

Birch Bay Shoreline Plans Explained

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Planning for the shoreline enhancement project slated for Birch Bay is well underway, but county officials still want as much input from community residents as possible.

That was the main message Roland Middleton, special projects manager with Whatcom County Public Works, sought to convey to roughly three dozen Birch Bay residents at a July 18 community meeting held to discuss the Birch Bay Drive and Pedestrian Facility. The project will remove old sea walls and groins in addition to providing a pedestrian bike path and beach berm on the west side of Birch Bay Drive, strengthening 7,400 feet of shoreline and adding storm water treatment structures. The project will also add a bike lane to the east side of Birch Bay Drive.

Kathy Berg, one of the Birch Bay residents who organized the meeting, said the community has been looking forward to the project for almost 40 years. Berg implored her neighbors at the meeting to continue to follow the process and make their voices heard about the project.

“By George, we can do it,” Berg said. “Let’s walk together and make this happen.”

Middleton said he could understand why residents might be frustrated with the county’s progress on the project, given the amount of community meetings that have been held with little action afterward. Though county public works officials have held 29 community meetings on the berm project between 2002 and 2008, Middleton assured meeting attendees focused work on the berm has begun.

“I wanted you to know that the project you might have thought was dead isn’t,” Middleton said. “This project will be built.”

The project, expected to cost approximately \$10 million, will be done in four phases with final completion estimated for around 2020, Middleton said. Improvements to Birch Bay Drive will stretch from the mouth of Terrell Creek to about a quarter-mile west of Shintaffer Road while beach enhancements will go from Terrell Creek to approximately Cedar Avenue.

Returning the entire beach to a more natural state will be one of the main goals of the project and one that local hydrogeologist Wolf Bauer first

proposed in 1975. Bauer wrote an extensive report on the condition of the Birch Bay shoreline, and Middleton said many of Bauer's suggestions have been incorporated into the shoreline enhancements.

Bauer wrote in his report that "... those values which people of the future will prize most highly, namely those found in the natural scene, are yet retrievable here by giving nature a second chance."

The concrete groins and seawalls contribute to beach degradation over time and can even make damage from storm surges worse, Middleton explained. Storms can throw logs and the large stones lining much of the shoreline against the seawalls, creating a ramp allowing the debris to bounce up onto Birch Bay Drive and sometimes into buildings.

"A sea wall doesn't dissipate energy, it reflects it," Middleton said.

Middleton described the natural action of Birch Bay, which the enhancements will seek to emulate, this way: Waves come in at an angle and go back out, meeting more waves coming in. The outgoing waves slow the incoming water and allow it to sink through the sand. This is how storm surges are dissipated by the natural action of the beach, and why sea walls stop this action.

"Within two storms, you won't even know it's a constructed beach," Middleton said. "It will look completely natural."

Shellfish will also most likely increase once the improvements are made. Middleton said clams, for example, prefer to live in the natural state of beaches the project seeks to create.

Middleton also addressed concerns voiced by attendees over the possible removal of parking spaces along Birch Bay Drive. According to Middleton, the county plans to neither remove nor add parking spaces, but said the community and the county should work together to find solutions for parking away from the beach.

Regarding further public input, Middleton said Berg and John Gargett, Birch Bay Chamber of Commerce president, will be part of the selection committee for the project's design team.

Middleton also assured meeting attendees that residents representing other Birch Bay interests, such as individual property owners, will be included in the selection process if they make their desire to be involved known.

Middleton said the county plans to have workshop-type meetings once the team of design consultants is chosen to gather public input on how to proceed. If residents have concerns or suggestions about the project, Middleton advised them to contact him.

Some property owners dispute county's right of way claims

A number of property owners along the north rim of Birch Bay are concerned that Whatcom County's long-awaited Birch Bay Drive and beach improvements may impose on their private property.

Middleton said the county has at least 30 feet of right of way on each side of Birch Bay Drive on which bike lanes and a pedestrian path can be situated. The drive itself will not be widened, though additional paving will be required for the bike lanes and walking paths.

Individual lot rights of way in this area may sometimes be wider on the house side, sometimes wider on the beach side, Middleton explained. On some properties, for example, a house's mailbox may actually be in the right of way and not on the homeowner's property.

Some property owners claim, however, the county only has 30 feet of right of way in that area, which works out to 15 feet on each side of the road. Property owners cite a petition from 1877 that set Birch Bay Drive's width in that area at 30 feet and maintain county public works staff recognized this petition as recently as the 1980s.

Barney Yorkston, who owns a home in the area, said he was told about the petition by Ed Ebright, the previous owner of Yorkston's home. In the mid-1980s, Ebright cited the 1877 petition when county public works officials were attempting to widen Birch Bay Drive. According to Yorkston, the petition convinced the county to stop paving over the contested right of way.

Yorkston's neighbor, Mike Fleming, shares Yorkston's concerns. Fleming said he and other property owners generally support the berm project but they don't want to see the county take 15 feet or more of their property. "We're definitely opposed to that," Fleming said.

Fleming said his deck sits about 30 feet east of the centerline of Birch Bay Drive, an area within the county's claimed right of way. He said he plans to circulate a petition amongst the property owners who live along that stretch to alert them to the project's possible impacts.

"We're just property owners," Fleming said. "We'll just have to go from

there and see what happens.”

Middleton disputes the 30-foot right of way claim, saying the most recent survey he’s seen shows between 60 and 75 feet of right of way in that area. He added he doubts a petition dating before statehood would have the power of law 135 years later. Washington became the 42nd state of the union on November 11, 1889.

Middleton said he recognized the owners’ concerns, however, and pledged to work with them to find a mutually satisfactory solution. The beach and Birch Bay Drive improvements are a community-based project, Middleton said, and he’ll work with the community to get it done. “If there’s a conflict, we need to resolve that conflict,” Middleton said.

“We’re not trying to take anyone’s property by any means. We’re just trying to get this community improvement project constructed.”

To contact Middleton, call 360/676-6876, ext. 50211 or email rmiddlet@co.whatcom.wa.us.