

LANGABEER & TULL, P.S.

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October 19, 2009

Whatcom County Planning Commission
Northwest Annex
5280 Northwest Drive
Bellingham, WA 98225

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Re: Birch Bay UGA

Dear Councilmembers and Commissioners:

Greetings:

The Garrett and Allen/Whisper Lake properties must remain within the Birch Bay UGA.

- The Birch Bay Community Plan has, for many years, called for and relied on intensive residential development of the Garrett and Allen/Whisper Lakes properties.
- The much needed Blaine Road safety and structural improvements, including signalization, will only timely occur if the Garrett and Allen/Whisper Lakes properties are included in the Birch Bay UGA.
- The relevant public service providers affirm that adequate public facilities and services exist and can be provided to the Garrett and Allen/Whisper Lakes properties in an efficient manner.¹
- The Garrett property and the Allen/Whisper Lake property are either completely or mostly unencumbered by the streams that run throughout many of the neighboring properties, and so are immediately available to accommodate population growth.²

¹ The Birch Bay Water Sewer District Plan, as approved by the County Council, extends to and beyond the Garrett and Allen/Whisper Lakes properties, and the District has provided both parties with the necessary “will serve” letters. Additionally, Both Mr. Garrett and Mr. Allen have expressly agreed to execute a “service agreement” and pay the attendant fee, as required for fire service.

² A map of the area streams is attached for your ease of reference.

- Mr. Garrett's property is already vested for the development of 97 lots at an overall density of 1.5 lots per acre.
- Mr. Allen's Whisper Lake is already vested for the development of 145 lots at an overall density of 3.8 lots per acre.³
- Mr. Garrett's and Mr. Allen's properties must be included in the Birch Bay UGA because they are "characterized by urban growth"⁴ where they are surrounded by existing urban growth characteristics,⁵ where the County Council previously identified the areas as "characterized by urban growth" when the Council placed, it in Birch Bay's **Short Term** UGA, the plats are vested at urban densities, and adequate public facilities and services exist and can be provided in an efficient manner.

Based on the forgoing, the Garrett and Allen properties must remain within in the Birch Bay UGA.

Please feel free to contact us with any questions.

Very truly yours,
LANGABEER & TULL, P.S.

Dominique Zervas

DYZ: ao
cc: clients
Doug Campbell

³ As of October 15, 2009, assuming the application is complete.

⁴ [*Association of Rural Residents v. Kitsap County*](#), WWGMHB 93-3-0010, Final Decision and Order (June 3, 1994), at 8 (only growth that is non-urban can be placed outside an urban growth area). *See also* *Irondale v. Jefferson County*, WWGMHB Case No. 04-2-0022, Final Decision and Order (May 31, 2005) (emphasis added).

⁵ Mr. Garrett's property is abuts the fully developed Double R Ranch development on one side and land presently zoned for 6 - 24 units per acre nits/Acre, and Urban Reserve Medium 6 Units/Acre, respectively. Allen/Whisper Lake property is less than one block away from the proposed commercial center, is zoned to accommodate 6 units per acre, and nearby properties are zoned for 6 - 24 units per acre.