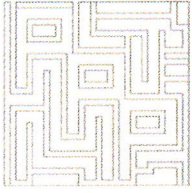


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Public Policy Perspectives

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

MEMO: September 15, 2008

Re: Comments on Foothills Subarea Plan Draft Supplemental Environmental Impact Statement

Attn: Mr. David Stalheim
Mr. Matt Aamot
Whatcom County Planning & Development Services

Mr. Stalheim and Mr. Aamot,

Please consider the attached commentary in producing the Final Supplemental Environmental Impact Statement on the Foothills Subarea Plan.

As always, I appreciate your time, energy and willingness to consider this kind of public input.

Regards,

Jack Petree

DSEIS COMMENT RE: FOOTHILLS SUBAREA PLAN UPDATE

The Draft Supplemental Environmental Impact Statement for the Foothills Subarea Plan is seriously flawed in its ability to inform the discussion of the Plan that will follow a final impact statement if the goal of the statement is to achieve a GMA compliant plan for the Subarea.

The problem is, the SEIS analyzes a landscape that is deficient in a GMA context. The Subarea Plan the SEIS is designed to illuminate in terms of environmental impact perpetuates that long standing deficiency.

One alternative for the SEIS should have been: "Bringing the Foothills Subarea Plan into GMA Compliance."

Absent that alternative this SEIS is incapable of informing the GMA discussion that must, and will, take place regarding the Foothills Subarea Plan and the Columbia Valley Urban Growth Area it contains. This Foothills plan cannot, and should not, be addressed in isolation given the county's promise that it will accomplish the ten-year review and adjustment of UGAs by June of 2029 in a "coordinated and consistent" planning process.

The following includes both comment and questions regarding the environmental impacts being addressed. Comment may be unusual in a process like this but, because the SEIS does not contain much of the information an environmental impact statement addressing a full Urban Growth Area would normally contain, some comment is required for context.

Please consider the following in developing the final impact statement:

COMMENT #1 - INCONSISTENT AND UNCOORDINATED TIME FRAMES

On June 20, 2008, Whatcom County proposed a compliance deadline to the Growth Management Hearings Board for completion of its ten-year review. The compliance deadline was in response to a stipulation that the County had not properly addressed its ten-year review obligations.

As part of its plea the County said, "Whatcom County now wishes to develop a coordinated process to insure that this effort [the County's required reviews] be accomplished in a consistent and coordinated fashion." (Page 1 of Planning Director's memo attached to Whatcom County's proposed compliance deadline submission).

In fact, Whatcom County's Foothills Subarea planning process, currently underway, is uncoordinated and inconsistent with work on the ten-year review as reported to the Board by the County. The result will be the adoption of a Foothills Subarea plan utilizing a planning timeframe (2002 – 2022 or 2007 - 2027) that cannot be consistent with the planning horizon (2009 – 2029) the County stipulated to the Hearings Board it would utilize. The public hearing to adopt the new population projections and planning horizon necessary to implement the ten year review is scheduled for December 9, 2008. Scheduled adoption of the Subarea Plan is some time in 2009.

In the draft SEIS, the County itself recognizes the lack of coordination, and the inconsistencies that must result, in its discussion of the initial step of the Foothills Subarea Plan which includes revisions to the Columbia Valley Urban Growth Area contained in the subarea.

According to the County, (following is an excerpt from page 7 of the draft Supplemental Environmental Impact Statement for the Foothills Subarea Plan).

“Planning Horizon

The Growth Management Act requires UGAs to include areas and densities sufficient to permit the urban growth that is projected to occur in the County for the succeeding twenty-year period. Therefore, alternative 1 established a 20-year planning horizon year of 2027. However, a Western Washington Growth Management Hearings Board case indicates that subarea plans must use the same planning period as the County comprehensive plan. The Whatcom County Comprehensive Plan currently has a 20-year planning period that extends only to 2022. Therefore, Alternatives 2 and 3 provided growth projections to 2022 rather than growth projections to 2027.

The stipulation in the case of *Petree, et al., v. Whatcom County, et al.*, Western Washington Growth Management Hearings Board, Case No. 08-2-0021c (June 5, 2008) further complicates the planning horizon year issue. This stipulation, which is an agreement between the parties, states that the forthcoming ten-year review of UGAs in Whatcom County will cover the period of time running twenty years from the date of completion of the review (p. 2). Completion of UGA review should occur in 2009, which means that the 20-year planning period would run to 2029. **If the County changes the planning horizon year for the County-wide comp plan, it would necessitate a change to the planning period for the Foothills Subarea Plan.” (my bold)**

The draft SEIS also points out that (also from page 7 of the document):

“Decision makers are not ultimately required to pick one of the three alternatives.

However, adopted plans and regulations must be within the range of alternatives discussed.”

Because there is no alternative that allows decision-makers to choose an option that is coordinated or consistent with population projections that will have been, by the time a decision on the Subarea is made,

adopted into the county's Comprehensive Plan, the plan, as the County itself asserts, will be inconsistent with the Comp. Plan on the day it is adopted in 2009.

QUESTION #1

What are the environmental implications of failing to address the populations and time frames that will be adopted into the Whatcom County Comprehensive Plan before the Subarea Plan the SEIS has been developed to inform can be adopted?

QUESTION #2

The SEIS contemplates significant change in a County Urban Growth Area. What are the environmental implications of addressing that change after the conditions underlying the assumptions contained in the SEIS have been modified by a Comprehensive Plan adoption requiring a longer time frame is addressed?

QUESTION #3

A Growth Management Act (GMA) planning exercise requires planning that is coordinated and consistent with other planning efforts by all the jurisdictions in a County. What are the environmental implications likely as the result of developing this SEIS using data that is not coordinated with, or consistent with, the planning being accomplished concurrently to achieve ten-year review compliance?

COMMENT #2 - NO GMA COMPLIANT ALTERNATIVES OFFERED TO DECISION MAKERS

The draft SEIS also points out that (also from page 7 of the document):

“Decision makers are not ultimately required to pick one of the three alternatives. However, adopted plans and regulations must be within the range of alternatives discussed.”

Bringing the Subarea Plan, especially the Columbia Valley Urban Growth Area, into GMA compliance is not one of the options offered decision makers considering either the SEIS or the Draft Foothills Subarea Plan.

If decision makers are not enabled, in terms of their decisions regarding the plan, to consider achieving GMA compliance, especially in the UGA, they are being offered a menu of options that is not “coordinated and compliant” with other County planning efforts.

QUESTION #3

What are the environmental implications of restricting decision-makers choices regarding an Urban Growth Area to a range determined by a timeframe that is no longer valid when the decision about the UGA must be made?

COMMENT #3 – A LAND SUPPLY ANALYSIS INADEQUATE TO INFORM THE PLAN

Columbia Valley is a Whatcom County Urban Growth Area (UGA). The GMA requires extensive planning in a UGA to assure accommodation of the population assigned the UGA is possible.

The County has never fulfilled its obligation to accomplish a fully developed comprehensive, coordinated and consistent plan for the Columbia Valley.

That means the Foothills Subarea Plan's segments addressing the Columbia Valley will be the surrogate for a proper plan until a full planning exercise can take place. Following are estimates regarding some of the land supply issues that should have been considered in the draft Foothills plan and, hence, in the Draft SEIS under discussion here.

The future Columbia Valley is expected to be about the size of present day Blaine, Everson, and Nooksack combined yet little or no, depending on the Alternative selected, job growth is planned for the area.

Based on ECONorthwest's 2002 study of growth in Whatcom County, accomplished for the County and its cities in 2002 and supplemented for the Foothills process in 2007, about 40% of Whatcom County's population requires a job. In the Columbia Valley UGA alone that represents a need for about 2786 jobs by 2027. That figure does not account for the fact that UGAs, by virtue of the services available within them and not available without, are responsible for providing jobs for nearby unincorporated county residents (in their market areas).

Depending on the job mix, again based on ECONorthwest's 2007 study and the data contained in the Subarea plan, a maximum of about 12 jobs per net acre of developable land can be provided in the Foothills Subarea. While the data is incomplete when it comes to the full range of jobs, the assumption for Commercial land in the Columbia Valley UGA is for a FAR of .25 on jobs producing land.

At 12 jobs per net acre at a FAR of .25 average, 2786 jobs will require 929 acres of developable land supply with no market factors or other deductions.

The law also requires that each Urban Growth Area "shall include...greenbelt and open space" areas. Each UGA also requires a parks element in the planning exercise.

The draft SEIS indicates that somewhere in the range of 30 acres of parks will be needed in the Columbia Valley alone to satisfy the needs of the population. A lesser, but still substantial, need is apparent for other alternatives.

At an average of 4 units per acre, the 1,147 units projected to be needed to accommodate future populations will require 287 net acres in the Columbia Valley. Note that the County's Comprehensive plan designates the Columbia Valley as an important recreational center for the County as well. The Valley will need something in the neighborhood of 500 additional homes to fulfill its purpose as a recreational center with seasonal homes available for personal and rental uses. The supply necessary to fulfill this need amounts to 125 net acres.

In total then, the net acres required for just the four uses identified above amounts to:

Jobs..... 929 acres of net developable land

Housing..... 312 acres of net developable land

Parks 30 acres of net developable land

Total net developable acres needed: 1,271 acres to serve future needs and shortfalls in existing needs.

At present there are 0 acres of land in the UGA zoned for commercial or industrial uses **which accounts for the fact that only 54 persons were employed, in 2005, in the Columbia Valley UGA.** To be GMA compliant land would have to be rezoned on adoption of the plan. No analysis is provided regarding the effect a rezone in one land supply area (UR-4 to Commercial for example) might have on the carrying capacity of the land being rezoned.

As best can be determined using information contained in the Subarea Plan and in the ECONorthwest study done on the Subarea to inform the draft plan, about 242 net acres exists to serve residential development in the area.

No acres are set aside for Parks and Trails in the plan.

A limited amount of land zoned for rural forestry exists within the UGA (apparently between 100 and 200 acres in total) but no indication exists in the Subarea plan to assure the land will be rezoned on adoption of the plan nor does there appear to be any analysis of the developable land supplies the land would actually yield once rezoned.

The draft Foothills Subarea Plan, if adopted, fails as a plan for the UGA due to a number of omissions. The Environmental consequences are potentially devastating. The following questions must be addressed in the final SEIS:

QUESTION #4

What are the environmental impacts of a deliberate policy of continuing to require nearly all Foothills residents in need of a job to drive dozens of miles per day to find work, to shop, to make use of governmental services or to recreate?

QUESTION #5

What are the environmental impacts of failing to analyze the land supply needs in an Urban Growth Area in terms of housing type and quantity, jobs distribution between job types and location, special needs housing, capital facilities requirements and the assurance such facilities will be available when needed to accommodate growth and other elements required of a Comprehensive Plan by the GMA prior to a decision on the plan in question?

QUESTION #6

What are the environmental impacts of failing to provide, on adoption of a plan for a Subarea or UGA, any land at all zoned to serve needs identified in the planning document?

COMMENT # 4 – USE OF OUTDATED DATA AND INAPPROPRIATE USE OF THE DATA AVAILABLE LEAD TO INACCURATE ASSUMPTIONS

Census Bureau and OFM statistics on homes built in the Subarea 2002 – 2006 show that each home built in the area since 2002 is actually housing only 1.6 persons. Because this SEIS assumes 2.6 persons per housing unit

built, more than 1000 housing units not foreseen in the existing plans will have to be provided to accommodate the planned for population.

One of the problems is that the accommodation need is based on occupied homes with no analysis of additional housing needs as is required of a Comprehensive Plan by the GMA.

By way of example, the County Comp Plan (land use chapter) foresees that about 40% of the homes in Columbia Valley are required to accommodate seasonal/recreational needs. Shortages of housing in other areas of the County have meant many of the homes meant to accommodate seasonal/recreational housing are being purchased and occupied as full time residences. That means the seasonal/recreational homes that should be built in Columbia Valley are instead constructed on tracts scattered throughout the Subarea rather than in the more compact areas expected.

QUESTION #7

What are the environmental impacts of failing to accommodate the demonstrated need for seasonal/recreational housing units in the UGA rather than forcing those wanting such units to build in the surrounding rural and forest lands?

COMMENT #5

Whatcom County has never done the planning for the Columbia Valley urban growth area it was required, by law, to complete years ago. The Columbia Valley is supposed to have, in place today, a full capital facilities plan detailing how all the roads, sewer services, water services and other infrastructure necessary in an **urban** growth area serving not only full time residents but seasonal/ recreational users as well, will be funded and built by 2015.

It should be noted that even if the County does not provide services like sewer and water itself it is still the County's responsibility to assure such services are available within the planning period for UGAs like that at Columbia Valley.

All County plans are supposed to be "coordinated and consistent" with all other County plans. What happens in the Foothills does *not* stay in the Foothills.

QUESTION #8

What are the environmental impacts to the rest of Whatcom County, outside the Foothills, of not having a full Comprehensive Plan for the Columbia Valley today, and what is the mitigation necessary to cure *those* ills?

Thank you for considering the foregoing and integrating the questions and comments into the final EIS on the Foothills Subarea Plan.

Regards,

Jack Petree