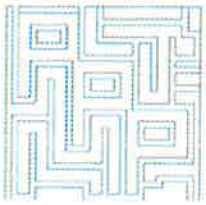

Public Policy Perspectives

2955 Sunset Drive, Bellingham, WA 98225 (360)733-1303

Date: 4/23/15

Memo: Re: Chapter 2 Comprehensive Plan Updates, Reserve UGA

Dear County Planning Commission,

Unfortunately, the County Planning Commission has this important meeting at the same time as the Bellingham City Council and Planning Commission are meeting to discuss also important land use issues related to the same process. Despite discussing this very real possibility with your staff a month ago (and being assured this would not happen), many interested people will not be able to attend your meeting tonight.

We ask that you review the UGA Reserve language contained in Chapter 2 and consider updating and revising the language. There is some misleading and/or out of date text and we suggest it would be a good idea to add a goal and policy or policies in order to better explain what is to be accomplished with this important section of the chapter.

We are including several of pages from the Washington State Department of Ecology report that explains the contaminated planted fish issue and the source document of most of the text suggested for the Bellingham specific section for your reference.

Although logic dictates that Bellingham will need significant additional lands, especially the Yew Street UGA Reserve, due to a 7,318 population shortfall under the City-County Population Resolution (p.2-15 DEIS) scenario, an affordable housing emergency, chronic low rental vacancy rates, and overly high and rising rents, it may seem odd to include language about the Bellingham UGA Reserve. I believe, just as in the last process, that the draft version of a text going through the process sets the tone and intent of a recommendation. That is to say, a draft isn't just a draft and OFTEN draft language, goals, and policies are used during both Commission and Council hearings to reason out a vote.

Please see the language we suggest you use for the Urban Growth Area Reserves section below.

Regards,

Jack Petree

Clayton Petree

Urban Growth Area Reserves

Since 2009, the Whatcom County Comprehensive Plan Land Use Map has included designated Urban Growth Area Reserves. Urban Growth Area Reserves means a land use designation that may be applied to areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which have previously been found suitable for future inclusion in the respective Urban Growth Area. The purpose of the Urban Growth Area Reserve varies by urban area. Expansion of urban growth into the Reserve area should occur if criteria are met.

Upon adopting Urban Growth Area Reserves in 2009, Whatcom County established land use controls intended to reserve the area for future urban densities and development by limiting the potential of the properties to be developed with incompatible uses, densities, or public facilities which could interfere with the likely expansion of urban development in the future. Properties in these areas generally have land use designations of no more than one unit per ten acres, and uses such as agriculture, forestry, conservation, and low density residential development are encouraged provided that the continuation of such uses may not be a basis for preventing future expansion of the Urban Growth Area to the Urban Growth Area Reserve.

GOAL 2__: Orderly reinstatement of former Urban Growth Area from Urban Growth Area Reserve to Urban Growth Area Status

Policy 2__-1: The reinstatement of the Urban Growth Area Reserves to Urban Growth Area status are not considered to be an Urban Growth Area expansion by Whatcom County. General criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area are set forth below:

1. Need for Land Capacity. The need for additional land is necessary to accommodate projected urban growth, as documented in a land capacity analysis. A transfer from Urban Growth Area Reserve to Urban Growth Area will not be allowed which would provide capacity to accommodate substantially more than 20 years of urban growth. Additional consideration can be made regarding the mix of housing, employment opportunities, and to address housing affordability issues, that are required to serve the Urban Growth Area which would be accommodated within the Urban Growth Area Reserve and which is not accommodated within the Urban Growth Area.
2. Adequate Public Facilities and Services. There are draft, pending, or adopted plans and capacity to serve the area with urban governmental services as set forth in the Growth Management Act. Draft and pending plans should be adopted in the same process as reinstatement occurs. There is no requirement to extend these services prior to transferring the area from Urban Growth Area Reserve to Urban Growth Area, but the Capital Facility Plans must document the capacity and plans to serve at urban levels of service within the 20-year planning period.
3. Land Use Plans. The respective city, or county for unincorporated Urban Growth Areas, has a comprehensive plan and land use regulations in place to allow for the transition from Urban Growth Area Reserve to Urban Growth Area. The respective jurisdiction will also have in place development regulations that ensure urban densities are achieved within the existing Urban Growth Area. Urban Growth Area Reserves should be jointly planned between Whatcom County and the respective city.
4. Natural Resource Lands. Expansion into the Urban Growth Area Reserve will not allow uses that are incompatible with adjoining natural resource lands unless mitigated through buffers, increased setbacks or other measures as necessary to maintain the productivity of the adjacent

resource lands. If the expansion is into lands zoned Agricultural, the city and county shall have an interlocal agreement or regulations in place that implement a program that outlines the respective roles in protecting at least 100,000 acres of agricultural land in Whatcom County.
5. Environment. Land use regulations are in place to ensure protection of the environment and sensitive watersheds.
6. Open Space Corridors. Continued provisions are made for open space corridors within and between Urban Growth Areas where not otherwise precluded by previous development patterns.

Bellingham Urban Area

The Yew Street Urban Growth Area Reserve area has been in Bellingham's UGA since 1997 and in the City/County approved urban service area since the mid-1980s. For nearly 30 years, property owners have had an expectation that their property would be annexed and developed to urban densities. The County, City, Bellingham School District, and private property owners have invested in infrastructure in the area in anticipation of urban development and eventual annexation. In addition, Lake Padden was designated as an impaired water body under Clean Water Act standards [303(d) Category 5 Waters] due to a non-development related issue; PCB contaminated cut throat trout, a farmed and planted recreational sport angling fish. This area should be jointly planned with the city and county during the Whatcom County and Bellingham Comprehensive Plan update process.

Persistent Organic Pollutants in Feed and Rainbow Trout from Selected Trout Hatcheries

April 2006

Publication No. 06-03-017

Conclusions

Rainbow trout acquire low-to moderate concentrations of persistent organic pollutants (POPs) while residing at Washington Department of Fish and Wildlife (WDFW) hatcheries. Feed used to raise rainbow trout to catchable size (≥6") contains concentrations of PCBs, DDT compounds, PCDD/Fs, and several additional chlorinated pesticides at higher wet-weight concentrations than in fillet tissue of the fish specimens analyzed, suggesting that the POP accumulation pathway is primarily through the feed. This is consistent with findings of other aquacultural studies, although other possible pathways of contaminant accumulation were not examined for this study. Low levels of PBDEs were also present in rainbow trout tissue, but were not detected in trout feed.

Fish feed is high in lipids and shows variable amounts of contaminants, but POP concentrations were not correlated with the percent lipid in feed samples. This suggests the source of lipids, largely derived from marine oil, is an important determinant in POP concentrations. The positive correlation between feed and fish ΣPCB and between feed and fish ΣDDT supports the conclusion that feed is the primary contaminant source to hatchery fish. WDFW trout hatchery feed has POP concentrations similar or lower than feeds analyzed in other studies, and appears to have much lower PCB concentrations than feeds used in commercial salmon aquaculture.

It appears that fillet tissue concentrations of some POPs, particularly PCBs, decrease following stocking in lakes, although this finding is inconclusive. ΣDDT concentrations may increase in the lake environment even as fillet lipid concentrations decrease significantly. Fish from only one location – Fan Lake in Pend Oreille County – showed a substantial increase in contaminants (DDT compounds) following residence in the wild.

In the 21 rainbow trout fillet samples analyzed (11 from hatcheries including Troutlodge and 10 from lakes), there are 15 instances where contaminants exceed (do not meet) regulatory criteria. Most of the exceedances are for ΣPCB (three lakes and six hatcheries), followed by dieldrin (one lake and four hatcheries) and 4,4'-DDE (one lake). Considering the POP levels in catchable rainbow trout just prior to planting, it appears likely that at least part of the contaminant burden is hatchery-derived, with the notable exception of DDT compounds in Fan Lake as described previously.

Based on comparisons between waterbodies in Washington State and POP data reported here, it is possible that trout caught in "unpolluted" lakes and streams contain contaminants originating from WDFW hatcheries. It is also possible that some listings for impaired waters, particularly listings for PCBs, may be due to hatchery-contaminated fish. Therefore, Total Maximum Daily Load (TMDL) project managers may want to consider hatchery fish as a source of contaminant loads.

Recommendations

Based on results of this 2005 study, it is recommended that fish feed and trout fillet tissue sampling be expanded to include all 26 WDFW hatcheries raising catchable trout. Samples should be analyzed for the persistent organic pollutants (POPs) in the present study, with PCDD/F analysis included for all samples. Water in hatcheries should also be sampled where contaminant levels in fish are exceptionally high. Any water sampling should be performed using semi-permeable membrane devices or other methods to achieve low detection limits for POPs.

More data are needed to assess depuration or accumulation of contaminants in catchable trout following planting in lakes. Ideally, fish could be sampled during several periods to better track trends in contaminant levels over time. Whole fish analysis should also be considered along with fillet sampling, to determine if contaminant burdens are conserved in fish following mobilization of lipids in muscle tissue.

A review of the current 303(d) list should be conducted to identify cases where tissue data used to assess impairment may have come from WDFW catchable trout plants. TMDL project managers should consider the implications of hatchery fish as a possible source of contaminants to waterbodies being assessed.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
210 Lottie Street, Bellingham, WA 98225
Telephone: (360) 778-8300 Fax: (360) 778-8302

June 1, 2009

David Stalheim, Director
Whatcom County Planning and Development Services
5280 Northwest Road, Suite B
Bellingham, WA 98226

RE: City of Bellingham UGA Proposal

Dear Dave,

This letter and attachments constitutes the City of Bellingham's "proposal" for the County's 10-year urban growth area update process. The issue of potential changes to the Bellingham UGA was reviewed by the Planning Commission on May 5 and by the City Council on May 18. The attached resolution containing the City's recommendations was unanimously approved by the City Council on May 18. I have also attached the Planning Department staff report and copies of all the written comments received by our Planning Commission and City Council.

I look forward to presenting our recommendations at the County's joint Planning Commission/County Council meeting on June 16.

Please contact me if you have any questions regarding our recommendations.

Sincerely,

Tim Stewart, AICP
Director of Planning and Community Development

c Mayor Dan Pike
Alan Marriner, Asst. City Attorney
Bellingham City Council
Greg Aucutt, Senior Planner

From Page 8 of Bellingham Proposal:

The Yew Street UGA is a different matter. While there are some areas already developed to urban densities, there is capacity for additional development. Removing this area from Bellingham's UGA would reduce the city's dwelling unit capacity by over 700 units and population accommodation total by over 1,700.

The Yew Street UGA has been in Bellingham's UGA since 1997 and in the City/County approved urban service area since the mid-1980s. For nearly 30 years, property owners have had an expectation that their property would be annexed and developed to urban densities. The County, City, Bellingham School District and private property owners have invested in infrastructure in the area in anticipation of urban development and eventual annexation. We see no justification for removing this area from the UGA only 15 months after the County readopted this UGA boundary and increased the allowed zoning density in some areas.