



P.O. Box 1517
Bellingham, WA 98227

September 17, 2009

Whatcom County Council
Whatcom County Planning Commission
311 Grand Avenue
Bellingham, Washington 98225

Dear Whatcom County Council and Planning Commissioners,

Subject: Planning Commission Public Hearing on the Urban Growth Area Review including the Whatcom 2031 County Executive Recommendation dated August 17, 2009

Thank you for the opportunity to comment on the proposed urban growth area review. Futurewise appreciates the hard work by the cities, Whatcom County staff, and city and county residents on this important issue.

Summary of Recommendations

In summary, Futurewise supports the County Executive Recommendation, with two improvements, which we believe supports the county's values and will help protect water quality, working farms, and working forests. We also urge a recommendation *against* the urban growth area expansion for Lynden and the urban growth area swap for Everson, as they will require the conversion of agricultural lands to urban development, which is contrary to county values and contrary to the Growth Management Act.

Futurewise strongly supports the County Executive Recommendation with some improvements

Futurewise believes that the County Executive Recommendation both accommodates needed growth while protecting the aspects of Whatcom County that make us all want to continue to live here. In particular we support the following aspects of the County Executive Recommendation:

Whatcom County residents support the key values of the recommendation

Futurewise supports the key values on page one of the recommendation:

- Protect our water supplies and environment
- Agricultural land should be conserved
- Growth should emphasize infill
- Distribution of growth should be balanced

These values are consistent with the values of Whatcom County residents. The Whatcom County Values and Beliefs Survey shows that county residents strongly support concentrating growth in existing cities and not paving over working farms and forests. As the memo that explained the results said:

Fifty-eight percent (58%) of residents thought it was likely that the growth in the County will be concentrated in existing cities, and working farmland and forested foothills will

be left undeveloped in the next 50 years, and seven in ten (69%) residents found this somewhat or very desirable.¹

The survey also found that Whatcom County residents value a clean environment.² This includes protecting drinking water. As the memo explaining the survey results said:

Protecting drinking water quality was at the top of priorities for planning goals, with 83% who said it was an urgent or high priority. Older residents ages 55 and above (94%) found this more of an urgent or high priority than those ages 54 and younger (79%).³

Therefore, these values are consistent with the values of Whatcom County residents.

Focusing Growth in the County Executive Proposed Bellingham Urban Growth Area will protect water quality including Puget Sound, working farms and forests and reduce greenhouse gas emissions

We also support the County Executive recommendation that “Bellingham has been, and will continue to be, the primary population and employment center in Whatcom County.”⁴ Focusing growth in the properly sized Bellingham urban growth area proposed by the County Executive Recommendation will protect impaired water bodies, including Lake Whatcom, Lake Padden and Puget Sound, and help reduce greenhouse gas emissions by limiting vehicle miles traveled to and from the county hub of employment and services.

In Washington State, transportation activities are the largest contributor to greenhouse gas emissions, generating 47 percent of our state’s global warming causing gases.⁵ Greenhouse gas “emissions associated with transportation are projected to be the largest contributor to future emissions growth from 2005 to 2020.”⁶ The Intergovernmental Panel on Climate Change (IPCC) has identified land use and infrastructure planning measures that reduce single-occupancy vehicle trips and trip lengths as environmentally effective policies to reduce greenhouse gas emissions.⁷

¹ Davis, Hibbitts, & Midghall Inc., *Memorandum to Whatcom Legacy Project Steering Committee Re: Whatcom County Values and Beliefs Survey* p. 9 (February 3, 2009). Accessed on April 10, 2009 at: <http://www.co.whatcom.wa.us/executive/news/2009/03/introduction.pdf>

² *Id.* at 18.

³ *Id.* at p. 11.

⁴ Whatcom 2031 County Executive Recommendation p. 4 (August 17, 2009).

⁵ Center for Climate Strategies, Washington State Department of Ecology and State of Washington Department of Community, Trade, and Economic Development, *Washington State Greenhouse Gas Inventory and Reference Case Projections, 1990-2020* p. 8 (December 2007) accessed on April 22, 2008 at:

http://www.ecy.wa.gov/climatechange/docs/WA_GHGInventoryReferenceCaseProjections_1990-2020.pdf; *Leading the Way: A Comprehensive Approach to Reducing Greenhouse Gases in Washington State Recommendations of the Washington Climate Advisory Team* p. 57 (February 1, 2008) accessed on April 23, 2008 at: <http://www.ecy.wa.gov/pubs/0801008b.pdf>

⁶ Center for Climate Strategies, Washington State Department of Ecology and State of Washington Department of Community, Trade, and Economic Development, *Washington State Greenhouse Gas Inventory and Reference Case Projections, 1990-2020* p. ES-3 (December 2007).

⁷ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2007: Synthesis Report Summary for Policymakers* p. 17 (November 2007).

The existing Whatcom County urban growth areas have large overcapacities for residential development and overcapacities for employment development.⁸ We support focusing growth into the County Executive Recommended Bellingham urban growth area and removing it from the urban growth areas where people have to drive long distances to work, to school, and to shopping. The Columbia Valley urban growth area is an obvious example.

Greenfield development, development on existing rural and farm and forest land harms Puget Sound. *Sound Science* summarized the adverse impacts of urbanization of Puget Sound's shorelines and basins:

Puget Sound urban centers are poised for expansion and are located along shorelines and bays where their impacts to the marine environment are the most immediate. Since the 1800s, it is estimated that Puget Sound has lost 73% of its saltmarsh habitat, primarily due to urbanization (PSAT 2005, State of the Sound). Many patches of marine and freshwater habitat have become too fragmented for migratory species to use. Intentional and accidental introductions of non-indigenous species have affected the composition and abundance of native species that once thrived in Puget Sound.⁹

Further,

Urbanization is one of the key drivers of land transformation and causes the most persistent ecosystem changes through clearing of vegetation, compacting soil, artificially draining surface water, and covering the land surface with impervious surfaces.¹⁰

These impacts occur at both the immediate scale when development occurs on or near shorelines and at basin scale as well.¹¹ These impacts harm both Puget Sound and freshwater systems.¹² Some of these impacts, such as the loss of saltmarsh can be prevented by the enforcement of the county's very good critical areas regulations and shorelines master program. But the loss of upland habitat for non-priority habitat and species plants and animals, the conversion of low elevation vegetation communities to urban and other uses, the loss of flood plain habitats, and some of the other impacts cannot be. Scientific studies show that to maintain the health of rivers and streams in the Puget Sound Lowlands, "imperviousness must be limited (< 5-10 %TIA), unless mitigated by extensive riparian corridor protection and BMPs. Downstream changes to both the form and function of stream systems appear to be inevitable unless limits are placed on the extent of urban development."¹³

⁸ *Land Capacity & Demand Results, Whatcom 2031 Urban Growth Area Review* pp. 5 – 6 of 10 and pp. 7 – 8 of 10 (March 16, 2009).

⁹ Mary H. Ruckelshaus and Michelle M. McClure, coordinators; *Sound Science: Synthesizing ecological and socioeconomic information about the Puget Sound ecosystem* p. 42 (Sound Science collaborative team, U.S. Dept. of Commerce, National Oceanic & Atmospheric Administration (NMFS), Northwest Fisheries Science Center. Seattle, Washington: 2007). Accessed on June 18, 2009 at:

http://www.nwfsc.noaa.gov/research/shared/sound_science/documents/sound_science_finalweb.pdf

¹⁰ *Id.* at p. 70.

¹¹ *Id.* at pp. 69 – 72.

¹² *Id.*

¹³ Christopher W. May, Richard R. Horner, James R. Karr, Brian W. Mar, Eugene B. Welch, *The Cumulative Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion* p. 17 (University of Washington, Seattle Washington) (emphasis in the original). This report was identified as best available science in Washington State Office of Community Development, *Citations of Best Available Science for Designating and Protecting Critical Areas* p. 17 (March 2002). Available at <http://www.oed.wa.gov/info/lgd/growth/info/index.tpl>

This is why the Puget Sound Partnership, the state agency responsible for coordinating the protection and restoration of Puget Sound writes:

Protecting high quality ecological areas is less expensive and more effective than trying to repair or recreate damaged areas. Protection of land cover is critical for making improvements in water quality, and the survival of important species will depend on our ability to preserve critical and connected habitats along Puget Sound beaches, rivers systems, and uplands. Essential to our ability to protect resources will be encouraging density in urban areas, protecting rural working lands, and avoiding sprawl. It is important to look at remaining habitat at a larger scale, determining what areas are the most ecologically intact and/or provide the greatest level of ecosystem services, and make these our highest priority for protection. An array of tools such as purchasing property and conservation easements, incentive programs, regulations and other planning tools are already available. What is needed is a strategy to match these actions with the areas that are the most important and most vulnerable.¹⁴

This implemented by *Action Agenda* Action A.1 “[f]ocus growth away from ecologically important and sensitive areas by encouraging dense, compact cities, vital rural communities, and protected areas that support the ecosystem Soundwide.”¹⁵

The existing Whatcom County urban growth areas have large overcapacities for residential development and overcapacities for employment development.¹⁶ We support the County Executive Recommendation to remove undeveloped shoreline areas, areas with extensive critical areas, and urban growth areas in sensitive basins and basins where the impervious surfaces are likely to exceed ten percent from the urban growth area. This is consistent with Whatcom County Countywide Planning Policy C.5 requires which that “[u]rban [g]rowth areas should be established in a way that preserves ... water resources [] and critical areas.”¹⁷ It is also consistent with the opinions of seven out of ten county residents who want to focus growth into existing cities.¹⁸ The urban growth areas that fit these categories are the Bellingham urban growth area, the Birch Bay urban growth area, the Blaine urban growth area, the Cherry Point urban growth area, the Columbia Valley urban growth area, the Everson urban growth area, and the Ferndale urban growth area.¹⁹

We appreciate and support the County Executive Recommendation on page 10 to reduce the growth allocation for Birch Bay and the Birch Bay urban growth area. We think that rather than including the reduced allocation in a growth reserve, it should be allocated to an existing city. For the same reasons we appreciate and support the County Executive Recommendation on page 11 for the Blaine urban growth area.

¹⁴ Puget Sound Partnership, *Puget Sound Action Agenda: Protecting and Restoring the Puget Sound Ecosystem by 2020* p. 33 (December 1, 2008). Accessed on June 18, 2009 at:

http://www.psp.wa.gov/downloads/ACTION_AGENDA_2008/Action_Agenda.pdf

¹⁵ *Id.* at p. 34.

¹⁶ *Land Capacity & Demand Results, Whatcom 2031 Urban Growth Area Review* pp. 5 – 6 of 10 and pp. 7 – 8 of 10 (March 16, 2009).

¹⁷ *Whatcom County Comprehensive Plan Appendix C: Growth Management Act Planning Goals County-Wide Planning Policies Visioning Value Statements* p. C-4 (May 2009).

¹⁸ Davis, Hibbitts, & Midghall Inc., *Memorandum to Whatcom Legacy Project Steering Committee Re: Whatcom County Values and Beliefs Survey* p. 9 (February 3, 2009).

¹⁹ *Draft Environmental Impact Statement: 10-Year Urban Growth Area Review Whatcom 2031* pp. 3-4 – 3-31 (May 2009).

Futurewise recommends that Urban Growth Areas not be expanded onto agricultural lands of long-term commercial significance

As we saw, seven in ten Whatcom County residents want to keep working farms free of pavement, strip malls, apartments, and other forms of overdevelopment. That is Whatcom County policy too. The *Whatcom County Comprehensive Plan* provides that:

GOAL 8A Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber.²⁰

Further Whatcom County Countywide Planning Policy C.5 provides that:

5. Urban Growth Areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.²¹

These policies are consistent with the Growth Management Act which provides that agricultural lands of long-term commercial significance should not be included in urban growth areas. As the Washington Supreme Court wrote:

Thus, GMA required municipalities to designate agricultural lands for preservation even *before* those municipalities were obliged to declare their UGAs and adopt comprehensive plans in compliance with GMA. The “designation and interim protection of such areas [are] the first formal step in growth management implementation ... to preclude urban growth area status for areas unsuited to urban development.”²²

We appreciate the County Executive Recommendations to remove 170 acres of agricultural land from the urban growth areas.²³ This is consistent with county preferences and policies.

Unfortunately, two parts of the recommendation do not preserve agricultural land as the Whatcom County Countywide Planning Policies require and which is consistent with the goals of the Whatcom County Comprehensive Plan and the vision of Whatcom County’s residents. We urge you to recommend against the City of Everson land swap and expansion and the City of Lynden expansions. These expansions propose to add agricultural land of long-term commercial significance to the urban growth area and develop it for urban uses which Whatcom County Countywide Planning Policy C.5 prohibits.

The City of Lynden should be given the opportunity to decide whether to upzone parts of their existing urban growth area or have their growth allocations reduced. According to the *Land Capacity & Demand*

²⁰ *Whatcom County Comprehensive Plan Chapter Eight: Resource Lands* p. 8-5 (June 2008). Accessed on June 18, 2009 at: http://www.whatcomcounty.us/pds/planning/comp_plan/comp_plan.jsp

²¹ *Whatcom County Comprehensive Plan Appendix C: Growth Management Act Planning Goals County-Wide Planning Policies Visioning Value Statements* p. C-4 (May 2009). Accessed on June 18, 2009 at: http://www.whatcomcounty.us/pds/planning/comp_plan/comp_plan.jsp

²² *City of Redmond v. Central Puget Sound Growth Management Hearings Bd.*, 136 Wn.2d 38, 48, 959 P.2d 1091, 1095 (1998) (footnote omitted).

²³ Whatcom 2031 County Executive Recommendation p. 8 (August 17, 2009).

Results, Whatcom 2031 Urban Growth Area Review, the population overcapacities and the existing employment capacity of the existing urban growth areas are so large that any reduction the population and employment target for the City of Lynden can easily be absorbed in another urban growth area.²⁴

We recognize that the City of Everson is proposing to remove land within the flood plain from its urban growth area and we support that part of its proposal. Indeed, given that the City of Everson has a residential capacity surplus of between 60 to 166 acres depending on the growth alternative and an employment capacity surplus of between 71 and 128 acres of employment land depending on the alternative, the city can easily remove the 67 acres of flood plain land from its urban growth area without adversely affecting its population or employment targets.²⁵ The City of Everson expansions are justified on the need for economic development, but as we have seen the city has more than enough land to meet its employment needs.

We recognize that Countywide Planning Policy D.4 provides that in “those small cities entirely surrounded by flood plains, critical area and resource lands ... the county and the city shall seek to negotiate a balance between protection of resources and the allocation of adequate land area to meet the growth needs of the city”²⁶ The considerable uncertainty over whether the City of Lynden’s water rights would be adequate to service the planned population growth also make an urban growth area expansion at this time unwise.²⁷ The City of Everson does not need additional employment or housing capacity.²⁸ So we believe the balance between agricultural land protection and the need for land within the urban growth area has been exceeded on the development capacity side, especially when you take into account the other opportunities for accommodating that growth in the other urban growth areas.

Thank you for considering our comments. If you require additional information please contact Cathy Lehman, Whatcom County Chapter Director, at telephone (360) 224-8877 and e-mail Cathy@futurewise.org or Tim Trohimovich at telephone 206-343-0681 and Tim@futurewise.org.

Sincerely,

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²⁴ *Land Capacity & Demand Results, Whatcom 2031 Urban Growth Area Review* pp. 5 – 6 of 10 and pp. 7 – 8 of 10 (March 16, 2009). It is important to recognize that these overcapacities, like all of the overcapacities in the county urban growth areas, already reflect deductions for critical areas, public uses, and a market factor. *Id.* at p. 2 of 10. Accessed on June 18, 2009 at: http://www.co.whatcom.wa.us/pds/2031/pdf/LandCapacityAnalysis_03-16-09.pdf

²⁵ *Id.* at pp. 5 – 6 of 10 and pp. 7 – 8 of 10.

²⁶ *Whatcom County Comprehensive Plan Appendix C: Growth Management Act Planning Goals County-Wide Planning Policies Visioning Value Statements* p. C-5 (May 2009).

²⁷ *Draft Environmental Impact Statement: 10-Year Urban Growth Area Review Whatcom 2031* p. 3-33 & p. 4.10-58 (May 2009). Accessed on June 18, 2009 at: <http://www.co.whatcom.wa.us/pds/2031/eis.jsp>

²⁸ *Land Capacity & Demand Results, Whatcom 2031 Urban Growth Area Review* pp. 5 – 6 of 10 and pp. 7 – 8 of 10 (March 16, 2009).