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Date: 8/19/2009 2:28 PM
Subject: City of Ferndale Position On Determining the Appropriate 2031 Urban Growth Area
Attachments: Ferndale_UGA_August17_2009.pdf; Ferndale LCA.UGA Proposal - August 17, 2009.doc

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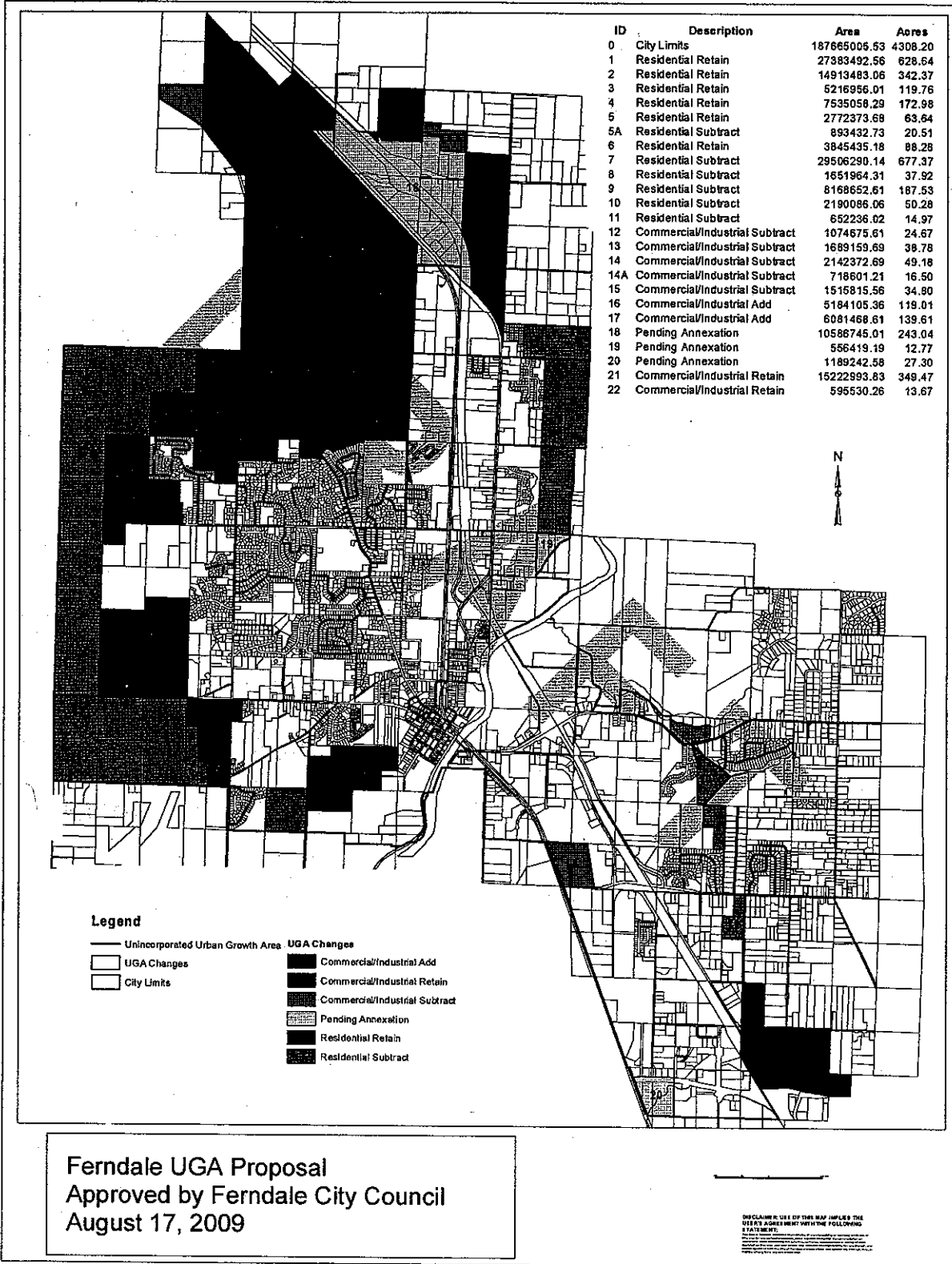
County Council Members:

Attached are highlights of the City's public process on reducing the size of the City's Urban Growth Area. You will find information on the City's position and associated concerns with County staff's Land Capacity Analysis dataset and County staff's proposal to adopt the concept of Urban Reserve. Finally, you will find very specific language addressing the City's proposal to reduce its UGA by 988 acres with an attached map identifying the acreage being proposed for removal.

We truly appreciate and thank you in advance for the time you are taking to consider the City's perspectives on these issues. If you have questions or need clarification on any issue, please do not hesitate to contact either Mayor Jensen (815-6135) or me (815-7383)

Sincerely,

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City of Ferndale Position on Determining the

Appropriate 2031 Urban Growth Area

August 17, 2009

- The City of Ferndale sent out over 200 letters to property owners in the Urban Growth Area, posted 12 sites, and had several public notices published advertising two public meetings to discuss the City's proposal to reduce the size of the City's Urban Growth Area. The public meetings were held on July 16 and 29, 2009. The meetings were attended by a total of 90 citizens.
- The Ferndale Planning Commission held a public hearing on August 12, 2009, to take public testimony on the proposed Urban Growth Area (UGA) reduction. The Planning Commission heard testimony on Whatcom County staff's proposal to reduce the City's Residential UGA by 1800 acres, not allow any expansion for commercial/industrial uses, and to place the remainder in a new category identified as Urban Reserve. The Planning Commission forwarded a recommendation to the Ferndale City Council affirming City staff recommendation to reduce the City's Residential UGA by not less than 916 acres, add approximately 200 acres to the City's UGA for commercial/industrial growth, and to reject the concept of Urban Reserve. The Planning Commission would not consider the concept of Urban Reserve (UR) without a legal justification for the concept, without a formal definition and associated criteria for designating land for UR status, and for moving land from the UR to the UGA.
- The Ferndale City Council held a public hearing on August 17, 2009, to take public testimony on the proposed Urban Growth Area reduction. The City Council heard public testimony on Whatcom County staff's proposal to reduce the City's Residential UGA by 1800 acres, to not allow any UGA expansion for commercial/industrial uses, and to place the remainder in a new category identified as Urban Reserve. The City Council also received the Notice of Decision from the Planning Commission on the UGA issue. The City Council supported the Planning Commission recommendation to reduce the City's Residential UGA by not less than 916 acres, to add approximately 200-acres to the city's UGA for commercial/industrial growth, and to reject the concept of Urban Reserve. The City Council indicated it would not consider the concept of Urban Reserve (UR) without more complete information as to the legal justification for the concept, the definition of UR, the criteria for moving land from the UR to the UGA, and more complete information on how land is initially given UR status.

Land Capacity Analysis (LCA)

- In general, Ferndale supports the LCA conceptual model used. However, we believe that there have been erroneous input figures used. The input figures used by County staff have not been fully vetted

and discussed with the City, have not been justified by County staff, and we believe, do not accurately represent realistic projections for development within the City of Ferndale. We have seen no public discussion regarding the different input figures used for different cities (even though this has been requested by the City), no public discussion regarding the justification or support for using specific input figures for the City of Ferndale, and no rationale for why the City's LCA input figures should not be utilized by Whatcom County.

● By using inappropriate LCA inputs generated by County staff rather than inputs based on City staff's specific knowledge of the jurisdiction, Ferndale's revised UGA may be reduced to such an extent that Ferndale will be unable to provide an adequate urban supply, thus driving additional inappropriate development into the rural and Ag lands.

● Ferndale has analyzed the County-prepared LCA and identified specific changes to the LCA inputs. These changes would support a reduction of Ferndale's residential UGA by at least 916 acres (compared to an estimated 1,800 acres using County staff inputs).

● These LCA input changes are based on adopted City studies (the 2007 Buildable Lands Inventory) and/or third party estimates (such as the Office of Financial Management). They are legally defensible, within the ranges provided by the LCA in other cities, fit within the parameters of the EIS, and are reflective of actual achieved conditions within the City of Ferndale.

Specific Changes to the Land Capacity Analysis

1. Change multi-family occupancy rate from 93.3% to 91.7% (based on 2008 OFM projections)

2. Change estimated densities to the ratios shown below (the County-staff LCA provides a density for each individual zone, generally reflecting the maximum densities possible in that zone. The actual *achieved densities* are reflected in the changes proposed)

Land Use Designation	Vacant Densities Per Acre	Partially Developed Densities Per Acre
Low Density	4	2
Medium Density	7	3.5
High Density	12	6

3. Adopt Infrastructure deduction of 29% (from approximately 19%). This, combined with the existing Critical Areas deduction of 13%, provides a total deduction for non-development uses of 43%, reflecting *achieved densities* in the past ten years.

These changes, while seemingly minor, will alter the un-substantiated erroneous input figures used in the prior LCA. They all represent factual achieved densities.

Results

- If these changes are made, the City estimates that a reduction of approximately 916 acres from the existing Urban Growth Area will be required to meet projected growth in the next twenty years. The City Council actually approved a 988 acre reduction of the UGA as indicated on the attached map.
- The City believes that the size of Industrial and Commercial UGA's are less quantifiable, and the location of a city (and its access to transportation, goods and services, and population) should be considered to a greater extent than proposed by County staff. The City's request to add two areas of approximately 120 acres each to the Commercial UGA (Slater and Enterprise) will preserve the City's ability to sustain future employment growth, in areas that are ideally suited for such development.

Urban Reserve (UR)

The City of Ferndale does not support the application of Urban Reserve. This is based on the following:

- Adequate land supply should be allocated into the UGA
- The Urban Reserve concept is untested, ill-defined, is not specifically identified in the GMA, and has not been approved by the Department of Commerce
- The concept, as currently proposed by the County, lacks specific criteria for transfer from UR to UGA
- Specific land allocated into the UR should be the result of a discussion with the City and made part of a revised Interlocal Agreement.

Ferndale UGA Proposal

Ferndale's Proposal is consistent with the requirements of the Growth Management Act, the order of the Western Washington Growth Management Hearings Board, and the expectations of the City of Ferndale and its citizens.

- Ferndale proposes withdrawing 988 acres (almost 42%) from the existing residential UGA

- Ferndale's existing developable land designated as Agricultural is proposed for withdrawal from the UGA

- Ferndale's residential allocation (using the city-proposed modified LCA) is within the range of the County's Environmental Impact Study.

- Ferndale's proposed modifications to the Land Capacity Analysis utilizes inputs that are within the range of those shown for other jurisdictions, and are based on objective 3rd Party data and represent historically achieved development densities

- Ferndale is in the process of completing several capital facilities plans, which will be adopted in time for the 2011 Comprehensive Plan update. Ferndale is committed to putting in place Capital Facility Plans that address urban-level growth within the entire UGA

- Ferndale is committed to revising the City/County Interlocal Agreement, establishing an Annexation Blueprint (including demonstratable Capital Facility Plans), and developing new methods to promote infill and greater urban densities

- Ferndale believes that the 988 acre reduction in our UGA will provide adequate land for growth over the planning period. Therefore, the Urban Reserve concept offered by the County is unnecessary as the remaining UGA is not over-sized. We believe that adequate land should be in the UGA and not relegated to an undefined and questionable status.

Proposal Conclusion

Adopt the revised LCA inputs, deduct 988 acres from the existing residential UGA and add approximately 200 net acres to the Commercial/ Industrial UGA. Do not designate any land as Urban Reserve, and retain all land in the City's UGA that is not identified for reduction in the City's UGA, as shown on the attached map.