

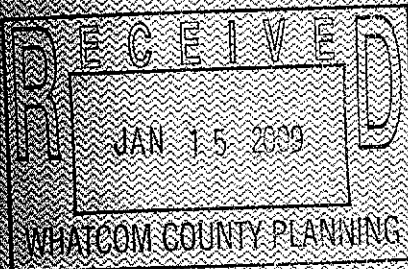
2008

# Foothills Sub Area Plan Policy Review

Prepared for the Whatcom County Planning Commission in consideration of the adoption of the Foothills Sub Area Plan Update and the retention and revitalization of the Columbia Valley, PA.

Prepared by

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January 14, 2009

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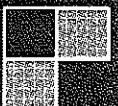


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## Executive Summary

The following has been prepared to inform the discussion regarding the Proposed Foothills Sub Area Plan currently under consideration before the Whatcom County Planning Commission. This Executive Summary is intended to highlight some key considerations with a more lengthy analysis to follow in the main text of our review.

All public comments previously submitted by signatories identified within this document have relevance to the rationale presented and are incorporated herein by reference, with additional specific citations noted in Appendix A.

### Retention of the Columbia Valley UGA

In the County Staff report dated January 7, 2009 (File # CMP2007-00007) pertaining to the Foothills Sub Area Plan Update, Staff recommends retaining an Urban Growth Area in the Columbia Valley.

**We support this recommendation and encourage the Whatcom County planning Commission to adopt the recommendation as presented.**

### Population Projections for the Columbia Valley UGA

The staff report also recommends adopting a Columbia Valley UGA population projection of 5,000 for the next 20 year planning period.

**We do not support this recommendation.**

In the recent survey conducted for Whatcom 2031 (pg.6), a majority of respondents (39.9%) indicated their preferred growth scenario for Whatcom County:

*"The Small cities and Small Urban areas in Whatcom County become their own economic centers so there would be less of a need to drive to Bellingham. **More population growth** can locate in these small cities and small urban areas to be near jobs."*

An additional 19.3% of the respondents would like to see "each community take a share of future population growth that is **similar to their share of existing population.**"

Over 59% of respondents to the Whatcom 2031 questionnaire indicate that they wish to see an **increase or retention** of historical population allocations within Whatcom County, and the majority would like to see this growth filtered into the small cities and small urban areas.

Whatcom County's County-Wide Planning Policy A-4 states that:

*“Citizen comments and viewpoints shall be incorporated into the decision making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.”*

Based on the foregoing observations and the extensive community dialogue and professional analysis previously conducted for the Sub Area Plan,

**We recommend that the Whatcom County Planning Commission adopt the population projections utilized in the Draft Foothills sub Area Plan Update as adopted by the FSPAC in October 2007 with an extended planning horizon to 2031.**

## **Adoption of a Foothills Sub Area Plan**

The Foothills Sub Area Plan is a non-project action that establishes policies and guidelines through which growth in the Foothills will be managed over the 20 year planning period.

The SEIS indicates that there are **No Significant Adverse Environmental Impacts that cannot be mitigated.**

The SEIS further identifies that appropriate monetary and human resources will be needed to ensure all proposed mitigation is implemented properly as projects begin to move forward.

A significant source of potential monetary investment will come from developers and the private sector. The permit process will ensure that appropriate mitigation measures and essential infrastructure will be in place and shall be adequate to serve proposed development **at the time the development is available for occupancy and use** without decreasing current service levels below locally established minimum standards.

Therefore, with a heightened awareness of the need to implement LID standards and other mitigation measures already identified throughout the plan and the SEIS,

**We support adoption of the Foothills Sub Area Plan as proposed by the FSPAC in October 2007**

**We support Alternative No. 1 from the SEIS with reasonable and necessary revisions required to mitigate any significant environmental impacts and protect public health and safety.**

**We encourage the Whatcom County Planning Commission to support Alternative No. 1 and the proposed Foothills Sub Area Plan as adopted by the FSPAC in October 2007 with an extended planning horizon to 2031 and necessary revisions to mitigate any previously unknown potential environmental impact identified in the SEIS.**

# East County Policy Analysis and Rationale

## Introduction

In the article, "*Officials Comment on Growth Management Act*"<sup>1</sup> State Representative Kelli Linville (D, 42nd District) stated that, "as communities grow, towns must accommodate the population with sufficient facilities such as schools and adequate law enforcement." She noted that local communities are able to make the most informed decisions on such issues. "What I believe is that it doesn't work to manage growth from the state level. Growth management must be managed from the community up," Linville said. Under the requirements of the GMA this concept clearly falls upon the County for areas designated for growth outside of cities and towns.

Germaine to any discussion pertaining to accommodating growth in the East County and the Foothills Sub Area plan is the Columbia Valley UGA and its function as the only designated Urban Growth Area and major regional population center within this Sub Area and the entire East Whatcom County region, ranging from Approximately Deming to Newhalem and Diablo Lake. The FSPAC was mindful of this fact and planned according to the mandates set forth in the Whatcom County Comprehensive Plan and the enabling mandates set forth in the Whatcom County Council's Resolution governing the creation and function of the FSPAC.<sup>2</sup>

The following brief has been prepared because we appreciate and recognize the challenges inherent in taking public testimony on complex topics and want to ensure some of the larger pieces don't get lost while sorting through these tedious complexities. One can never claim to absolutely know the perspectives and motivations represented in the public process. Please know that the signatories to this submittal have made every effort to consider not only their own personal circumstances and hopes for the East County Community(s), but those of the many unable to represent themselves for whatever reason. As dignified and committed public servants, we are confident that you share our commitment. The Subarea Plan is truly pivotal to the future viability of a healthy, successful Foothills community and to serving the needs of the East County Communities abroad. And we want to thank you for your time and thoughtful consideration of these issues.

## Planning for a Healthy Community

The Columbia Valley UGA plays a vital role in the Foothills Sub Area, absorbing growth and preserving the Rural Character of the greater whole within an area known for its beauty and tourism appeal. The Columbia Valley UGA is the primary population center of the Foothills Sub Area supporting urban services and population densities within tightly constrained parameters as defined by the valley's geological boundaries and an under-developed economic infrastructure relying primarily on a residential tax base. The following overview summarizes and explores some of the history and endeavors to identify, some of the core needs to ensure this areas success and revitalization in the current planning cycle.

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<sup>1</sup> Whatcom Independent, Sept 2-8, 2005

<sup>2</sup> Whatcom County Council Resolution 2005-062

Over the last 50 plus years, the Columbia Valley has experienced significant change. It has evolved from an area utilized primarily for its natural resources to a resort community in the 1970's. Today the majority of Columbia Valley residents live there year round. Some parts of the Columbia Valley, particularly Paradise Lakes, have experienced economic and social decline and have only recently begun to regain a stronger footing.

Nearly 4,000 people are currently living within a one-mile radius of each other. Of those, extrapolating from the population percentages by age distribution from the 2000 Census, at least 1,000 are estimated to be children ten years of age or younger. Numerous initiatives underway locally and nationally are focused on combating childhood obesity. If we are conducting land use planning in a manner contrary to the goal of addressing such critical issues, intentional or otherwise, we are doing a great disservice to current and future generations.

When the area served primarily as a resort destination, amenities such as clubhouses, tennis courts, swimming pools and a golf course were abundant and available for public use. There was a strong sense of community. Today things are different: the remaining amenities are no longer available broadly for public use and many residents feel disenfranchised. The predominantly fulltime population is estimated to be one of the largest concentrations in Whatcom County. Yet it has few of the services or amenities that would normally accompany a population of this size.

Now is the time to plan for the Columbia Valley. Some are opposed to the FSPAC's final recommendations to planning saying that "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." However, it makes little sense to create a town, municipal identity or structure and then wait for the population and services to arrive. It is also inconsistent with the goals of the GMA. Cities and towns naturally emerge as populations establish themselves, develop a commercial infrastructure to create the necessary tax base, and then seek incorporation. The capital facilities element of the GMA requires Counties to plan for growth and the provision of services in unincorporated UGA's. Whatcom County has not adequately achieved this requirement in the Columbia Valley UGA and this essential component must be addressed.

A community can be likened to a ship at sea. Without an anchor, the ship drifts aimlessly. A commercial center acts as the anchor within a community. It provides a stabilizing force by creating jobs, centralizing services and amenities, establishing community character, and developing a core. It is the heartbeat from which the population derives its life. The population gathers here, develops relationships here, holds community functions and festivals, and helps establish an environment to build the quality of life in the area.

The Columbia Valley is in dire need of the same advantages that exist in all other areas of Whatcom County that have equal and even lesser populations, these needs will be met by undertaking appropriate and required capital facilities planning as envisioned in the GMA, this community is desperately in need of services commensurate with their population, such as:

- Full service grocery store**
- Bank**
- Jobs**
- 24-hour police protection**
- Parks and playgrounds**
- Office space**
- Laundromat**

Bellingham has a population of 75,150 people, as of 2006. It has fifteen full service grocery stores, the equivalent of one for every 5,010 people.

These services and amenities will provide a foundation and encourage the emergence of a new community identity necessary to revitalize the area. They are essential to overcome the economic and social stagnation that currently exists. Without this shift, a downward spiral will resume, the tone of prejudice that exists toward the area will most likely grow and the Columbia Valley will revisit the same problems during the next planning cycle. Residents will continue to beg County government for the services that it should be able provide for on its own, if given the means.

Despite the Columbia Valley UGA's significant population density, the area has been largely overlooked and is lacking in required levels of service. In addition to being on solid legal ground, the UGA status is necessary to ensure appropriate services and amenities are available for the community during the next planning cycle. The Subarea Plan as submitted will create a condition that will allow for appropriate services. Many of those services could be within walking distance of a majority of the population. New services will bring local employment and begin to establish a foundation for a vibrant local economy. UGA status is essential to a healthy Subarea economy. The following chart<sup>3</sup> offers a view of other Whatcom County cities with similar (and even lesser) populations, clearly showing the disparity that exists today in the Columbia Valley.

CITY	Pop.	Class	Government	MedianIncom	Mean Income	Commercial Ctr
Blaine	4650	Code	Council-Manager	\$36,900	\$50,060	Yes
Nooksack	1075	Code	Mayor-Council	\$44,000	\$48,056	Yes
Peaceful Valley	2579	n/a	n/a	\$32,357	\$40,432	<b>No</b>
Sumas	1191	Code	Mayor-Council	\$29,297	\$36,929	Yes

In contrast to some segments of the Whatcom County community where infill in existing urban areas is actively opposed by many, the public record of the Subarea Plan process clearly indicates that the majority of the participants appreciate the complexity of the issues involved. The community is willing to accept its share of projected population and ensure that added pressure is not placed to other UGAs in Whatcom County. As a result, the majority of the FSPAC supports the Subarea Plan as recommended. That position is fully supported by the signatories of this document, with due consideration and support for appropriate mitigation proposals that will ensure the protection of the environment and the implementation of the strategies set forth by the FSPAC in the Draft Foothills Sub Area Plan.

<sup>3</sup> Source: 2000 Census, US Census Bureau

# Land Use and Economic Development

## Town Center Overlay

'People living in proximity to their daily needs' is a simple and elegant concept. It is the foundation of the National Trust for Historic Preservation's Main Street Program (downtown revitalization), New Urbanism and Smart Growth movements, and of the hundreds of years of successful community development in the United States upon which they are based. It is also the basis of the FSPAC recommendation for a Town Center overlay in the Columbia Valley. All are driven by a combination of logic, necessity and sound, long-range thinking.

Historically, choices about where to live were guided in large measure by transportation choices and ones livelihood. For example, those living on large parcels of land away from town centers generally did so because they derived their livelihood from the land. These factors are still at play today, but their importance has fluctuated over the years as a result of several influences.

Following the creation of traditional town centers and prior to Main Street, New Urbanism and Smart Growth, the intervening years were characterized by extensive market penetration of the personal automobile, an expanding roadway system and, generally speaking, affordable gas prices.

Other communities share our experience. In a description of *Preserving Rural Character* (Heyer, 1990), the American Planning Association notes, "Everyone wants to preserve a pristine rural character, yet some development is inevitable. Many communities rely on conventional, large-lot residential zoning and strip commercial districts both to protect the unique characteristics of rural areas and to accommodate development—and fail miserably...[This report] explains how a community can adapt conventional planning methods—such as the master plan and the land development ordinance—to preserve what it admires. It advocates cluster development, open space plans, and the preservation of existing built and natural characteristics to protect rural character."

Today as the cost of our natural resources continues to rise, communities across the country are embracing opportunities to mitigate rising personal fuel and public service costs, gain more time with family and recapture a sense of community. They are accomplishing these goals by planning using a rational approach informed by lessons learned over time.

The tenets of Smart Growth, according to the leading national coalition Smart Growth America, are:

- Walkability
- Connectivity
- Mixed-Use & Diversity
- Mixed Housing
- Quality Architecture & Urban Design
- Traditional Neighborhood Structure
- Increased Density
- Smart Transportation
- Sustainability
- Quality of Life

These priorities reflect those lessons learned. The FSPAC considered these principles as well as their collective experience living in the Foothills and extensive input from their neighbors when making their recommendation for the location of the Town Center Overlay. The economic, social and environmental costs of sprawl have been well documented. Supporting and strengthening our existing population centers is a sound strategy from all three perspectives.

The opinions expressed by those dissenting in the "minority report" assert "*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.*" (Minority Report, Foothills Subarea Plan Advisory Committee, October 27, 2007, pg. 3) It is common knowledge among everyone in retail and commercial real estate that businesses locate near people. (The inverse is the exception rather than the rule.) The Columbia Valley is home to an overwhelming percentage of the Subarea population: the people are already there. Once appropriate property entitlements are in place, the businesses to serve those people will follow.

There are numerous examples of non-municipal areas with successful commercial districts throughout East Whatcom County and the planning area, including Glacier, Maple Falls, Deming and Welcome. Unfortunately, these areas cannot meet the needs of a large population due to their size and configurations **within the rural areas** and nor would this be an appropriate solution to address the needs of an urban population. The WWGMHB however, clearly recognizes unincorporated urban growth areas with commercial development, as contemplated in the citation below:

The concept of establishing an unincorporated UGA at Eastsound and Lopez Village complied with the Act because the areas were "characterized by urban growth." *Durland v. San Juan County* 00-2-0062c (Final Decision and Order, 5-7-01)

The WWGMHB further contemplates appropriate methodology for County approved designations within Urban Growth Areas in the following citation(s):

A local government has a wide range of discretion in determining specific designations within a properly established UGA. *Achen v. Clark County* 95-2-0067 (Final Decision and Order, 9-20-95)

And;

The GMA does not establish specific goals or requirements for particular designations within a properly established UGA. *Achen v. Clark County* 95-2-0067 (Final Decision and Order, 9-20-95)

It is also important to note that Whatcom County plans to locate the East County Regional Resource Center in the heart of the Columbia Valley UGA where the FSPAC majority vote proposes to create the Town Center Overlay designation.

Although the County does not allocate tax dollars geographically based on corresponding revenue generated, the issue of tax revenue is relevant to the County's ability to meet its obligation to provide services county-wide. Increasing the portion of tax revenues generated

from business activity is more valuable than that generated by individuals. Public services utilized by residents far outstrip the tax revenues they generate. According to the American Farmland Trust's *Cost of Community Services Study* (2004), the median cost of providing public services for residential land use is \$1.19 per \$1 of revenue generated. Conversely, the median cost to serve commercial and industrial lands is \$0.28 per \$1 of revenue generated. In addition, the cost of serving a scattered population will only continue to increase.

On an individual level, the less income residents spend on transportation, the more they can save for and/or spend on other basic needs such as food and education. The eventual transference of Governance envisioned in the GMA for Urban Growth Areas can only be achieved when the area is allowed to develop the tax base and infrastructure to support incorporation.

The relevant social factors range from public health to public safety. In *Understanding the Relationship Between Public Health and the Built Environment: A Report Prepared for the LEED-ND Core Committee (Design, Community & Environment and Lawrence Frank & Company, Inc, 2006)* the authors describe the effects of the built environment on respiratory and cardiovascular health, motor vehicle related pedestrian injuries, physical fitness and more. Their findings state, "Neighborhoods with disproportionate levels of people living in poverty have higher levels of all incidences of health problems ranging from asthma and respiratory illnesses resulting from proximity to point source pollutants, to higher rates of violent crime and all types of illnesses" (page 112). All of these social ills result in higher costs to the community at large.

According to the U.S. Department of Transportation's Federal Highway Administration (Highway Statistics, Summary to 1995 and annual editions, 1996 and 1997) and the Environmental Protection Agency (*Our Built and Natural Environment*), between 1980 and 1996, vehicle miles traveled increased by an average of 3.1% annually, more than three times the rate of population growth (1% annual growth) for the same period. This imbalance is directly correlated to development patterns. In the Foothills community, as in many others far from employment centers, transportation often poses a financial barrier to workers of all ages.

From an environmental perspective, centralized commercial activity is simply more efficient land use than strip malls and other forms of development.

The overwhelming trend among planning agencies is to emphasize walkable communities. While some area residents will need to reach the proposed commercial area by car, many will be able to walk and/or ride the bus. Regardless of their means of arrival, ensuring they reach a commercial center that allows them to walk from grocery store to coffee shop to community resource center has positive impacts on many levels. Thus addressing this issue is a high priority for Foothills residents.

The community has expressed its desire and, more importantly its need for a full service grocery store in the Columbia Valley. A level of demand sufficient to support a 40,000 square foot grocery store has been established by Northern Economics' threshold analysis:

The population needed to support a 40,000 sq. ft. Food Pavilion grocery store and an average Whatcom County grocery store is presented in Table 13...

Both results indicate that there is currently a large enough market area population to support a 40,000 sq. ft. grocery store. The market area population is approximately 6,500 people and growing (based upon Whatcom County growth projecting that the market area population is

expected to exceed 7,500 people within five years), and a Food Pavilion store would require a market area population of 5,243 while an average Whatcom County grocery store would require a market area population of 5,583.<sup>4</sup>

Even the small town center of Nugent's Corner (Located outside of the proposed Sub Area Boundary) combines a grocery store with a coffee shop, exercise studio, tavern and other services in proximity. Complementary retail and services are vital to the heart of a healthy community. The location of the existing Small Town Commercial in Kendall is not an acceptable alternative. It is removed from the population center in the Columbia Valley. In addition, it is designed to prioritize the automobile to the near exclusion of the pedestrian.

At the September 2006 Subarea Plan workshops held by the FSPAC, the community made it clear they were in favor of directing commercial activity to the Columbia Valley rather than in the Kendall Small Town Commercial zone. Civic uses and tourism were emphasized as appropriate land uses for the Kendall SCT with safety improvements ranking the number one priority.

## **Economic Development Policies**

The FSPAC considered a viable economic and employment base within the Subarea to be essential. Although this topic was not part of the scope of the SEIS, it is important context for evaluation of the Subarea Plan.

Light Impact Industrial (LII), as part of a healthy mix of business activities appropriate to the Subarea, will:

- Provide a variety of job opportunities for Subarea residents of all ages and skill levels,
- Reducing the need for Subarea residents to drive outside the Subarea for work (therefore reducing their transportation costs),
- Taking advantage of the region's renewable resources, such as timber, and the opportunities to create value added products to further diversify and strengthen the area's environmentally based economy (i.e. green collar jobs),
- Creating a business incubator, supporting the Subarea's entrepreneurial potential as well as its multicultural character,
- Increasing the number of living wage jobs available in the Subarea,
- Increasing the amount of time area residents are able to spend with family,
- Contribute to Whatcom County's tax base, and
- Contribute to Mount Baker School District's tax base.

As a result, the FSPAC adopted several goals and policies to support opportunities for economic development and job creation, including the retention of existing and the attraction of new businesses within the Subarea.

LII has long had a place in the Subarea's history. The FSPAC recognized the need for market forces, including demand and land availability, to determine the timing and (based on community land use values and priorities) the location of future LII development. In recognition of the need to allow those market forces to work, the FSPAC assessed and recommended

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<sup>4</sup> Source: Residential and Commercial Market Analysis: Columbia Valley/Kendall UGA, Northern Economics, November 2005, pg. 20

modifications to existing Whatcom County Comprehensive Plan Land Use Policy 2AA-12 (see below). The FSPAC was also attuned to the need to maintain a coverage area appropriate to the Subarea. Therefore, they recommended that any resulting boundary adjustment(s) not exceed the current Subarea acreage.<sup>5</sup>

Specifically, the policy directs planners to, ***“Retain the existing zoning until traffic impacts and infrastructure/utility/service needs and appropriate mitigation measures have been identified”*** and also gives direction regarding the expansion of the UGA as follows: ***“Ensure the UGA is NOT expanded in acreage as a result of the modification”***. The Proposed Foothills Subarea Plan as recommended by the FSPAC includes additional guidance on the subject. Policy CV1-C states:<sup>6</sup>

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<b>CV1-C</b>	Whatcom County has adopted an approximately 40-acre Planned Light Impact Industrial designation within the Columbia Valley UGA as shown on the UGA map. The County may designate another 40-acres of land for UGA/light impact industrial development within the boundaries of the Potential Planned Light Impact Industrial designation only if the initial 40 acres in the planned light impact industrial designation is either substantially put to use for industrial purposes or is removed from the UGA/Planned Light Impact Industrial designation by amending the Foothills Subarea Plan and the Whatcom County Comprehensive Plan. In any case, the County's intent is to meter the amount of land available for light impact industrial uses to match demand and to avoid designating more land than necessary for light impact industrial development.
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The FSPAC's policy recommendations establish a **Planned 40-acre LII** designation on the North end of the UGA per the recommendation of the Comprehensive Plan and substantially consistent with the recommendations of Studio Cascade and ECONorthwest analysis as illustrated below. The FSPAC also created a Potential Planned LII overlay designation within which an applicant may choose to locate the 40-acre parcel, thereby increasing the opportunities for a successful application and hopefully mitigating any potential hindrance of a proposed project due to land availability or other constraints.

All members of the FSPAC participated actively in the creation of the Planned LII overlay, as recommended in the Comprehensive Plan, and the Potential Planned LII overlay. They also voted to approve the policy that enables an additional 40-acre designation from within the Potential Planned LII overlay map, at the county's discretion and subject to conditions specified in the policy (see excerpt below). This policy was **approved by consensus** of the FSPAC.<sup>7</sup>

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<sup>5</sup> Source: Foothills Subarea Policy Matrix June 27, 2007

<sup>6</sup> Source: Proposed Foothills Subarea Plan (as approved by FSPAC October 2007)

<sup>7</sup> Source: Foothills Subarea policy matrix June 27, 2007 (with PDS notes at right)

Element	Policy Choices	
Land Use	<p>Whatcom County has adopted an approximately 40-acre planned light impact industrial designation within the Columbia Valley UGA as shown on map ???. The County may designate another 40-acres of land for UGA/light impact industrial development within the boundaries of the potential planned light impact industrial designation only if the initial 40 acres in the planned light impact industrial designation is either substantially put to use for industrial purposes or is removed from the UGA/planned light impact industrial designation by amending the Foothills Subarea Plan and the Whatcom County Comprehensive Plan. In any case, the County's intent is to meter the amount of land available for light impact industrial uses to match demand and to avoid designating more land than necessary for light impact industrial development.</p>	<p><i>Note: Approved by consensus of the committee on 6/27/07.</i></p> <p><i>Staff Comment to Studio Cascade: Please insert the appropriate map # at the end of the 1<sup>st</sup> sentence.</i></p>

The FSPAC appears to have based their recommendations in part on policy 2AA-12 in the Whatcom County Comprehensive Plan which sets forth a mandate to “recognize the need” for LII land uses in this area and contemplates the creation of a “light impact industrial zone” in the long term planning area located on the north side of Limestone Road. The policy is quoted below:

Policy 2AA-12:	<p>Recognize the need for light impact industrial land uses within the Columbia Valley/Kendall Urban Growth Area. Consider establishing a light impact industrial zone within the long term planning area located on the north side of Limestone Road. Retain the existing zoning within this long term planning area until a master plan has been completed to identify traffic impacts and infrastructure/utility/service needs, and appropriate mitigation measures.</p>
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Source: Whatcom County Comprehensive Plan

It was noted that the long term planning area (LTPA) referenced above consists of a contiguous 80 acres under a single private ownership within the UGA and abutting mineral resource lands. Due to geographic constraints and existing residential land use patterns the FSPAC determined that this location would still be the most appropriate site within the UGA to reduce any potential for incompatible land use patterns in the future (see Subarea Plan Map 2.3: Columbia Valley UGA and Adjacent Lands).

One significant difficulty identified by the FSPAC regarding this policy was that single private ownership of the parcel(s) identified in the Comprehensive Plan for LII uses could potentially create a situation where the landowner may not have the resources or desire to develop the land or sell to someone interested in developing the land for this purpose: essentially, rendering the intent of the policy void and hindering or negating any possibility of attracting businesses to the area.

The FSPAC examined ways that this situation might be potentially mitigated to create more viable opportunities to attract and retain businesses without compromising the intent of the policy or its necessary safeguards. It was noted during this process that historically the single ownership of the specified parcel(s) identified for LII development created a barrier to projects wishing to locate here.

Some members of the public indicated that the landowner did not wish to sell and/or had other uses for the land. The FSPAC appears to have recognized the potential impact of single

ownership in their proposed policy language by creating the overlay to give future applicants alternatives for sighting a proposed project.

It is unclear why the minority group from the FSPAC approved the policy (Policy CV1-C) enabling the LII overlay but subsequently opposed the recommended creation of it.

The GMA sets forth specific planning goals regarding economic development and outlines a mandate to “encourage growth in areas experiencing insufficient economic growth”. The proposed LII overlay coupled with a proposed set of comprehensive economic development policies, attempts to address the elements necessary to attract and retain new businesses while providing additional opportunities for existing business to expand within the region.

RCW 36.70A.020 (5)

Economic development. Encourage economic development throughout the state ***that is consistent with adopted comprehensive plans***, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, ***recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth***, all within the capacities of the state's natural resources, public services, and public facilities. (emphasis added)

In the economic analysis provided by ECONorthwest (see below), it was recommended that the FSPAC consider establishing (emphasis added) “policies to **preserve existing and new industrial land** for industrial uses” as referenced in the following:<sup>8</sup>

- Preserve industrial land for industrial development. The Subarea Plan designates land in the Columbia Valley UGA for light industrial development. ECONorthwest recommends that the plan establish policies to preserve existing and new industrial land for industrial uses.

After more than six months of public deliberation and based on the available data and recommendations provided by several credible authorities the FSPAC determined that additional options for LII development would need to be made available to best ensure the immediate retention of any potential applicant wishing to locate a business within the region.

The proposed LII policies and recommendations approved by the FSPAC appear to be protective of the community’s interests as well as consistent with the intent of the Comprehensive Plan and recommendations made by ECONorthwest and Studio Cascade.

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<sup>8</sup> Source: ECONorthwest “Foothills Subarea Economic Analysis” (June 12, 2007)

The FSPAC made recommendations to designate a 40-acre parcel for Planned LII development within the long term planning area as supported by the industrial land supply analysis submitted by Studio Cascade and as provided for in the current Comprehensive Plan. This recommendation is appropriate and appears to be consistent with GMA planning goals and recommendations provided by ECONorthwest.

The Potential Planned LII overlay designation recommended by the FSPAC would create additional opportunities for economic development in an area that is known for having regional constraints, a high unemployment rate and a large concentration of disadvantaged people. The FSPAC recommendation attempts to address the mandates set forth in the GMA for site specific planning regarding economic development.

There are numerous protections that have been created to ensure applicants mitigate any potential traffic or infrastructure constraints and the FSPAC recommendations specifically **protect current zoning until an applicant has successfully demonstrated that these issues have been addressed.**

The FSPAC recommendations create tools that may be used at the County's discretion and subject to conditions, to stimulate additional economic development if it should become apparent or necessary during the twenty-year planning period, thereby creating additional incentive to attract and retain businesses to the area while maintaining current policy directives established by the Comprehensive Plan.

This is consistent with GMA goals and conducive to achieving the required level of economic development that is necessary to ensure the success of this unincorporated urban growth area.

Based on these findings we recommend that the proposed economic policies and recommendations of the FSPAC be adopted as presented when the county establishes the proper timeline for approval of a Foothills Sub Area Plan.

# Preserving Rural Character

The Columbia Valley is not 'rural' in character or by any measure. It has approximately 4,000 residents already living at urban densities, making it one of the largest population concentrations in Whatcom County and one of the densest. The National Fire Protection Association's standards (cited in the DSEIS) define 'urban' as greater than 1,000 people per square mile. The Columbia Valley meets that definition with 3,853 people estimated to be living in the approximately two square miles that comprise the Columbia Valley UGA. The following summaries of WWGMHB decisions also support the non-rural status of the area.

- *Densities of greater than one dwelling unit to five acres are not rural densities. Both this Board and the Central Board have consistently said that densities of more than one unit per five acres constitute urban growth. (The Eastern Board has indicated that densities of more than one unit per ten acres of land is not a rural density.) Therefore, allowing freestanding ADUs together with a principal residence on lots of less than ten acres in rural areas constitutes inappropriate urban growth in a rural area.<sup>9</sup>*
- *A county's definition of rural character is noncompliant if it incorporates rural attitudes which give rise to land use regulations that do not conform to GMA goals and requirements. A county cannot exempt its rural residents from the requirements of the Act, even if doing so would reflect the wishes of those residents. A goal which states that residents of remote parts of the county are allowed to live as they choose, as long as they do not infringe upon the rights of neighboring property owners or cause environmental degradation, fails to harmonize with GMA goals.<sup>10</sup>*

Instead, the Columbia Valley UGA is surrounded by an abundance of rural land and residents are eager to support decisions that will preserve the genuinely rural areas of the region.

One of the arguments given in favor of reducing or eliminating the Columbia Valley UGA is to preserve rural character. This argument is ironic at best. The single most important measure to preserve rural character in the Mt. Baker Foothills is to ensure that most new growth in the area is accommodated in the Columbia Valley UGA. The best way to preserve rural character is to concentrate growth in areas well suited for growth in order to take development pressure off of the working (including aesthetic) land base. In keeping with this understanding, the Columbia Valley UGA as proposed in the Subarea Plan has the capacity to absorb more than 75% of the new growth projected for the Foothills Subarea in this twenty-year planning cycle. All of the undeveloped portions of the UGA as proposed in the Subarea Plan are located within a water and sewer district with sufficient capacity to serve. The available water and sewer capacity matches the projected growth and the available lot base within the proposed UGA. In this regard, the Subarea Plan is legally and philosophically consistent with the mandates of the GMA.

At current growth rates, the Foothills Subarea will grow by almost 7,000 people by 2027. Even at the lower growth rates used in the Subarea Plan, more than 4,000 people are likely to move to the Subarea within this planning cycle. Those that are not accommodated in the UGA, at urban densities, will instead locate in the rural parts of the Subarea at rural densities. The result could be well over 1,000 new homes on lots sized five acres and up. At an urban density of four dwelling units per acre, homes for 4,248 new residents (more than 1,600 units) would consume

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<sup>9</sup> Friends of the San Juans, Lynn Bahrych, and Joe Symons v. San Juan County, 03-3-0003 (Corrected Final Decision and Order, 4-17-03).

<sup>10</sup> Yanisch, et al. v. Lewis County, 02-2-0007c (Final Decision and Order, 12-11-02)

400 acres. Alternatively, 1,600 homes at five acres per lot would require 8,000 acres or 12.5 square miles. In reality, the difference would probably be even greater, because the homes in the UGA would likely be built at higher net densities than four units per acre in order to create more parks and protected areas, whereas homes outside of the UGA would be developed on a combination of five-, ten-, twenty-acre and larger lots.

Further, every home outside the UGA requires more than a larger piece of land. Each one requires another well, another septic system, and another driveway accessing the road system. Each one also adds demands on public health and safety services such as fire and law enforcement. However, these added demands will not bring the benefit of sufficient mitigation and will add to the existing challenge of serving a geographically dispersed population. Locating growth within a UGA significantly reduces all of those impacts. Additionally, concentrating growth in a UGA creates the conditions that make sound and comprehensive planning possible, and, in the absence of countywide impact fees, allows for both high quality environmental mitigations and fair impact fees to be required of developers. Small developments and short plats, by contrast, increase impacts, but require only minimal mitigation measures.

Most of the undeveloped land proposed for inclusion within the Columbia Valley UGA is ideally suited for development. It is not at all pristine; rather it is land in need of restoration. Most of it has been highly impacted by human activity over the last century, including logging, limestone mining and other activities. Most of it is either clear or covered with logging slash. For the first half of the last century one of the larger parcels served as a medium size town. The land is generally flat and well drained. It is not suitable for agriculture as the soils are thin and too well drained for farming. Conversely, the soil profiles are ideal for filtering water runoff. The few areas with wetlands or having biological significance are easily avoided. Accommodating growth in such an ideally suited area will take development pressure off of other parts of the Subarea that are much less suitable for growth and achieving the goal of genuinely preserving rural character.

All of the new homes within the proposed UGA boundaries could be reached with only one new access to SR547 in addition to already existing access points. Most of the new development would be set back from SR547 and invisible to passing traffic (also preserving rural character). In contrast, if growth is not accommodated in the UGA, more than 1,000 potential new driveways could access main roads and highways throughout the Subarea and could produce significant unmitigated environmental impacts in the Rural Zones.

Whatcom Transportation Authority (WTA) has indicated that new growth in the Columbia Valley could bring its population to a critical mass, making it viable to provide improved bus service. That service could include a local circulator that brings commuters to a main express bus to Bellingham (the current bus trip includes circulation through the Columbia Valley and takes two hours.) A central park and ride also becomes viable within the UGA. The Kendall bus line has the highest ridership of all WTA routes, indicating that enhanced bus service to the Subarea would be a benefit to the community and would be well utilized.

The demographics of Whatcom County as a whole as well as in the Foothills Subarea reveal a trend toward smaller household sizes. As a result, more lots and homes will likely be needed to serve the projected population increase than the number of homes yielded by using the current multiplier of 2.6 persons per home. UGA development proposals are eligible for the kind of density and zoning flexibility that is important at a time of rapidly changing demographics. Such flexibility would include the ability to allow design elements such as smaller lots, cottage lots, multi-family units, co-housing lots, jointly owned and shared lots, and planned unit

developments (PUDs). All of these elements are emerging as staples of Smart Growth, New Urbanism, and other design philosophies that are meant to create more vibrant and sustainable communities and preserve shared open space. This kind of flexibility, however, is *only* permitted under a UGA designation. Outside of a UGA, lot sizes are strictly defined by zoning with little flexibility. The result is larger lots, which often lead to larger homes. The end result is more and larger homes, less coherent neighborhoods, and greater overall environmental impacts. A UGA designation is vital for any attempt to create sustainable community planning.

## Rationale for UGA Boundary Adjustments

The FSPAC, by a majority vote, recommended adding a 40-acre parcel to the east portion of the UGA as part of the UGA boundary adjustment process, which included removing a significant part of the UGA at the southern end. The FSPAC recommendation to remove approximately 190 acres from the south end of the UGA decreased the buildable lands required to accommodate the adopted population projections. The FSPAC reallocated some of the lost capacity to the 40-acre parcel for several reasons:

It was necessary to replace some of the housing capacity lost by reducing the UGA's southern boundary. Developing the 40-acre parcel (rather than the land recommended for removal from the UGA) is a better decision for the community for the following reasons:

- Land is not visible from the highway.
- Protects approximately 150 acres of land currently zoned rural (R5A).
- Reduces opportunities for development to encroach on the Mount Baker Scenic Byway tourist corridor.
- The land owners are open to development and requested that their property be included within the UGA.
- The 40-acre property is immediately adjacent to dense existing development with relatively suitable access and is within the sewer district's service area.
- It reduces the size of the UGA while maintaining adequate opportunities to accommodate projected growth during the twenty-year planning period, making more efficient use of the land and existing urban services.

It becomes clear as we evaluate the net cumulative impact of policy recommendations made by the FSPAC that the Proposed Foothills Sub Area Plan provides the best opportunities to preserve Rural Character in the surrounding area by focusing growth in an area well suited and designated for this purpose. The recommendations of the FSPAC would DECREASE the size of the UGA in the Columbia Valley, adding 150 acres to the rural land base, while continuing to maintain its ability to absorb the recommended population over the 20 year planning period. With the added commercial center, attracting and retaining business and development interests within the population center, local residents and service providers will benefit from decreased need for automobile usage and significant potential for private investment in infrastructure, services and amenities that are essential to the success of all well planned urban areas, in preparation for an eventual transference of Governance as envisioned in the GMA.

# **Appendix A**

## **Public Record Citations**

# Concerned Citizens in the Columbia Valley UGA RECEIVED

SEP 15 2008

~~RECEIVED~~

~~AUG 18 2008~~

~~Whatcom County P&DS~~

DATE: September 12, 2008

LONG RANGE  
PLANNING DIVISION

TO: David Stalheim, Director  
Whatcom County Planning and Development Services  
5280 Northwest Drive  
Bellingham WA 98226

FR: Concerned Citizens in the Columbia Valley UGA

RE: Public Comment - Foothills Sub Area DSEIS

## Поддержка местных служб

As Whatcom County Residents, residing in the Columbia Valley UGA we wish to hereby express our support for local jobs, services and amenities in the Columbia Valley as presented in the Draft Foothills Subarea Plan adopted by the FSPAC (October 2007)

We need a grocery store and medical clinic, a bank and other basic services in our community. We need jobs and commercial enterprise to subsidize our tax base and to provide additional revenue for fire and EMS services.

Please let our signatures below confirm our support for Alternative No. 1

Fisenko Valeriy 599-2249	6267 Pine PL. Maple Falls
Nadzhda Karadayev 599-3074	8525 Lilac Ln Maple Falls
Michail Karadayev 599-3074	8525 Lilac Ln Maple Falls
Svetlana Sharton 599-1375	6257 Shamrock Rd Maple Falls, WA 98266
Igor Sharton 599-1375	6257 Shamrock Rd Maple Falls WA 98266
VASILY MOROZ	COLUMBIA VALLEY PR 82663 MAPLE FALLS WA 98266
Vladimir Galla 599 2257	8571 Golden Valley Maple Falls
Fedor Dudov 599-1952	6245 LAUREL PL maple falls WA 98266
Vlad Moroz	51 FLORIN VALLEY 599 2293
Alexey Girenko	(360) 599-1073
Lyudmila Vetrov	280-4891
PAVEL Vetrov	961-5794

Viktor Vetrov	739 8017
Yuriy Andrukhov	599 - 3067
Lyudmila Tikhonov	599 - 3375
Tatiana Tikhonov	<del>599-3375</del> 483-6722
<del>Alina Kashubin</del>	<del>927-7384</del>
Anastasia Lagutochkin	220-6119
Nadia Lagutochkin	599-3330
Natalia Hoeyer	599-2633
VASILIY Lagutochkin	599 - 3330.
Aleksy Kashubin	988-2249
Anna Kashubin	988-2249
Alina Kashubin	201.9396
Slavic Kashubin	201-3108
Tim Kashubin	988-8015
Vasiliy Lagutochkin Jr.	599-3330
Vasily Tikhonov	599-2023
Dmitry Kucmin	599-#25
Nikolay Sisunenko	599-1180
Galina Kasko	599-1180
Vera Zakordayeva	599-2026
SVELANA LYASHENKO	599-2599
VITALIY LYASHENKO	599-2599
LYUDMILA PANCHUK	599. 2599
Nikolai Nirdan	599 9562.
Halina Nirdan	599 9562.
Fisenko Lyubov	599-3149

Alex Tikhonov	(360) 510-1575
Yury Ageyev	(360) 599-2633
OLSKANA Gudimov	360 599-2751
Nadia Pogodaeva	360 599-2842
Ivan Pogodaev	360 599-2842
Serguei Gudimov	360 599-2751
Lyudmila Tikhonov	-11- 599-2023
Vladimir Tikhonov	-11- 599-2023
Irina Tikhonov	360 599-2023
Tatiana Girenko	599-3057
Yelena Ouishechenko	599-9266
Yuzhou Shknyak	599-1364
Nataliya Kovalenko	599-2916
Lidia Zakurdajew	599-3123
Ivan Zakurdajew	201-1093
Ivan Verstjok	599-1953
Oleg Andriychuk	599-2874
Ljubov Mishchenko	599-3160
Tanya Skartov	778-3581
OLGA GABARA	599-1009
VLADIMIR GABARA	599-1009
ALEXSEY GABARA	599-1009
VADIM GABARA	306-0492
OLGA KASHUBIN	988-2249
Oleg Shpak	599-1588
Vladimir Shpak	599-1588

Nelija Romanjuk	306-0039
Lilija Romanjuk	306-0039
Natalija Romanjuk	306-0039
Anatolij Romanjuk	201-6634
Dmitry Kasubin	599-3169
Svetlana Kasubin	599-3169
Irina Ginzov	599-2853
Yevgeniy Kurmin	599-1425
Kurmin Girevka	599-3051
Paul Shpar	599-1588
Yevgeniy Kurmin	599-1425
Svetlana Kurmina	599-1425
Dmitriy Kurmin	599-1425
Alex Kostuchin	988-8015
Natalya Kostuchin	988-8015
Vasyl Susch	303-59-84
Olga Poltavskaya	599-1220
Nadezhda Fesenko	599-1235
Alex Bezugly	201-7144





# Evergreen Water-Sewer District



## EVERGREEN WATER-SEWER DISTRICT

6229 Azure Way  
Maple Falls, WA 98266  
(360) 599-1699  
Fax: (360) 599-1854  
admin@EWSD19.Com

Planning and Development Services  
Mr. David Stalheim, Director  
5280 Northwest Rd.  
Bellingham, WA 98227

Planning & Development Services

JUN 27 2008

RECEIVED

Dear David,

Evergreen Water-Sewer District 19 hereby submits the attached Resolution No. 3 – 2008 outlining our review and support for the proposed Foothills Subarea Plan as presented for adoption by the FSPAC. We ask that this correspondence become part of the public record and be made available for review at any hearing or proceeding pertaining to this matter.

The sections pertaining to our service area appear consistent with our Comprehensive Plan and long range planning goals and appear to encourage the creation of essential conditions that will be conducive to those goals. We find in our review that our resources appear adequate to ensure the efficient delivery of public services to accommodate projected growth throughout the planning period as contemplated in the proposed plan pursuant to chapter 36.70A.020 (12) RCW.

Our Water-Sewer District is committed to the highest standard of environmental integrity and as such, encourages responsible development in the Columbia Valley UGA to best ensure that conditions created prior to growth management planning do not become a detriment to our water resources in the future. Recent improvements in our District are a testament to this fact and the feasibility of additional long range improvements are currently being studied jointly with our neighboring Water-Sewer District No.13.

Evergreen Water-Sewer District 19 currently has approximately 1,200 aging septic systems within its service area. The Columbia Valley UGA soil has been identified as predominantly Winston silt loam (0-3%) with severe limitations for septic tank absorption fields due to rapid permeability in the subsoil. Evergreen Water-Sewer District 19 finds that the recommendations presented in the proposed Foothills Subarea Plan for the Columbia Valley UGA will provide the support and direction necessary to potentially rectify this condition, utilizing the best available science and with an emphasis on community revitalization, health and safety.

Evergreen Water-Sewer District 19 therefore finds compelling evidence to support the proposed Foothills Subarea Plan as presented by the FSPAC and encourages its adoption to best ensure the protection of our aquifer and the safety and health of our ratepayers and the general public.

  
Norma Otto, Chairperson

  
Richard Banel, Secretary

  
Linda Largent, Commissioner

EVERGREEN WATER- SEWER DISTRICT 19  
WHATCOM COUNTY, WASHINGTON  
RESOLUTION NO. 03-2008

A Resolution supporting the proposed Foothills Subarea Plan

**AUTHORITY**

- WHEREAS the Board of Commissioners of Evergreen Water-Sewer District 19 have reviewed the recommendations approved by the FSPAC and have found the proposed Foothills Subarea Plan to be protective of the rate payers, the community and the public welfare within and immediately surrounding our District's service area, AND
- WHEREAS the Board of Commissioners finds that the proposed Foothills Subarea Plan as adopted by the majority members of the FSPAC has been coordinated with District staff, adequately researched against District records and appears generally consistent with the District's comprehensive plan and long range planning goals, AND

**PURPOSE**

- WHEREAS the Board of Commissioners recognizes its duty to support and participate meaningfully in all local and/or county wide planning efforts affecting our service area to best represent the interests of the District and its rate payers, AND
- WHEREAS the Board of Commissioners finds pursuant to RCW 36.70A.020 (1), (11) & (12) that the District's resources and planning goals appear to be adequate and consistent with the proposed Foothills Subarea Plan and the District's intent to provide public services in an efficient and cost effective manner during the planning period,

NOW, THEREFORE, BE IT RESOLVED THAT:

Evergreen Water-Sewer District 19 hereby declares its support and approval of the proposed Foothills Subarea Plan as submitted by the majority members of the FSPAC and urges its adoption as presented.

ADOPTED by the Board of Commissioners at a regular meeting of Evergreen Water-Sewer District, Whatcom County, Washington, this 26<sup>th</sup> day of June, 2008.



EVERGREEN WATER-SEWER DISTRICT

By Norma Otto  
Commissioner Norma Otto

By Richard Banel  
Commissioner Richard Banel

By Linda Largent  
Commissioner Linda Largent

Planning & Development Services

JUN 27 2008

RECEIVED

# Foothills Area Residents and Landowners

August 18, 2008

Foothills Area Residents/Landowners  
P.O. Box 1672  
Maple Falls, WA 98266

## M E M O R A N D U M

To: David Stalheim, Director, Whatcom County Planning and Development Services  
From: Russ Angus, Cristopher Babin, Richard Banel, Darin Barry, Rebecca Boonstra, Darrell K. Bornstein Jr., Phil Cloward, Richard Dawson, Linda Dorsett, Bill Isenhardt, Carolyn Ferrer, Gary Gehling, Jack Hovenier, Carole MacDonald, Norm Otto, Norma Otto, Lou Plotrowski, Joyce Sappington, Chester Scaff, Rob Staveland, Sean Wilson and Kevin Zender

RE: Initial commentary on DSEIS – Foothills Subarea Plan

CC: Pete Kremen, Whatcom County Executive

### Introduction

The following is intended to provide a summary of information, including relevant Growth Management Hearings Board decisions and County Policy relating to the evaluation of the Columbia Valley Urban Growth Area and the associated alternatives utilized in the Draft Supplemental Environmental Impact Statement (DSEIS) conducted for the proposed Foothills Sub Area Plan Update (“The Proposal”). The DSEIS reads as follows:

#### **Proposal Summary**

The objective of the proposal is to adopt a new Foothills Subarea Plan and make related amendments to the Whatcom County Comprehensive Plan and Official Whatcom County Zoning Ordinance. The purpose and need for the proposal is to provide an updated Subarea Plan that reflects community input and meets the requirements of the Growth Management Act. The SEIS evaluates both the Draft Subarea Plan recommended by the Foothills Subarea Plan Advisory Committee and several alternatives. (Source: DSEIS: Aug. 1<sup>st</sup> 2008 – proposed Foothills subarea plan update)

The following alternatives pertaining to the Columbia Valley UGA are presented for consideration in the DSEIS:

#### **Alternatives**

An environmental impact statement must include an evaluation of **Reasonable Alternatives**. This SEIS addresses three alternatives: (*Emphasis added*)

1. The Draft Foothills Subarea Plan (Oct. 2007),
2. The No Action Alternative, which retains existing land use designations, and
3. The Rural/LAMIRD (Limited area of more intensive rural development) alternative. Main features of this alternative include eliminating the Columbia Valley/Kendall Urban Growth Area (UGA) and reducing or eliminating areas of more intensive rural development in the Deming, Welcome, Maple Falls, and Glacier areas. (Source: DSEIS: Aug. 1<sup>st</sup> 2008 – proposed foothills subarea plan update)

### Executive Summary

With due consideration to the County's statutory requirements under the GMA we recognize the need *and concur* with the appropriate evaluation of the Small Town Commercial (STC) designations in the rural zones, against the LAMIRD criteria, as contemplated in the DSEIS Alternative No. 3 and RCW 36.70A.070 (5).

We find that the STC's in Glacier, Maple Falls, Welcome, and Deming (and potentially Kendall) are appropriate subjects for consideration under the GMA mandated LAMIRD criteria and recent Growth Management Hearings Board decisions regarding Limited Areas of More Intense Rural Development (LAMIRD's) as noted in the proposed Subarea plan in Chapter 15 under the Implementation Tasks section:

- Review and, as necessary, revise comprehensive plan and zoning designations in Deming, Welcome, Kendall, Maple Falls and Glacier to comply with the "limited areas of more intensive rural development" criteria of RCW 36.70A.070(5)(d) if required by court ruling. The review and revisions will be completed prior to the compliance deadline set by the Western Washington Growth Management Hearings Board.

However, we challenge the validity and applicability of this alternative as it pertains to the Columbia Valley Urban Growth Area and encourage the County to re-evaluate the appropriateness of including an established Urban Growth Area in its analysis of the rural zones and the rural element of the County Comprehensive Plan. The LAMIRD criteria, does not appear to meet the definition of a "Reasonable Alternative" when compared against the historical and current planning objectives for the Columbia Valley UGA.

### Establishing "Reasonable Alternatives"

We acknowledge that while WWGMHB rulings are the most relevant to an analysis of the DSEIS, the issue of 'reasonableness' is a fundamental principle from the state's perspective (rather than one that should be interpreted based on regional character and/or conditions) and, therefore, overarching in its applicability as referenced in the citations below:

- The State Environmental Policy Act of 1971 (SEPA) directs that "alternatives to the proposed action" be included in an EIS. RCW 43.21C.030(c)(iii).
- SEPA directs that "alternatives to the proposed action" be included in an EIS. Also, SEPA rules mandate consideration of "**reasonable alternatives**" which are defined. "Reasonable alternatives" (are defined) as "*less environmentally costly action that could feasibly attain or approximate a proposal's objectives*". An alternative considered for purposes of an EIS need not be certain or uncontested, it must only be "**Reasonable**". *(Emphasis added)*
- WAC 197-11-440(5) (b). SEPA rules define "reasonable alternatives" as "**less environmentally costly action that could feasibly attain or approximate a proposal's objectives.**" *(Emphasis added)*
- Under the Washington Administrative Code, consideration by the County Council of "**Reasonable Alternatives**" is mandatory. *(Emphasis added)*
- Washington courts review an EIS under the rule of reason, which requires the EIS to contain a "reasonably thorough discussion of the significant aspects of the probable environmental consequences." Citizens Alliance To Protect Our Wetlands v. City of Auburn, 126 Wn.2d 356, 362, 894 P.2d 1300 (1995) (citations omitted)  
(Source(s): *une 1999 KING COUNTY v. CENT. PUGET SOUND BD.* 183 138 Wn.2d 161)

### Columbia Valley UGA planning goals and policies

The Rural/LAMIRD Designation set forth in Alternative No. 3 clearly does not support the goals and policies of the Foothills Subarea Plan pertaining to the Columbia Valley Urban Growth Area and therefore does not meet the criteria for a reasonable alternative based on our assessment of cases relevant to this issue. The following citations were approved by the FSPAC *by*

**consensus** (as defined by the FSPAC business rules) following an extensive and fully documented public process lasting nearly 2 years and consisting of over 43 public meetings and numerous public workshops.

- **Goal LU2 – Concentrate urban growth in the Columbia Valley UGA**, creating a diverse mix of land uses and resulting in the provision of a full spectrum of urban services, including water, sanitary sewerage, storm drainage, law enforcement, fire protection, libraries, schools, parks, public transit and other similar services. *(Emphasis added)*
- **LU2-F** Study and, if feasible, facilitate incorporation of the Columbia Valley UGA.
- **LU2-D** Density and revitalize the Columbia Valley UGA before considering expansion of the UGA for non-industrial land uses.
- **CV1-A** Encourage efficient land use patterns and cooperation among municipalities, special districts, associations, and other governmental agencies in **the provision of a full range of urban service in the UGA.** *(Emphasis added)*
- **CV4-A** Where practical, subdivisions and other urban uses adjoining other zone districts shall be designed so that vehicular and pedestrian networks are channeled to the internal area of the site.
- **CV2-A** On-site storm water collection, conveyance, retention, detention and treatment facilities, as appropriate, shall be required during and after development.

In addition to the foregoing policies and goals agreed to by consensus of the FSPAC, the following proposed policies and projects are also relevant to this discussion:

- **CV1-E** Support rezoning the Planned Town Center Designation to General Commercial or a new Town Center zone. The Planned Town Center Designation is intended to be a mixed use area consisting of commercial uses, a variety of **high density** residential housing types, and institutional uses. It is not intended to be developed solely with housing.

**Table 15.1 – Implementation Projects (Candidates for County Funding)**

- East County Regional Resource Center
- Incorporation study
- Conduct a study to prepare Master Plan for light impact industrial in UGA- Work with Port of Bellingham, Foothills Economic Development Association (EDA), etc.
- Study of tax impact of projected growth so people know how they are going to pay for services/infrastructure (most likely combined with #2 - incorporation study)
- Storm water plan

**Table 15.2 – Implementation Projects (Candidates for non-County Funding)**

- East County Regional Resource Center
- Interfaith Community Health Satellite Clinic
- Study Wastewater plan for UGA
- Small business incubator

**Whatcom County Comprehensive Plan goals and policies**

Similarly, Alternative No. 3 is not consistent with the extensive community and historical planning nor the intent of the Whatcom County Comprehensive plan goals and policies pertaining to this Urban Growth Area.

- **GOAL 2AA: Recognize** Birch Bay, Sudden Valley Provisional Urban Growth Area, and the Columbia Valley/Kendall area as county urban growth areas, not associated with existing cities.
- **Policy 2AA-6:** Work with all parties to ***resolve infrastructure and public service issues so that the Columbia Valley/Kendall area can develop to its full potential.*** *(Emphasis added)*
- **Policy 2AA-7:** Study Columbia Valley/Kendall to identify the factors necessary to “**create an economically viable city**”, the implications of such development within the County overall, and make recommendations as to how and when incorporation should be initiated. *(Emphasis added)*

- **Policy 2AA-12:** Recognize the need for light impact industrial land uses within the Columbia Valley/Kendall Urban Growth Area. Consider establishing a light impact industrial zone within the long term planning area located on the north side of Limestone Road. Retain the existing zoning within this long term planning area until a master plan has been completed to identify traffic impacts and infrastructure/utility/service needs, and appropriate mitigation measures.

**Additional Considerations**

The state Growth Management Act requires counties to include a Rural element in their comprehensive plan in accordance with RCW 36.70A.070. **GMA defines rural lands as those that are located outside urban growth areas and which do not include designated agriculture, forestry, or mineral resource lands of long-term commercial significance.** Agriculture, forestry and mineral resource lands are addressed separately in Chapter 8: Resource Lands. (Source: Whatcom County Comprehensive Plan) (Emphasis added)

The Columbia Valley UGA does not appear to meet the criteria for consideration in the rural element of the County's Comprehensive Plan as noted in the following excerpt quoted from the Planning and Development Staff Report (File #CMP99-00007, Columbia Valley/Kendall Urban Growth Area, Staff Report, July 14, 1999, pg. 5):

“As shown in the above analysis of density in the existing developed areas (Table 1), existing development in the Columbia Valley and Kendall areas is already characterized by urban growth, as defined under RCW 36.70A.030(17). This existing development “makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170.”

According to Whatcom County Policy, the provision of sewer and storm water management systems are defined as “Urban” services and expressly excluded from the Comprehensive Plan's discussion regarding appropriate levels of service (LOS) for the “Rural Lands” as noted in the following citations:

- **GOAL 2EE:** Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.
- **Policy 2EE-1:** Recognize domestic water systems, volunteer fire protection, emergency services, law enforcement protection, transportation, public transit services and public utilities typically associated with rural development as appropriate services in designated rural areas. **Rural services do not include storm or sanitary sewers.** (Emphasis added)
- **Policy 2EE-2:** Allow development in rural areas only when urban services are not required.

**Subarea Plan Update**

The Whatcom County Comprehensive Plan and the Proposed Subarea Plan (under current consideration) clearly demonstrate a vision for continuing Urban Development in the Columbia Valley UGA that spans nearly 10 years since its creation and remains prevalent and compelling in the current proposal.

Additional mitigation measures have been identified both in the DSEIS and in the proposed Subarea Plan that may be required regardless of the UGA status in order to prevent potentially negative environmental impacts in the future.

The two primary requirements identified, are sewer and storm water management services. Whatcom County Policy expressly defines these as **Urban Services** not to be provided in the Rural Areas. Whatcom County policy further mandates that development in the rural areas will only be allowed if Urban Services are NOT required.

The LAMIRD criteria contemplated in the GMA is a planning tool used for controlling growth in the rural areas. The Columbia Valley UGA has been appropriately recognized as an Urban Growth Area for nearly 10 years and will require additional development and the provision of urban levels of service to meet the needs of the existing population and to mitigate potential impacts of that existing population. We include the following citation for consideration:

- “We remind the county that LAMIRD provisions were added to GMA to allow the county to acknowledge **pre-existing** development, not as a prospective and ongoing rural development tool. The county must not add new LAMIRD designations six years after that opportunity was provided through addition of RCW 36.70A.050(5)(d).” (*Anacortes v. Skagit County*, 00-2-0049c, Compliance Order, 1-31-02; excerpted from WWGMHB Digest Update, January 2007, pg. 147).

The Proposed Subarea plan adopted by the FSPAC clearly contemplates objectives that will embrace the community’s vision of a continuing urban pattern of development in the Columbia Valley Urban Growth Area to absorb and centralize projected growth in an area already characterized and designated for this purpose and to minimize the impacts of growth to the Mount Baker Scenic Byway at the intersection of SR542/SR547 at Kendall and the small towns in the rural zones. Under any scenario presented additional growth will occur in this area.

Preserving rural character is a key focus of the community conversation. Whatcom County Policy and the GMA provides direction on how this is to be achieved in addition to other clear mandates required to meet the objective(s) of this proposal, including the adoption of a new subarea plan:

- **Policy 2DD-1:** Concentrate growth in urban areas. In areas where existing development patterns do not already prohibit it, draw a distinction between urban/rural uses to prevent urban sprawl.
- The Columbia Valley area was designated as an Urban Growth Area in 1999. Whatcom County Comprehensive Plan land use action item # 11 is to “Revise county subarea plans to **incorporate urban growth area boundaries** as identified in this plan, ensure consistency with this plan, and eliminate any redundancy in policy.”
- **County Council Resolution 2005-062 (excerpt):** Whatcom County Comprehensive Plan Land Use Chapter Action Item #16 is to “Establish Council appointed subarea citizens’ committees to participate in the updating and review of subarea plans...”
- **County Council Resolution 2005-062 (excerpt):** ... The members of the committee (FSPAC) will represent their respective communities, recommend methods of reaching out to the community and obtaining public input, provide advice to the Planning and Development Services Department, review work of the planning consultant, and **recommend the text, goals, policies, action items, and maps that should be in the Foothills Subarea Plan. (EMPHASIS ADDED)**
- **County Council Resolution 2005-062 (excerpt):** “... the advisory committee may operate on a consensus basis, provided that if consensus cannot be reached, a majority vote shall determine the recommendation of the committee.” (emphasis added)
- The Growth Management Act states that “... *the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period.*...” in urban growth areas (RCW 36.70A.110 (2)). (emphasis added)

## Findings and Conclusions

We find that Alternative No. 3 cannot “feasibly attain or approximate (the) proposal's objectives” since it would re-designate the Columbia Valley UGA as RURAL and preclude the effective participation of the FSPAC and the community in the development of the text, goals, policies, action items, and maps that should be in the Foothills Subarea Plan and therefore does not appear to meet the criteria for a “Reasonable Alternative” as defined under WAC 197-11-440(5) (b).

We specifically challenge the inclusion of Alternative No. 3 as it pertains to the Columbia Valley UGA and respectfully request its withdrawal from the FSEIS prior to its publication.

We concur, however, (with the alternative) as it pertains to the Small Town Commercial Centers and encourage review and re-designation of these areas if appropriate to ensure compliance with RCW 36.70A.070 (5) and the intent of the Proposed Foothills Subarea Plan implementation task as adopted by the FSPAC.

Additionally, we question the inclusion of (any) alternative(s) that would preclude the work of the subarea committee and assert that any alternative brought for consideration should feasibly attain or approximate (the) proposal's objectives and the intent of the subarea planning process as defined in County Policy.

It is especially important to note our concern regarding Alternative No. 3 as it pertains to the Columbia Valley UGA, as this may have the potential to drive projected growth into the rural areas which would be *in direct opposition* to the desires and goals of a majority of the Foothills residents. Preserving rural character is a key element of the community dialogue.

We note that Alternative No. 3 contemplates the addition of 5,158 residents to the rural zones as opposed to the 1,048 residents proposed and adopted by the FSPAC (Proposed Foothills Subarea Plan - October 2007). This appears contradictory to the community values and planning goals of Whatcom County and the GMA.

We encourage the lead agency to consider these matters in their FSEIS and include only those alternatives that can “feasibly attain or approximate (the) proposal's objectives” and the community's vision for their subarea as presented in the Proposed Foothills Subarea Plan Update (October 2007) as adopted by the FSPAC.

# Mount Baker Foothills Economic Development Association

RECEIVED

SEP 15 2008

LONG RANGE  
PLANNING DIVISION

To: David Stalheim:

RE: DSEIS comments from Foothills Economic Development Association

From: Carole MacDonald

As Chair of this Association I submit the following comments.

From the Association's Strategic Plan ratified by membership under:

Goal # 2

**Support responsible development of sub-area by;**

-supporting the UGA

-supporting the Columbia Valley's Incorporation Study as outlined in the recently revised Foothills Sub Area Plan

-supporting a Community Central District in the Columbia Valley

-supporting policies that encourage LID standards and LEED certification

Goal # 7

**Create local jobs by;**

-supporting existing businesses to promote job growth

-increasing flow of tax and direct spending dollars into the community by promoting tourism

With these goals in mind the Association supports the Foothills Sub Area Plan Revision -Alternative Number one minus mitigation maps

## Kendall Watch Public Declaration

**From:** "Joyce Sappington" <sappi42@earthlink.net>  
**To:** <pds@co.whatcom.wa.us>, "council" <council@co.whatcom.wa.us>  
**Date:** 4/14/2008 9:50 PM  
**Subject:** Regarding the Foothills Subarea Committee Recommendations

**CC:** "Veronica Dearden" <Serenity@biocede.com>, "Kathy Warner" <kathryn\_57@comcast.net>

Good evening,

I ask that the below be entered into the public record. We, the Core Group of KendallWatch, made a public declaration of our support of the Subarea Committee's recommendations as submitted to planning tonight, April 14th, at our monthly meeting. The declaration reads as follows:

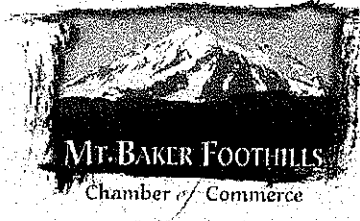
We would like to take the opportunity, as the Core Group of KendallWatch, to express our support of the Subarea Committee's majority recommendations as submitted to planning. For us this is not a political issue; it is a quality of life issue. We believe it is in keeping with our mission statement to promote a safer, cleaner community.

Please, make no mistake, doing away with the UGA in the Columbia Valley, as some are promoting, will not stop growth in our area. On the contrary, 600+ homes will still be able to be built in this area. All it will serve to do is deny us local shopping, local jobs, law enforcement services commensurate to the population, and make us ineligible for many local, state, and federal programs that would benefit our area and the people residing here. We, as the Core Group of KendallWatch, believe that this would greatly jeopardize the progress we have made over 5 years and will instead stagnate, if not reverse that progress. We urge are members to attend the EDA meeting being held at the Kendall Elementary School on May 21st at 7pm and ask questions regarding the Subarea Committee's recommendations. We also urge you to make your own decisions based on factual information, and make your opinion known to both the Planning Department and the Whatcom County Council. Do not remain silent on this issue! This matter is critical to our community.

Veronica Dearden  
Joyce Sappington  
Kathy Warner  
KendallWatch Core Group

Joyce Sappington  
Youth Coordinator, KendallWatch  
sappi42@earthlink.net

# Mt. Baker Foothills Chamber of Commerce Resolution 2008-001



## MT BAKER FOOTHILLS CHAMBER OF COMMERCE

### RESOLUTION (2008-001)

#### AUTHORITY

- WHEREAS the Board of Directors is charged with the furtherance of the Chamber's mission and business objectives, AND
- WHEREAS the Board of Directors is further charged with being advocates for community improvements that enhance the viability of businesses and the quality of life, AND
- WHEREAS the Board of Directors may, from time to time, at its discretion, submit by referendum to the entire Chamber membership resolutions of general interest and of special importance, AND

#### PURPOSE

- WHEREAS the Board of Directors hereby wishes to submit a resolution to the Chamber membership declaring its formal support for the retention and revitalization of the Columbia Valley UGA and the implementation of associated Economic Development Policies recommended as part of the Foothills Subarea Plan Draft, October 2007 based on the following findings:

#### FINDINGS

- I. The retention of the Columbia Valley UGA is vital and necessary to the Mt Baker Foothills community.
- II. The implementation of the Economic Development Policies in the Foothills Subarea Plan Draft (Policies) is vital and necessary to revitalizing the quality of life and economic viability of the Mt Baker Foothills as related to job creation, business retention and expansion and community development .

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[www.MtBakerChamber.org](http://www.MtBakerChamber.org)

P.O. Box 866 • Maple Falls, WA 98266 • (360) 599-1518 • Fax: (360) 599-2004



- III. The retention of the Columbia Valley UGA and the implementation of the Policies will help minimize the impacts of future development along the Mount Baker Scenic By-Way thereby preserving the rural character of the major tourism transportation corridor.
  
- IV. The implementation of the Policies may create additional opportunities for grants, loans and other financial incentives not currently available to the Mt Baker Foothills community.

**NOW THEREFORE BE IT RESOLVED THAT**

The Mt Baker Foothills Chamber of Commerce hereby declares its formal support for the retention and revitalization of the Columbia Valley UGA and the implementation of associated Economic Development Policies as presented in the Draft Foothills Subarea Plan Update, October 2007.

**RATIFICATION BY THE MEMBERSHIP**

The foregoing resolution (2008-001) is presented for consideration and approval by the membership at the Annual General Membership Meeting. The Membership by majority vote moved to:

APPROVE  REJECT ( )

We hereby certify that the above resolution was review and legally decided by a majority vote of the membership present at the Annual General Membership Meeting of the Mount Baker Foothills Chamber of Commerce held on the 5<sup>th</sup> day of December, 2008, as prescribed in the organizations by-laws:

By:

Carole MacDonald  
Carole MacDonald, President

12/10/08  
Date

David Franklin  
David Franklin, Secretary

12/10/08  
Date

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