

SEP 17 2009

CITY OF FERNDALE

LONG RANGE
PLANNING DIVISION

COMMENTS ON COUNTY-PROPOSED UGA REDUCTIONS

PRESENTED AT

JOINT COUNTY COUNCIL / PLANNING COMMISSION HEARING

SEPTEMBER 17TH, 2009

1. Ferndale has been consistent and vocal in identifying its concerns about the Whatcom 2031 process, particularly the Land Capacity Analysis. However, Ferndale has also been consistent in its efforts to develop a legitimate proposal which increased densities within the City limits and reduces the UGA.

- In June, Ferndale proposed reducing the residential UGA by at least 916 acres
- In August, Ferndale submitted a proposal to the Whatcom County Council reducing the residential UGA by 988 acres.
- Ferndale has developed a number of ordinances which increase densities within the City limits, as well as rewarding multi-family development within the City core.

2. The Whatcom County Executive and Whatcom County staff have made proposals which are legally questionable. The County has also continued to change its proposals on a regular basis and without notice, placing cities in a reactive mode without adequate time to consider the changes or relay the concepts to elected officials and the general public.

- The Urban Reserve concept is not supported by the Growth Management Act. In addition, the proposal lacks a clear definition, criteria, or an inter-local agreement.
- When and if the UR is overturned, the remaining UGA would likely be insufficient to accommodate residential growth in the 20-Year Planning Period.

- The ambiguous nature of the UR prevents the City from completing Capital Facilities plans which may utilize that area to serve commercial and industrial uses in the Grandview UGA.
- The Growth Management Coordinating Council, which recommended approval of all City plans, is being ignored.

3. The County Executive and staff have relied almost exclusively on a Land Capacity Analysis which utilizes inaccurate inputs, the aggregation of remainder parcels, and a variety of other clearly erroneous assumptions. This contributes to results that are skewed and biased. Many of these errors were discovered after the conclusion of the EIS comment period, and County staff has been unwilling to modify the LCA accordingly.

- Parcels constrained by wetlands are shown to have more development potential than actually exists.
- The LCA is based on potential maximum densities, rather than achieved densities, and far exceeds objective projections.
- The LCA does not make an effort to analyze whether the potential densities will result in livable communities. When cities have argued that the LCA is based on numbers and ignores people or community, the cities themselves have been ignored. It appears that County staff's goal is to get the LCA and its results approved, rather than have a program which results in well-planned communities.
- The County Executive appears to have projected that growth will occur at a fixed rate (example: 300 people per year over twenty years), rather than at an annual growth rate (example: 3%), thus he has reduced the population allocation from the GMCC recommendation.
- The County Executive and County staff have overlooked the fact that financial decisions have already been made by cities to provide water, sewer and stormwater services (capacity and conveyance) based on longstanding growth projections, existing city limits and projected development in the current UGA.
- The LCA does not make an effort to analyze the costs of the policies that are anticipated. For instance, the LCA anticipates a dramatic increase in the number and density of multi-family development in Ferndale. The costs of developing multi-family residences in Ferndale are similar to Lynden and Bellingham, yet the

resale value of individual units is significantly less. Though this gap will shrink in the future, the LCA does little to provide a market analysis of the impacts.

4. The Land Capacity Analysis does not accurately measure commercial and industrial requirements, but instead provides "best guesses" which have been converted by County staff to gospel.

- Several studies have determined that Ferndale requires an additional 200,000 – 300,000 square feet of commercial/retail space to serve the existing City and service area at 2009 levels. The LCA does not identify existing deficits.
- The County Executive has proposed a reduction of approximately 1,800 acres of the Ferndale UGA and formation of an "Urban Reserve" which lacks legal justification, specific mechanisms to transfer land from the Urban Reserve, or any form of inter-local agreement to support the concept.
- The County Executive perpetuates Ferndale's status as a bedroom community to Bellingham by artificially limiting the area projected for future commercial/industrial employees. This will require that Ferndale residents continue to drive to Bellingham to work.
- The LCA projects that existing commercial/industrial development will grow at the same scale it has in the past, and does not anticipate the establishment of large-format retail in Ferndale.

5. The County has relied on numbers to make its point, but in so doing has ignored the people it is impacting.

- Planning is not a science, nor should it be. It is based on people, a sense of history and place, and preserving and enhancing those qualities. County Staff has hid behind the numbers, and is ignoring the cultural aspects of planning.
- Land use decisions by hundreds of property owners have been made with the expectation that their properties would ultimately be annexed into the various cities. With no finding from the Growth Management Hearings Board to support them, County Staff has determined that many of the Cities' UGA's are over-sized and is proposing action to overturn past County Council-approved UGA allocations without regard to the people they are impacting.
- County staff has made no effort over the previous twelve months to understand the individual sense of place or cultural aspects within the various communities

that will be negatively impacted by implementation of Executive Kremen and County staff's proposal.

- At the end of the day, what is or should be our intent? Good planning is not based on thresholds, size caps, a minimum number of agricultural acres, or an imposed reduction of UGA's. Good planning means creating communities that work, and that work together. The County Staff has sought to plan a community based on numbers and statistics. The City of Ferndale hopes to plan a community based on people. What does the County Council intend to do?

CONCLUSION:

Ferndale's request is identical to the one proposed several months ago: reduce the residential UGA by not less than 916 acres (actually 988), and expand the commercial/industrial UGA in the vicinity of Slater and Enterprise Roads, for a net increase in commercial/industrial land of approximately 150 acres. Do not establish an Urban Reserve or designate land for Urban Reserve. This proposal is consistent with the Growth Management Act, preserves a regional inventory of residential, commercial, and industrial land, and allows the City to grow in a logical, responsible manner. The proposal does not impact legitimate agricultural properties.