

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

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**Ordinance 2023-004: Installation of Stop Signs on Certain County Roads
Birch Point Road and Birch Bay Drive Stop Signs**

Info Sheet

Ordinance

In January 2023, Whatcom County Public Works (WCPW) proposed an ordinance to install stop signs on certain county roads. This ordinance was introduced at the Whatcom County Council meeting on February 7, 2023, and put to a public hearing and vote at the Council meeting on February 21, 2023. The Council adopted this ordinance by a vote of 7-0.

Ordinance 2023-004 authorizes WCPW to install stop signs at the intersection of Birch Point Road and Birch Bay Drive for southbound traffic on Birch Point Road and westbound traffic on Birch Bay Drive.

Background

When the 30th building permit was issued for the Horizon at Semiahmoo Division 1 development, WCPW was required to follow the 2018 International Fire Code (adopted within Whatcom County Code Title 15), which mandates two separate and approved fire access roads for developments of one and two-family dwellings. Birch Point Road, north of Birch Bay Drive, serves as the approved second fire apparatus access road to this development.

Opening this section of Birch Point Road creates a “T” intersection with Birch Bay Drive. WCPW determined that traffic control would be necessary for the traveling public to navigate this intersection safely. The engineering review process included examining roadway structure, traffic count data, collision history, and signs & markings. Stopping sight distance was also measured, and minimum requirements for southbound traffic on Birch Point Road exiting the development and turning left onto eastbound Birch Bay Drive were not met.

WCPW found that traffic from southbound Birch Point Road cannot safely traverse the intersection unless westbound Birch Bay Drive traffic is also required to stop. In the engineering judgment of WCPW, the stop sign layout, as approved by Council on February 21, 2023, is safe and the most appropriate traffic control for the existing intersection at this time.

Alternatives Investigated

1) **Do Nothing** – Leaving the road closed is not an option. The County must facilitate secondary access for emergency services to the Horizon at Semiahmoo development per Whatcom County Code Title 15, which adopts the 2018 International Fire Code. The code states: “Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.” This is not the staff recommended option.

2) **All-Way Stop** – This traffic configuration was deemed unnecessary due to very small numbers of southbound Birch Point Road travelers from Horizon and benefit for eastbound Birch Point Road drivers to not stop heading east. This is not the staff recommended option.

3) **Re-build Intersection** – This process would include adding a project to the 6-year Transportation Improvement Plan (TIP) to conduct an alternatives analysis and designing and constructing an intersection that replaces the existing layout. This is not the staff recommended option.

4) **Birch Bay Village Access Point** – Birch Bay Village has an established secondary access point east of the intersection that is not currently utilized as a primary access. The Village Homeowners Association (HOA) is welcome to revise the status of the gated entrance and direct homeowners to use that entrance, thus avoiding the intersection altogether. WCPW realizes there is a cost to this action, and staff has no recommendation on this private property option.

5) **Stop Westbound Birch Bay Drive Traffic** – The current intersection as constructed is the original approved design. The in-place roadway is constructed as a “T” intersection with Birch Bay Drive intersecting the through road of Birch Point Road. Due to the incomplete connector road to Lincoln/Shintaffer, an additional stop for southbound Birch Point Road, through and left-turning traffic, was recommended. This is the staff recommended option.

Community Feedback

In response to feedback shared during the open session of the Council meeting on March 7, 2023, we appreciate the opportunity to provide additional information to specific comments. We hope this helps address the concerns raised since Ordinance 2023-004 was adopted.

Speeding on Birch Bay Drive

The most effective countermeasure to address speeding on Birch Bay Drive is enforcement. WCPW encourages community members to contact the Whatcom County Sheriff’s office to request emphasis patrols when deputies are available.

Public Works accepts citizen requests to place radar speed trailers at strategic locations to alert drivers of excessive speeds. Where sufficient sight distance exists, it is not common practice for WCPW to install traffic calming features to slow traffic.

Construction of Birch Point/Lincoln Connector Road

The original development, Horizon at Semiahmoo, included provisions for a road to the limits of the property prior to the issuance of the 331st building permit. This PUD (planned unit development) expired along with all conditions of approval. The Whatcom County Hearing Examiner has ruled that the new development is not bound by the previous, expired proposal.

The Hearing Examiner’s approval of the subsequent Horizon at Semiahmoo—Phase 2 from February 1, 2023, included this detailed explanation:

“The Connector Road was originally envisioned as a part of the original Horizons at Semiahmoo PUD. However, the PUD ended up being a failed development and has expired. The new owners are pursuing new preliminary subdivision approval and are not bound by the previous proposals. Instead, they are required to comply with current development standards at regulations. The traffic studies and application of the road standards do not support requiring this developer to provide a Connector Road. The proposed subdivision is expected to have very little traffic impact on Birch Bay Drive. Conditions of approval require a significant financial contribution from the developer to the County Road Fund to mitigate the traffic impacts associated with this subdivision.”

Lack of Notice on Public Hearings

Notification of the public hearing was published in the Bellingham Herald. However, we realize this is the minimum requirement, and more can and should be done to encourage citizen participation. WCPW has reviewed its internal processes for notifying the public about ordinances that affect traffic. Greater priority will be given to raising awareness about when these ordinances will go before Council utilizing available resources. These resources include but aren’t limited to social media, WCPW external newsletter, News Flash updates, and our website.

Emergency Access Only

The housing development was designed and approved with full access to a public road at the southern end of Horizon Drive (Birch Point Road). The County has no authority to require the Horizon HOA to install an emergency-only access different from an available public road.

Jug Head (Jughandle Intersection)

Staff engineering judgment does not support this style of intersection at this location.

Connecting Horizon Traffic to Selder Road

The development was approved with internal traffic accessing Birch Point Road & Semiahmoo Parkway. The County has no authority to require the Horizon HOA to revise the existing approved traffic pattern. Should the HOA wish to redirect traffic to Selder Road, coordination

with multiple property owners for access to extend private roads over private property would be necessary, along with mitigation for traffic impacts and the proper permits.

Winter Driving Conditions

Birch Bay Drive and Birch Point Road are both classified as Urban Collector roads. The Whatcom County Development Standards (WCDS) establish a maximum grade for an Urban Collector at 12%. The Birch Bay Drive approach to Birch Point Road was designed and constructed at 8.5%. There is no engineering concern due to the slope of the approach leg of Birch Bay Drive.

Driving for weather conditions is always recommended. This is covered under RCW 46.61, which states, in part: “No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.”

RCW 36.70a.035

This RCW was mentioned at the open comment session and concerns a public participation plan related to ‘Growth Management—Planning by Selected Counties and Cities.’ It does not apply to this situation. No public notice requirement was violated in the proposal of Ordinance 2023-004. However, we are committed to improving our public notices for our ordinances prior to Council approval. See ‘Lack of Notice on Public Hearings.’

Blind Corner Concerns

Several citizens spoke out with sight distance concerns regarding this intersection. WCPW shares sight and subsequent safety concerns and are the main reason why intersection control is necessary.

S Curve Pond Build to Accommodate Horizon

The stormwater runoff from the Horizon development is collected, treated, and retained in ponds within the development. This pond only accepts road runoff.