

**Point Roberts Independent Business Council**

February 17, 2020

Planning & Development Services  
c/o Mark Personius  
5280 Northwest Drive C  
Bellingham, WA 98226  
(360) 778-5900

PLANNING & DEVELOPMENT SERVICES

FEB 17 2020

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On July 8, 2019 the Point Roberts Independent Business Council (PRIBC) submitted Zoning Amendment Application PLN2020-00001, inclusive of a Docketing Application Fee #8438, which included a request to waive the associated application fees, citing precedent set in 2014 by Whatcom County's having waived all associated fees for the Point Roberts Community Advisory Committee's own Zoning Amendment Application to revise Point Roberts Special District 20.72.

We respectfully submit to Planning and Development Services the attached revised application, in order to provide additional information, which supports our amended description. The original application proposed the 'Full and complete repeal of Point Roberts Special District 20.72'.

The revised application proposes 'An Immediate Moratorium of Point Roberts Special District 20.72, excepting for Sections 20.72.400 and 20.72.653, until such time as a Hearing Examiner Process is able to comprehensively assess the economic impacts and the overall efficacy of this Whatcom County Code which is in direct conflict with the existing Point Roberts Sub-Area Plan, which it purports to enforce.'

As Whatcom County records clearly indicate, since the inception of Point Roberts Special District 20.72, no measurable economic impact studies have been undertaken by either the County or the Point Roberts Community Advisory, nor by any outside agency, to support the ongoing expansion and furtherance of 20.72.

In November 2019, the PRIBC commissioned the Western Washington University's Center for Business and Economic Research to provide measurable economic data, which upon review, strongly supports our position that 20.72 not only provides no discernable economic benefit to the Small Town Commercial District of Point Roberts, it has and continues to negatively impact the economic viability of Point Roberts as a whole. The Port of Bellingham's Regional Economic Partnership is in support of the PRIBC's assertion that the failure to address these economic impacts likely presents a clear and present danger to the economic viability of the Point Roberts business community, and its stated purpose of supporting an environment of sustainable tourism.

Respectfully,

Brian Calder  
President, PRIBC

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**WHATCOM COUNTY**

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**J.E. "Sam" Ryan**  
Director

PLANNING & DEVELOPMENT SERVICES

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**Application for Zoning Amendments**

Please check one of the following:

- Standard Map Amendment  
*Complete Sections A, B, C, F*
- Site Specific Rezone  
*Complete Sections A, B, D, F*
- Zoning Text Amendment  
*Complete Sections A, E, F*

Do not write in this section of the application-for official use only.

Date Received: \_\_\_\_\_ File : \_\_\_\_\_

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

Topic of Proposed Amendment:

Moratorium and Comprehensive Review of Point Roberts Special District 20.72, and the Point Roberts Design Guidelines.

**A. General Information – All applicants must complete this section.**

Applicant's Name: Point Roberts Independent Business Council

Signature: \_\_\_\_\_

Mailing Address: 1940 APA Road

Point Roberts, WA 98281

Email Address: pointrobertsibc@gmail.com

Home Phone #: 3609452353 Cell Phone #: 3603197958 Business Phone # \_\_\_\_\_

Agent's Name: Brian Calder

Mailing Address: 1940 APA Road

Point Roberts, WA 98281

Email Address: pointrobertsibc@gmail.com

Business Phone #: (360) 945-2353 Cell Phone #: (360) 319-7958 Home Phone #

**Please complete the questions below. Attach additional pages as needed.**

1. Give a complete but short description of the proposed amendment.

An Immediate Moratorium of Point Roberts Special District 20.72, excepting for Sections 20.72.400 and 20.72.653, until such time as a Hearing Examiner Process is able to comprehensively assess the economic impacts and the overall efficacy of this Whatcom County Code which is in direct conflict with the existing Point Roberts Sub-Area Plan, which it purports to enforce.

2. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

Establishment of the Point Roberts Special District 20.72 failed entirely to address critical economic impacts on Point Roberts. There exists no measureability within 20.72 to determine whether it is either beneficial or detrimental to the economic well-being of the Point Roberts business community. Within the Whatcom County Comprehensive Plan there is no specificity for how Whatcom County will periodically review the economic impacts of either the Point Roberts Sub-Area Plan or Ordinances passed by County Council which have cited the Sub-Area Plan as rationale for Zoning or Code implementation such as Point Roberts Special District 20.72. WCC Small Town Commercial 20.61 is sufficient to address these concerns and should be the only STC zoning considerations for Point Roberts, so as to provide parity with the entirety of Whatcom County.

3. Describe the "changed" condition(s) which support the amendment.

In 2019 Whatcom County issued a 'temporary' moratorium on Point Roberts Special District 20.72, requesting that the Point Roberts Community Advisory Committee (established by Ordinance 2010-008) be tasked with proposing revisions to 20.72. The PRCAC's attempt to revise 20.72, failed entirely to address the detrimental economic impacts to local businesses which are presently at risk, for failure to comply with 20.72. The PRCAC's 'so-called 2019 review' of 20.72 blatantly refused to consider how 20.72, or the thirty year-old Point Roberts Sub-Area Plan have negatively impacted the economic viability of the community of Point Roberts.

**B. Zoning Map Amendments (Standard Map Amendments and Site Specific Rezones)**

Property Interest of Applicant:

Purchaser/Owner

Lessee

Other: \_\_\_\_\_

Existing Comprehensive Plan Designation: \_\_\_\_\_

Existing Zoning District: \_\_\_\_\_

Subarea: \_\_\_\_\_

1. What is the proposed zoning classification? Proposed Classification: Overlay
2. What is the present use of the property or properties within the proposed rezone?

3. Describe the land use of the surrounding properties.

Land use of the surrounding properties is predominantly zoned Small Town Commercial.

### **C. Standard Map Amendments**

1. Supporting information for standard map amendments. Attach the following items:
  - a. A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
  - b. A list of all property owners and others having a legal interest in the property covered by the proposed change.
  - c. A list of the names and mailing addresses of the owners of all property within 300 feet (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a particular development. The applicant may wish to submit a plan at the time of application. The site plan is a scaled drawing showing approximate location of buildings, roadways, parking, drainage facilities, sanitation and water facilities, and easements. Where appropriate, the location of landscaping, buffers, common areas, and typical individual lease spaces for mobile home and recreational vehicle parks shall be included in the site plan.

### **D. Site Specific Rezones**

1. Does the proposed amendment have a substantial relationship to public health, safety, morals, general welfare or community needs?

No agency, department, organization, committee or individual has provided any economic impact studies since the establishment of 20.72, nor within subsequent amendments to support its furtherance, nor has Whatcom County provided any means of ongoing measurability of its economic benefit to the local economy.

The proposed amendment does in fact have a substantial relationship to public health, safety, morals, general welfare and community needs. Point Roberts has never implemented an Economic Development Strategy, and by proxy, has no reasonable means by which to measure the efficacy of and economic impacts on the local economy. No Ordinance, Zoning overlay or proposed revisions of existing zoning, or enforcement of such, should be implemented without sufficient economic impact consideration. There is in fact a clear and present danger to the general welfare and community needs.

2. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

No additional essential Public Facilities would be required for either a moratorium of 20.72, nor would additional essential Public Facilities be required for a Comprehensive Review and Assessment by the Hearing Examiner Process.

3. Is the proposal is located within an Urban Growth Area?      Yes      **No** (go to question #14)
- a. Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development?      Yes      No
- b. Will the proposed site use preclude development at urban levels of density when the area is annexed into the city?      Yes      No
- c. Will the proposed site be five (5) or more acres in size?      Yes      No
4. Supporting information for site-specific map amendment. **Attach the following items:**
- a. A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
- b. A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
1. General location of structures.
  2. Location and number of access points.
  3. Approximate gross floor area of structures.
  4. Name of the proposal.
  5. Identification of areas requiring special treatment due to their sensitive nature.
  6. North directional arrow.
  7. Names and location of all public streets or roads bordering the site.
  8. General legal description(s) for the site.
- c. Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

*NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.*

- d. A list of all property owners and others having a legal interest in the property covered by the proposed change.
- e. Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.

- f. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
  - For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.

- g. A completed Environmental Checklist.

**E. Zoning Text Amendments**

Are there any other circumstances that justify the proposed change?

Without a substantive Economic Development Strategy, any and all code and/or revisions to existing zoning overlays which contradict sound economic development policy, prevent and subvert any and all efforts for the Point Roberts Community to provide economic benefit to its residents, property owners, taxpayers, and business community.

The present global economic downturn, caused in large part by the World Health Organization's Covid-19 global health pandemic pronouncement, presents a clear and imminent threat to the economic viability of all tourism specific locations throughout the world.

To further handicap Point Roberts in this regard, by failing to properly address the shortcomings and inadequacies of Point Roberts Special District 20.72, would be malfeasance of the highest order, would unnecessarily place both the near term and long term economic health and well-being of Point Roberts in jeopardy.

Failure to provide access to the Whatcom County Hearing Examiner process, and by proxy the Planning Commission, for a Comprehensive Review of Point Roberts Special District 20.72, would place Whatcom County in jeopardy for costly litigation, which in turn would cause significant economic peril for both Whatcom County and Point Roberts.

**F. Authorization:**

Signature of Applicant(s) or Agent:

Point Roberts Independent Business Council \_\_\_\_\_ Date: February 17, 2020  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_