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WHATCOM COUNTY COUNCIL
Planning and Development Committee

June 6, 2006

Committee Chair Seth Fleetwood called the meeting to order at 3:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane

Absent:

None

Also Present:

Laurie Caskey-Schreiber
Carl Weimer
Ward Nelson

Sudden Valley Community Association Board Members Present:

Kalene Drummond
Dan Marantette
Naomi Bunis
Russ Harland
Roger Bull
Scott Thiele

COMMITTEE DISCUSSION

1. DISCUSSION WITH THE SUDDEN VALLEY COMMUNITY ASSOCIATION BOARD OF DIRECTORS REGARDING ISSUES OF MUTUAL CONCERN (AB2006-255)

Fleetwood stated Council and Board can do a better job communicating about concerns.

Drummond stated the Council and Board must have a working relationship. She hopes this is the first in a series of meetings.

Fleetwood stated that a goal today is to identify the main issues. Private roads and how to pay for them is the obvious issue. There are also issues regarding law enforcement and the use of Lake Louise Road or Lake Whatcom Boulevard.

Drummond stated issues include the potential of rerouting traffic onto Lake Louise Road instead of Lake Whatcom Boulevard and the Yew Street Road connector.

Fleetwood stated that the major issues are:

- How to pay for private road maintenance,
- Law enforcement, and
- Traffic
 - Lake Whatcom Boulevard versus Lake Louise Road, and
 - Yew Street connector

1 Thomas Hall, Sudden Valley resident, stated the list of issues should include changes
2 in zoning restrictions. An example is converting current restricted business zones to larger
3 business zones.
4

5 Bunis stated the area needs a senior center or multi-purpose center that could
6 include a library.
7

8 Harland stated emergency medical service facilities, such as a walk-in clinic could be
9 added to the list.
10

11 Bull stated that in absolute emergencies, the fire station is well-qualified to deal with
12 emergencies. It doesn't have the facilities of a clinic, but does well with emergencies.
13

14 Marantette stated address stormwater issues at some point, such as stormwater
15 retention in conjunction with the Water District. There are stormwater retention concerns
16 throughout the overall area, not just Sudden Valley.
17

18 Unidentified speaker stated the stormwater retention is good in Sudden Valley. The
19 shortcomings are in areas along the lake. They all know the problems in Geneva and at the
20 head of the lake, because the retention systems are old and in need of major
21 improvements.
22

23 Fleetwood stated that the first three priorities seem to be the ability to pay for
24 maintenance of private roads, law enforcement, and traffic related to Lake Whatcom
25 Boulevard and Lake Louise Road. He asked if the private roads issue is the first priority, the
26 second priority is traffic, and the third priority is law enforcement.
27

28 ***The Board and Committee concurred.***
29

30 Fleetwood asked the order of priority for the remaining three items.
31

32 Drummond stated the ongoing public relations representation of the community also
33 needs to be included in the full list as item seven.
34

35 Fleetwood stated many in Sudden Valley feel they are constantly being disparaged.
36

37 Drummond stated it is about image and public relations. Because of the number of
38 people in Sudden Valley, there could be additional positions on some of these boards for
39 Sudden Valley representatives.
40

41 Hall stated full representation of the population of Sudden Valley requires there be
42 attention to the massive number of Canadian citizens and the possibility of
43 disenfranchisement.
44

45 Drummond stated the Sudden Valley Board is currently dealing with that issue.
46

47 Fleetwood stated the list of priorities is:

- 48 1. Private Roads
- 49 2. Lake Louise Road and Lake Whatcom Blvd.
- 50 3. Law enforcement
- 51 4. Public relations image
- 52 5. Zoning
- 53 6. Senior center
- 54 7. Stormwater

1
2 ***The Committee and Board concurred.***
3

4 Bull stated there are 35 miles of roads in Sudden Valley, maintained by the
5 community association through a levy that raises about \$300,000 per year to improve and
6 maintain the roads. Additional revenue is spent on day-to-day maintenance, such as
7 keeping ditches clear. Since Sudden Valley began, the roads have been the community's
8 responsibility. However, in recent years, the design is becoming much more like the
9 recommended design for small communities and subdivisions. Their standard of
10 environmental care of the natural resources is a model for the county. The roads, which are
11 18 feet wide, are considered appropriate. The use of soils and ditches instead of enclosed
12 pipe is another step in the right environmental direction. What was seen as a second class
13 group of roads is now on the cutting edge. Some of the roads are steep and some of the
14 corners are sharp. The fire department is comfortable sending its emergency vehicles into
15 Sudden Valley. They don't permit anyone to park on the road, so it is easier to pass on
16 these roads than on residential city roads. They have done well by their roads, however
17 work out an arrangement with the County to share maintenance costs.
18

19 Fleetwood asked the issue of concern. Bull stated the issue in the past was that the
20 roads don't meet County standards. Many County roads don't meet County standards,
21 either. There is no absolute required standard. There are suggested federal standards.
22 Communities establish their own standards. Initially in Sudden Valley, the County declined
23 to assist with the roads because they didn't meet County standards. Now that the
24 environmental analysis proves that narrower roads without sewers are better, and now that
25 the roads have been improved, the roads have only two flaws. The first flaw is that they're
26 steeper. The second flaw is that the corners are a bit sharper, but it doesn't cause a high
27 number of accidents. Residents are mostly happy with the roads. They do not consider
28 them to be inferior and unworthy of support, if such roads are supported in other places.
29

30 One reason for the movement toward Sudden Valley declaring itself a city is to take
31 some of the weight off the Sudden Valley Community Association (SVCA) for road
32 maintenance.
33

34 Fleetwood asked if there is a concern about anticipated revenues paying for
35 maintenance. Bull stated it is treated as a priority. They have a five-year plan prepared by
36 professional engineers, who laid out priorities in the road system. This plan is updated
37 regularly and followed each year. In 2005, they accomplished nearly everything on the list
38 scheduled for 2005 and a few things scheduled for 2006. It's an ongoing process.
39

40 Fleetwood asked the reasons for having assistance from the County. Bull stated
41 Sudden Valley residents paid about \$750,000 in property taxes in 2005 for County roads.
42 Approximately five miles of County roads pass through Sudden Valley. That is more than
43 twice what the association raises for its own roads. The taxes aren't benefiting Sudden
44 Valley to the extent they might. Residents in other parts of the county have their roads
45 fixed to their front doors.
46

47 Brenner asked if the County ever does cost-sharing on private roads.
48

49 Jeff Monsen, Public Works Director, stated there is a specific prohibition of using road
50 fund monies on private facilities.
51

52 Bull stated Cain Lake was created almost the same way as Sudden Valley. For some
53 reason, the County Commissioners chose to include those roads as part of the County road

1 system, but not Sudden Valley's roads. Those roads were also not up to County road
2 standards.

3
4 Caskey-Schreiber asked if the County could legally charge those residents less.
5 Monsen stated there isn't a way to do that. The County would have to create a different tax
6 rate for that area. The only legal way to do that is to have a base tax rate, and then create
7 special assessments everywhere else.

8
9 Brenner stated she thought their contribution to the road fund has nothing to do with
10 where they live, but with their use of all roads. Monsen stated property tax theory is that it
11 is based on the value of the land. There is always interest in providing services for taxes
12 paid, it's not the basis of a tax payment.

13
14 Brenner stated there are private roads all over the county. She doesn't see the
15 specific connection between property taxes and the road she uses.

16
17 Joe Rutan, Public Works Department, stated that tax theory includes the goods and
18 commodities transported on the roads to the stores that people go to. There are many
19 private roads in the county. They are private because that's the way people chose to build
20 them. People chose to make the roads in Sudden Valley and Cain Lake private. If roads are
21 built to standard and the County is given right-of-way, the County will maintain the roads.
22 If not, the road is private. He often gets phone calls from neighborhoods who want their
23 private roads to become public because it's time to repair them, which is expensive. If a
24 road is brought up to standard, then he will recommend that the Council make the road
25 public. Recently, the Council has done that for a road in the Geneva area. That road meets
26 the City of Bellingham's Lake Whatcom watershed design standard for width. The County
27 uses that, but it's not an adopted standard. Issues are sight distance. These roads were
28 built with narrow corners that don't have horizontal and vertical sight distance. Drainage is
29 an integral part of the roadway. The road must have an appropriate drainage system that
30 meets all current standards of detention and treatment. There must be an ability to
31 maintain the system all the way to the outfall. The issues are not insurmountable.
32 However, people generally find that it's cheaper to just maintain their road.

33
34 Brenner asked if the roads in Sudden Valley would meet the City of Bellingham's
35 standard for the Lake Whatcom watershed. Rutan stated they do not. The City adopted a
36 narrower road width in the watershed. The County approved that width in some
37 subdivisions. Of all the different design criteria, that is the easiest to deal with. Realigning
38 roadways and drainage systems are expensive.

39
40 Bull stated the drainage system in Sudden Valley is the state of the art. It is a better
41 system for absorbing stormwater than the traditional systems built into County roads. They
42 have swales, periodic interruptions on the slope, and a permeable surface. They are close
43 in almost every aspect to meeting today's standard. When the roads were first built, they
44 were narrower than people thought appropriate. Sudden Valley has spent all this money
45 and done all this. All the services exist in Sudden Valley. The community has made the
46 investment.

47
48 Brenner asked if the County could make it work since the County makes exceptions
49 in the watershed, and since the community is high quality. She asked if the Board wants
50 the County to take over the roads and for the roads to be public. Rutan stated that for the
51 County to maintain the road, the road would have to be County property or County right-of-
52 way. There are good aspects to the road. The developer made the decision when Sudden
53 Valley was built to make the roads private because it would be too expensive to build roads
54 to standard. Cain Lake built some of their spine roads to County standards and dedicated

1 the property to the County. That's why the main road through Cain Lake is a County road.
2 A lot of the side roads aren't County roads. The Board can hire an engineer to show the
3 County which roads meet standards, which don't, and the plan for bringing them up to
4 standard. Vertical alignment is the biggest issue. The width of the road is not as much of
5 an issue.
6

7 Monsen stated that there are two standard thresholds. One is a discretionary
8 decision on public versus private interest in the road. If a road is constructed in 1920 and
9 maintained in that form, for example, then during a court case, that is the standard at the
10 time the County took it over, in terms of liabilities. Today, the word standard is a legal test
11 in the case of a lawsuit. The County accepts roads in the context of today's expectation.
12 He can't answer clearly what that is until a lawsuit is filed. The width of a road is
13 discretionary.
14

15 Rutan stated the issue is vertical alignment and site distance. Construction would
16 have to be done to meet a standard now and a standard then.
17

18 Drummond stated they've recently heard rumors indicating the potential of partially
19 closing down Cable Street to make an automatic turn into Austin Street, which turns into
20 Lake Louise Road, to divert traffic off of Lake Whatcom Boulevard. The concern for Sudden
21 Valley residents is that would close one of two routes for emergency services. Lake Louise
22 Road is extremely dangerous. If the idea is to take the majority of the traffic off of Lake
23 Whatcom Boulevard, then the Council should review the option of the Yew Street connector
24 as a means of completely removing that traffic. She asked if there are plans for changing
25 or diverting traffic on Lake Louise Road via Austin Street. Rutan stated the Joint Lake
26 Whatcom Management Team adopted a joint goal to encourage Lake Louise over Lake
27 Whatcom Boulevard. In practice, that means they will seek guidance from the
28 administration and Council. That could be something as simple as what is there, a sign
29 announcing Sudden Valley on Cable Street and Austin Street. It could be other things. A
30 lot of people may like to take Lake Louise Road, but they have to pick up their mail, which is
31 on Lake Whatcom Boulevard. He's talked with Mr. Greiser about getting mailboxes on Lake
32 Louise Road. He agrees with the safety issue on Lake Louise Road. It has twice the
33 accident rate than Lake Whatcom Boulevard. The County intends to rebuild Lake Louise
34 Road from Austin Street to gate 13, straighten corners, deal with site distance and other
35 issues, and work on capturing and conveying stormwater.
36

37 There are many options for the intersection of Lake Louise Road and Lake Whatcom
38 Boulevard. One option is to direct the traffic flow on to Lake Louise Road, so a person
39 would have to turn off the main road to get onto Lake Whatcom Boulevard. Right now,
40 Lake Whatcom Boulevard is the main road. There has been no discussion of closing Lake
41 Whatcom Boulevard. As part of phase one of the Geneva project is a traffic study to look at
42 the options. There are many options for encouraging traffic on Lake Louise Road and
43 discouraging traffic on Lake Whatcom Boulevard.
44

45 Drummond asked about choosing safety over cost. Rutan stated safety is always the
46 first priority.
47

48 Drummond stated they are working to gate 13. There is a high accident level from
49 gate 13 forward. It is pretty dangerous. Making it one way would limit the rights of the
50 citizens to move about. Rutan stated it wouldn't be one way.
51

52 Bull stated many people who live in Sudden Valley believe it's faster to drive on Lake
53 Louise Road than on Lake Whatcom Boulevard. That seems ridiculous to him. Rutan stated

1 the County will look at things such as the impact to the Sudden Valley road network by
2 moving traffic onto Lake Louise Road.
3

4 Bunis asked why stop at gate 13 and not go all the way to Lake Whatcom Boulevard.
5 Rutan stated that if money were unlimited, they would go all the way. There was a project
6 on the six-year program that goes all the way. At that time, the six year program had 20
7 years worth of work on it. It was not a true six-year plan. That was one of the 21 projects
8 that were taken off because it simply would not be done in six years. The projects that
9 came off the six-year list are still in a process, and the roads are being analyzed continually.
10 He expects that project to come back on the six year plan, but not now.
11

12 *(Clerk's Note: End of tape one, side A.)*
13

14 Rutan continued to state that the Lake Louise Road project will cost about \$6 million.
15 They have to cut into the hill on one side and build walls on the other side, all through
16 wetlands.
17

18 Marantette asked about straightening and widening Lake Louise Road first or
19 rerouting the traffic first. Also, the Board is addressing the mailbox issue. Rutan stated the
20 County wants Lake Louise Road done first. They will make sure the Cable Street does not
21 preclude a decision to redirect traffic onto Austin Street. They may do something, if they
22 get direction, to account for it.
23

24 Marantette stated they ran out of mailboxes in the clubhouse. They needed
25 additional mailboxes for new residents. Therefore, they have a project and levy to move
26 mailboxes into the community.
27

28 Steve Greiser, Sudden Valley Community Association General Manager, stated they
29 are addressing the mailbox issue now. It's not done yet. The option is still to have sites
30 along Lake Louise Road.
31

32 Nelson asked how much of the expansion on Lake Louise Road would be before the
33 proposed Yew Street connector. Rutan stated the majority would be south of the proposed
34 connection.
35

36 Nelson asked if the area to the north would not be taken care of. Rutan stated it will
37 be at a standard they are happy with from Cable Street to gate 13. People could drive on
38 most of this project. If using the connector, people could drive toward Sudden Valley and
39 intersect the road to drive south on the newly constructed road. To the north would be a
40 portion of the newly constructed road and previously constructed road.
41

42 Nelson asked if the area north of Lake Louise Road would be predominantly Geneva
43 and curvy areas in the subarea. Rutan stated that will be improved and connect into the
44 already-improved Austin Street. The Lake Louise Road project will pick up where the Austin
45 Street improvements end now to gate 13. There won't be sidewalks. There will be a paved
46 shoulder.
47

48 Nelson stated some of it will be north of where the proposed connector would have
49 been. If the connector is done in the future, those improvements would already be done.
50 Rutan stated they would have to remove some sidewalks. He will keep an eye on sight
51 distance issues in locations of potential future intersections.
52

53 Nelson asked if the County still maintains the connector right-of-way. Rutan stated
54 it does not. They had some right-of-way out there. As development occurred, the

1 administration was given direction to not obtain right-of-way any longer. The County would
2 have to purchase that right-of-way.

3
4 Hall stated he doesn't know what any of this has to do with the conversion of Sudden
5 Valley into a City of Sudden Valley.

6
7 Fleetwood stated they are not discussing that issue today.

8
9 Marantette stated the Sheriff provided statistics. There is one deputy at any time to
10 cover Sudden Valley to Alger to Mt. Baker. If there were an issue, a deputy could be as far
11 as one and a half hours from the house. Sudden Valley has done a lot to encourage the
12 presence of the Sheriff's Office. Sudden Valley security is not law enforcement. Security is
13 to watch and report. Law enforcement is to serve and protect. The Board would like to see
14 more of a presence from the Sheriff's Office. In some cases, the Board increased the speed
15 limits to the Sheriff's Office recommendation.

16
17 Unidentified speaker stated that the Sudden Valley security is in constant contact
18 with the Sheriff's Office via a two-way radio system. A break-in can be immediately
19 reported.

20
21 Caskey-Schreiber stated Sheriff Elfo will put forward a big budget request to increase
22 the number of deputies. This is a problem throughout the county. Now, they're stretched
23 thin.

24
25 Fleetwood asked if they've taken this issue to the Sheriff directly. Marantette stated
26 they have. The Sheriff is over three hours away from the Alger and Cain Lake residents
27 because the bridge has been closed.

28
29 Weimer asked if the crime is worse because of the deputies being far away. Bull
30 stated Sudden Valley is a low-crime area. They don't live in fear. Should something
31 happen, the perpetrator has time to get away.

32
33 Nelson stated they've added 20 deputies in the past eight years. Sheriff Elfo is a
34 separately elected official. He would naturally like more deputies and support. However, it
35 is cost prohibitive to have just a bunch of deputies. They must come up with innovative
36 approaches to solving local community problems. There are more deputies than three or
37 four on the road at one time. The response times are better than they think. The Sudden
38 Valley security is provides protection. The County could consider finding other mechanisms
39 for more dense areas. Assist those areas to upgrade their security systems.

40
41 Brenner asked if Sudden Valley ever discussed a block watch program. Greiser
42 stated it's been discussed. Different neighborhoods in Sudden Valley have block watch
43 programs. The Sheriff's Office is currently assisting the security with training. Generally,
44 when a Sheriff responds, the deputy gets a hold of security and security meets the deputy
45 at the gate to take them to the site.

46
47 Drummond stated there is an image issue with the County's perception of Sudden
48 Valley or the Sudden Valley perception of the County Council. Some of those issues regard
49 representation. With a growing population of more than 5,000 residents, many people want
50 to participate on boards to be advised of situations that may affect Sudden Valley. Now, the
51 Sudden Valley residents don't feel they have any representation.

1 Brenner stated that at the last election, there was a special forum at Sudden Valley.
2 She was shocked there were only about three people from Sudden Valley. Participation is a
3 two-way street. In the past, the forums were full.
4

5 Caskey-Schreiber stated she looked into the Sudden Valley Community Association
6 having a seat on the Joint Lake Management Committee. That group is defined by the
7 statute that created it.
8

9 Drummond stated they have done interlocal agreement on density reduction in the
10 past. She asked the possibility of revising that committee.
11

12 Bruce Roll, Public Works Department, stated the committee is formed from a 1992
13 interlocal agreement among the three groups. Steve Greiser has been welcomed to and
14 attends the committee meetings. Find the common purposes for which to coordinate these
15 jurisdictions.
16

17 McShane stated he would support Sudden Valley's participation on the committee.
18 The City of Bellingham had the same concerns, but one could have those same concerns
19 about the City of Bellingham. The County Council should have more assurance in the
20 agreement about protecting the lake. The County Council has done a tremendous amount
21 to protect the lake in the few years. The majority of that work was not driven by the
22 interlocal agreement. He has some concern that some of it would be undermined over time
23 by future county councils and future city councils. The Sudden Valley Board has been very
24 supportive and concerned about the lake. Work out a different interlocal agreement to
25 really bind people to a commitment, without allowing any backsliding. It would go a long
26 way toward how both Bellingham and Sudden Valley perceives their own watershed and
27 drinking water source. He supported an interlocal agreement between the County and
28 Sudden Valley because there was that assurance. As long as he is assured they are
29 protecting the resource, he is comfortable. The interlocal agreement needs to be updated
30 to protect the actions taken by the City of Bellingham, Whatcom County, and the Sudden
31 Valley Community Association over the years. New issues will come up that will be
32 challenging.
33

34 Nelson stated any community the size of Sudden Valley deserves a seat at the table.
35 The Council and administration will have to figure out how to quit worrying about the City
36 and work within it's own area. Sudden Valley can be a partner.
37

38 Caskey-Schreiber stated the next few Lake Whatcom Management Committee
39 meetings will discuss stormwater, which affects Sudden Valley.
40

41 Bull stated Sudden Valley is a nonvoting member of the Council of Governments. It
42 pays a small annual subscription.
43

44 Nelson stated the public relations issue is critical. The County Council doesn't think
45 of Sudden Valley as a negative neighbor. There are issues about Sudden Valley contributing
46 to the problem, but there are no greater issues than there are with anyone else. Work with
47 Sudden Valley as partners. They all have the same interest. The Council thinks highly of
48 Sudden Valley as a positive participant in the process.
49

50 Brenner stated she's never thought of Sudden Valley as a problem.
51

52 Fleetwood stated they've talked about the top three or four issues. The next step is
53 to meet again to identify areas where they can take steps forward together.
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Drummond stated she is very encouraged by this meeting. She proposed that they keep building this partnership. They can do a lot of good together. She looks forward to a positive ongoing relationship.

OTHER BUSINESS

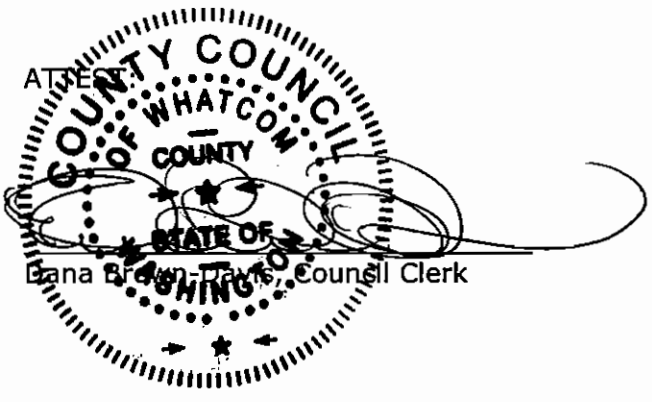
There was no other business.

ADJOURN

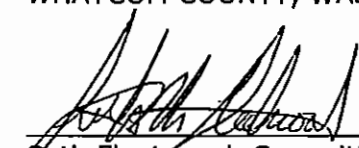
The meeting adjourned at approximately 5:00 p.m.



Jill Nixon, Minutes Transcription



WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Seth Fleetwood, Committee Chair