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Whatcom County Council  
311 Grand Avenue  
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RECEIVED

SEP 17 2009

LONG RANGE  
PLANNING DIVISION

*Re: Whatcom County Urban Growth Area Update – Yew Street South UGA*

Dear Council Members,

I represent a number of County citizens who own property or reside within the Yew Street South UGA area that is proposed for removal from the UGA. Please accept the following comments on behalf of these property owners and residents, all of whom strongly oppose the removal of the South Yew Street area from the City of Bellingham Urban Growth Area (that area within the Lake Padden Watershed).

The property owners I write on behalf of include large land holders and developers, owners of medium sized (2, 3, 4 & 5 acre) properties, and individual homeowners on 1/2 acre lots and smaller within the existing subdivisions of South Hills, Wildflower, Padden Height and Lake Padden Forest Estates. They represent the full range of properties and uses within the Yew Street UGA, and share the same concerns regarding removal of their properties from the UGA

The property owners that I represent believe that the South Yew Street Urban Growth Area should not be removed from the City of Bellingham's UGA for a number of reasons. I would like to address each of these reasons in turn and additionally provide a discussion of the potential unintended consequences of removal of the South Yew Street UGA.

Obligations under Growth Management Act

The South Yew Street area has been located within a UGA since 1997 and within an urban service area since the mid-1980's. Urban levels of development (the above referenced subdivisions) and urban levels of utility service have been provided to these residents over the course of the past 20 years.

The County and the City of Bellingham have an obligation under the Growth Management Act (GMA) to plan for the provision of services and the incorporation of areas designated as UGA's within a 20 year planning window. The City and County have not complied with this obligation over the past 14 years, and as a result, we now enter the final 6 years of the 20 year planning window without adequate plans for infrastructure and utility service for the UGA.

The current decision to remove the UGA is a wholesale abandonment of the County's responsibility and obligation to plan for the service and incorporation of the UGA. The GMA is clear in its requirements regarding this obligation, and to propose at this stage, when it is clear that the ball has been dropped by the government, to just remove the area and therefore eliminate the problem, is negligent and inappropriate.

#### County and City responsibility to existing urban residents

Furthermore, the County and the City have a responsibility to the existing urban residents in the UGA, who are living in the area now as a result of City and County planning decisions allowing urban levels of development to occur. There are over 200 single family residential lots located within the UGA that are developed at urban densities (lots less than ½ acre in size). These lots are serviced with City water and sewer infrastructure. The residents in these homes perform the majority of their shopping, dining and recreational activities within the City of Bellingham. They consider themselves urban dwellers not rural dwellers, and they have anticipated (based on planning documents and their UGA status) eventual annexation into the City for over the past 15 years. The County has a responsibility to provide the opportunity for these residents to request annexation into the City in a timely fashion. These residents desire the ability to vote for the elected officials who control their water and sewer supply and who control the businesses and public facilities that they utilize on a daily basis. These residents desire adequate life safety services, police, fire and EMS, which they do not currently receive. Removing the area from the UGA will eliminate the ability for these residents to exercise their rights to request annexation and receive these services.

#### Preponderance of evidence supporting inclusion in UGA/Annexation

There is a preponderance of evidence supporting the inclusion of the Yew Street UGA in the City of Bellingham's Urban Growth Area, and in addition supporting annexation of the area into the corporate limits of the City:

- The area is logically located for inclusion in the UGA, adjacent to existing city limits, surrounded on two sides by City, bordered on the east by a major collector road tying Lakeway Drive (within the City) to Samish Way (within the City), and serviced by existing City water and sewer infrastructure.
- There has been significant planning over the past 15 years, including millions of dollars in design, engineering and construction of road, water and sewer infrastructure, with the intention of providing the UGA with these services. There are current plans for an extension of Governor Road, a San Juan Boulevard Connector and regional parks and trail plans, among other things.
- There is no impact on agricultural land as a result of this area remaining designated as a UGA. To the contrary, if the area is removed, then in order to

accommodate the allocated growth for the City, development will have to occur along the northern boundary of the City, where agricultural lands do exist.

- The UGA is partially developed and abuts rural forestry zoning, so there is no risk of sprawl occurring as a result of inclusion.
- There are significant life safety concerns for the residents of the area. As stated, there are over 200 urban single family lots, and many more homes on larger lots, all of which are serviced by a volunteer fire department and our sheriff's department. These service providers can't provide an adequate level of service for the residents of this area.
- There is significant urban development in the area already (as referenced above).
- There is significant urban infrastructure in the area already. Water and sewer infrastructure exists in the south half of the area, and along Yew Street road to the north of the area. Proper connectivity of these services requires extension through the Yew Street South UGA.
- If the area is removed, existing and future development will continue to utilize on-site septic systems for the treatment of effluent. This produces a negative impact on the environment, and potentially could harm Lake Padden.
- There is a brand new Bellingham School District elementary school within the UGA, which is operating with temporary water and sewer infrastructure. The school district chose this site based on the understanding that this area would be annexed into the City. Continued development of the UGA would provide additional students for the school to serve, and also provide permanent utility infrastructure for the school.
- There is a clear desire by the majority of the residents in the area to remain in the UGA and be annexed by the City. I worked personally on an annexation petition several years ago in this area, and the sentiment was very clearly in favor of annexation. Since then I have met with many property owners and conducted a neighborhood meeting, and the overwhelming majority of property owners support inclusion in the UGA and eventual annexation.
- City of Bellingham planning staff and the Mayor of Bellingham both support inclusion of this area in the UGA and eventual annexation. The City planning department, Mayor and City Council have all verbally committed that this area will one day require annexation.

These eleven reasons provide a preponderance of evidence supporting inclusion of the Lake Padden Watershed area within the UGA. To the contrary there are limited arguments for removal, primarily based on the financial impacts of annexation and environmental protection of Lake Padden.

#### Financial Impacts

Financial impacts of annexation are primarily the concern of the City of Bellingham and not Whatcom County. The City has in the past shown due diligence in analyzing the financial impacts of annexation requests that are brought forward by residents.

Annexation of this area produces some financial concerns, but these are being addressed as modeling for impacts improves, and there is no reason to assume that these concerns cannot be addressed while the area remains in a UGA; there is no need to remove the area

in order to analyze these impacts. Actually, if the area is out of the UGA, the City would have little motivation to address these concerns since there is little likelihood of them being presented with an annexation request.

#### Environmental Protection

Arguments have been made that the area should be removed in order to study the impacts of development on the Lake. Analysis of the impacts of development on Lake Padden, much like analysis of financial impacts, can also occur if the area remains within the UGA. Once again, no development can occur in the UGA until annexation occurs, and there is no reason to believe that adequate analysis of the impacts of development can't occur while the area is located within the UGA.

The basis for these concerns is that the Lake is listed as an impaired water body by the Department of Ecology. A review of the DOE studies that resulted in this designation shows that the Lake is listed as a result of an elevated PCB level and for this reason only. PCB's were outlawed in this Country and around the world over 25 years ago. New development in the UGA will produce no new PCB's and will do nothing to aggravate the existing elevated PCB levels. In addition, the City of Bellingham's stormwater regulations and critical areas regulations will help to insure that any stormwater that reaches the lake will be adequately treated, and no critical habitats will be adversely impacted.

#### Growth Management Act requires locating urban development in UGA's

The primary purpose of the GMA is to reduce urban sprawl, and insure that areas that are characterized by urban levels of development, and that have urban levels of service, be located with UGA's and eventually annexed into City's corporate limits. It is clear on all fronts that this area is characterized by urban levels of development and urban levels of service and that it is appropriate for inclusion within the City of Bellingham. By removing it from the UGA at this time, we are effectively taking a step away from the inevitable designation for this area, and also taking a step away from GMA compliance.

#### Inadequate Planning for Growth

Based on the County's own land capacity and population projection numbers, the City of Bellingham has absorbed on average over the last 20 years 44.5% of the population of Whatcom County. Executive Kremen's recommendation states, "*Bellingham has been, and will continue to be, the primary population and employment center in Whatcom County.*" However, he has assigned only 42.5% of the County population to Bellingham over the next 20 years; this number includes the South Yew Street UGA. When the area is removed, Bellingham is assigned only 41% of the County population. Based on historical trends, and the Executive's own statement, this is an under allocation of the share of County population.

In addition, the City of Bellingham has had a growth rate on average over the last 20 years of 2.1%. Executive Kremen's recommendation assumes a growth rate of 1.3%; this number includes the South Yew Street UGA. When the area is removed, Bellingham is assigned a growth rate of only 1.1%. Based on historical trends, and the Executive's own

statement, this is an under allocation of the growth rate for Bellingham.

The City of Bellingham has thoroughly analyzed their available land capacity, has expressed concerns regarding the County's methodology for assigning capacity, and has clearly indicated that they will be short on capacity for the County's assigned growth by approximately 3,150 people. If the Yew Street UGA is removed, they will be short approximately 4,400 people.

What appears to have occurred is that the Executive's recommendation has ignored historical trends, and assumed a significant decrease in share of population growth and growth rate for the City of Bellingham, while in the same document identified that Bellingham is the City within the County where people have and will continue to want to move to the most. These are entirely inconsistent premises. The City is not being provided with adequate space to meet an unrealistically low demand, and if historical trends continue, which is acknowledged as a likely scenario by the Executive's recommendation, then Bellingham will have even less space to meet even greater growth pressures.

This is not what I believe a reasonable person would call planning, and it is surely not planning in the context of growth management. The executive's recommendation effectively assumes the argument that by providing less space for people than have historically moved here, demand for that space will decrease accordingly. This is an illogical argument and is entirely inconsistent with smart planning, growth management and established economic principles.

This argument is specifically applicable to Bellingham's UGA and the Yew Street area, but sadly it has been applied Countywide in the Executive's recommendation. The current proposal identifies a historical growth rate in Whatcom County of 2.3% over the past 20 years, but provides adequate land supply for only a 1.4% growth rate over the next 20 years. This policy will produce significant unintended consequences for our County government, City governments and citizens.

#### Unintended consequences

There are a number of unintended consequences that will result from not adequately planning for realistic growth rates County wide.

Existing and future infrastructure and life safety services will not be able to meet the demands of higher growth rates (pipe sizes, pressure and funding mechanisms will not be established at levels needed to meet demand at realistic growth rates).

Fiscal impacts on school districts and other public service districts will be significant, as these districts will struggle to maintain their operations and facilities with funding that is not growing at the rate that service demands grow.

Most importantly, land prices will go up. If the supply of a commodity (land) is reduced, and the demand for that commodity is maintained or increases, then the price of the

commodity will increase as well. The result of eliminating a significant amount of residential land capacity in our UGA's, and making the erroneous assumption that this will decrease the demand for residential land, is that a significant and important demographic within our County, young working class people, will be priced out of the market.

The living wage in our County will not be able to support the land values, and working class (our middle class) residents will not be able to afford land or homes. These are the people who make this County, and specifically the City of Bellingham, a vibrant, lively, fun community, and more importantly the people who maintain the economic stability and vitality of this County.

By making unrealistic assumptions about population growth rates and the City of Bellingham's share of future growth, and subsequently eliminating areas like the South Yew Street UGA, which are entirely appropriate for urban development, we are choosing to create an elite community. The residents and property owners that I represent in the South Yew Street UGA do not believe that is the vision of Whatcom County they want to hand to their children and grandchildren, and they request that you consider the impacts of removing the South Yew Street UGA, and choose to leave the area in.

Thank you for your honest consideration of these comments.

Sincerely,



ALI TAYSI

Cc: Planning Commission Members  
Cc: County Council Members  
Cc: County Executive  
Cc: David Stalheim, Planning Director