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

November 8, 2006

Committee Chair Barbara Brenner called the meeting to order at 1:35 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

L. Ward Nelson  
Sam Crawford

Absent:

None

Also Present:

Carl Weimer

**COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

**1. ORDINANCE ADOPTING THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FOR 2007-2012 (WHATCOM COUNTY COMPREHENSIVE PLAN – APPENDIX F) (AB2006-384)**

Brenner asked about the cost of \$52 million.

Mike McFarlane, Parks and Recreation Department Director, stated they tried to put a cost on the trail corridors they don't own. A ten-foot wide multipurpose trail is estimated at \$120,000 per mile. There are two ways to estimate acquisition, which are about the same amount. Either use \$2 per square foot, the going rate for an easement, or the cost is about \$10,000 per acre for property. There are about 6.6 acres in a mile.

Brenner stated she can't support it. There's no way she can budget \$52 million for a six-year improvement plan. It would be nice, but it's not realistic.

Matt Aamot, Planning and Development Services, stated the County has an adopted level of service in the Comprehensive Plan. That level is three-quarters of a mile of trail for every 1,000 people. They are in a deficit already. This is a mathematical operation. If they remove trail projects, they won't plan to meet the level of service. The Growth Management Act (GMA) says that the County must have a plan that shows how to meet future needs. If they don't have that, they would have to reassess the land use element. One alternative is to amend the level of service. They'd have to docket that as a Comprehensive Plan amendment for next year.

Dewey Desler, Deputy Administrator, stated they are working daily on building a concurrency program. The concern is that they have all the relevant documents in place to allow the appropriate revenue exchanges to occur to implement parks, transportation, and other services that need to occur as growth occurs.

Brenner stated she agrees. However, this estimate is too much. Someone who wants lots of trail will look at this and harp on the Council about what the plan says.

Nelson stated the \$52 million is conditioned with the idea that they still have to have a core function of government that competes with this funding. That gives Council leeway. Having this in the plan allows the County to receive other funding mechanisms and grants. If they take this out, then they don't have a trail system plan, and they won't have a funding mechanism to get grants and other funding.

1  
2 Brenner stated this is budget time. This amount looks bad.  
3

4 Crawford stated that with all the other County needs, the administration should  
5 agree with Councilmember Brenner. They aren't going to spend \$52 million in the next six  
6 years in trails. Desler stated he agrees. However, they are trying to identify and prioritize  
7 projects. If a project is not on the list, the County may not qualify for other Interagency  
8 Commission on Outdoor Recreation (IAC) grants and federal funds that come forward.  
9

10 Crawford asked if it would be wise for the administration to recommend a lower level  
11 of service. Let the Planning Commission work on a new, more realistic level of service. He  
12 asked the recommendation. Desler stated the recommendation is to go ahead and adopt a  
13 plan, so a plan is in place, and then also come back with a revision to the criteria to allow  
14 for a more accurate level of service.  
15

16 Brenner stated there has to be another way besides adopting something unrealistic,  
17 just so there is a placeholder. That wasn't the intent of the Growth Management Act.  
18 McFarlane stated the level of service for trails came from a desire to make the level of  
19 service (LOS) much higher. Trails don't have standards on a per capita basis. They looked  
20 at the big trail plans at the time the level of service was established, and applied those  
21 proposed trails on a per capita basis. The problem is the high cost of development. Park  
22 acquisition and development don't flow with the six-year plan. The level of service is a  
23 realistic concern.  
24

25 Crawford stated he could go along with amending the language on Council packet  
26 page 100, at the end of the Finance for Trail Improvement Projects section, to say that it is  
27 not anticipated that the entire amount will be spent on the trails.  
28

29 **Brenner moved** to amend Council packet page 100, "...have to compete with other  
30 core functions of County government." This much trail is not a core function of County  
31 government. There are core functions, such as criminal justice and health, that are more  
32 important. Desler stated they are trying to meet the level of service requirements of the  
33 GMA, but not put in question the need for downzoning in the county. There needs to be  
34 integrity in the existing plan.  
35

36 **Crawford suggested a friendly amendment** to amend Council packet page 100,  
37 "...have to compete with other ~~core~~ higher priority functions of County government."  
38

39 **Brenner accepted** the friendly amendment.  
40

41 **Motion carried unanimously.**  
42

43 Crawford stated he asked Williams Pipeline about discussing the placement of a  
44 multi-use trail along the pipeline between the Nugent's Corner area around the Mt. Baker  
45 Highway. At the time, the company expressed an interest, but there would be obstacles.  
46 He asked if that idea got to Mr. McFarlane. McFarlane stated it did. Their easements were  
47 only for pipeline use, not for public use. Many are only underground easements. There are  
48 wetland issues. They don't outright own the pipeline corridor. If they did, it would have  
49 been a practical solution.  
50

51 Crawford stated he received a note of concern from Ellen Baker in the Glacier area  
52 last spring. The Parks Department notified her of the appearance of an encroachment into a  
53 trail area by her structure. He asked if that kind of thing happens frequently. Before the  
54 County tells people they are encroaching on County trails, a survey should be done. If the

1 County thinks there is an encroachment, turn it over to the County legal counsel. There are  
2 possession rights. McFarlane stated the letters sent out were based on surveyed property  
3 lines. The letter asked the property owners if they have an agreement that allows the  
4 encroachment. It gave the property owners an opportunity to respond. The County has  
5 given everyone an opportunity to show they have a right to be on the property. The next  
6 step, with help from legal counsel, is to give them an encroachment permit if things can't be  
7 moved. It's critical in some areas. The original rail corridor is the only thing the County has  
8 to put the trail on. It is on high ground with drainage. Another option is to offer to have  
9 the trail rerouted if it makes sense. Each instance is different. There are at least a dozen  
10 encroachment issues up there.

11  
12 Crawford stated the County should be cautious in asserting ownership even if it's  
13 through encroachment. There are many legal issues that people can pursue, especially with  
14 the older buildings.

15  
16 Brenner asked if the administration has worked out anything with the City of  
17 Ferndale about increasing service for the proposed consolidated services building at the  
18 intersection of Smith Road and Northwest Road. The County should consider putting in a  
19 well and septic if the City won't consent to providing increased services. Desler stated the  
20 City may have other things on its mind regarding the lots per acre issue the Council dealt  
21 with at the same time. The administration tried to separate the issues. They know now  
22 that the line size for water and sewer is okay for the desired capacity. He needs to show  
23 that information to the officials at the City of Ferndale.

24  
25 Brenner asked for comments on the minority report from the Planning Commission  
26 about the ferry. It seems like the County isn't being realistic about the number of trips.  
27 Aamot stated the County has not met the level of service since 2000. The ferry staff have  
28 told him that they won't be able to meet that level of service with the existing ferry. This is  
29 the officially adopted level of service in the Comprehensive Plan. They can have a future  
30 plan to meet level of service, which the new ferry would be able to do.

31  
32 Brenner asked if they want to leave it in to make the County eligible for future  
33 funding.

34  
35 Jeff Monsen, Public Works Director, stated one issue is the new ferry as part of the  
36 capital facility plan. Now, the plan is a reprint of what the Council already adopted. Next  
37 year, they want to discuss capital facility options regarding the ferry system. Staff needs to  
38 clearly know the County's position going into this legislative session in seeking financial  
39 support. They can't waffle on that topic.

40  
41 As the subarea plan was being updated, revisit whether there is a level of service  
42 standard at all, and use a different formula, which is currently archaic. Because that  
43 subarea planning process was put on hold, they are carrying forward something that  
44 shouldn't be there. However, they don't have anything to replace it. There is no  
45 requirement for LOS for a ferry.

46  
47 Brenner asked if they can remove the ferry LOS. Aamot stated that change would  
48 have to be a docketed Comprehensive Plan amendment. This is appendix F of the  
49 Comprehensive Plan. They haven't docketed any changes to chapter four this year. This  
50 plan is just to show how they can and can't meet the LOS in the Comprehensive Plan.

51  
52 Hal Hart, Planning and Development Services Director, stated a number of things will  
53 impact Lummi Island. One is the Futurewise case. The LOS is a local option they wanted in  
54 1997.

1  
2 Aamot stated the appropriate process is to pass this as it has been done in years  
3 past, then docket the LOS change. Then, update this plan next year.  
4

5 Brenner asked if they need to keep a ferry placeholder if monies become available.  
6 Monsen stated the recommendation was to put it into the six-year road program to be  
7 eligible for consideration for a low interest loan from the State and other funding. Early  
8 next year, the Council has decide to move ahead. The legislature will be asked to allocate  
9 money to Whatcom County.

10  
11 Weimer stated they are talking about reconveyance of property around Lake  
12 Whatcom. It's not reflected in this plan. He asked if that should be included, and if the  
13 costs associated with that reconveyance can be recuperated through impact fees, if included  
14 in this plan. McFarlane stated it will be in the Parks Comprehensive Open Space Plan. It  
15 would be premature to have it in this plan without being in the Parks Plan.  
16

17 Desler stated it would be natural to go into the next version of this capital facilities  
18 plan, assuming the Council approves the policy about the issues of exchange.  
19

20 Weimer asked when it would be included. Aamot stated they would look at this in  
21 two years.  
22

23 Weimer stated the formulas for impact fees for parks are structured so that they can  
24 only recapture impact fees for things in the plan. If they run the formula now, they won't  
25 get much money from impact fees for parks because not much is included. He is concerned  
26 they would move forward with concurrency, have an impact fee, and not be able to collect  
27 the impact fee for parks.  
28

29 **Brenner moved** to forward to the full Council for a hearing as amended.  
30

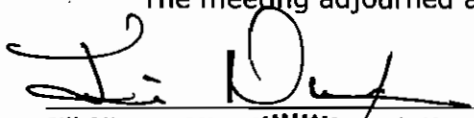
31 **Motion carried unanimously.**  
32

33 **OTHER BUSINESS**  
34

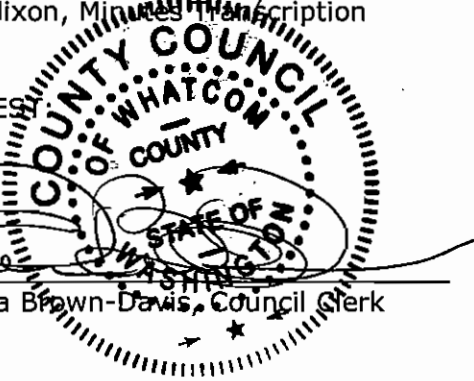
35 There was no other business.  
36

37 **ADJOURN**  
38

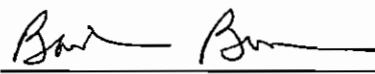
39 The meeting adjourned at 2:15 p.m.  
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43 Jill Nixon, Minutes Transcription  
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45  
46 ATTEST  
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51 Dana Brown-Davis, Council Clerk  
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WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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55 Barbara Brenner, Committee Chair