



My name is Jan Eskola and I was one of three people who wrote the Minority Report to the Foothills Subarea Plan

The minority report discusses the following:

- Population projections
- Certain decisions involving the Columbia Valley Urban Growth Area which I will refer to as the UGA
- Cluster zoning in the rural area
- Concurrency requirements for developments

Population projections

On July 19, 2006, Prof. John McLaughlin of Western Washington University delivered a slide presentation on population projections to the Foothills Advisory Committee. He discussed his analysis of population projections and population biology as it applies to the Foothills Subarea. His input was requested as an alternative to population projections which had been presented by EcoNorthwest to the Foothills Advisory Committee.

Prof. McLaughlin says that his formula is logarithmic and bottom-up whereas EcoNorthwest's formula is exponential and top-down. The McLaughlin formula utilizes "feedback" which, according to Prof. McLaughlin, is not addressed by EcoNorthwest. To assess the accuracy of his formula, Prof. McLaughlin tested it against historical population growth data and compared the success of his formula to the correlation of the EcoNorthwest formula against historical population growth. Prof. McLaughlin stated that, when the two formulas were tested against historical growth patterns, his formula was far more accurate than EcoNorthwest's formula. Prof. McLaughlin's population projections indicate that the population growth over the 20 year term of the Subarea Plan will be significantly lower than the growth projected by EcoNorthwest. The population projections approved by the majority members' even exceeded EcoNorthwest's recommended numbers and therefore should be recalculated. The Planning Department has since revised the population projection for the UGA to 5,000 from the 7,053 recommended by the Majority. Based on figures provided by the Washington State Office of Financial Management on September 13, 2007, the rate of growth in the UGA from 2000 to 2007 was 5.84 percent. The 5,000 population projection by the Planning Department suggests a 30 percent increase in population for the planning period in the UGA. Also, if the population projections for the UGA are being revisited, then the population projections for all the small towns and the remainder of the subarea should also be revisited. The Minority Members urge that the population analysis by the Majority Committee Members of the subarea Committee be revoked. We also urge that the EcoNorthwest projections at a minimum be revisited for both the UGA rates and rates for the small towns and remainder of the Subarea. We also suggest that review of Prof. John McLaughlin's critique of EcoNorthwest's projection

methodology would be appropriate before final growth rates are chosen for the Foothills Subarea.

Planning for more growth without an in-depth analysis of carrying capacity does not serve to maintain rural character. Although the Advisory Committee balanced population projections against available land and did look at current water and sewer connection potentials, there was no analysis by the Committee of the following carrying capacity issues which were requested by the Minority Members on numerous occasions:

- Impact on or drawdown of the Columbia Valley aquifer, or any cone of depression which would result from a dramatic increase in the drawdown of the aquifer, with consequent results on ground water, creeks and rivers, private wells, and salmon and other fish habitat
- The highly permeable soils of the Columbia Valley, to determine whether or not there would be either (1) adequate aquifer recharge to provide sufficient water for all residents, the Fish Hatchery and the Nooksack River, or (2) sufficient filtration to filter out impurities created by more housing and roads, to avoid pollution of our water
- Any increase in Level of Service traffic and road issues on the subarea roads that will likely be caused by increases in population
- Any increase in taxes for schools, fire service, parks, sheriff assistance or emergency medical assistance
- Input and feedback from the Water Resource Inventory Area 1 with regard to regional storm water management
- Safety routes for emergency evacuation from the UGA (forest fire, volcanic activity, land slides, etc.), which currently has only two exit and entry routes into and out of the UGA as well as safety routes for the emergency evacuation from the rest of the Foothills.

Decisions involving the UGA

Establishment of a Town Center Overlay in the UGA

Adding a town center overlay is premature as the UGA has not yet developed as a municipality. First, the community needs to establish a municipal identity and then the location of the town center will be driven by the location of the municipal center

Moving the boundaries of the UGA

Changing the Whatcom County Comprehensive Plan designation of the 40 acre Holly and Associates/S.C. Goshen site from Rural to UGA, and changing the zoning designation of those 40 acres from Rural Forestry to UR4 were not justified by the land use needs analysis conducted the Foothills Advisory Committee. There is sufficient acreage in the original UGA, even as reduced by moving its southern boundary north of Kendall, to meet the population projections, without the need to change either the Whatcom County Comprehensive Plan designation or the zoning of these 40 acres.

Based on Studio Cascade's expert analysis of land use requirements, the Minority Members do not think that potential additional light impact industrial acres are needed at all, whether within the UGA or outside the UGA. Studio Cascade has forecast industrial land demand in the subarea in 2027 to be equal to 8 to 21 acres. The current 40 planned acres are sufficient, and certainly there is no justification for an additional 40 acres, for a total of 80 acres which is possible under the Recommended Subarea Plan.

The Recommended Subarea Plan instead provides for:

- A minimum of 40 acres of land zoned for planned light impact industrial development
- Plus an additional 40 potential acres for light impact industrial development already within the UGA (for an aggregate total of 80 acres within the UGA),
- Plus an additional 80 potential acres for light impact industrial development entirely outside of the UGA

The Growth Management Act, RCW 36.70A.130 and .215, provides for five and seven year "look-backs", which would be the more appropriate method to determine whether or not it is proper to change the size of the UGA. It is inappropriate to dramatically over-size for future growth now, and adjustments in the UGA could be made early on in the 20 year planning period by the look-back process which will look at market factors, long before land supply is used up. The look-back process will bring the subarea plan into compliance with actual growth, and will implement measures to make sure that the subarea plan and UGA meet current needs.

The recommended language lays the groundwork for expansion of the boundaries of the UGA for the entire 160 acres. The Minority Members are concerned that it would be an easy jump from potential to permanent status of the approved potential light impact industrial land scheme, thus possibly

expanding the light impact industrial acreage (even if within the UGA) and possibly expanding the boundaries of the UGA (if the additional required acreage cannot be found within the UGA).

Cluster development in the Rural Zone Area

Cluster development in the Rural Zone does not support rural character. Rural character not only preserves natural landscapes of the rural area, but must also foster traditional rural lifestyles, rural based economies, and opportunities to live and work in the rural area.

Questionnaires were circulated by the Foothills Advisory Committee. The Committee spent a great deal of time, effort and thought and felt that the questions were very important spending many meetings drafting and redrafting the questionnaire in order to craft questions which reflected the specific local issues unique to the Foothills. Approximately 5,500 questionnaires were distributed with 376 responses. The 376 responses represent an approximate 6.8 percent return rate, which is a respectable return rate for public surveys.

Question 3f stated "I support retaining the rural character of the Foothills area. – 68.3 percent strongly agreed with this statement; another 24.5 percent agreed with the statement

Question 2b stated "Protecting the high quality of water in the Foothills is important to me – 68.3 percent strongly agreed with the statement; another 28 percent agreed with the statement

Question 3b stated "I think we should continue the type of single-family and rural residential patterns we now have in the Foothills – 39.2 percent strongly agreed with the statement; another 37.1 percent agreed with the statement

Recently, there has been a questionnaire circulated by Whatcom 2031 throughout Whatcom County. There were 387 respondents; 46.5 percent from unincorporated areas of Whatcom County.

The questionnaire indicated that 38.2 percent of the respondents agreed that overall population growth was too much. It also stated that 62.2 percent of the respondents agreed that population growth in rural areas was too much. The best places for population growth from 11 choices; 1. Bellingham, 2. Ferndale, 3. Blaine, 4. Lynden; Columbia Valley was 9th. The worst places for population growth from 10 choices; 1. rural areas; 2. Columbia Valley. The best places for job growth out of 12 choices; Columbia Valley ranked 10. The worst places for job growth out of 12 choices; 1. Rural; 2. Columbia Valley.

These public comments and opinions are and should be given considerable weight in formulating policy and planning. These are the tax payers of Whatcom County and as such, deserve to be listened to.

Concurrency requirements for developments

The Minority Members had originally proposed to the Foothills Subarea Committee and to the consultant, Studio Cascade, a provision for the Subarea Plan which would have provided that developers must have in place all infrastructure within one (1) year of commencing construction on a development. The Minority Members' proposal was the following:

- It is the policy of Whatcom County that all statutory and regulatory concurrency requirements must be met at the same time as the issuance of any building permit. Public services shall be built and available within one year of commencement of construction with evidence of ability to complete.

The policy proposed instead by Studio Cascade utilized only the first sentence but then omitted the critical change proposed of a timing provision dramatically shorter than the 6 years currently in place in Whatcom County. The Minority Members in fact support the idea of concurrency and completion of infrastructure before the home building is started, but acknowledge the difficulty of both politically and practically accomplishing such an aggressive policy. Therefore, the Minority Members proposed a one (1) year time frame for completion of public services infrastructure. We wished to send a message to the County Council that we supported tightening the existing concurrency ordinance to shorten the compliance period from 6 years to a shorter time period and to thus make the ordinance more effective.

The Minority Members wish to avoid future developments where the infrastructure is never completed by the developer, or was flawed. The carrying capacities of proposed developments must be dealt with now, to avoid future problems. If the carrying capacity does not exist and cannot be provided for at the same time the development occurs, developments should not be built.

The Foothills Advisory Committee had the benefit of: (1) the populations projections and analysis by EcoNorthwest; (2) land inventory analysis prepared by Whatcom County Planning and Development Services regarding all land uses in the Subarea; (3) industrial land use projections prepared by Studio Cascade; and (4) commercial land use projections prepared by Studio Cascade.

However, the foothills Advisory committee did not follow the industrial land use recommendations for the UGA. In addition, the Foothills Advisory Committee did not address at all the commercial land use projections for the UGA. Last, regarding the land use inventory, the Foothills Advisory Committee did not address inventory issues in the UGA other than housing.

A review of the UGA's sizing and determination of how much land must be set aside for roads, schools, parks, infrastructure, and protection of crucial areas should have been conducted as part of the Subarea Plan review process. In addition, a review should have been made as to whether or not the boundaries of the UGA itself meet the requirements for LAMIRD review and restrictions, rather than a UGA.

As previously mentioned, the Growth Management Act, RCW 36.70A.130 and .215, provides for "look-backs", which would be the appropriate method to determine whether or not the size of the UGA is appropriate. In addition, other provisions of the GMA may require a review as to whether or not the UGA should in fact be a LAMIRD. The look-back process will bring the Subarea plan into compliance with actual growth, and will implement measures to make sure that the designation of that land area meets current needs.

The small scale and character which we all cherish in the Foothills will be lost by suburbanization of the Foothills. The economic powerhouse here is tourism, and locally created and owned businesses. Tourists come because of the beauty of the mountains and the Foothills. If we permit the overdevelopment of commercial and industrial land uses, and we permit residential cluster developments in the rural Zone, that rural character will be lost forever.

We need to create a land use ethic that protects the Foothills. The Foothills are important not only to the residents of the Foothills Subarea, but also to all residents of Whatcom County. We need to protect the landscape, the environment and rural character while providing people with a good place to live and work.

The current Draft Subarea Plan is a good start for the future of the Foothills, but it does not provide the protection which the Foothills needs in order to survive with any semblance of the rural character and natural beauty that all residents of Whatcom County cherish. Build it and they will come only works for baseball fields in the movies. We need to make sure that we take the best of two roads to the future, and that we do not regret what we did not choose. The difference

between the road we take and the road not chosen will make all the difference in the world to maintaining the special character of the Foothills Subarea for now and for future generations.