

Minutes
Point Roberts Community Advisory Committee
Meeting, February 20, 2019

Attendees: Stephen Falk (SF) — At Large
David Gellatly (DG) — PRCoC
Linda Hughes (LH) — At Large
Tessa Pinckston (TP) — PRRVA
Steve Wolff (SW) — PRVA

1. Call to Order.

The meeting was called to order at 6:03.

2. Election of Officers.

DG nominated LH as Chair; SF nominated SW as Chair; SW nominated SF as Chair. Only the nomination of LH as Chair was seconded (TP). LH was elected Chair 5:0.

LH proposed to nominate SW as Secretary, but SW respectfully declined.

DG nominated SF as Secretary, which was seconded (SW). SF was elected Secretary 5:0.

SW proposed to nominate himself as Vice Chair, but after brief discussion, it was decided not to continue that position at this time.

3. Rod Lamb, Whatcom County Parks and Recreation — re: Lighthouse Park dock and Lily Point Trails

Mr. Lamb described the history of the dock at the boat launch near the northwest corner of Lighthouse Park back to 1974, the troubled history of the floating dock that was first installed in 2015, the damage to the last iteration of floating dock that occurred prior to the end of the 2018 season, and possible options going forward. Regulations require a certain amount of light penetration through the dock structure and require that at least 20% of the dock rest on sea bed at low tide. So-called “grounding action” of the floatings hitting the sea bed has caused the damage to the structure of the floating dock.

The current options which Whatcom County Parks intends to present to County Council are either (a) to spend approximately \$50,000 to further reinforce and strengthen the dock segments or (b) to remove the floating dock and leave boat launch ramp with no companion dock. Mr. Lamb sought public comment on his presentation and those options.

- * George Wright suggested moving the launch and dock to the south shore of the Park since the west side apparently has more wave action from wind, currents and the BC ferries. (Mr. Lamb commented that repair of the existing dock was possible, but that installing a new dock in a new location was virtually impossible due to environmental considerations.)
- * Louise Cassidy questioned the source of the dock use statistics. (Christ Thompson from Whatcom Parks said that the usage numbers came from fees paid for using the dock.)
- * Heidi Baxter proposed either moving the boat launch and dock to the small park area on the east side of the marina property, or having the County arrange low-cost public boat launch access at the Point Roberts Marina & Resort. (Mr. Lamb suggest that that County Parks could consider making an arrangement with the Marina.)
- * Ken Calder suggested restoring the old pier at the end of Gulf Road for use with a boat launch. He thought the old floating dock was longer than the one installed in 2015. (Mr. Lamb clarified that the 2015-2018 floating dock was the same length as the 1974 dock.)

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- * Steve Wolff asked whether the repair work on the dock segments could be done through local contractors in Point Roberts. (Mr. Lamb said the work could be done locally if there was someone with proper skills and equipment.)
- * [Man; name unknown to me] asked if the dock segments could have wheels. (Mr. Lamb agreed that the dock could potentially have wheels.)
- * Judson Meraw commented that the dock was owned by the County and the Whatcom Parks is a steward of that asset, and asked whether the dock would be moved to another Whatcom County park. He also asked whether the dock could be put in a private location provided it would be available for use by the public.
- * Louise Cassidy further commented that there are boat launches in salt water in Blaine and Squalicum.
- * Ken Calder further commented that Steve Lavin at the Marina (Maintenance) has talked about having a public launch area at the Marina.
- * Steve Wolff asked about the materials and construction of the hinges between segments of the floating dock. (Mr. Lamb responded that the hinges are made of galvanized steel with a steel pin the full width of the float segment.)
- * Michael Wynkoop suggested that Point Roberts should receive something of comparable value (\$50,000) from the County in compensation if funds are not spent on repairing the floating dock.
- * Kimberly Butts asked if there is maintenance cost information available for other salt water docks in the Whatcom Park system. (Mr. Lamb commented they do not maintain any docks in salt water.)
- * Michael Wynkoop further asked whether there are safety concerns with the floating dock. (Mr. Lamb said there were safety concerns with the floating dock.)
- * Arlene Belless commented that the new boardwalk at Lighthouse Park is smaller than the old one and that the promised playground was not installed. (Mr. Lamb comments that construction of the new playground is scheduled to commence in March 2019.)
- * George Wright further asked who the decision-makers would be on permission to construct a new dock and boat launch in a new location. (Mr. Lamb identified the US Army Corp of Engineers and the National Marine Fisheries Service as the primary agencies involved in approving shoreline construction, and also commented that stakeholders such as First Nations tribes also have a role.)

4. Public Comment (Each speaker had 3 minutes.)

Arlene Belless (Ms Belless was permitted to speak before Agenda Item 3 to accommodate her schedule.)

Speaking on behalf of the Point Roberts Conservation Society (PRCS), Ms Belless described the damage to the tree canopy along both sides of APA Road between Pauls Road and Boundary Bay Road. The damage was caused by the severe wind storm that occurred on December 20, 2018. The PRCS proposes to undertake research with goal of restoring the tree canopy by determining rules regarding re-planting appropriate trees, getting permissions to plant trees, acquiring funding, and re-planting trees. In response, LH offered that the PRCAC would take this under consideration. She gave the Committee a copy of her remarks (copy attached).

Judson Meraw — Regarding proposals to change the zoning code for Point Roberts, Mr. Meraw commented that developments should bring the Community together, and that any

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changes to the zoning code should support the Community. He gave the Committee copies of his “Notes on Past Developments — A Local Benefit Critique” (copy attached).

Olav Grabi — Speaking on behalf of the Maple Beach Property Owners Association (MBPOA), Mr. Grabi described the problem of flooding in Maple Beach along the road at the houses adjacent to and near the Maple Beach seawall, and the efforts that MBPOA has taken to deal with the problem. They have been spending about \$5000/year. Flooding is causing road damage and house damage and may be contributing to the death of large maple trees. They want to see a more permanent fix implemented, such as putting a cap on the flood wall (as done a few feet to the south in Canada), installed pylons and large rocks as “wave trips”, or installing groins out in to the bay. Mr. Grabi provided Committee members with a report “Flooding Mitigation Assistance Request” dated February 20, 2019 (copy attached).

- * Allison Calder (?) spoke out against the idea of using Tax Benefit District funds for this problem. She considered it a County problem that should be addressed by general tax funds allocated to County Parks or County Public Works.
- * Grant Heitman agreed with Ms Calder’s comment.

Annelle Norman — Ms Norman commented on the County plowing the main roads in Point Roberts, but not the side roads. Unpassable side roads led to significant inconvenience to residents who had to walk out of their neighborhoods.

- * LH suggested that PRCAC could bring this to the attention of County Public Works, but noted that side roads are generally not plowed.
- * Allison Calder stated that the County plows the arterial routes, and that that is their mandate; not to plow side roads anywhere in the County.
- * Pia Clark commented that the snow from the main roads get mounded up at the entry points of side streets. She requested that the snow plow drivers be made aware of the problem to avoid making insurmountable piles of snow at the junctions with side roads.

Grant Heitman — Regarding plans to revise the zoning code, he supports removing the zoning overlay to promote economic development in Point Roberts.

Bennett Blaustein — Regarding power outages in his neighborhood (32 houses in and around Park and Seymour Streets), Mr. Blaustein sought advice on dealing with the recurrent problem of dead trees along Johnson Road near Tye Drive falling and bring down the PSE power lines. There have been at least 4 outages in this area recently. He does not know if the problem trees are on the road right-of-way or on private property.

- * LH suggested this could be brought to the attention of County Public Works, but felt this might be better dealt with by a neighborhood group, reaching out to homeowners, or PSE for their input on prevention.

5. Old Business

a. 20.72 Discussion

Further discussion or action deferred pending a PRCAC planning session to set out goals for 2019.

b. Maple Beach Mitigation Assistance Request

Further discussion or action deferred pending a PRCAC planning session to set out goals for 2019, in view of the presentation and comments made earlier in the meeting.

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6. New Business

a. Assessing whether and how to modify 20.72 on zoning restrictions in Point Roberts. LH suggested the PRCAC would need to have 4 to 6 meetings over the next 3 months to address this issue. She noted that the County offered to waive the fee assessed for changes to zoning code if PRCAC could aggregate all proposed changes into a single request.

DG said he is working to schedule a meeting with Mark Personius and Cliff Strong to get a critical timeline so that PRCAC can get public input, review options and submit proposed changes (if any) to the County sufficiently in advance of the end of the 1-year enforcement deferral which was granted in the case of the action against Lorne Nielson regarding vehicle storage on the Gulf Road property.

LH asked TP to assist DG on these propose meetings.

DG mentioned that he plans to meet with Dan Goldberg of the Port Authority of Bellingham regarding development plans for Point Roberts.

SF asked about getting an economic development plan done to inform the possible changes to 20.72. DG has been working on this issue for a couple of years and said that the response from others was that there was no interest at the County to spend money on such a report, but the Port Authority might be willing to undertake this.

b. "Sliver Tax"

DG suggested looking at resources the County receives that Point Roberts does not benefit from. In particular, he was referring to the so-called "sliver tax", a portion of the sales tax that the State of Washington receives on good purchased remotely and shipped for delivery to people in the state. A large number of parcels are delivered to Point Roberts. Similarly situated Blaine gets over \$1,000,000/year as its share of the sliver tax. DG wants PRCAC to look into what could be done for Point Roberts to get a share of the tax based on parcels delivered to Point Roberts, funds which currently go to Whatcokm County.

* Louise Cassidy offered an explanation that Blaine gets some of this revenue because it has a local 0.2% sales tax.

* There was some discussion that the PRTA has been looking into this issue and has learned that Blaine is a City and levied an additional .02% tax to create the sliver tax it receives, suggesting that Point Roberts doesn't (yet) have a sliver tax allowance to request. DG suggested that the sliver tax generated by Point Roberts parcel businesses and received by the County could offer some leverage when requesting other special consideration, for instance some financial assistance with a new Economic Development Plan.

c. Process to Revise 20.72

SW suggested that PRCAC needs to identify the process by which it will get Community input and process that input in determining what, if any, parts of the zoning code to change. He said the first step should be to determine a "Vision" regarding the Community and then to translate that Vision into zoning rules that support that Vision. Vision comes first; then Zoning Code. The issues related to 20.72 should be prioritized; issues such as "permitted uses", parking, trees/tree removal, and archaeological issues. SW comments that the lawyer who handled the Radio Towers case, in part, credited the

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height restriction in the Point Roberts zoning code on enable success in that case. SW said that PRCAC needs to determine a process to get and assess information on this subject. SW gave the Committee “Notes for PRCAC” and “Primer on Issues Regarding Modifications (Including Elimination) of PR’s 20.72” which he prepared (copied attached).

* SF referred to LH’s earlier comment about a fee associated with proposing changes to the zoning code to ask who is supposed to pay such a fee. Would PRCAC which has no funding source be required to pay a fee, if the County did not opt to waive the fee?

* Annelle Norman offered that the fee is waived if the proponent gets a County Commissioner to “sponsor” the proposed change.

d. Status of Local Organizations

TP will follow-up with community groups that have a representative on the PRCAC board (CofC, PRRVA and PRTA) are appropriately registered with Washington State.

e. Planning Session

LH proposed a special meeting as a “planning session” to map out actions for 2019. The topics identified for consideration are:

- * Evaluation of 20.72 and Possible Changes
- * Tax Benefit District (TBD) Projects
- * Lighthouse Park Trail Continuation
- * Maple Beach Flooding Mitigation
- * APA Tree Canopy Restoration
- * Traffic Mitigation Approaches
- * Lily Point / Whatcom County Park Trail Restoration
- * Economic Development Plan
- * “Sliver Tax” Initiatives
- * PRCAC Bylaws

f. Special Meetings

Two special meetings were scheduled before the next regular PRCAC meeting on March 21, 2019 (6 pm)

- 1) 20.72 Review Process — Saturday, March 9 from 9:30 to 11 am
- 2) Planning Session — Tuesday, March 19 at 6 pm

7. Adjourn.

By motion, the meeting was adjourned at 8:02.