

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

VIA HAND DELIVERY AND ELECTRONIC MAIL

September 17, 2009

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Re: Whatcom County 10 Year Urban Growth Area Review (AB2009-052D)

Honorable Council Members and Planning Commissioners:

We take this opportunity to comment on the UGA proposal submitted by the Whatcom County Executive with specific emphasis on the existing and proposed **Columbia Valley UGA**.

As Citizens and Landowners we strongly advocate for the Community's proposal as outlined in the Draft Foothills Subarea Plan (October 2007) which has yet to be reviewed or adopted by the County Council, although those recommendations have been completed and pending review for nearly 2 years.

We advocate strongly for adoption of the Community's plan as presented, commensurate with this current 10 Year UGA review to best ensure GMA compliance pertaining to the Columbia Valley Urban Growth Area and its proposed land use revisions.

UGA BOUNDARIES

The Executive's UGA boundary proposal (UGA MAP-9) appears generally consistent with the FSPAC recommended boundaries with the exception of the removal of an additional 80 acres of buildable land, located within the Sewer District's Service Area (WCWD #13).

This does not appear to fall within the community's vision for removal of land, per the recommendations provided by the FSPAC at their deliberations of May 2009, and has not been placed in an urban reserve as recommended in those same proposals.

We are not in favor of removing any buildable land within this geographically constrained UGA since this would limit opportunities to achieve the goals of the community's plan, which outlines a desire to balance environmental stewardship and accommodation of allocated population by filtering new development within the boundaries of the sewer service area to encourage the efficient provision of urban services.

The FSEIS prepared to inform the Foothills Subarea Planning Process indicates that future development should be filtered primarily into the existing sewer district service area, this is also consistent with the Community's vision as presented in the Draft Foothills Subarea Plan (October 2007) and encourages capital infrastructure planning and investment from the private sector.

We are concerned that the Executive's plan proposes the removal of 80 acres of prime developable land (as defined by the FSPAC in their recommendations dated May 19, 2009) from what precious little buildable land base that remains within this geographically constrained UGA. We do NOT recommend removal of this parcel for these reasons and those stated below.

ZONING AMENDMENTS

We note a significant lack of proposed zoning to support the community's plan and vision for this UGA. This apparent oversight also potentially fails to meet the plain intent of the GMA pertaining to Urban Growth Areas and is an identified condition that has historically limited and hindered the potential for economic development, capital infrastructure improvements and planning and investment from the private sector.

*An urban growth area determination may include a reasonable land market supply factor **and shall permit a range of urban densities and uses.** (RCW 36.70A.110 (2) Emphasis Added)*

The proposed zoning map (Map UGA 9-a) for the Columbia valley UGA provides for strictly UR-4 residential zoning and Rural Forestry which does not appear an appropriate zoning classification within an UGA. The GMHB Board notes the following:

Land within an UGA, [including subarea planning areas], reflects the jurisdiction's commitment and assurance that it will develop with urban uses, at urban densities and intensities, and it will ultimately be provided with urban facilities and services. [MBA/Brink, 02-3-0010, FDO, at 11.]

The Board also notes that:

The Act intends local governments to plan meaningfully for the future – to change the way land use planning has traditionally been done. . . . The regional physical form required by the Act is a

compact urban landscape, well designed and well furnished with amenities, encompassed by natural resource lands and a rural landscape. [Bremerton, 95-3-0039c, FDO, at 28-29.]

And:

The fact that property today is basically undeveloped property that has a “rural” character does not mean that future-planning efforts must maintain that flavor. If that property is within a UGA, it must be planned for future urban development. Generally, designating property within a UGA for industrial uses is consistent with the Act. [Anderson Creek, 95-3-0053c, FDO, at 21.]

The Draft Foothills Subarea Plan (October 2007) contemplates not only a boundary adjustment similar to that found within the Executive’s current proposal, but also makes related recommendations pertaining to density, zoning and land use adjustments to ensure a comprehensive and GMA Compliant Model with a town center, light impact industrial and commercial zoning, Public Services, Open Space, Trails and parks within a compact and self sustaining Urban Environment.

The FSPAC at their deliberations on May 19, 2009 agreed by consensus to forward the following policy recommendation for adoption within the Columbia valley UGA:

Whatcom County should adopt a mixed use zoning in the Columbia Valley UGA with a minimum density of UR4 to provide for flexibility in the provision of housing and jobs commensurate with its allocated population for the planning period.(FSPAC Record of Decisions & Recommendations for the 5/19/09 Meeting)

We recommend that zoning consistent with the community’s vision be adopted as part of the proposed UGA revisions for the Columbia Valley and that all long term planning designations be removed, as proposed for other Whatcom County UGA’s, to best encourage economic development and capital investment opportunities that are required to meet the needs of this community.

CAPITAL FACILITIES PLANNING

The Executive’s Proposal appears to delay adoption of the Draft Foothills Subarea Plan (Policy 2L-2) until the 2011 Comprehensive Plan Update. We DO NOT endorse this policy recommendation since the Draft Subarea Plan contains the Community’s vision for this UGA and reconciles many of the zoning and capital facility deficiencies currently cited in our comments. We STRONGLY advocate for adoption of the Draft Foothills Subarea Plan (October 2007) and/or the appropriate portions thereof, pertaining to this UGA as part of the current 10 Year Review Process.

A capital facilities plan needs to be prepared by the County for this Unincorporated UGA and adopted as part of the current proposal. We note no reference to the current or proposed plan within the text of the Executive’s recommendations. On March 17, 2009 the County’s Legislative Authority reaffirmed their commitment to the retention and

revitalization of the Columbia Valley UGA thus, reaffirming the direction that the development regulations and planning methodologies should be developing for these proposed amendments to the UGA and The County's Comprehensive Plan.

Public Service Providers and Landowners require planning predictability and assurances in land use designations in order to adequately plan for services and investment within their respective service areas.

The Executive's Proposed Policy 2AA-6 has the potential to undermine these planning assurances necessary for service providers to commit capital resources to their planning efforts. The GMHB cites the following:

Establishment of specific UGAs with finite boundaries and a quantifiable allocation of population must first be made before any credible capital facilities analysis can occur. Dawes v. Mason County 96-2-0023 (FDO, 12-5-96)

Policy 2AA-6 constrains service providers and creates an incentive to delay investment in further capital facilities planning until 2011 by again delaying a firm commitment on Land use designations for the Columbia valley UGA.

The language of this policy would also appear to undermine the intent of the Policy Decision to Plan for the Columbia Valley UGA affirmed by a Majority Vote of the County's Legislative Authority on March 17, 2009 by re-evaluating the UGA boundary and Land Use Designation again in 2011 based on the delayed Capital Facilities Planning created by the same policy.

While we recognize that a County Wide Capital Facilities reconciliation plan may be desirable and necessary, we also recognize a need for a current plan upon which service providers can build during the reconciliation period based on clear and predictable land use designations. The following citations from the GMHB are provided for consideration:

The Act requires local jurisdictions to plan for and accommodate new growth – that projected by OFM and allocated by the County. There is no provision in the GMA to suggest that the Act allows a jurisdiction not to accommodate new growth because it has a capital facilities maintenance backlog or has not guaranteed funding. or it is postponing indefinitely its duty to accommodate new growth until its maintenance backlog is removed or reduced. To do so would fly in the face of one of the cornerstones of the GMA. [WSDF IV, 96-3-0033, FDO, at 32.]

We therefore DO NOT support the Executives current policy language pertaining to Capital Facilities Planning for the Columbia Valley and respectfully request that the County prepare the required Capital Facilities Plan, incorporate it into the County's Existing Plan and Adopt it as part of the current review process. We specifically recommend striking Proposed Policy 2AA-6 in its entirety.

Thank you for this opportunity to comment on the County's 10 Year UGA Review as it pertains to the Columbia valley UGA.

Respectfully Submitted by:

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

Russ Angus
Cristopher Babin
Richard Banel
Darin Barry
Rebecca Boonstra
Darrell K. Bornstein Jr.
Phil Cloward
Richard Dawson
Linda Dorsett
Bill Isenhart
Carolyn Ferrer
Gary Gehling
Jack Hovenier
Carole MacDonald
Norm Otto
Norma Otto
Lou Piotrowski
Joyce Sappington
Carol Sharpe
Bill Snyder
Rob Staveland
Kevin Zender