters.**

17.121.050 Building design.

Intent. To maintain the residential scale and character of neighborhoods.

Standards.

1. New building design shall be compatible in design and scale with existing neighborhood character.
2. Structures shall incorporate pitched roof forms having a minimum slope of 5:12.

17.121.060 Building design –windows.

Intent. To maintain the residential character and the unique design character of the neighborhood.

Standards.

1. Windows shall be designed to blend with the existing buildings in the neighborhood.
2. Windows should have visually prominent trim and accent elements, at least 3" in width.

17.121.070 Site design -location of garages.

Intent. To ensure that garage doors and automobiles do not dominate the street-facing building façades or overshadow pedestrian entryways and that adequate parking is provided.

Standards.

1. Garages shall be architecturally similar to the residence.
2. Where alleys exist, access to garages shall be primarily off the alley.
3. Each lot shall provide for a minimum of two fully enclosed parking spaces.
4. When feasible, garages are to be located away from the street frontage of residential buildings.

Text Amendment - (DRA-18) Residential/Office (R/O)

The existing R/O zoning district is proposed to be amended to require that multi-family buildings secure a conditional use permit and only those offices compatible with the area's residential character be allowed.

(Page17-34) **Amend** Chapter17.26 as follows:

Chapter 17.26 RESIDENTIAL/OFFICE R/O

17.26.010 Purpose.

The residential/office (R/O) zone is intended to accommodate high-density residential uses and office uses which will blend with the historic residential neighborhood and not be detrimental to the residential environment.

17.26.020 Permitted uses.

Permitted uses in the residential/office zone are:

- A. Single-family dwellings;
- B. Office space under 1,000 sq. ft. that blends with, and results in minimal impact to the adjacent neighborhoods.
- ~~B. Multifamily dwellings, up to 18 units per acre. More than 18 units requires a conditional use permit;~~
- ~~C. Offices, provided sales of merchandise is not allowed;~~
- ~~D. Schools (Ord. 2554 §3, 2003)~~

17.26.030 Accessory uses.

A. Accessory uses in the residential/office zone are garages, swimming pools, storage and other uses customarily incidental to the permitted use. ~~Accessory uses to hotels and motels in addition to the foregoing shall be limited to coffee shops and laundry facilities. Coffee shops accessory to those conditional uses shall be limited to accommodate no more than 60 percent of the guest capacity of the hotel or motel. Laundry facilities shall be limited to one washer and one dryer for each 10 guest rooms. Accessories to conditional uses shall be processed as conditional uses.~~

~~Additional accessory uses shall be~~

~~B. family day care homes, adult day cares and adult family care facilities.~~

17.26.040 Conditional uses.

~~A. Conditional uses in the residential/office zone are densities greater than 18 units per acre, but not more than 24 units per acre.~~

~~BA. Housing for the elderly or nursing homes and assisted care facilities for seniors.~~

~~CB. Day care centers.~~

~~DC. Major development as defined in BMC 17.142.353.~~

~~ED. Multifamily dwellings;~~

~~FD. Office space 1,000 sq. ft. or greater, provided only sales of incidental merchandise is not are allowed, and the facility blends with and and has a minimal impact on the adjacent neighborhood.~~

17.26.050 Minimum lot size and maximum density.

Minimum lot size in the residential/office zone is 6,000 square feet for the first unit or for a single-family residential unit, and 2,200 square feet for each additional unit up to 24 units per acre.

17.26.060 Setbacks.

Setbacks in the residential/office zone are:

A. Front, 20 feet;

B. Rear, 20 feet;

C. Side, eight feet on each side on a lot up to 50 feet. Twelve feet on lots from 51 to 75 feet. Lots over 100 feet of frontage shall have 16 feet side yard setbacks.

17.26.070 Land coverage.

Maximum land coverage in the residential/office zone is 60 percent. (Ord. 2554 § 3, 2003)

17.26.080 Height limit.

The height limit in the residential/office zone is 35 feet. (Ord. 2554 § 3, 2003)

17.26.090 Lot width.

Minimum lot width in the residential/office zone is 50 feet. (Ord. 2554 § 3, 2003)

17.26.100 Off-street parking.

A. Off-street parking shall be provided in the residential/office zone in accordance with specifications in Chapter 17.124 BMC. (Ord. 2554 § 3, 2003)

C. Parking along Peace Portal Drive is restricted.

B. Parking shall be located in such a manner that access is gained from side streets and single family housing in the SF-1 district are minimally impacted by associated traffic.

17.26.110 Recreation & open space.

~~For apartment development in the residential/office zone consisting of Multiple family residential units that consist of more than eight units, outside space shall be designated designate outside space for recreation and open space use. This space shall not be adjacent to a roadway unless fenced. Space so designated shall be a minimum of 100 square feet per dwelling unit. No specific improvements are required, but such space is to be usable as a child or family recreation area and shall not be so arranged as to leave the space unusable. Contributions of similar value toward the development of the nearest designated neighborhood park may be made in low of the required space requirements.~~

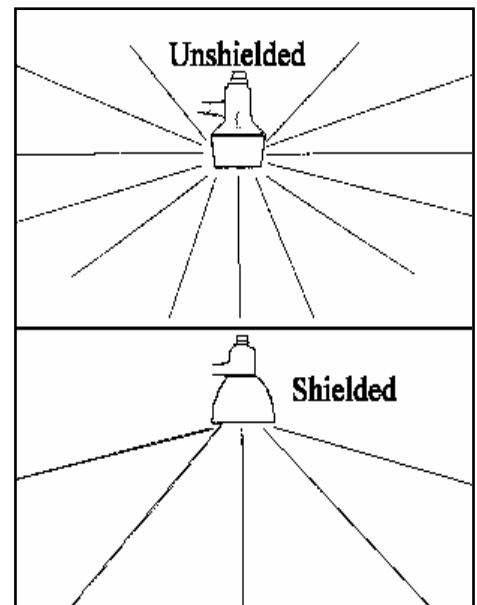
17.26.110 Screening.

In addition to those landscape requirements in Chapter 17.126,
aAt those locations in the residential/office zone where an office use is proposed on a lot or lots which abut or are across an alley from a residential units, residential low density, medium density or high density zone, a site obscuring screening buffer is required.
This buffer area shall be a minimum of six feet wide and consist of vegetation and fencing (if necessary) which shall be a minimum of six feet high at the time of installation. A minimum of one tree per 80 square feet of buffer area shall be required.

17.26.120 impact to adjacent residential housing

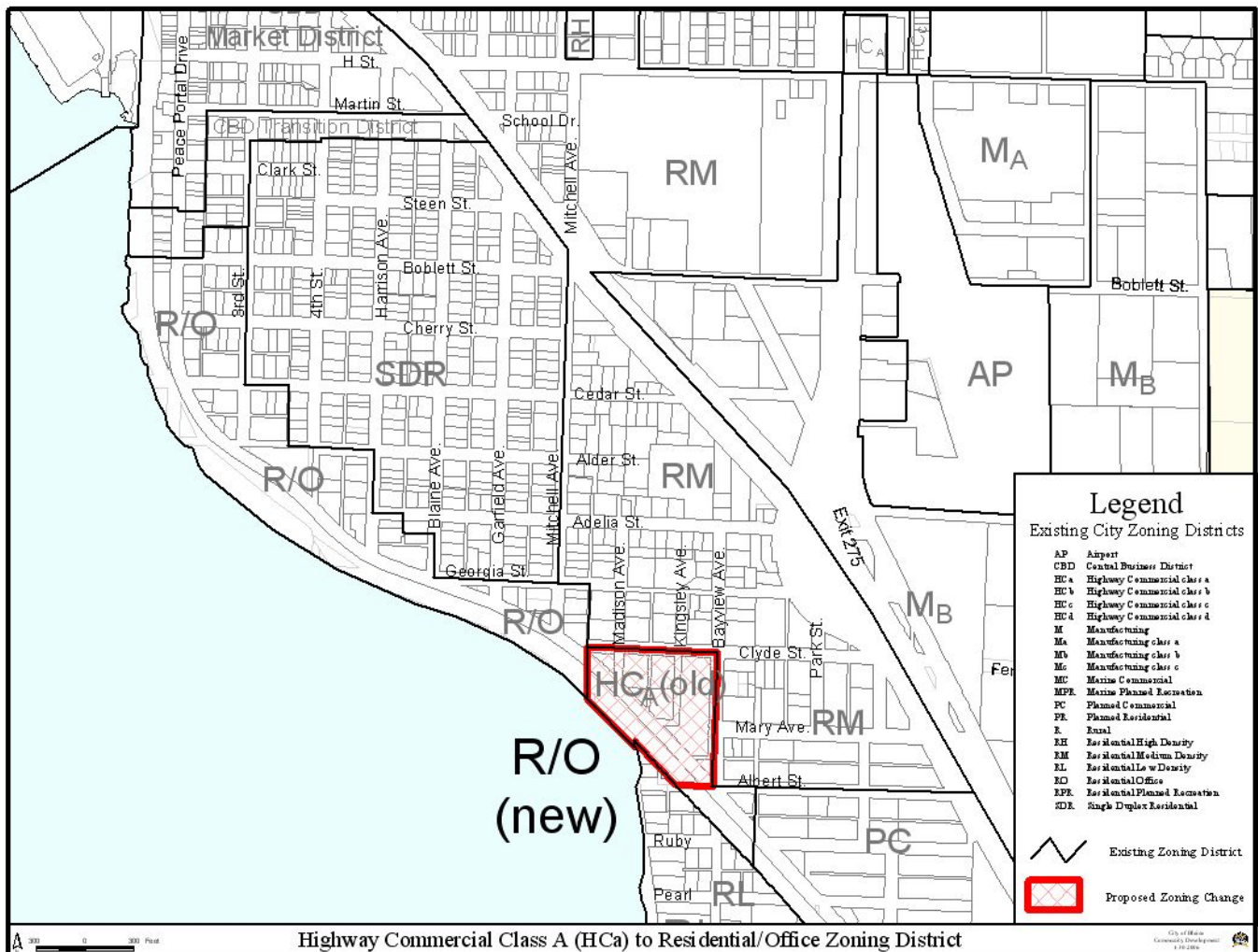
A. Light shall not trespass on adjacent properties nor result in glare to adjacent residential occupants.

B. Outdoor lights shall be shielded so that the direct light from the fixture is directed downward and does not cross property lines as indicate in this illustration.



Map Amendment - Highway Commercial (Hca) to Residential/Office (R/O) zoning district.

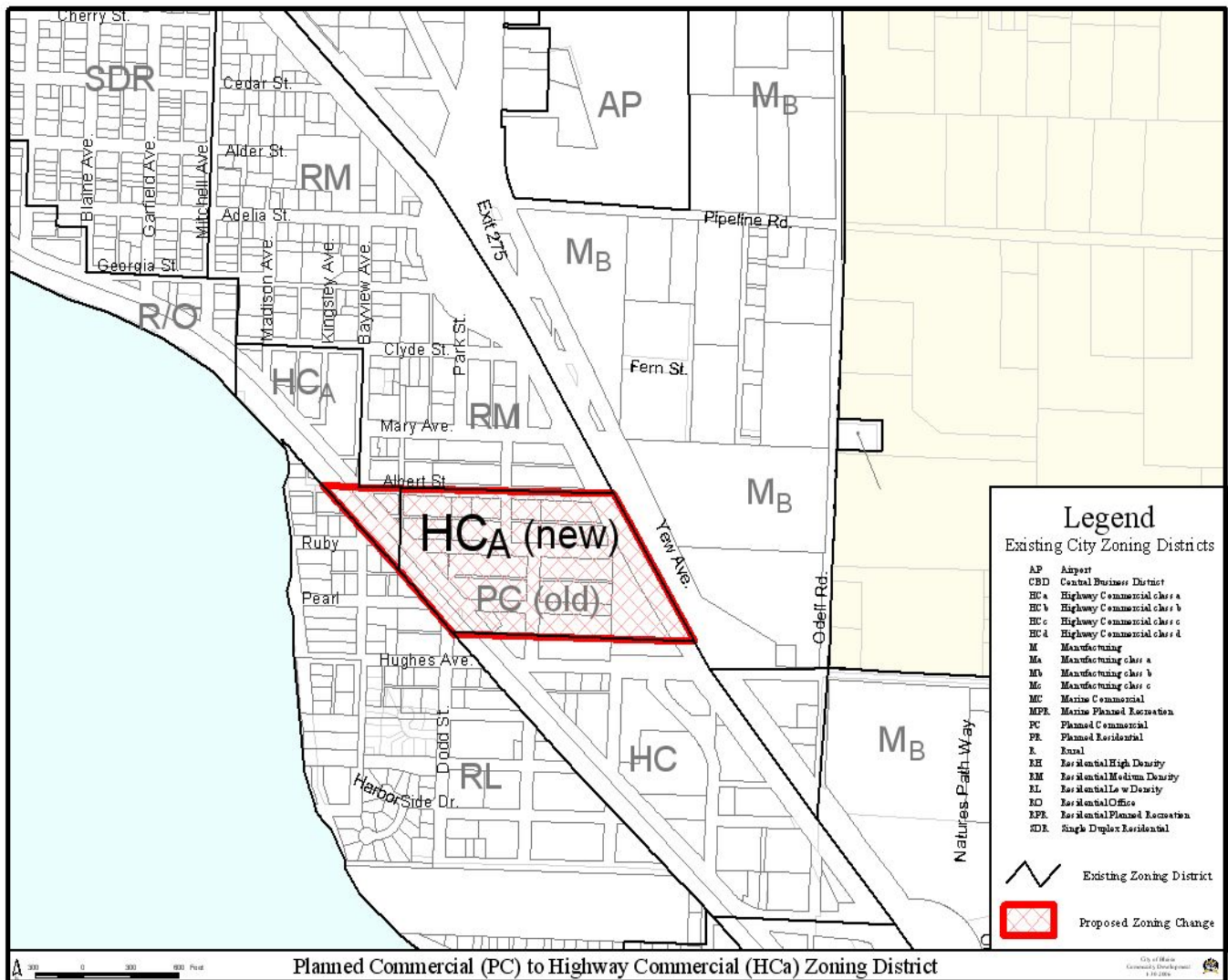
This amendment provides for residential and related office space. It eliminates Commercial development in an inappropriate location (conflict with residential neighborhood). It also reduces the likelihood for a commercial strip to establish itself along this scenic route.



Map Amendment - Amend the Planned Commercial (PC) to Highway

Commercial (HCa) zoning district.

This map amendment would change approximately 40 acres from Planned Commercial to Highway Commercial subzone A (HCa) along Peace Portal Drive. The revision is intended to allow for the type and scale of commercial development that is consistent with the parcel's location and size. The Planned Commercial designation was originally intended to permit a shopping mall or similar type of retail establishment. This property's location immediately adjacent to Peace Portal Drive is better suited to street front retail, and the Highway Commercial designation is an appropriate transition to the land uses planned to the north and east.



Text Amendment - Highway Commercial (HCc) Chapter 17.24 (DRA- 21)

(Page 17.32.2) Amend Chapter 17.24.050 as follows:

17.24.050 – Conditional uses, C. Sub zone C

C. Subzone C – Central Business Support.

1. Residential uses up to 18 units per acre incorporating RH zone standards;
2. Offices;
3. Day care centers;
4. Up to a 50% reduction in R.O.W setbacks and/or increases in land coverage up to 90%, provided; it can be demonstrated that adjacent property owners are not adversely impacted, and; the lot is not located adjacent to permanent residential dwelling units.

Related Text Amendment-Highway Commercial (HCc) Chapter 17.24 (DRA-21)

(Page 17.32.2)Amend Chapter17.24.070 under permitted **Setbacks, land coverage, building height and lot width**, as follows:

17.24.070 Setbacks, land coverage, building height and lot width. (*staff note: These are permitted outright*)

| | A | B | C | D |
|--|-----|-----|-------------------|-----|
| Setbacks – R.O.W. (<i>Alleys not included</i>) | | | | |
| Buildings | 15' | 15' | 15' | 20' |
| Parking | 20' | 15' | 20' | 20' |
| Merchandise display | 20' | 15' | 20' | 20' |
| Setbacks – Side and rear yard | | | | |
| Adjacent residential | 10' | 10' | 10' | 10' |
| Nonresidential | 10' | 0' | 10' 5' | 10' |
| Land coverage | 60% | 60% | 50% | 50% |
| Building height | 35' | 35' | 35' | 35' |
| Lot width | 50' | 50' | 50' | 50' |

Text Amendment - Chapter 17.130 Corner Lots

(Page17-146) Amend Chapter17.130 as follows:

Chapter 17.130 ~~Vision Clearance on~~ Corner Lots

17.130.010 Vision clearance on corner lots. (*No change*)

17.130.020 Setback on corner lots.

Buildings located on corner lots shall be subject to setbacks as follows:

- A. Front yard setback facing street: as required by zoning district.
- B. Side yard setback on side street 75% of the front yard setback.
- C. Side yard setback abutting another lot:: as required by zoning district.
- D. Rear yard setbacks: Same as side yard setback required by zoning district.

Text Amendment - Chapter 17.08 Violations and Enforcement.

The amendment would add new enforcement language to Chapter 17.08, which is currently on reserve status. This has emerged as a significant omission, hindering the City's effort to enforce compliance of the Land use code.

(Page 17.20.2) Add **new enforcement language** to Chapter 17.08 as follows:

Chapter 17.08 VIOLATIONS AND ENFORCEMENT

Sections:

| | |
|-----------|--------------------------------|
| 17.08.010 | Purpose |
| 17.08.020 | Violations |
| 17.08.030 | Enforcement and penalties |
| 17.08.040 | Stop Work Orders |
| 17.08.050 | Enforcement officer designated |
| 17.08.060 | Appeals |

17.08.010 Purpose. The purpose of this Chapter is to set out enforcement procedures for violations of the Title 17, Land Use Code, and to establish an Enforcement Officer who shall be responsible for carrying out the procedures set forth herein.

17.08.020 Violations.

A. Civil infractions. As provided in section 17.02.030.A, BMC, no use or structure shall be established, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title. As established in Chapter 7.80, RCW a person or business that violates the requirements of Title 17, BMC shall be guilty of a civil infraction. The offender shall be subject to the penalties set forth in Section 17.08.030, BMC unless otherwise addressed under Section 17.08.020 B.

Staff Comment: Title 17 includes zoning and land use regulations as well as platting requirements. Violations of land use rules and regulations are usually considered as relatively minor offenses. The state legislature has provided a method for decriminalizing minor offenses by treating them as a civil infraction subject to a fine. Staff is proposing to implement the civil infraction system for land use violations. See the following section.

B. Gross misdemeanor violations. As established in RCW 58.17.300, any person, firm, corporation or association or any agent of any person, firm or corporation, or association who violates the provisions of Title 17, BMC relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor. Each sale, offer for sale, lease, or transfer of each separate lot, tract or parcel of land in violation of any provisions of Title 17, BMC shall be deemed a separate and distinct violation.

Staff comment: The sale, lease, or transfer of land in violation of the state platting laws (RCW 58.17) and local implementing regulations is seen as a more serious matter. Violations of the platting rules relating to the sale, lease, or transfer of properties are classed as gross misdemeanors. (RCW 58.17.300). In order to be consistent with state law, violations of the City's land division regulations are also being classed as gross misdemeanors. The language of 17.08.020.B, has been adapted from the language of RCW 58.17.300 so that our language is consistent with that of the state.

17.08.030 Enforcement and penalties.

- A.** A person or business found to have committed a civil infraction (Class 1, pursuant to Chapter 7.80.120 RCW) shall be assessed a monetary penalty.
- B.** The maximum penalty and the default amount for such violations shall be two hundred and fifty dollars (\$250.00) as specified in Chapter 7.80.120 RCW.
- C.** The procedure for the enforcement of violations shall be consistent with the procedure established in Chapter 7.80 RCW.
- D.** After having been found to have committed two successive civil infractions for violations of the same provisions of this title on the same property, any person, firm, company or corporation who continues to violate this title in the same manner on the same property shall be subject to criminal penalties including a fine of not more than five hundred dollars (\$500.00) together with costs of action, and imprisonment for a period of not more than six months.
- E.** In addition to the civil and criminal remedies provided above, the City or the owner or the owner's land affected by violations of the provisions of this title may bring such injunctive, declaratory or other action as deemed necessary to ensure that violations are prevented or cease, and to otherwise enforce the provisions of this title.

Staff Comments: In 1987, the state legislature established a new procedure for dealing with minor offenses under RCW 7.80 CIVIL INFRACTIONS. The legislature found "that many minor offenses that are established as misdemeanors are obsolete or can be more appropriately punished by the imposition of civil fines." (RCW 7.80.005.) Their

purpose in establishing the procedure was to reduce the time, expense and commitment or resources necessary to pursue minor offenses through the criminal justice system especially courts of limited jurisdiction. Staff is proposing to adopt that process for dealing with violations to the Blaine Land Use Code.

The civil infraction procedure allows for the issuance of a “notice of civil infraction” by the Enforcement Officer and the payment of a fine for the infraction. The procedures set forth in RCW 7.80 establish the amount of the fine, which for a Class I infraction is currently a maximum of two hundred and fifty dollars (\$250.00) and a hearing procedure and review process to allow persons to appeal the notice of infraction or claim mitigating circumstances.

17.08.040 Stop Work Orders. The city may stop work on any existing permits and halt the issuance of any or all future permits or approvals for any activity which violates the provisions of Title 17 until there is compliance with this chapter and all penalties are paid in full.

17.08.050 Enforcement officer designated. The Director of Community Development is hereby designated the Enforcement Officer for the purposes of this chapter and as provided in RCW 7.80.040. The Director may designate additional enforcement officers in writing and shall provide the City Manager, the Police Chief and the City Attorney with the names of persons so designated.

17.08.060 Appeals

- A. Civil infractions shall be appealable to the Hearing examiner pursuant to 17.06.180 Appeals.
- B. Gross misdemeanor violations shall be appealed pursuant to RCW 58.17.300.

Text Amendment: Chapter 17.142, Add the following definitions.

17.142.393 “Nursing or convalescent home” means an establishment providing care for convalescents or invalids. Such establishments shall be duly licensed by the state as a “nursing home” in accordance with current state statutes.

17.142.317 “ Light trespass” is defined as light projected onto a property or roadway from a light source located on a different property

17.142.257 “ Glare” is defined as the sensation produced by light that is sufficiently greater than the light to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.

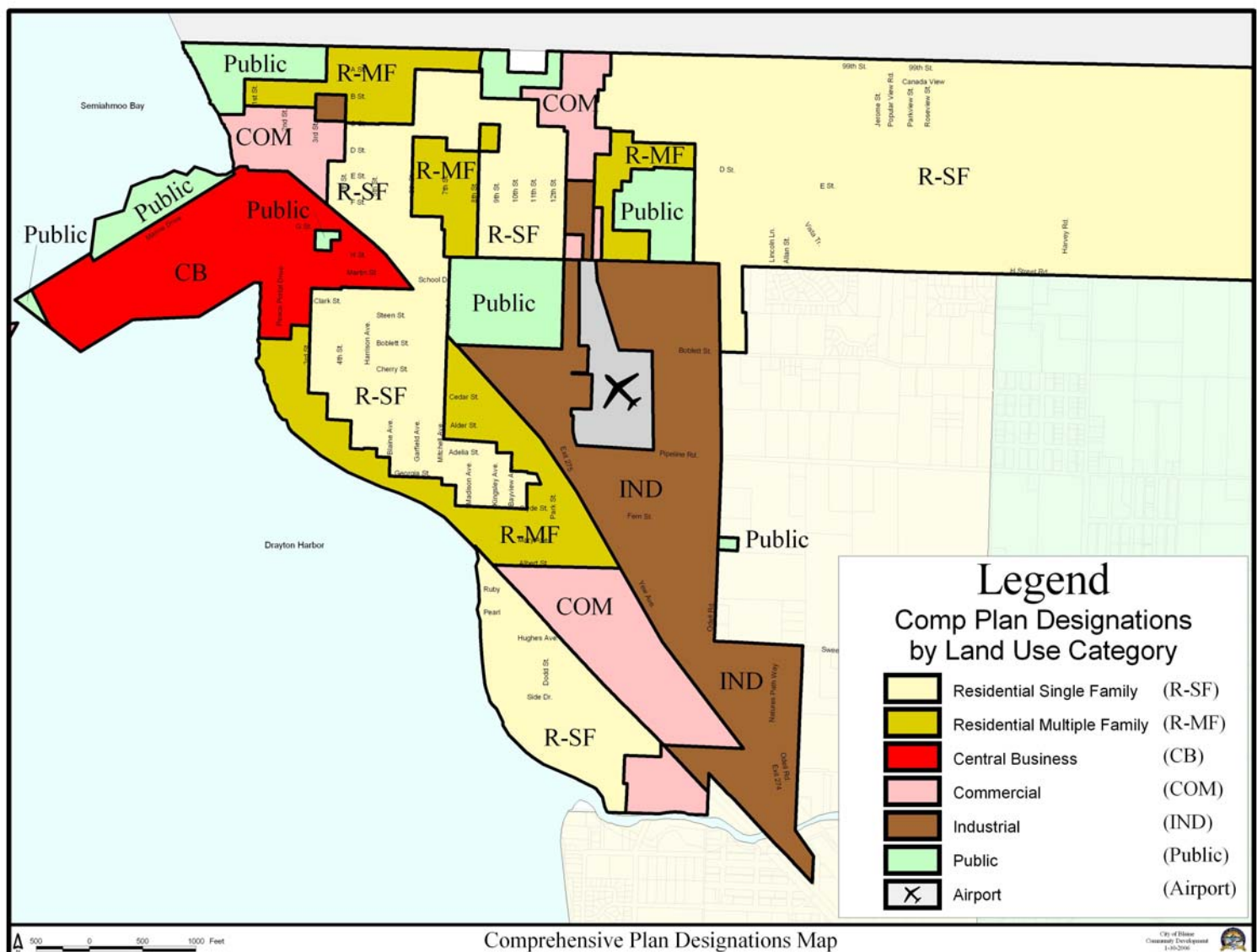
Part III – Official Land Use Maps

A. Official Comprehensive Plan Designations Map

Map Amendment (CPA-22, 23) Comprehensive Plan Future Land Use Map

This map will indicate comprehensive plan land use designations. The City now has only a zoning map. The proposed Comprehensive Plan map is included as Exhibit A in this package, reflecting land use designations that are consistent with existing zoning designations, except where zoning designations are proposed to be changed in accordance with this package of Comprehensive Plan/development regulations amendments.

Comprehensive Plan Designations Map:



B. Official Zoning District Map

Zoning District Map Amendments

This map represents all zoning districts including the amendments requested in previous pages of the GMA Compliance recommendations. When adopted it will be the official zoning map for the City of Blaine:

