

AB2009-52e

**From:** "Kathy Berg" <kathyberg@comcast.net>  
**To:** <Undisclosed-Recipient:;>  
**Date:** 9/1/2009 8:24 PM  
**Subject:** Why Not??

September 1, 2009

RE: Un-UGA Birch Bay

Perhaps it would be appropriate to remove the Urban Growth Area designation for Birch Bay because:

The use of the word Urban is misleading and false advertising in that it implies and/or suggests Urban Levels of Service (LOS) that do not now exist from all service providers nor can they be reasonably anticipated to provide Urban LOS in the future under the present circumstances.

While Fire District #13 provided the Birch Bay UGA with a response time of 6 minutes or less in the year 2000 to 2004 timeframe which was an Urban LOS as defined in the Birch Bay Community Plan (the Birch Bay Subarea Plan of the Whatcom County Comprehensive Plan); Fire District #21, aka North Whatcom Fire & Rescue, responds today in something better than 8 minutes or so. The 8-minutes LOS may or may not be an Urban LOS, depending on the adopted definition of same.

If the Birch Bay or any other community wants an Urban LOS for

- Police Protection,
- Fire and Emergency Medical Services,
- Governance,
- Land Use and Housing,
- Transportation and Roads,
- Parks and Recreation,
- Design Standards, and
- Economic Development,

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that community should make the conscious decision for same and become a city where Urban Levels of Service are expected and required. Counties are not meant to and do not very well provide Urban Services; to expect otherwise is unreasonable.

Before Birch Bay was designated a UGA, the Birch Bay Water and Sewer District did a fine job of providing water and sewer service, the Blaine School District handled the students from Birch Bay, Fire

Districts #13 and #7 provided fire and EMS response and the utility companies provided for growth as requested. No doubt they all can continue to do so no matter the semantics of what Birch Bay is called. So why not un-UGA Birch Bay??

While the beginning of Chapter 16 - Governance in the Birch Bay Community Plan discusses annexing to Blaine and incorporation for Birch Bay, on page 16-32 it also suggests Interim Service Improvements for Unincorporated Birch Bay. It is interesting to see how the people of Birch Bay, Whatcom County and other service providers have made progress towards improving conditions and practices in the Birch Bay watershed by implementing 6 of the 7 Action Strategies.

The 7 Action Strategies are found on page 16-36 and here is what has occurred to date to implement those strategies.

- 1.. The City of Blaine was approached to discuss annexation of the Birch Bay UGA into the City and Blaine officials rejected the idea.
  - 2.. The Birch Bay Incorporation Feasibility Study, financed by Whatcom County with active participation by the Birch Bay community, was completed in March 2008.
  - 3.. So far there has not been sufficient public interest and support for Birch Bay incorporation for County to be asked for assistance to develop and circulate a petition to initiate an incorporation election in Birch Bay.
  - 4.. Whatcom County in early 2009 adopted traffic impact fees from new development to fund a pro-rata share of the transportation and improvements identified in the County Capital Facilities Plan and amended the Community Plan Chapter 11 - Transportation and the transportation portion of Chapter 2 - Summary. The development and adoption of Park Impact Fees might be useful, either through Whatcom County or the Northwest Parks & Recreation District #2 or some combination thereof. It must also be noted that Impact Fees/Mitigation Fees alone are not the magic bullets to solving the cost to provide additional services imposed by growth and development.
  - 5.. About 2007 or '08, Whatcom County adopted School Impact Fees in which the Blaine School District has, so far, declined to participate.
  - 6.. The Parks, Recreation and Open Space subcommittee of the Birch Bay Steering Committee worked to reinstate the operation of the Northwest Parks and Recreation District #2 which has successfully gone out to the Blaine and Birch Bay communities for a levy and is offering a vigorous list of recreation opportunities. Whatcom County Parks, Northwest Parks and the Birch Bay community are working on a master plan for a community park at County's Bay Horizon Park.
  - 7.. Working with Whatcom County, the Birch Bay Watershed and Aquatic Resource Management District (to address storm water management, flood control and water quality issues) and the Birch Bay Shellfish Protection District were formed in 2008 and 2009 respectively. These particular developments are THE most important because the healthy state of the Bay itself is the one thing upon which everyone can agree and upon which everyone shares genuine concern.
- The Birch Bay Community Plan has and continues to serve the community well.

Birch Bay, a resort/residential community; Cherry Point, a non-residential heavy industrial area; The Foothills, a more rural, somewhat remote residential community; Custer, highway commercial with some residential; and others like Lummi Island are areas with individual characters and uses that need to be recognized and for which unique-to-them plans need to be devised. These areas should be recognized as unique subareas of the County and allowed to grow and develop in their own unique way with careful, thoughtful planning. They are not necessarily urban, they are not LAMIRDs and one-size-fits-all is not appropriate. These areas are unique and they must each be thought of and treated accordingly.

The subarea plans for these unique areas would remain in place, or need to be written, and will need to be updated regularly with community input. Apportioning a certain part of the Rural residential and employment growth identified in the 2031 process to these unique areas would be appropriate in recognition of the peoples right to choose how and where they wish to live, work and play.

In the end, it is not numbers on paper in an obscure report that will determine where growth occurs but the will of the people themselves. It is only hoped that we will use our intelligence and experience to plan to grow gracefully and well.