



Whatcom Chapter

Eric Hirst
1932 Rhododendron Way
Bellingham, WA 98229
656-6690
EricHirst@comcast.net

March 2008

Tim Stewart, Director
Planning and Community Development Department
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

Re: Vesting of Fairhaven Highlands

Dear Tim:

As you are probably aware, the principal interest of the Whatcom County Chapter of Futurewise is in preserving the rural areas of Whatcom County from inappropriate development. We are therefore very pleased with Mayor Pike's leadership in reconsidering the unwarranted expansion of Bellingham's UGA, originally called for in the 2007 Comprehensive Plan Revision.

You may not be aware that our parent organization, Futurewise, is actively advocating for reform of the State's Vested Rights Doctrine. Briefly, Futurewise supports a proposal to have vesting apply upon permit approval, rather than upon permit application. We support our parent organization's position because development that does occur—in town or out—should be guided by the best possible, and therefore most current, regulations. This is particularly important in the case of Bellingham, where we anticipate a long overdue and aggressive program of regulatory revision.

In that context, we are very concerned to learn that the City of Bellingham does not appear to be enforcing its weak vesting rules. Indeed, we conclude that vesting is being considered for the Fairhaven Highlands project even though that project appears to not meet the existing requirements specified in law with respect to both the completeness of the application and its compliance with existing ordinances and building codes. The specific arguments establishing this failure to uphold the rules were conveyed to your office by Responsible Development in their letter of January 18, 2008, "Supplementary Comments on the Scope of the Fairhaven Highlands EIS."

It is unfortunate that this issue will probably be resolved through litigation. The developer will insist on proceeding at its lowest possible cost, and community members will insist that our regulations are enforced and that existing residents not subsidize the municipal infrastructure required for new development. Even so, we believe the greater issues are the reputation of your

Futurewise Whatcom Steering Committee
Todd Donovan, Rick Dubrow, Lynnea Flarry, Eric Hirst, Michael Lilliquist,
Charlie Maliszewski, Tris Shirley, Dan Warner
Whatcom@Futurewise.org www.Futurewise.org/Whatcom

office, the reputation of the Pike administration, and the public's trust that our municipal government will fulfill obligations to its citizens.

In order to continue with the dramatic redirection of our urban design in response to the growing need for infill, the City will need a great deal of public trust and confidence. Reluctance to enforce regulations that are clearly in the public interest will not enhance trust or confidence. Instead, it will reinforce the belief that the City is not prepared to manage change in a manner consistent with the public's interests.

From our conversations with you and from the actions of Mayor Pike, we believe that you both do deserve the public's trust and confidence. We hope the City will reconsider the vesting of Fairhaven Highlands and prove us right.

Sincerely,

Eric Hirst, President
Planning and Community Development Department

CC: Mayor Dan Pike
Bellingham City Council