



Whatcom County

COUNTY COURTHOUSE
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(360) 778-5010

Agenda Bill Master Report

File Number: AB2022-039

File ID:	AB2022-039	Version:	1	Status:	Adopted
File Created:	01/07/2022	Entered by:	EMiranda@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:	02/08/2022		
Agenda Date:	02/08/2022	Enactment #:	ORD 2022-005		

Primary Contact Email: sdraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance to temporarily close Gulf Road to Motorized Vehicular Traffic

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See memo

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/25/2022	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	
		Absent: 0	
02/08/2022	Council	ADOPTED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	
		Absent: 0	

Attachments: Staff memo, Proposed ordinance

SPONSORED BY: Public Works

PROPOSED BY: Public Works

INTRODUCTION DATE: January 25, 2022

ORDINANCE NO. 2022-005

ORDERING THE TEMPORARY CLOSURE OF GULF ROAD SOUTH OF HENRY ROAD

WHEREAS, the Whatcom County Council has been requested by Pacific International Holdings to close to motorized vehicular traffic a portion of Gulf Road south of Henry Road (a "County right-of-way"), as depicted and described on attached Exhibits A and B, for public health, safety, security, and liability reasons; and

WHEREAS, the closure is requested due to pervasive dumping, abandoned vehicles, alcohol and drug use, the discharging of firearms, unauthorized fires, destruction of private property and trespass (hereinafter, "illegal activities"), having taken place along that portion of County's right-of-way and on adjoining vacant private properties for many years; and

WHEREAS, the increased frequency of illegal activities on the County's right of way and on the adjoining vacant private properties create significant threats to public health, safety, environmental damage and liability on both the County right-of-way and adjoining properties; and

WHEREAS, the Whatcom County Sheriff's Office has dispatched Sheriff's Deputies to the area on numerous occasions over the years at taxpayers' expense to respond to the illegal activities and has indicated support for a closure to conserve Sherriff's Office resources; and

WHEREAS, Whatcom County Fire District #7 has been forced to utilize public resources to respond to fires set on both the County right-of-way and by trespassers on private adjoining properties; and

WHEREAS, the affected adjacent property owners have indicated support for the closure; and

WHEREAS, law enforcement, private security and adjacent property owners' efforts to stop the illegal activities have been ineffective; and

WHEREAS, the County right-of-way dead ends and there are no residential structures along the County right-of-way, and

WHEREAS, the closure of a portion of the County's right-of-way will not eliminate pedestrian public access to the County right-of-way, but will restrict motorized vehicular traffic to emergency vehicles and authorized personnel; and

WHEREAS, Pacific International Holdings will install accurate signage notifying the public that the property not directly on the County right-of-way is private and closed to the public and will install a gate system to effectuate the closure of the road to motorized vehicular traffic; and

WHEREAS, Pacific International Holdings shall bear the responsibility for obtaining permits, constructing the gate system, coordinating access for emergency vehicles, authorized personnel and affected adjacent property owners, and for removing the gate system at the end of the closure; and

WHEREAS, Whatcom County shall bear the responsibility for maintaining the County's infrastructure, namely Gulf Road, any easements and appurtenant structures within the County right-of-way, and Pacific International Holdings shall ensure the County has access to that portion of Gulf Road subject to the closure to perform any required maintenance or repair; and

WHEREAS, Pacific International Holdings shall bear the responsibility of maintaining the installed gate system and signage associated with the closure of Gulf Road. The closure sign shall read: "Road Closed to Motorized Vehicular Traffic;" and

WHEREAS, if the gate system becomes deficient, Pacific International Holdings shall have thirty (30) days to repair and cure the deficiency. If the gate system deficiency is not repaired during that timeframe, the County may remove the gate system and signage after the County Council takes action to open the road to motorized vehicular traffic; and

WHEREAS, the gate system must be designed and installed consistent with the specifications for existing gates currently constructed at Cherry Point that allow for industrial sized loads; and

WHEREAS, the gate system must be designed and installed to allow access to emergency service vehicles including a Fire District-approved lockbox; and

WHEREAS, authorization for installation of the gate system is contingent upon issuance of all required permits including but not limited to a land disturbance permit, a revocable encroachment permit, and a Fire Marshall permit; and

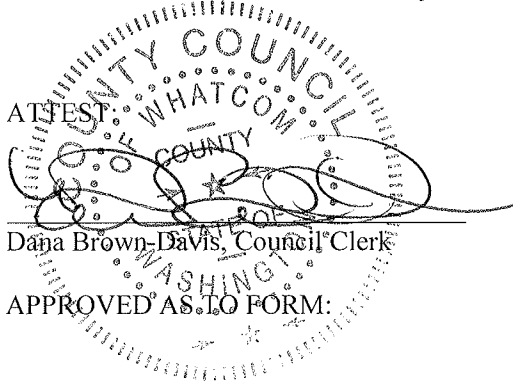
WHEREAS, the closure of Gulf Road to motorized vehicular traffic is established in perpetuity but may be revoked by the County Council at any time for no cause upon taking action to open the road to motorized vehicular traffic. Upon revocation, the County shall provide written notice to Pacific International Holdings which shall have ninety (90) days thereafter to remove the gate system; and

WHEREAS, nothing herein shall be construed to obviate or limit the right of Pacific International Holdings at a future date to petition for vacation under RCW 36.87.130 of the portion of Gulf Road subject to this Ordinance; and

WHEREAS, the County Council held a public hearing on the proposed closure on February 8th, 2022, and is authorized to close the road according to the provisions of RCW 36.32.120.

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that the Public Works Department of Whatcom County is hereby directed, subject to further consideration for re-establishing access for adjoining property owners, to close a portion of Gulf Road south of Henry Road to motorized vehicular traffic.

ADOPTED this 8th day of February, 2022.



ATTEST

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Approved Via Email-CQ/EM

Senior Civil Deputy Prosecuting Attorney

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Todd Donovan, Council Chair

Approved Denied

Satpal Sidhu
Satpal Sidhu, County Executive
Date: 2-14-22

EXHIBIT "A"

GULF ROAD CLOSURE LEGAL DESCRIPTION

THAT PORTION OF THE GULF ROAD (COUNTY ROAD NO. 340) RIGHT OF WAY SITUATED IN NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 1 EAST OF W.M., LYING SOUTH OF THE SOUTH MARGIN OF HENRY ROAD RIGHT OF WAY AND WEST OF THE PORTION OF VACATED GULF ROAD PER AUDITOR'S FILE NO. 940510068.

THE NORTH/SOUTH PORTION OF GULF ROAD RIGHT OF WAY IS 50 FEET WIDE FROM HENRY ROAD TO THE INTERSECTION OF THE STRAIT OF GEORGIA.

THE WEST/EAST PORTION OF GULF ROAD RIGHT OF WAY PARALLEL WITH THE SHORE OF THE STRAIT OF GEORGIA IS 40 FEET WIDE AS ESTABLISHED BY DEED PER AUDITOR'S FILE NO 510394. CENTERLINE OF THIS 40 FOOT WIDE RIGHT OF WAY WAS ESTABLISHED BY ASBUILT LOCATION OF EXISTING ROADWAY.

CONTAINING 148,742 SQUARE FEET (3.4 ACRES)-MORE OR LESS.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SEE ATTACHED EXHIBIT "B"

EXHIBIT B

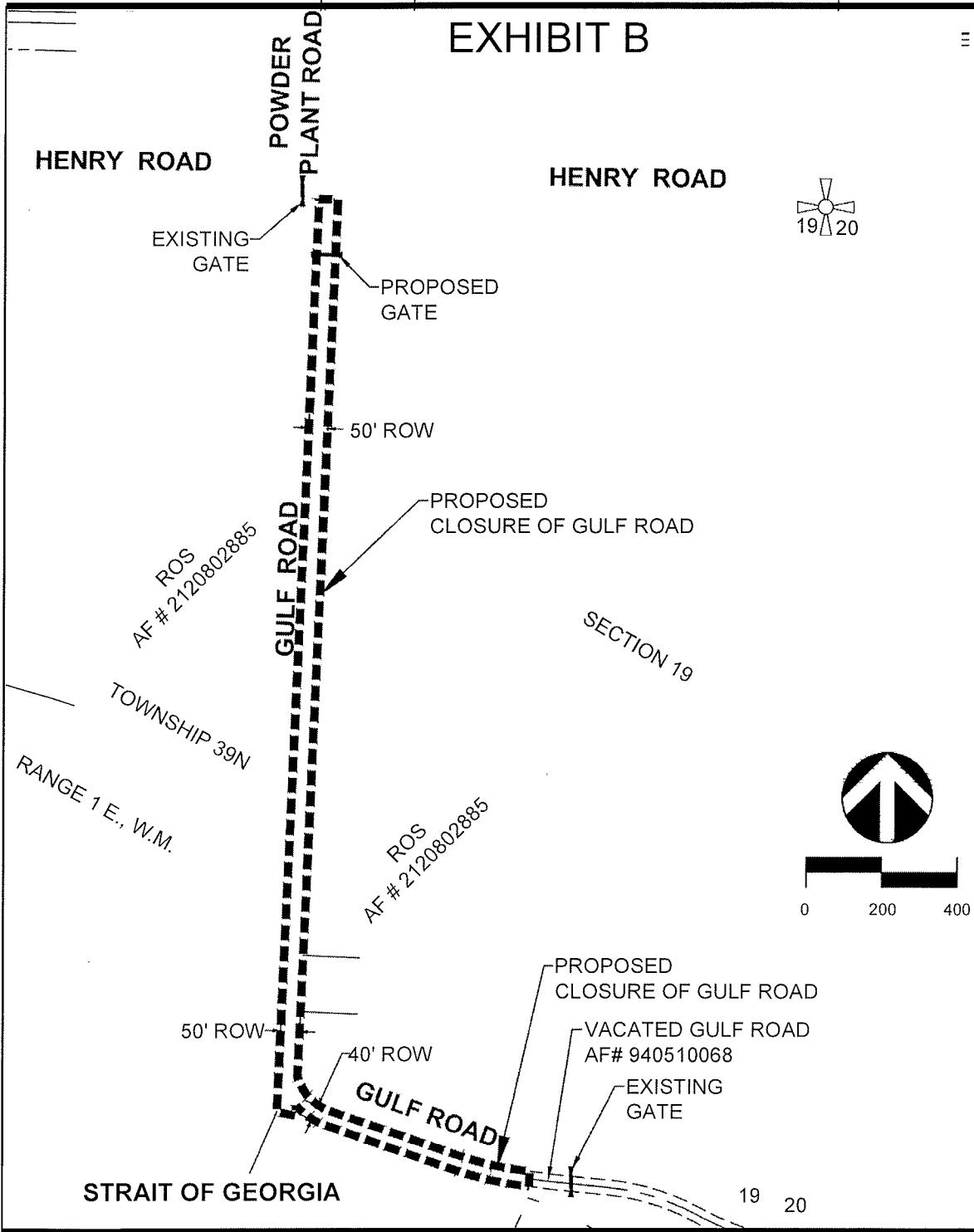


EXHIBIT B



**DAVID EYANS
AND ASSOCIATES INC.**
1620 W. Marine View Drive, Suite 200
Everett Washington 98201
Phone: 425.259.4099

GULF ROAD
CLOSURE
EXHIBIT MAP

DATE: 11-8-2021 DESIGN: GJLA
FILE: PIT10008 / SV-EM-10-PIT10008 DRAWN: GJLA