

**Bellingham Response to County Council Planning and Development Committee
October 27, 2009**

Executive recommendation: The Whatcom County Executive recommended removal of the Urban Growth Area in the Lake Whatcom watershed, placement of the area within the Lake Padden watershed in an Urban Growth Area Reserve, and requested that the city plan for an additional 4,441 people.

County Planning Commission initial recommendation: The Whatcom County Planning Commission has recommended that the areas within the Lake Whatcom Watershed be put back into the Urban Growth Area, but with a policy and regulations that ensure that development in the watershed does not occur at urban densities. In a split vote, the Planning Commission concurred with the Executive's recommendation regarding Lake Padden Watershed area being removed from the Urban Growth Area.

County Council Committee questions: The County Council Planning and Development Committee has questions about these issues and would appreciate a response from the city:

1. Lake Whatcom Watershed. Both the city and county appear to have comparable regulations to protect water quality. The county has an updated shoreline master program that meets new state guidelines; the status of the city shoreline guidelines is not known. Both jurisdictions agree to protections of the watershed, but the question is which jurisdiction should govern. Our questions to the city are:
 - a. Question - Would the city agree to annex the watershed areas by a specific date, and if annexation does not occur, that they are removed from the Urban Growth Area? If so, what would be the date that the city target date for annexation be?

City Response: Previously submitted comparisons of City and County stormwater and other development regulations show the City is in the best position to protect the watershed. The City's dedicated funding source for stormwater projects and our new Silver Beach Ordinance provide the best opportunity to protect the Lake.

The City's new Shoreline Master Program is expected to be approved by the City Council in November. It will provide protections equal to those in the County, and it will be approved and in place before annexation of any lakeside property in Geneva is approved by the City.

The City has reviewed seven annexations over the last two years and approved five. We have four more petitions in the review process. Several of the areas annexed were residential areas like Geneva.

As we have stated in previous submittals, the City does not entirely control the timing of annexations. All of the annexation requests approved in the last 30 years has used the petition method – whereby property owners in the area seeking annexation initiate the process. The City has not used the election method or the recently approved interlocal agreement method. The election method, while perhaps providing more certainty with respect to the timing of annexation, would require extensive staff resources. A proactive effort to annex the Geneva area using the election method is not on our work program for 2010.

Question b. If the city annexes the area within the watershed, what assurances can the city provide that non-urban densities will be implemented and that your regulations, including shorelines offer the same level of protection as Whatcom County's?

City Response: The City would annex at zoning densities equal to those in the County zoning just as we have always done. Also, we have publically encouraged the County to enact the Planning Commission's recommendation to put zoning in place that does not allow urban densities in these areas. The City Council is on record supporting measures that lower densities and allow less future development potential in the Lake Whatcom Watershed.

2. Lake Padden Watershed. Considerable input has been received from the School District, property owners and citizens about removal of the portion of the Urban Growth Area in the Lake Padden Watershed. The City agreed with the County Executive's recommendation to place it in an Urban Growth Area Reserve, recognizing that the city would study this issue in the City's 2011 update process. The County Planning Commission has recommended removal of the area and put into a Rural land use category. Our question to the city is:
 - a. Question - Does the city have plans that demonstrate urban facilities and services can be provided within the 20-year planning period for this area, including roads (Yew Street), fire protection, police, stormwater, parks, water and sewer?

City Response: Yes we studied the area extensively during preparation of the 2009 Annexation Phasing Plan and during the review process for an

annexation proposal. It will be a challenge to serve the area, especially with police and fire services. However on balance we think we can serve the area within the next 20-years.

We had planned to refine and update our planning work over the next two years as part of our 2011 comp plan update in response to the Executive's recommendation that the area be designated a "UGA Reserve". The City Council somewhat reluctantly concurred with this recommendation. However, if the County chooses to reject the Executive's and the City's recommendation and simply removes the area from Bellingham's UGA, the City will likely look elsewhere for areas to accommodate the forecasted growth that would have gone to the Yew Street UGA.

3. Dewey Valley. Input has been received regarding removal of Dewey Valley from the Urban Growth Area. This has not been recommended by the county or the city, yet the city has denied several annexation requests for this area. Our question to the city is:
 - a. Question - Does the city intend to extend urban facilities and services to this area within the 20-year planning period?
 - b. Question - Is this an area that should be divided, with the part which you do not intend to annex being omitted from the UGA? If yes, please identify that area.

City Response: The Dewey Valley has been in the City's UGA since 1997 and was readopted into the UGA by the County in 2008. The capital facilities planning for the area was done in the 2006 comprehensive plan Capital Facilities, Transportation and Parks, Recreation and Open Space chapters, in the North Bellingham Trail Plan, and in the 2008 Annexation Phasing Plan. The City can serve the area and as long as it remains in our UGA we will plan to do so.

The Council's decision to deny one annexation request in Dewey Valley was not based on an inability to serve the area. It was based on the finding that there was a pretty clear distinction between the properties owners that wanted to annex and those that were opposed. Since the boundary of an annexation cannot be changed once the review process is initiated, the Council suggested that the UGA boundary be reevaluated. We had intended to do this work as part of the 2011 comprehensive plan update process.

One final point – land supply. The County's land capacity analysis indicates that the city can accommodate a total population of 110,655 people in the

current UGA boundary. This is total growth of 21,370 people during the planning period. If we assume that all areas of the city and UGA develop at a minimum of four units/acre as the County has done, then the capacity increases to 111,761. That is 22,477 total growth.

It appears the County is going to ask the city to accommodate 116,200 people (total growth 26,900). If so, the city will have to address a shortfall in capacity of about 4,000 if the current UGA boundaries remain, and even more if the Yew Street area is removed from the UGA.