

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
August 14, 2008

Regular Meeting

1 **Call to Order:** The meeting was called to order, by Whatcom County Planning
2 Commission Chairperson, Ken Mann, at the Whatcom County Council Chambers at 6:34
3 p.m.

4
5 **Roll Call:**

6 Present: Ken Mann, John Lesow, John Belisle, Ron Roosma, Geoff Menzies
7 Absent: David Hunter, John Steensma, Rabel Burdge, Jean Melious

8
9 **Staff Present:** David Stalheim, Gary Davis, Mike Donahue-Engineering, Roger McCarthy-
10 Engineering, Joe Rutan- Engineering, Sandy Peterson-Engineering, Rodney Vandersypen-
11 Engineering and Becky Boxx.

12
13 **Director's Dialog**

14
15 Stalheim: On September 4, 2008 we are going to have a public hearing on the Foothills
16 Draft Environmental Impact Statement. It is not a Planning Commission meeting but you
17 are encouraged to attend.

18
19 On September 11, 2008 we will have public hearings on the Capital Improvement Plan,
20 amendments to the docketing procedures for zoning and Comprehensive Plan
21 amendments, and an amendment to the zoning code regarding windmills. We will also
22 have a work session on the transportation issues you are looking at tonight.

23
24 On September 25, 2008 we will have public hearings on garage dominated streets, wildlife
25 facilities in the Agricultural zone, school capital facilities plan and concurrency. We may be
26 ready for a public hearing on procedural amendments to the land division ordinance.

27
28 **Open Session for Public Comment**

29
30 Jack Petree, Whatcom County: You have a busy schedule coming up but it's nothing
31 compared to what you are going to have next year. This is in part because of events that
32 the staff inherited from previous years. You recently certified that the 10 year review had
33 been done and then less than two months later the County was stipulating it had not been
34 done. Now we are starting that process all over. What bothered me about the last time
35 through was that so often issues wind up in a confrontational way. People have agendas
36 and you wind up with people taking unreasonable stands and entrenching themselves so
37 deeply that they don't bother to listen to the staff reports. The point is that reality
38 matters. Both sides not paying attention to reality has resulted in a situation where we
39 are now starting into the eighth year of a process and we are basically starting over and
40 screwing up the County because we won't come together.

41
42 Bob Wiesen, Whatcom County: Mr. Petree hits the point, reality. You guys, over the last
43 few years, have refused to deal with reality and that's part of the reason you are in the
44 situation you are in now. You were behind the eight ball, you didn't use the right criteria
45 to write your decisions, so they become subject to lawsuits. The Growth Management Act
46 does not say you can stop growth or you can draw rings that are unrealistic. You need to
47 deal with reality. What you have done in this last process and these last few years have
48 created bigger problems for other parts of the County.

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1 **Commissioner Comments**

2
3 Lesow: I listen very closely to the things said in the public comment period and I always
4 admire the people who take the time to come here and speak and prepare materials. Only
5 occasionally has there been an instance when I thought the public comments were out of
6 order. When someone comes before this group and says we are the worst Planning
7 Commission in the history of Whatcom County that is Blondie and Dagwood stuff and I
8 don't listen to that. At the last Planning Commission meeting a comment was made that
9 what we were considering, in regard to watershed boundaries, constituted a taking. When
10 I hear that I think lawsuit. I want the person who said that and the public to know that we
11 take these things very seriously. I realize that over the past years and currently there is a
12 very litigious nature when it comes to planning. But I also realize that if you aren't getting
13 sued for something you aren't doing anything important.

14
15 I heard on KGMI, yesterday, that 11 percent of the homes in Whatcom County last month
16 were sold for less than they were purchased for. The prices of homes are drifting down to
17 the level of 2004. I suggest that what we are seeing right now is the market's answer to
18 affordable housing. I would like to cite one example of a city that did not experience a
19 housing bubble, Louisville, Kentucky. They had a slight increase in the price of homes.
20 One reason given, that I read in Business Week, was that their city officials encourage
21 local builders and local contractors and tend to discourage the large out of town
22 construction people like Tolle Brothers and D.R. Horton. I suggest it's also probably
23 because Louisville, like Bellingham or Whatcom County, has a more conservative,
24 conservation minded Planning Commission.

25
26 **Approval of Minutes**

27
28 July 10, 2008: Roosma moved to approve as written. Belisle seconded. Motion carried.

29
30 July 24, 2008: Roosma moved to approve as written. Lesow seconded. Motion carried.

31
32 **Public Hearing**

33
34 **File #CMP2008-00004** – An amendment to Chapters Four and Six of the Whatcom
35 County Comprehensive Plan and Chapter 20.78 of the Whatcom County Code and add
36 Chapter 20.77 of the Whatcom County Code, to revise concurrency provisions for
37 transportation facilities and establish transportation impact fees.

38
39 Gary Davis presented the staff report.

40
41 Davis: We would like to keep the hearing open, for written comments, for two weeks. The
42 requested action is to amend Chapter Four and Six of the Whatcom County
43 Comprehensive Plan to revise language for transportation concurrency and establish policy
44 for transportation impact fees. We request to amend Whatcom County Code chapter
45 20.78 and add a new chapter 20.77 to establish transportation impact fees (TIFs).

46
47 The Planning Commission discussed transportation concurrency and TIFs in two work
48 sessions, on April 24 and June 26, 2008. Since that session staff has added to the

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1 proposed TIF chapter a couple of provisions. One is an appeals process and also an
2 exemption for low income housing. The wording for the low income housing exemption is
3 consistent with the language that the Planning Commission recommended for the school
4 impact fee chapter.

5
6 Regarding the draft concurrency chapter there was some discussion on the issue of small
7 projects that were would otherwise be exempt, that are located on streets that may be
8 approaching or above level of service volumes. We have a provision in the draft that
9 would prohibit any projects, even those small enough to fall under the exemption
10 threshold, if they access directly from roads whose volume and capacity ratios exceed the
11 adopted level of service.

12
13 There were some items that we didn't make changes to, but were issues of discussion.
14 One of them is to amend the Comprehensive Plan, to change levels of service on certain
15 rural roads that act as primary routes between urban areas and activity centers. We
16 would propose that they have a level of service D rather than C, which we currently have.

17
18 Another amendment is to provide incentives for non-motorized facilities, inside UGAs. If a
19 project comes in that has access or provides new access to non-motorized facilities they
20 would receive an incentive on the level of service they would have to meet.

21
22 In the code amendment for the concurrency management we are proposing a change in
23 the exemption threshold. As it exists now, in the interim ordinance, there is a threshold of
24 5 peak hour trips. If a project is small enough not to generate more than that then it
25 would be exempt from having to submit a concurrency evaluation. We are proposing to
26 raise that to 10 trips. The reason for that is because it's a very small change. A typical
27 county road would have an hourly capacity of say 1000 vehicles so this is not a big
28 change but it does allow certain small developments to be exempt from the concurrency
29 evaluation process, which can be a fairly lengthy and costly process. This threshold of 10
30 is consistent with the state standards for submitting a transportation study on a state
31 facility. At the last meeting, when we addressed this, there was some discussion regarding
32 exempt projects. What if that project were located on a facility that is already over the
33 level of service? Do they just get exempted and don't have to meet the concurrency
34 requirement at all? What we propose is to have a provision where those small projects,
35 even if they meet the exemption requirements, if they access directly onto a street where
36 the volume over the volume-to-capacity ratio then they wouldn't be permitted under
37 concurrency.

38
39 Another provision that we have proposed before is the possibility of extending a city's
40 concurrency management system outside of city boundaries into the unincorporated areas
41 in the UGAs. That will allow a city, if they chose to and entered into an interlocal
42 agreement with the county, to extend their planning horizon out to the UGA for
43 transportation concurrency planning purposes. That would require not only an interlocal
44 agreement but it would also require an ordinance to adopt city standards into the
45 unincorporated areas.

46
47 Also discussed before was the calculation of impact fees. The way the consultant
48 explained it it would be based on figuring trips that take place within the county between

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1 destinations within the county and also destinations from the county to the city and vise-
2 versa. Trips between the incorporated and the unincorporated areas were discounted at a
3 rate of about 50 percent. The Commission asked why that is and the ramifications if that
4 were to be changed to 100 percent. The consultant is here to answer those questions.

5
6 Larry Toedtli, The Transpo Group: There are basically three categories of trips. The trips
7 that are county to county so each end of the trip picked up one half of the cost of that
8 trip. County to city or county to external we kept that same theory that each end of the
9 trip would be responsible for one half of it. The Commission asked what was the rationale
10 for that and stated maybe it should be 100 percent. The third trip category is through
11 trips from a city to another city which were zero percent, because we have no authority
12 on those without an interlocal agreement. For the county to city trips, putting it at 100
13 percent results in fees that are approximately 55 percent higher because a lot of the
14 growth trips go to the cities. This would increase the 23 million to 35 million if all of the
15 growth assumptions play out. The potential concerns to this approach are that the
16 proportionality of impact is different for different types of trips. Another issue is that if you
17 do move forward with interlocal agreements in the future, then the fee structure needs to
18 be changed back to 50/50. This will raise the fees, which will be a concern. On the pro
19 side you have the potential to collect more revenue.

20
21 Menzies: What is the rationale for going from 50 percent to 100 percent?

22
23 Toedtli: The rationale, which I don't necessarily abide by, is because that trip is generated
24 in the county, and it's impacting county facilities, and the county doesn't have the option
25 to obtain the other end of that trip, that trip is solely generated by county development.

26
27 Menzies: The trip could begin in the city and go to the county so it makes sense to have a
28 50/50 split.

29
30 Toedtli: I agree.

31
32 Lesow: Gary, you mentioned you are going to change the LOS on the primary roads in the
33 county from C to D because they are a different function. What is the rationale for doing
34 that?

35
36 Davis: Certain roads, that happen to go through the rural areas, provide links between
37 urban areas and between urban areas and activity centers. This would recognize that
38 these roads serve an urban area.

39
40 Lesow: I don't understand why you would take a moderate standard and reduce it to a
41 less than moderate standard just because it functions a different way. It seems contrary
42 to good planning.

43
44 Toedtli: If we left the LOS at C we would not meet the County's Comprehensive Plan
45 vision for certain areas of the County.

46 Menzies: Are these roads approaching or exceeding the LOS right now?

47 Toedtli: Not in the near term.

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1 The hearing was opened to the public.

2
3 Mary Dickinson, BIAW: Overall the ordinance is pretty traditional. Concurrency is a very
4 complicated topic and not easily understood. In essence it means that public facilities are
5 available concurrently when an area is developed. Concurrency is a mechanism to ensure
6 that growth occurs in the areas that we as a community, want it to occur. Washington
7 State law sets out specific parameters on what concurrency ordinances are supposed to
8 contain and most of those are adequately reflected in the County's draft ordinance. There
9 is one thing we did notice is missing. It's true that if concurrency can not be met that a
10 development can be denied. However the WAC states that if denial occurs, consideration
11 should be given to defining this as an emergency for the purposes of the ability to amend
12 and revise the Comprehensive Plan. In other words if this is an emergency, as a
13 community, we need to decide how we can get a project done. Doing nothing is not an
14 option. There was a Court of Appeals case, City of Bellevue v. East Bellevue Community
15 Municipal Corporation, and in that case the court said that local governments must take
16 necessary steps to bring existing streets and transportation facilities into compliance with
17 the level of service they have established. According to this case the statute does not
18 allow for exceptions. We believe that the County's proposal needs to explain, in more
19 detail, what happens when concurrency is denied.

20
21 We also want to remind the Commission that according to the WACs setting a level of
22 service standard too high is also contrary to the Growth Management Act. Staff has done
23 a good job in explaining that in their staff report.

24
25 We are a little confused about the proposal making some short plats subject to
26 concurrency and some being exempt. I think the Transpo Group did a good job of
27 explaining that this evening but we would like to reserve our comments on that until a
28 later date because we want more time to review it.

29
30 In regards to impact fees our overarching concern with all impact fees remains the same.
31 It's not a fee, in isolation, that causes but it's the aggregate of the fees. As layers
32 continue to be added eventually it contributes overall to the cost of housing, which forces
33 people on the edge of affordability out of the regular market. The County-wide Housing
34 Affordability Task Force (CHAT) had some concerns about this as well, which will be
35 reflected in their final report.

36
37 Impact fees must have nexus, they must be proportionate, they can't pay for existing
38 deficiencies and they can't be charged for 100 percent of the total cost of a project. This is
39 State law.

40
41 We appreciate staff's recognition that traditional affordable housing projects can apply to
42 have impact fees waived. That is not a free ride as funds will have to be made up with
43 other public funds. Staff has done an excellent job of explaining that in their staff report.

44
45 One suggestion would be to place the County's definition of affordable housing into this
46 ordinance under definitions.

47 Something in the code we feel needs greater clarification is the relationship between
48 impact fees and SEPA mitigation fees. According to Washington State law a government

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1 can not charge an applicant both fees for the same project. It is rather confusing in the
2 text.

3
4 One thing we didn't understand, in terms of the impact fee calculations, is how the
5 numbers for the various transportation service areas were chosen. We would appreciate
6 clarification on this.

7
8 Overall the ordinances are a really good start, though they do need some finessing before
9 they go to Council.

10
11 Mann: I'm glad you mentioned what happens when concurrency is denied because that is
12 a question I had. You also said we can't do 100 percent. Is there a stated maximum?

13
14 Dickinson: No. According to RCW 82.02.050 you are allowed to impose impact fees on
15 development activities as part of the financing for public facilities. Provided that the
16 financing for system improvements to serve new development must provide for a balance
17 between impact fees and other sources of public funds and can not rely solely on impact
18 fees. There has to be nexus and proportionality.

19
20 Mann: What is the highest you've seen?

21
22 Dickinson: It's based on a long formula.

23
24 Lesow: Is there any Western Washington Growth Management Hearings Board case on
25 concurrency or impact fees?

26
27 Dickinson: There are. I would be happy to provide you with that.

28
29 Jack Petree, Whatcom County: Impact fee legislation is to ensure adequate facilities are
30 available to serve new growth and development. Impact fees can't be imposed to make
31 up for any system improvement deficiencies. A valid capital facilities element must be in
32 place to collect impact fees. A valid capital facilities plan includes a valid concurrency plan.
33 You have to have both to collect impact fees. Everything has to fit together. In fact this is
34 a tool that is used as part of the capital facilities element, which includes transportation,
35 sewer, water, etc. A valid concurrency plan demonstrates a plan is in place to ensure all
36 facilities necessary to enable planned growth throughout all of the County's UGAs within
37 the planning period. In this county the planning period is 2015. The first concurrency plan
38 was supposed to be adopted in 1995, 1996 or 1997, not now. You can't adopt a
39 transportation impact fee until you have adopted a valid concurrency program.
40 Concurrency is not about stopping growth. Is it about ensuring that planned growth can
41 occur on time. Concurrency is assumed to be achievable upon adoption of a
42 comprehensive plan. Everything in that comprehensive plan has to occur at some point.
43 Inability to achieve concurrency is supposed to be a rare thing. The Western Hearings
44 Board and other boards agree that concurrency in place to assure a certainty growth can
45 occur throughout the UGA within the planning period. That plan doesn't exist now in the
46 UGAs so how can you collect impact fees? Non-concurrent facilities must be addressed
47 first.

48

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1 Tonight you need to look at the long term. The program that the staff and the consultant
2 brought forward is a traditional program and is very well done, but it doesn't look at the
3 long term. You need to ask some questions. Does the plan to assure all the county's UGAs
4 are serviced by 2015 exist? It doesn't. How can a concurrency plan gage the availability of
5 concurrency and allow for required remedies, in advance of concurrency shortfall, without
6 that kind of a plan? Does the plan contain a mechanism for identifying upcoming
7 concurrency issues and resolving them before it becomes an issue where developers get
8 turned down for permits. That is never supposed to happen. Without answers no valid
9 concurrency plan must equal no transportation impact fee.

10
11 The Western Hearing Board stated that concurrency requires adopted levels of service
12 standards, a projection of future needs, a financially feasible capital facilities financing
13 plan that meets those needs and the assurance that the facilities will be in place within a
14 specified time frame related to the timing of the projected development.

15
16 The Board has also said that for each public facility and service a local government must
17 determine its current adequacy level as well as its future ability to add those facilities and
18 services. That counts for sewer, water, etc. In Whatcom County you have Columbia
19 Valley, Birch Bay and Cherry Point as UGAs that the County runs. You are supposed to run
20 those the same way a city runs them. You are responsible to see that they can be
21 completely built out within the planning period.

22
23 The Board says it's important to recognize that the concept of concurrency is not an end
24 in and of itself but a foundation for local governments to achieve the coordinated,
25 consistent, sustainable growth called for by the act. Concurrency allows growth, it doesn't
26 stall growth.

27
28 Last year the Board told Skagit County, in one of its UGAs it was working on, that all of
29 the needed capital facilities must be shown to be provided within the planning period.

30
31 The Central Board has stated that designation of a traditional UGA generally establishes
32 certainty that the development of the land within it will be urban in nature. This urban
33 land will ultimately be provided with adequate urban facilities and services within the
34 planning horizon and the land will ultimately be developed at urban densities and
35 intensities.

36
37 Mann: Where is all of this money going to come from? These capital improvements are
38 very expensive and we are being told we can't use 100 percent impact fees, so growth
39 isn't going to pay its own way.

40
41 Petree: These UGAs were established in 1995 for a period to 2015. It's not 1995 anymore.
42 Much of this stuff should have been addressed years ago, which it wasn't. It's a huge
43 amount of money that is going to have be spent. Impact fees and taxes are part of the
44 equation. There are a whole range of fee structures that counties are allowed to do. The
45 State has public works money available. The County is supposed to have a coordinated
46 plan, from the beginning, that helps figure out how to pay for this stuff on a year-by-year
47 basis.

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1 Lesow: To cast aspersions on the sins of what was done by previous administrations is a
2 little disingenuous. Maybe we didn't need these things years ago, but we did start seeing
3 a growth spurt around 2000.

4
5 Petree: The same laws that apply to this were in place then and it's not casting aspersions
6 to say that we are now in trouble because we didn't do this when we were supposed to.
7 It's not an excuse to say because we didn't do it when we were supposed to we don't
8 have to do it now.

9
10 Belisle: Some of these UGAs aren't going to be built out by 2015 so what kind of services
11 are we going to provide?

12
13 Petree: The law says that if concurrency becomes a problem then you have to redo your
14 planning and move that growth some where else where concurrency can be provided
15 more easily. Planning is an imprecise thing so it needs to be adjusted sometimes to fit
16 reality.

17
18 Bob Wiesen, Whatcom County: I think there are a lot more questions than answers in this
19 proposal. It's convoluted. The problem is you have to have the service when the car
20 shows up, but on the other hand you are getting a cash flow from that development for an
21 extended period of time. Is it the responsibility of that first development to pay all those
22 funds? I am in the trucking business and it is a problem if the roads aren't kept up for
23 trucks to go on. If they aren't kept up all kinds of problems result. If I can't service my
24 customers because of the roads then I have to pass that cost onto my customers.

25
26 There are a lot of areas in Birch Bay, generally fairly small, that are built out, but with
27 substandard road conditions. What happens when we decide we need to bring them up to
28 standard? Is that a result of new development or is that a cost that should be born by all
29 of the community?

30
31 I'm not against impact fees but the cost allocation is extremely complicated. The equity of
32 the fee is going to be really critical. The way I look at this proposal is I don't see how it
33 can be applied in the same way to everyone.

34
35 Todd Donovan, Whatcom County Chapter of Futurewise: Futurewise strongly supports all
36 policies that try to fully account for the cost of new residential development in Whatcom
37 County and we applaud the County for moving forward with this.

38
39 We believe that the proposed impact fees are too low. Even though they can't be 100
40 percent State law does allow them to be higher than what is stated.

41
42 It's not clear that the fees are being set with any sort of incentives that would deal with
43 the externalities of sprawl or the issues of sprawl. The fees are being set in distant rural
44 areas at rates lower than they are currently set in the cities. That doesn't really change
45 the incentive structure for developing in cities versus rural areas. A trip mile is a trip mile
46 and there is no calculating that distance trip miles may be different than trip miles that
47 are closer to a UGA.

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1 We encourage that binding, workable interlocal agreements be done at the same time this
2 is going on. Without this we are missing a lot of revenue that could be collected.

3
4 We hope that greater emphasis could be given to supporting alternative forms of
5 transportation. There are infrastructure proposals in the plan for pedestrian amenities but
6 we would like to see a larger share covered by impact fees. We had suggested that public
7 transit somehow be covered but staff and the consultant have said the GMA does not
8 allow that so we should work on changing the State law.

9
10 We are opposed to the relaxation of the concurrency requirements of the four units to
11 nine unit to trigger the mitigation. We would like to see every unit trigger rules for
12 concurrency.

13
14 Doralee Booth, Whatcom County: I sat on the Whatcom County Concurrency Steering
15 Committee for about six months. I can't tell you how complicated I found this whole
16 process. I don't think I was any smarter at the end of six months than I was at the
17 beginning.

18
19 One of the concerns of the Birch Bay citizens is the tremendous amount of growth that
20 was occurring. We wondered if growth was paying for itself. We have a multi-model idea
21 in Birch Bay so we may be ahead of the curve. Is there any provision that could possibly
22 be put in for the multi-model in this plan?

23
24 Ellen Barton, Whatcom County: I would like to thank the staff for the great work they
25 have done and the Planning Commission for working with a complicated and perhaps not
26 effective tool.

27
28 It would be nice to have other modes more prominent in this. Unfortunately GMA is flawed
29 in this regard.

30
31 Regarding Commissioner Lesow's comments about lowering the level of service from C to
32 D, it is useful to remember that level of service is actually seconds of delay at peak hour.
33 It's really a very small thing.

34
35 It would be nice to see the percentages of households using the bus, biking and walking
36 are rising. Right now we don't have a very consistent way of measuring these types of
37 travel, where we do have a very precise way of measuring car trips.

38
39 Cathy Cleveland, Whatcom County: The GMA rules really have to have teeth to them and
40 is a mess. I want to thank you for finally getting an impact fee on the books. I have been
41 asking for this since 1997, while there has been more growth that hasn't paid for itself.

42
43 I would prefer a more conservative Planning Commission. I think it's better because once
44 you have made a mess and wrecked the land it can't be fixed. It's better to proceed
45 slowly and with caution.

46 For the exemption threshold it's kind of like there are a lot of little developments all over
47 that make a big impact, so the exemption threshold is not really a good idea. In the past

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1 rules were allowed to be broken as far as what could be developed which is now making
2 an impact.

3
4 Please don't allow more growth by lowering the level of service. Level of service C is a
5 reasonable compromise.

6
7 The hearing was closed to the public.

8
9 **Work Session**

10
11 The Commission agreed to keep the written record open until August 28, 2008.

12
13 Mann: A couple of people brought up the idea of the exemption. The exemption is only for
14 the traffic study, correct?

15
16 Davis: Correct, it is not an exemption from the concurrency requirement.

17
18 Toedtli: There is a part of the concurrency ordinance, as it exists now and we are
19 proposing to change, on what defines an impacted transportation facility. The proposal is
20 to change it from 4 to 9.

21
22 Mann: Where did the number 9 come from?

23
24 Toedtli: It came out of the way subdivisions can be done.

25
26 Mann: What happens when concurrency is denied?

27
28 Toedtli: There are no changes to the interim ordinance regarding that. The ordinance
29 states: The applicant can amend the application within 90 days to assure the ratio of the
30 forecast pm peak hour traffic volume to capacity does not exceed the adopted level of
31 service standards. They may also modify the project to reduce the impact, phase the
32 project to coincide with planned improvements, mitigate the impacts of the project,
33 arrange with a service provider to provide the adequate capacity, ask the Director for a
34 formal reconsideration of concurrency, withdraw the application and reapply, or appeal
35 the denial.

36
37 Lesow: Can you expand on the multi-model concept?

38
39 Toedtli: Multi-model is getting people to use other travel modes, such as transit, car
40 pools, bikes, peds, etc. This may also include changing the hours or days of the work
41 week.

42
43 Lesow: The Commission has been contemplating the issue of front porch orientation for
44 future developments, the idea being that perhaps we should be looking at reducing the
45 number of parking spaces required from 2 to 1. If a developer wanted to avoid having to
46 pay impact fees he could reduce the traffic impact by reducing the parking spaces and
47 possibly pay no impact fees based on this. Is this a likely scenario?

48

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- 1 Toedtli: Staff would have to assess if building fewer garage spaces actually reduces the
2 peak hour impact.
3
- 4 Menzies: I'm really trying to understand what is behind lowering the level of service on
5 some roads from C to D. Is staff just trying to stop or reduce growth in those areas?
6
- 7 Davis: During the course of the Birch Bay study the consultant identified that as possibly
8 not meeting concurrency, in a few years, if it stayed at a level of service C. There were a
9 few other areas of the county that were also identified that way also.
10
- 11 Toedtli: Another issue is under GMA you can't have no growth. You will have growth and
12 you have identified in your Comprehensive Plan where that growth is going to go. In some
13 way you have to accommodate it with level of service standards you adopt and find a way
14 to fund it or adjust the level of service standards so they are in balance.
15
- 16 Roosma: I would like to add language to 20.77.150(2) of the draft: At least 80 percent
17 must go to the construction cost. If people are paying these impact fees and everything is
18 disappearing and no road improvements are being done it's not going to sit real well.
19
- 20 Mann: I think it's hard to come up with a number that would be realistic.
21
- 22 Davis: We can examine the suggestion.
23
- 24 Menzies: I would like to change the language in Policy 6B-11, which reads: Explore the
25 possibility of encouraging cooperative funding for bicycle trails. What does that mean? It
26 doesn't really say anything.
27
- 28 Davis: We could have it say: ~~Explore the possibility of encouraging~~ Encourage cooperative
29 funding for bicycle trails.
30
- 31 Mann: Regarding the low income housing exemption, I think it's a great idea but no
32 specific funding source has yet been identified.
33
- 34 Davis: It's not spelled out in code what the practice is but Bellingham has similar code
35 that says when an exemption is being considered the Director takes it forward to the City
36 Council. At which time the City has to identify the funding source.
37
- 38 Mann: I would feel more comfortable if we had a little more detail in our code.
39
- 40 Mann: The transportation impact fees seem too low to me. Can you run some different
41 assumptions and give us some other options.
- 42 Mann: In the findings of fact I would like to amend #5 to read: ~~While the general~~
43 ~~community benefits from new public facilities and should continue to pay the majority of~~
44 ~~facility costs, +~~ It is appropriate to require new development to pay its proportionate share
45 of the cost of new facilities.
46
- 47 Mann: Also in the findings of fact I would like to amend #14 to read: In January 2007 the
48 County Executive appointed a project steering committee to help guide the development

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1 of the concurrency and impact fee amendments. That committee, ~~which consisted of~~
2 ~~representative from diverse stakeholder groups~~, met with County staff and the project
3 consultant five times between March and December 2007.

4
5 Menzies: Looking at Attachment C it says that if you are a fast food restaurant, without a
6 drive-through, the impact fee is \$13,000. If you are a fast food restaurant, with a drive-
7 through, it's \$9,000. On the other hand, if you are a walk-in bank, the impact fee is
8 \$14,000 and a drive-in bank is \$19,000. It seems like this is reverse from the restaurant.

9
10 Toedtli: We'll look into that.

11
12 There will be a worksession on September 11, 2008 to resume discussion on this
13 proposal.

14
15 **Public Hearing**

16
17 **File #CMP2007-00008** – An amendment to the Birch Bay Community Plan to update
18 portions of the plan related to transportation facilities.

19
20 Gary Davis presented the staff report.

21
22 Staff and the consultant, The Transpo Group, have prepared amendments to the 2004
23 Birch Bay Community Plan based a year long transportation planning process. The report
24 on that process and the findings of the report are included in the Birch Bay Transportation
25 Planning Study document, which is proposed to be adopted as an appendix to the
26 community plan. The proposed amendments would also replace the existing Chapter 11 in
27 the community plan with a new chapter that is based on information out of that study.
28 Because Chapter 2 is a summary of all the other chapters in the plan wording in Chapter 2
29 would have to be modified to reflect Chapter 11. The study document forms the basis of
30 the new text and graphics that are proposed for the Birch Bay Community Plan's
31 transportation chapter. The amendments would replace the previous chapter in its
32 entirety, except to retain the vision statement which was approved as part of the
33 community plan in 2004. The amended chapter provides an inventory of existing facilities
34 and traffics conditions, updated transportation goals and policies and a list of long term
35 transportation systems developed in the study.

36
37 We have received some comments from the Birch Bay Steering Committee. Those are
38 included in your report. They have a number of edits and suggestions to make sure that
39 the emphasis is placed on the subjects they want to address in the plan and study
40 document.

41
42 Patrick Lynch, The Transpo Group: (Gave a power point presentation)

43
44 In developing the plan we started out with collecting various information on the
45 transportation system. We took traffic counts, assembled collision data from different
46 sources and traffic control. After looking at these things we developed an existing
47 conditions report. We then took that to the first public open house and presented the
48 findings to the group and received feedback from them.

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1
2 Mann: How many people attended?

3
4 Lynch: Around 85.

5
6 Lynch: We took the feedback into the next phase which was the forecasting. We used the
7 Whatcom Council of Governments (COG) regional travel demand model and refined this
8 for the Birch Bay area. We also looked at land use forecasts, consistent with the County's
9 Comprehensive Plan. From this we identified deficiencies and various improvements. We
10 then took this to the second public open house, which was again well attended, received
11 comments on the projects then took those comments and created the draft report which
12 then fed the update to the community plan.

13
14 A slide was shown of: 2007 & 2027 PM Peak Hour Traffic Volumes

15
16 Lynch: What we found was there was a lot of growth between the Birch Bay UGA and I-5.
17 This was something we anticipated and was confirmed. There is also a lot of growth in the
18 Semiahmoo area. Travel along Blaine Road was significant also.

19
20 A slide was shown of Key Capacity & Operational Deficiencies for 2027.

21
22 A slide was shown of A Transportation Tool Kit.

23
24 Lynch: The things that we looked at were intersection improvement to improve mobility
25 and safety. Of all of the improvements identified those might be the lowest hanging fruit
26 for really improving the transportation system. Other solutions included what we call
27 context sensitive solutions. This is basically constructing improvements that fit the
28 character of the area that they are serving. We also looked at adding turn lanes on
29 corridors. These are ways of improving capacity and safety on the roadways. We looked at
30 improving circulation by adding connecting roads. From this we developed a list of
31 projects.

32
33 A slide was shown of Preliminary Recommended Improvement Projects.

34
35 Lynch: One theme that came up through the open houses was the lack of facilities for
36 non-motorized users. Improvement of shoulders would facilitate better travel for non-
37 motorized users. These wider shoulders are also an important clear zone and recovery
38 areas for drivers. In the plans there are graphics that show this concept and which
39 arterials would be improved.

40
41 Lynch: Some of the other things we heard were improved east/west connections from the
42 Birch Bay UGA to I-5. Also a year-round speed limit on Birch Bay Drive. We are looking at
43 20-25 mph. They would also like improved transit access in the Birch Bay area. This would
44 include service and facilities.

45
46 A slide was shown of the Project Costs.

47

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1 Lynch: Approximately half of the project costs are on State routes. The one point to think
2 about are the intersections, which are a relatively small share of the total costs but the
3 majority of these intersections are high priorities.

4
5 The hearing was opened to the public.

6
7 Rebecca Navarrete, Whatcom County: I am currently circulating a petition to construct
8 bicycle and pedestrian lanes on Blaine Road, Drayton Harbor Road, and Harborview Road.
9 These roads are highly used by both motorized and non-motorized transport. Due to these
10 narrow, two lane roads the public desires these facilities to be constructed. Of equal
11 importance is the increased number of people who are riding bicycles or walking due to
12 the increased cost of gasoline. The Whatcom County Transpo Group presently has a
13 preliminary draft of future non-motorized facilities. In support of this draft, the petition I
14 am circulating, with taxpaying county residents signatures, substantiates the public's
15 desire for the completion of these bicycle lanes as soon as feasibly possible. I realize this
16 project will be financed through taxpayer dollars. I am, however, at this time suggesting
17 that the addition or construction of these lanes not be taken as a singular project, but
18 rather be added to the usual scheduled maintenance of these roads.

19
20 Lesow: Would these bike lanes be divided or would they be an extension of the existing
21 pavement?

22
23 Navarrete: They will be an extension. There is a ditch that will have to be taken care of.

24
25 Lesow: Do you have a width in mind for the bike lane?

26
27 Navarrete: 3 feet is a good measurement.

28
29 Mann: You should consider at least 5 or 6 feet.

30
31 Mann: How many people have signed your petition?

32
33 Navarrete: Currently 52.

34
35 Menzies: To what extent are you hoping to widen those roads?

36
37 Navarrete: Harborview does have a bike line, but north of Lincoln Road it doesn't. Drayton
38 Harbor would be the entire road and for Blaine road, hopefully the entire road but for now
39 Portal Way to Birch Bay Lynden Road.

40
41 Jack Petree, Whatcom County: There are some questions you need to explore a little
42 more. One is that the Comprehensive Plan identifies Birch Bay as a future city. Are there
43 differences between the way we have been handling transportation now and how we
44 would handle it as a city? The second thing is that this study is a draft and as I
45 understand it this is a Comprehensive Plan amendment. I think it would be nice to see a
46 final version before it's put into the Comprehensive Plan. I think the Comprehensive Plan
47 identifies Birch Bay, Columbia Valley and a number of other areas as important parts of
48 our tourism infrastructure. I was glad to hear some conversation about special attention

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1 to bike lanes and such along Birch Bay Drive and such, but about one-half or more of the
2 homes in Birch Bay are now, and plan to be, tourism oriented so I think it would be nice
3 for you to explore even more about a tourism oriented town. Tied in with that is the whole
4 idea that in a place like Birch Bay you have an extraordinary interaction between cars,
5 bicycles, pedestrians, etc. and there are special needs to getting around to a lot of
6 different places easily. It would be nice to see how this whole thing is put together to
7 accommodate that.

8
9 Doralee Booth, Whatcom County: I would like to speak in regards to particularly Birch Bay
10 Drive. Basically, I am very pleased with the updating of Chapter 11. I believe this
11 document will help Birch Bay and Whatcom County in planning for the future. My basic
12 concern is addressing Birch Bay Drive. I don't know whether Transpo had the information,
13 in regards to the shoreline enhancement study that has gone on. This was first discussed,
14 in 1976, when Wolf Bauer did the berm study for Birch Bay and now we have the new
15 document that has been done. It addresses what the vision of the Birch Bay Steering
16 Committee was for Birch Bay Drive and what is stated in here is not that vision so I have
17 asked to have that rewritten. The berm is a huge economic development issue. It is a
18 pedestrian facility, a flood control facility and an environmental facility. It has so much
19 impact and really want this in the plan for our community. It's on the six year road plan.
20 It calls for a walking path on the berm and the shoreline would be restored. It would
21 probably leave enough room on Birch Bay Drive for a bike path. We get a lot of bikers in
22 the summer and it becomes a very conflicted road. On the shoulder pedestrians can not
23 walk two together without possibly being hit by a mirror on a car coming by. The lanes
24 are only ten feet wide.

25
26 Mann: Can you describe the berm in more detail and how much it would cost to build.

27
28 Booth: The last document that the County has is the conceptual cost estimate. It was six
29 million dollars when this document was done in December 2007. There has been some
30 controversy if that would really be able to occur.

31
32 Mann: Would the berm be on the east side of Birch Bay Drive?

33
34 Booth: It would be on the waterside.

35
36 Mann: Would you loose some beach?

37
38 Booth: No, the beach would be built up and each part would be treated differently,
39 according to what structures are there now.

40
41 Booth: In the document it says we will be waiting to address the speed limit on Birch Bay
42 Drive until the new Birch Point corridor road is done and Lincoln Road is done. We have
43 made a decision, for public safety, to have a task force to address it now because the
44 County is not planning to build Lincoln Road any time soon. We will be bringing it forward
45 to the County Council in September.

46
47 Jim Simmons, Whatcom County: I would like to point out, on page 11-22, project M-1,
48 Birch Bay Drive, it talks about that it is in the existing Birch Bay Transportation

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1 Improvement Program. My concern with that is that a major portion Birch Bay Drive, to
2 the north, is a 30 foot right of way. There would be a lot of difficulty putting in a bike
3 path. There is some discrepancy about how wide it is. Some people say it's 30 feet and
4 some say it's 60 feet. I do have some paperwork from 1877 and 1878 that indicate it's a
5 30 foot right of way.

6
7 Claudia Hollod, Whatcom County: I am co-chair of the transportation planning committee
8 at Birch Bay. It is very important to build the berm to Wolf Bauer standards. The second
9 phase of the berm will go from Bay Center to Beach Way. Parts of that area are very wide
10 so I don't think pedestrian issues will be a problem.

11
12 In the vision statement of the original plan, which has now been left out, there was a
13 statement regarding access to Birch Point and Semiahmoo, stating access has been
14 approved by creation of a new east/west arterial. That is the connector road we have
15 been working on. That really needs to be in that vision statement. It's critical for getting
16 traffic off of Birch Bay Drive to protect pedestrians.

17
18 The hearing was closed to the public.

19
20 **Work Session**

21
22 The Commission agreed to keep the written record open until August 28, 2008.

23
24 Mann: What is the status of the berm?

25
26 Davis: It is designed and listed on the Six Year Transportation Improvement Plan (TIP)
27 but not for an amount that would complete the project. The non-motorized portion of the
28 berm project is included in the project list. It is somewhat vague so we can work to make
29 it more specific.

30
31 Mann: Because pedestrian, bicycle lanes and safety are such a big issue to the community
32 I do think it needs more mention in the text.

33
34 Menzies: Part of the study area includes Blaine's UGA and I don't see any major
35 improvements for Drayton Harbor Road from Blaine Road around to Harbor View Road. In
36 terms of safety you are risking your life. There is no room to bike or walk. How is the City
37 of Blaine involved and what do they foresee in terms of improvements for that area?

38
39 Lynch: It is mentioned on the list.

40
41 Toedtli: It is addressed to make it safer for more non-motorized safety, but not to attract
42 more traffic to it.

43
44 Menzies: I would encourage staff to engage the City of Blaine in discussions regarding
45 this.

46
47 Menzies: Has anyone considered reducing the speed on that section of the road that is 45
48 mph?

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- 1
- 2 Rutan: We can look at that.
- 3
- 4 Lesow: What development is planned for Loomis Trail Road that would increase the
- 5 volume by 1800 percent over a 20 year period?
- 6
- 7 Toedtli: There is not a lot of development going on right on Loomis Trail Road. What we
- 8 are getting is an increase in traffic and travel delays on the other roads traffic is shifting
- 9 to Loomis Trail Road.
- 10
- 11 Mann: I would like staff to go through all of the written comments and create a matrix of
- 12 your feedback on those comments.
- 13
- 14 There will be a worksession on September 11, 2008 to resume discussion on this
- 15 proposal.
- 16
- 17 The meeting was adjourned at 10:10 p.m.
- 18
- 19 Minutes prepared by B. Boxx.
- 20

21
22 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

23
24
25
26
27 _____
Ken Mann, Chair

28
29
30
31
32
33

David Stalheim., Secretary