



June 22, 2009

Whatcom County Council
211 Grand Ave., Ste 105
Bellingham, WA 98225-4038

Received

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Whatcom County PDS

RE: Public Comment
Draft Environmental Impact Statement-UGA Review

Council Members:

On behalf of the over 700 members of the Whatcom County Association of Realtors, please consider the following comments during your review of the Urban Growth Area Update Draft Environmental Impact Statement. This statement represents a large amount of work and resources committed to the Urban Growth Area review for Whatcom County, however, the statement is premature in that many aspects of the UGA review are not complete and prohibit members of the public from providing comprehensive comments on various components of the Draft Environmental Impact Statement.

At the outset, it is instructive to note that the stated purpose of the County's UGA review, indeed the Growth Management Act, is to reduce urban sprawl into the rural areas of the County. This is the proper function of the urban growth areas and a goal which the Whatcom REALTORS® fully endorse. Unlike the planning profession, REALTORS® work with consumers-private property owners, developers, business owners-every day seeking to find the right combination of property, buildings, and development potential to meet the specific goals of our clients.

What most people, including many members of local government, don't realize is that our customers are your neighbors! Like you, our customers want to live in a place that preserves the various aspects of our community that make Whatcom County the special place we enjoy. Included in these amenities are strong neighborhoods, vibrant commercial and cultural areas, and a distinct separation between the urban levels of development in the cities and the rural lifestyle afforded by open spaces outside those cities.

An integral part of that process is the establishment of sufficient UGAs. Unfortunately, it would appear that County planning staff have failed to follow even basic steps to ensure that this process is not only legally compliant, but achieves the goals of GMA and, more importantly, of our community.

Land Capacity Analysis: The land capacity analysis methodology that forms the basis for this Draft EIS was *issued*, not *adopted*, in February 2009. Moreover, there have been two further versions of this document since that date and, if that were not enough, the methodology has never been adopted by the County Council. The result is that the methodology employed by the jurisdictions in this process

makes it impossible to determine whether the UGA currently granted to a jurisdiction is adequate and, with three different versions from which to choose, could have different conclusions depending on the version employed.

The result is that the public is invited to make comments on a Draft EIS that, in all probability, will not resemble the final determination regarding the UGAs that are assigned to the jurisdictions. There is no level of certainty that the comments made here have any relevance to the decisions concerning the UGAs that will be made in the future. Indeed, it must be noted that the public comments on the Draft EIS are required *before* the determination of UGA size for the various jurisdictions.

Limited Areas of More Intense Rural Development (LAMIRD): Throughout this UGA review process, there has been an in-depth discussion of LAMIRDS. Routinely, Mr. Stalheim and other members of the planning staff have mentioned that LAMIRDS will play an important role in the UGA review process and that LAMIRDS will be assigned employment and population numbers. If these statements are true, then the Draft EIS has a significant omission in that LAMIRDS *are not discussed*. Indeed, a search of the entire Draft EIS document reveals only a handful (4-5) of brief references to LAMIRDS. For taking such prominence in this process, it is surprising that what seems to be a key component is not discussed in any detail in the document that is supposed to support the use of these areas in the future.

Population: It is interesting to note that the Draft EIS relies on a study performed by ECONorthwest in 2002. During the Growth Management Coordinating Council process, it was fairly evident that there were basic flaws in that survey making the conclusions in that document highly suspect. Yet, here it is as the foundation for the population estimates from which the discussion of very important topics such as employment, housing, housing affordability, etc., flows.

Building on the population issue, it appears that the Draft EIS, while allowing for the possibility that more people will live in the smaller urban areas, presumes that the primary employment center will remain in Bellingham. Nowhere is the fallacy of this scenario demonstrated than in the comments prepared by the Ferndale Planning Staff in the Ferndale UGA proposal. The staff there point out very clearly that the City of Ferndale is quickly demonstrating itself to be highly desirable for commercial and industrial uses due to the vacant land adjoining the I-5 corridor and several highway interchanges. The consultants, however, used the *current* commercial/industrial mix to determine what the employment population numbers would be for the Ferndale UGA, a mix that is highly unlikely to continue into the foreseeable future. Likewise, with a smaller ratio, the Draft EIS presumes that while the population will *live* in Ferndale, that population will *work* in Bellingham, a situation that is not only unlikely, but will result in erroneous analysis of transportation and infrastructure needs as well.

Capital Facilities: It does not appear that the Capital Facilities plan for Whatcom County is ready. A review of the Capital Facilities portion of the Draft EIS reveals that the county will rely in large part on

the services provided by the various jurisdictions with the County seeking to augment services as appropriate. Without a discussion of the allocation of services provided by the county, it is apparent that this section is woefully incomplete. Accordingly, there is not much room for public comment except to note that perhaps the Draft EIS is, for this reason, incomplete.

It is interesting to speculate what the effect of neglecting the analysis of an important segment of facilities planning may have on future development both within and without the UGAs. Director Stalheim has mentioned on several occasions that the course of action will be to “review and reconcile” the Capital Facilities plan with this EIS over the next two years. The conundrum with such a plan is that the purpose of the EIS is to assess the impacts of a *proposed* capital facilities plan and inform the decision with regard to environmental consequences. Here, there is not even a plan to evaluate! What is to occur then? Will future capital projects be forced to perform an entirely new environmental analysis rather than being able to rely on the underlying EIS as before? What will that delay mean in terms of costs and impacts to orderly development in the future? Our ability here is not to provide comment on a proposal, but rather to simply divine what the future may hold with respect to capital facilities. Such a situation is untenable.

Conclusions: This process of UGA review began with the assumption that the UGAs in Whatcom County, with the exception of Lynden’s, were generally too big. It is no secret that this process, in that regard, was to justify the contraction of UGAs that have been established for quite some time in an effort to protect the rural lands lying beyond the UGA boundaries. In general, this is a proposition that the Whatcom County Association of REALTORS® understands and, at least in principle, with which we agree. However, the caveat is that the planning must be reasonable, certain, and based on sound policies.

Overall, the tenor of the Draft EIS is esoteric at best. The lack of specificity is overwhelming and results in a document that proves nothing and justifies everything. Rather than lending any certainty with regard to the environmental consequences of the decisions lying before us in the future, the Draft EIS will only necessitate further consternation concerning specific projects and uncertainty about the ability to engage in any particular action. If the goal is confusion, this document is a success.

Director Stalheim suggests that the UGA review process is “flip-flopped;” the REALTORS® suggest that the process has simply “flopped.” Instead of a straight-forward process designed to ensure that planning efforts meet the expressed wishes of the residents as adopted in the County-wide Planning Policies, it appears that land use decisions will be used to drive “amendments” to those policies, a violation of the spirit, if not the express direction, of the GMA. The process has proceeded with the opportunity for the public to observe virtually every step of the process, but provide little or no meaningful comment on the process as demonstrated here where two fundamental segments of the Draft EIS are not even completed, yet the time for public comment on an EIS that must contemplate those segments has come to a close. Finally, we are asked to accept as the truth the assumptions

contained in Land Capacity Analyses and population/employment projections that are clearly erroneous and do not reflect even the reality that we see occurring before our eyes. Ultimately, we are asked not to worry, but to trust that it will all be "reconciled" at the end.

The Whatcom REALTORS® advocate for a Quality of Life in Whatcom County that is second to no other. We seek to be involved in decisions that do not just impact housing decisions in our communities, but that work to preserve the various lifestyles and amenities for everyone living in our county. In that regard, we want clear, focused planning decisions and documents that reflect a reasoned approach to the planning process *beginning* with our Planning Policies, continuing with alternative growth scenarios evaluated in the light of sound, reasonable, complete data concerning land capacity, population projections and patterns, commercial and industrial development, and capital facility requirements supporting those alternatives, and ending with land use decisions that not only reflect the community's values but implement them as well. Only then will the process work for everyone and give us hope for a county that meets the needs of both its urban and rural residents yet reflects our unique nature.

Sincerely,

A handwritten signature in black ink, reading "R. Perry Eskridge". The signature is written in a cursive style with a large, looping initial "R".

R. Perry Eskridge
Government Affairs Director

cc: Board
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