

1 WHATCOM COUNTY COUNCIL
2 **Public Works and Safety Committee**

3
4 October 26, 2004

5
6 Committee Chair Barbara Brenner called the meeting to order at 1:30 p.m. in
7 the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

8
9 Present:

10 Sam Crawford

Absent:

Dan McShane

11
12 Also Present:

13 None

14
15
16 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL –**
17 **COMPREHENSIVE PLAN**

18
19 **1. ORDINANCE ADOPTING THE SIX-YEAR CAPITAL IMPROVEMENT**
20 **PROGRAM 2005-2010 (APPENDIX F OF THE WHATCOM COUNTY**
21 **COMPREHENSIVE PLAN) (AB2004-337)**

22
23 Matt Aamot, Senior Planner, stated the Growth Management Act (GMA)
24 requires counties to have a capital facilities element that must include inventory of
25 existing County facilities, forecast future needs based on level of service, proposed
26 new facilities, and a plan to pay for the new facilities. They do a major update to
27 this plan every two years, and a summary update with the budget on the off year.

28
29 Two processes have a big impact on plan in the future. The first is the
30 facilities master plan process, including the law and justice center facilities. The
31 second is the update to the Comprehensive Park and Recreation Open Space Plan,
32 which will be completed in 2006. These documents may lead to significant changes
33 to the capital improvement program in the future.

34
35 There are four park improvement projects in the proposed plan. The
36 proposed six-year capital improvement program includes a minimum security
37 correction facility and planning and design for a larger law and justice center. This
38 plan references the six-year transportation improvement program and the Lummi
39 Island ferry, which isn't meeting the designated level of service now or over the
40 next six years. Currently, a subarea planning process and a 20-year ferry plan are
41 being developed.

42
43 Brenner referenced the last sentence on packet page 194, item D. They are
44 not going to have increased revenues or decreased expenses. That scenario is
45 unlikely. Section E on the same page talks about funding falling short of meeting
46 existing needs. They've been getting predictions about revenues and expenditures.
47 She asked if they can add language to section E. "E. ...already exists in the

1 Comprehensive Plan. They already believe there will be a problem with funding
2 falling short.”
3

4 Dewey Desler, Deputy Administrator, stated that section is just a declaratory
5 statement of the County’s ability to issue bonds. They are making plans to issue
6 bonds in the future for building a jail. They are setting aside the revenue from the
7 proposed sales tax increase. If the Council decides to implement something for the
8 Parks program, it could use the real estate excise tax (REET) 2 funding or other
9 sources of revenue. The administration advocates that the language stay as it is.

10
11 **Brenner moved** to amend the second sentence in the Master Facilities
12 Planning section on Council packet page 195, “...time frame and may will likely
13 result in significant...”

14
15 **Motion carried unanimously.**

16
17 **Brenner moved** to amend Council packet page 197, the Proposed Park
18 Improvement Projects section, “...the update of this plan may will likely lead to
19 changes....”

20
21 **Motion carried unanimously.**

22
23 Brenner referenced Council packet page 197, financing for park improvement
24 projects. They’ve developed nine park acres in two years, and expect to do 249
25 park acres in six years. She asked how optimistic the administration is that the
26 County will achieve that level. Aamot stated the Council approved the new funding
27 source from REET. The upcoming Parks plan is also significant.

28
29 Brenner referenced Council packet page 198. The funding sources for items
30 25 and 27 talk about grants. She asked if those grants are assured.

31
32 Mike McFarlane, Parks and Recreation Department Director, stated there are
33 grants available. They need to complete the Parks Comprehensive Plan. The
34 grants could be for acquisition or development. There are also opportunities that
35 come forward and could be applied. Some of the projects are pretty rough. It’s
36 sometimes hard to assign financial estimates to them. That’s what the Parks
37 Comprehensive Parks plan will do.

38
39 Crawford asked if this language means they will go out and buy more
40 parkland. Aamot stated it does not.

41
42 Crawford stated the County has a lot of parkland it hasn’t developed. He’s
43 concerned that they will buy more parkland when they haven’t been able to
44 improve the parkland they’ve got. Aamot stated the level of service in the
45 comprehensive plan is for developed parklands. These are projects that would
46 have money put into them over the next six years for development. This language
47 doesn’t mean the County will go out and buy more parkland.
48

1 Brenner referenced Council packet page 200, Future Trail Needs. In the last
2 five years, the County has developed five miles of trails, and in the next six years
3 the County has to develop over 90 miles. That seems like an imbalance, given the
4 past development level. Aamot stated there does seem to be an imbalance. The
5 same argument applies regarding the upcoming parks plan and staff going out for
6 funding.

7
8 Crawford asked about levels of service. Many folks in cities also have parks
9 programs. He asked if these estimates came from the Comprehensive Plan many
10 years ago. It's a strange way to look at this. Aamot stated there is also a
11 reciprocal relationship from city residents using county parks.

12
13 Brenner referenced Council packet page 202 and asked if there is an
14 Interagency Committee for Outdoor Recreation. Desler stated it is a statewide
15 committee providing funding for parks and trails.

16
17 McFarlane stated the committee is a clearinghouse for various federal and
18 state grants for parks and habitat development. Municipalities make application
19 through the agency, which matches the project with the proper grant.

20
21 Crawford asked if the property adjacent to Nugent's bridge, which has just
22 been purchased, is included. That property can have a public benefit because of its
23 accessibility. Desler stated that purchase happened recently, and is not included.
24 The administration will propose a funding structure for this property. The County
25 and community groups are working on the proposal.

26
27 Crawford stated his main concern is that there be a public use.

28
29 Ellen Barton, 1581 Marine Drive, Bicycle/Pedestrian Advisory Committee,
30 representing Scott Thompson, submitted a letter (*on file*). The advisory committee
31 asks that the bicycle plan be included in the capital facilities section of the
32 Comprehensive Plan to begin implementation. The Public Works Department has
33 begun enhancements of on-road bikeways. The greater need is planning for off-
34 road corridors. Include an off-road, non-motorized transportation corridor in the
35 capital facilities plan. The advisory committee is willing to dedicate a portion of the
36 \$250,000 from the Road Shoulder and Trail Fund to make it feasible. Another
37 source for funding is REET. Future grants are also a possibility.

38
39 Brenner asked why there is not an east-west connector for bicycles and
40 pedestrians. Aamot stated the level of service is identified on Council packet page
41 254, policy 4G-2, and was adopted in the 1997 Comprehensive Plan. Trail facilities
42 are located in the park facilities section. There is not a separate level of service
43 under transportation. Staff treats trails as park facilities. They've been going with
44 the level of service of .75 miles of trail per thousand population, which comes
45 through in the level of trail miles they need in six years. A separate section of this
46 document relates to transportation, and defers to the six year transportation
47 improvement program.

1 Brenner asked if they need to wait until next July to update it. Aamot stated
2 the Council can include it as a recreational or a transportation project. They have
3 to identify location, funding sources, and costs.
4

5 Brenner asked if they can say that the location is to be determined. Aamot
6 stated they should indicate a location if they have one in mind.
7

8 Barton stated the location they are interested in is the Nooksack River dike,
9 which brings together all the population centers.
10

11 Aamot asked if they are talking about the whole dike in six years or a
12 segment of the dike.
13

14 Barton stated they are talking about developing it incrementally. This list
15 does not include an effort to do preliminary engineering or participate in any
16 discussions about flood engineering and critical areas about how to plan for the
17 future of the Nooksack River. This allows someone to participate who will make
18 sure a trail is considered. They've heard that the dikes may have to be breached to
19 create rearing ponds for salmon, which is fine if they make sure the trail goes
20 around it.
21

22 Brenner stated the County would have to get rights-of-way approval from
23 neighboring property owners. Barton stated farmers have identified that the cost
24 of upkeep on the dike is expensive, and there could be an incentive for the farmers
25 to grant rights-of-way if funding for dike maintenance could be tied to public
26 access.
27

28 Brenner stated that's a cost. She asked if this is feasible. Farmers are
29 pretty protective of the property in which the dikes are located. Aamot stated it
30 might be tough to implement it in a planning document. The map of future
31 recreation projects for the County in the Comprehensive Plan includes it. The
32 question is whether to put it in the six year plan.
33

34 Brenner suggested putting the feasibility study in the six year plan.
35

36 Joe Rutan, County Road Engineer, stated they would have to find out if that
37 is a valid road fund expense. There is an argument that it can be a transportation
38 network, or it may be viewed as a recreation facility.
39

40 Brenner stated consider it further in the next six years.
41

42 Barton stated the concept of a Nooksack River dike bike trail has been on the
43 books for decades, but no one has acted upon it.
44

45 Brenner stated the first step is to begin planning. Aamot stated an option is
46 to add this project to the alternatives project list on Council packet page 202.
47

1 Crawford asked how this is different from the Bay to Baker Trail. Barton
2 stated the Bay to Baker is not an owned right-of-way. The two trails will create a
3 loop. The trails will meet up at Nugent's Corner.
4

5 Crawford stated they should identify a project they can all agree on, and
6 then really push it. Many different ideas that come forward diffuse efforts.
7

8 Brenner stated there are no numbers, including cost and miles, in the
9 proposal. She would rather request the administration to look at this option for
10 inclusion in the plan next year, as a supplemental. She's concerned about including
11 the proposal without any estimated costs.
12

13 **Brenner moved** to request the administration to consider the Nooksack
14 River Dike Trail miles and costs with Scott Thompson and Ellen Barton to include as
15 an update this year or next year, as a supplemental.
16

17 *(Clerk's Note: The motion was not voted on.)*
18

19 Crawford stated this doesn't authorize funds for expenditure of anything.
20 This is just a blueprint of where they would like to go. From that blueprint comes
21 alternative projects.
22

23 Aamot stated normally they only do Comprehensive Plan amendments once
24 per year and amendments to this plan once every two years. They do summary
25 updates every other year.
26

27 Crawford stated that if they amend this, the Council would have to have a
28 public hearing.
29

30 Brenner stated the motion is for administration to work on this over the next
31 several months, and bring it back to the Council.
32

33 Barton stated the advisory committee is trying to get this in ahead of the
34 revised and updated Comprehensive Parks and Open Space Plan. It could be
35 looked at during that process.
36

37 Aamot stated that is a very good idea.
38

39 Desler stated the administration wants to focus on those things the County
40 can get done within the context of a larger plan. If they want to add new projects,
41 they need to not dilute the work already done.
42

43 Brenner referenced Council packet page 207. She asked about the Civic
44 Center Annex housing office space that serves unincorporated areas only. Aamot
45 stated that the departments in that building also serve the city residents.
46

47 Desler stated the water resource inventory area (WRIA) effort works in the
48 cities.

1
2 Brenner stated those County departments may work with the City, but it
3 doesn't serve the city.
4

5 Desler stated that solid waste is collected countywide, throughout all
6 jurisdictions. There are projects inside the cities.
7

8 Brenner stated Whatcom County doesn't serve the city regarding solid waste.
9 The City of Bellingham serves the city residents.
10

11 Crawford asked the significance of calling out the differences. Aamot stated
12 that if the population grows faster in city areas, then the services that serve the
13 city residents might need more office space for those functions.
14

15 Brenner asked about doing some studying for the law and justice facility.
16 The amount of office space reduced in the last two year. She asked how they
17 expect to gain office space in the next two years.
18

19 *(Clerk's Note: End of tape one, side A.)*
20

21 Aamot stated the improvement projects will hinge on the outcome of the
22 master facilities plan.
23

24 Crawford stated they didn't drop any office space, they just reallocated
25 space.
26

27 Brenner referenced Council packet page 210. She asked if the consolidated
28 services building will go next to the criminal justice building. Aamot stated that
29 language says the Sheriff's Office could be co-located at a criminal justice building.
30

31 Desler stated it is a placeholder in case the County should try to do that.
32 The GMA requires the capital improvement program. The process for making
33 certain decisions and the decisions themselves need to be done locally. They are
34 doing that now with master facilities planning process and the Parks, Trails, and
35 Open Space Plan. When those documents are done, the capital improvement plan
36 will be completely re-crafted. Modify the capital improvement plan to bring it into
37 compliance with those two documents and the GMA. They are not proposing any
38 major changes or amendments until those documents are done.
39

40 Brenner referenced Council packet page 218, the Whatcom Connector. That
41 project is at the bottom of the priority list. She asked if they have to take the
42 Whatcom Connector off the list totally. Aamot stated this just says these projects
43 are in the six year transportation improvement plan (TIP) for study and may not
44 occur. Preliminary engineering may be completed in this timeframe. They are
45 making this document consistent with six year transportation improvement plan.
46

47 Brenner stated the Council made it clear that this is not a priority. She
48 asked why it's even worked on.

1
2 Rutan stated the Whatcom connector is project 57 of 62 projects. There is
3 funding for preliminary engineering in years four through six of the six-year plan.
4 The five projects on the plan are the new road alignments.
5

6 Brenner asked if they can remove the Whatcom connector from the plan, or
7 if it must be removed from the six year TIP. Aamot stated the documents should
8 be consistent. Inclusion in the plan doesn't mean the project will be done in six
9 years.
10

11 **Brenner moved** to remove "Whatcom Connector" from the proposed road
12 improvement projects on Council packet page 218.
13

14 Rutan stated the Geneva subarea plan lists this project as its highest rated
15 project. The TIP lists it as a project to plan for. If removed from this document, it
16 would not change the staff's direction, which comes from the six-year TIP, which is
17 the staff's direction from the elected officials. The Council can always take it off
18 the six-year plan. Removal requires unanimous approval if amended before July
19 2005.
20

21 Brenner referenced the West Illinois/Timson Way project. She asked if it is
22 in the Bellingham urban growth area (UGA). Aamot stated it is.
23

24 Brenner asked if the County gets money back if the area is annexed. Aamot
25 stated the County may get back a portion of the cost.
26

27 Barry Englestad, 995 Lakeview Street, Bellingham, submitted testimony (*on*
28 *file*). He read his testimony.
29

30 **Brenner amended and restated her motion** to remove the Whatcom
31 Connector from consideration at any time.
32

33 **Motion failed 1-1 with Brenner in favor.**
34

35 Crawford asked why a City planner said the connector would never happen.
36 Englestad stated the planner said that was the feeling from experience.
37

38 Crawford asked what studies have shown that the connector is not viable.
39 Englestad stated a councilmember made the statement to him that studies have
40 shown the connector is not viable. He doesn't know what the studies are.
41

42 Crawford stated an engineering study was proposed for a cost of \$250,000.
43 The Executive vetoed the study.
44

45 Brenner stated a study was done years ago that showed the connector would
46 be expensive, obsolete by the time it was done, and would not solve the problem.
47

1 Mike Donahue, Engineering Manager - Traffic/Development, stated the 1991
2 Reed Middleton study presented four to six alternatives. There wasn't a formal
3 conclusion. The project has been on and off the transportation improvement
4 program (TIP) since the early 1990's.
5

6 Crawford stated he wants a prudent process where future generations can
7 exercise all its options. Thousands of people in Sudden Valley have access issues.
8 There are environmental concerns that the road adjacent to the lake presents.
9 Don't stymie future options. Given the funds available and political will, a Whatcom
10 connector is unlikely. However, he wants to be careful that assumptions are
11 carefully thought through. Englestad stated that if the project is probably going to
12 be done, the citizens will have to respond to stricter rules and not be able to use
13 their property. If it won't be done, don't make those citizens abide by rules they
14 don't have to.
15

16 Brenner referenced Council packet page 219, Proposed Ferry Improvement
17 Projects. She asked if the improvements, the date, or both are unknown. Aamot
18 stated both are unknown. They will know more when the ferry plan is complete.
19

20 ***Crawford moved*** to recommend adoption to the full Council, as amended.
21

22 Brenner stated they didn't approve a major amendment she wanted, so she
23 would not support the motion.
24

25 ***Motion failed 1-1 with Brenner opposed.***
26

27 **2. ORDINANCE ADOPTING AMENDMENTS TO THE CAPITAL FACILITIES**
28 **CHAPTER AND TRANSPORTATION CHAPTER OF THE WHATCOM**
29 **COUNTY COMPREHENSIVE PLAN (AB2004-338)**
30

31 Matt Aamot, Senior Planner, stated there are two amendments. The first
32 amendment is to chapter four, a comprehensive review of the capital facilities
33 chapter, including level of service standards. The second amendment is to chapter
34 six, the transportation chapter. The chapter six level of service standards have to
35 be consistent with chapter four. The Growth Management Act (GMA) requires a
36 capital facilities component to the Comprehensive Plan. The most significant
37 amendment is to the level of service. For transportation facilities, staff proposes to
38 amend the level of service (LOS) in the urban growth areas (UGA's). The existing
39 Comprehensive Plan contains two LOS provisions in the UGA. One is volume of
40 traffic ratio that offers a reasonable transition to roads in city UGA's. Another
41 provision is that the LOS for roads in UGA's are consistent with the LOS set by the
42 city. The Technical Advisory Committee (TAC) recommends an LOS E in the
43 Bellingham UGA, and LOS B in the other small city UGA's. The Planning
44 Commission recommended an LOS D in the Bellingham UGA. The Planning
45 Commission also made a change to policy 4L-2 on Council packet page 255.
46

47 Brenner referenced Council packet page 249, two-thirds down the page, the
48 rationale for the proposed amendment. She asked for an explanation of the

1 rationale. Aamot stated the existing information is from 1993 and 1994. They are
2 simply updating the current financial conditions.

3
4 Crawford asked about the one no vote from the Planning Commission.

5
6 Brenner stated the issue was the language change from "should" to "shall,"
7 and Bob Wiesen was the no vote.

8
9 Crawford asked if they can mitigate for salmon habitat. Aamot stated this is
10 a policy document, not a regulation, so he prefers "should." John Thompson said
11 the "shall" statement is essentially consistent with the Endangered Species Act
12 (ESA), but there are circumstances when mitigation can occur.

13
14 Crawford suggested language that allows for mitigation.

15
16 Joe Rutan, County Road Engineer, suggested "no net degradation." As an
17 engineer, he hesitates saying "shall." It's too black and white.

18
19 **Crawford moved** to amend policy 4L-2, page 255, "Projects selected for the
20 six-year capital improvement program shall not degrade **result in a net degradation**
21 **of** habitat for threatened and endangered species."

22
23 **Motion carried unanimously.**

24
25 **Brenner moved** to recommend adoption of the ordinance to the full Council,
26 as amended.

27
28 **Motion carried unanimously.**

29
30 **OTHER BUSINESS**

31
32 There was no other business.

33
34 **ADJOURN**

35
36 The meeting adjourned at 2:55 p.m.

37
38
39 _____
40 Jill Nixon, Minutes Transcription

41
42 ATTEST:

43 WHATCOM COUNTY COUNCIL
44 WHATCOM COUNTY, WASHINGTON

45
46
47 _____
48 Dana Brown-Davis, Council Clerk

45
46
47 _____
48 Barbara Brenner, Committee Chair