

May 15 2105

Common Threads NW

A Non Profit Public Interest Organization

Whatcom County Planning Department

5280 Northwest Drive

Bellingham WA 98226

Re: Draft Environmental Impact Statement, 2016 Comprehensive Plan Update

Attn: Matt Aamot:

Dear Mr Aamot:

Please enter our attached Commentary into the record on the DEIS of behalf of our organization. We are registered with the state as a non-profit corporation.

We are made up of local organizations and individuals who are concerned with the negative effects of over regulation in our corner of the state on economic vitality, economic opportunities for businesses and individuals, and personal rights.

We also value the generally high level of environmental quality and natural resources in our area, and acknowledge and support the need for planning and rules to help conserve and protect these values. We do want the plans and rules to be reasonable, clear, not in conflict with other, and to actually accomplish a valid public purpose.

Its common knowledge that our current "system" of overlapping, often arbitrary and/or subjective rules and administration on land use and business often fails to meet this four part test.

We engaged the local consulting firm Public Policy Perspectives to help us analyze the DEIS and make these comments.

Please contact me if you have questions.

Dick Donahue, Chair

/s/ Dick Donahue

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Commentary of the Draft Environmental Impact Statement (DEIS)
for
The Whatcom County 2016 Comprehensive Plan and Development Regulations Update
and
Urban Growth Areas Review

Decision makers are required to make GMA (Growth Management Act) compliant decisions as they review and revise County and City Comprehensive Plans and Development Regulations. Adoption of the revisions is due June 30, 2016. That means the entire task of the Draft EIS (EIS) is to provide decision makers with the information they need to make the informed decisions they must make to satisfy the Act's mandates.

Here is what the Washington State Growth Management Act requires per RCW 36.70A.130:

- (3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.
- (b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

1. Comment and Question:

The GMA requires that the infrastructure planned to accommodate growth be in place and ready to accommodate growth within the 20-year timeframe a comprehensive plan addresses. This timeframe is not reset when plans are updated. In Whatcom County's case the original GMA compliant Comprehensive Plan was not adopted until 1997, creating a first timeframe of 1997 through 2017. As both Hearings Boards and Courts at all levels have cautioned cities and counties, plans made must be funded and executed.

This is a central issue the DEIS and FEIS must address; after all, if densities are not allowed, densities are not permitted; capital facilities deficiencies mean accommodation of growth cannot take place. The hearings board has stated, "The lack of a fully completed capital facilities plan is more than a conceptual shortcoming – it is a fatal legal defect in a comprehensive plan. It alone is sufficient cause for the Board to find that the land use element and every other component of a plan violates the requirements of the Act. [Bremerton, 95-3-0039c, FDO, at 77.]"

A valid EIS cannot be written absent an analysis of deficiencies (lack of infrastructure in place and ready to accommodate urban levels of growth) in each city, each unincorporated UGA, and in the remainder of the unincorporated county. The analysis must include the capital facilities and services required to accommodate planned urban levels of growth, in terms of serving the various UGAs, but also to encourage that growth, by the end of the original deadline here. In Whatcom County the deadline for infrastructure planned to accommodate growth in the UGAs established in 1997 is 2017.

Question: Where is the GMA required analysis of existing capital facilities deficiencies (lack of infrastructure in place and able to accommodate urban levels of growth in the original UGAs) currently existing in each city, each unincorporated UGA, and in the unincorporated county?

2. Comment and Questions:

Also required as part of the review and update is the GMA requirement per 36.70A.130:

Comprehensive plans—Review procedures and schedules—Amendments. (1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

In other words, when analysis is done and shortcomings found, the County and its cities are required to include solutions in their planning documents before a compliant new plan can be adopted. If the cities have not done their jobs in the original UGAs (provided the services necessary to assure urban levels of growth can be encouraged), the Boards and Courts have found it is the county's duty to accommodate urban growth.

In the unincorporated UGAs, it is solely the county's job to assure that urban levels of growth can take place by the end of the original planning periods, ie for Columbia Valley and for Birch Bay.

It appears that some large expanses of urban land meant to accommodate urban levels of growth are unable to meet GMA requirements that growth be accommodate in UGA, particularly in Bellingham, due to highly restricted regulations and lack of urban infrastructure. What are the environmental impacts of that failure to achieve the planning approaches put forward in previous city and county Comprehensive Plans?

Question: Where is the mapping and discussion regarding the issue of the county's and the cities' failure to encourage urban levels of growth in the UGAs by providing the services planned for and necessary to allow urban levels of growth to take place?

3. Comment and Question:

Comprehensive Plans must be complete, enabled by appropriate rules as contained in codes, and consistent with one another prior to final adoption. Current and past plans have relied extensively, and in violation of the GMA, on the assumption that enabling legislation will be passed long after the actual plans are adopted. Much of the failure of local plans has come as a result of that failure to assure plans are complete, consistent with one another, and capable of being implemented on adoption, as is required by law.

Many of the approaches put forward in the DEIS assume future actions will be taken long after the adoption of new plans and development regulations (for example, rural forestry lands in the Columbia Valley UGA may at some point be rezoned to industrial and Bellingham may look into new Urban Villages).

Question A: What are the environmental implications of assuming in an EIS that actions necessary to fulfill the mandates of the law can be addressed at some time well after adoption of the plans and codes?

Question B: What are the consequences of A) if there is no political will to enact these assumed future actions?

4. Comment and Question:

On page 1 – 1 under “Purpose of Proposed Action”, the cooperative effort by the cities and the County is pointed to, and the fact that this DEIS is to be usable by the cities in their efforts to meet GMA mandates is stressed; in fact, the EIS was jointly funded for just that purpose.

On page 1 – 2 this DEIS says, the document’s purpose is to “...provide(s) the county, cities, public, and other agencies with environmental information to be considered in the decision-making process...” and, “It also allows residents, businesses, and other government agencies to Comment and Question on proposals and alternatives.”

Cities are to have their proposals into the County in June or July 2015. City planning commissions are already meeting to discuss their proposals. The County Planning Commission and staff are already well into drafting revisions to the Comprehensive Plan; in fact, the full text of the proposed new plan is already up on the Planning Commission website.

However, due to the May 15 deadline for comment on the DEIS, there will be no opportunity for comment in the context of the SEPA EIS process on any new proposals that deviate from the four contained in the DEIS, such as a change in the population to job allocation ratio.

Question: How can this DEIS inform either the public or decision makers if key decisions are being made after the comment period ends? How can the public provide informed input to decision makers today when important information required is not provided until tomorrow?

5. Comment and Question:

On page 1 – 2 this DEIS rightly says, the document’s purpose is to “...provide(s) the county, cities, public, and other agencies with environmental information to be considered in the decision-making process...” and, “It also allows residents, businesses, and other government agencies to Comment and Question on proposals and alternatives.”

Having said the function of an EIS is to provide information needed by decision makers, this EIS then takes the decision making function into “its own hands.” Dozens of examples exist. Consider page 1-4 where, the document declares, under alternative 2, “Two UGAs would be expanded: Birch Bay and Nooksack.” Under Alternative 3, “Bellingham would accommodate its higher allocations through intensification of its land use through upzones.....etc.” and, UGAs would be expanded at Birch Bay, Lynden, and Nooksack.”

These statements, repeated in one form or another throughout the DEIS (page 3-7 for example), amount to inappropriate policy decisions by the writers of the DEIS. Bellingham has made no decision to support this contention. Policy makers are supposed to make policy decisions; the writers and consultants creating an EIS are supposed to provide the information needed to make informed policy decisions.

Policy decisions regarding GMA updates are supposed to be made by those charged with decision making for the people of the County and cities, eg Planning Commissions, Councils, and others. Policy decisions are not supposed to be made by planning staff or hired consultants, and most especially, policy decisions are not supposed to be made in a way that herds decision makers through the corrals of information and opinion, and then into the holding pens where they will be told which predetermined decisions they are to make.

Question: Where in this DEIS is data found to support, for example, the contention that Bellingham would accommodate its higher allocations through intensification of its land use through upzones... etc. and, where is

analysis of the environmental impacts on the county if Bellingham chooses not to address its accommodation responsibilities in that way?

6. Comment and Question:

The discussion of Alternative 3 (pages 1-16 and 1-17) inaccurately represents County Council Resolution 2014 – 013 in its "Impacts of each Alternative discussion". The Resolution deals only with a series of non-binding population projections. Not one word in the resolution deals with "emphasis on infill," how communities will choose to deal with the accommodation of growth, nor some of the other items discussed under the Impacts of Alternatives discussion.

The discussion is another example of the DEIS writers' attempts to create policy rather than present alternatives for policy makers to utilize in making informed decisions; referring to the resolution as containing this information creates the illusion that the resolution actually addressed these matters.

Question: Where are any of the possible measures cities might choose to adopt to accommodate growth in their jurisdictions discussed in Resolution 2014 – 013?

7. Comment and Question:

The required 2016 review of the Comp Plans of Whatcom County and its cities is supposed to disclose information regarding the impact of previous Comp Plans on the ability of the Urban Growth Area's ability to capture growth. Once we've seen what has worked and what has not worked, we are to make adjustments designed to help us do a better job and, apply the new approaches to our planning for our next twenty years of growth.

The EIS relies mostly on purportedly discerning trends in growth 1990 – 2000 and 2000 – 2010. While the GMA was passed in 1990 – 1991, the first GMA required Comprehensive Planning efforts in Whatcom County did not begin to impact growth until the 1995, with the passage of plans like Bellingham's Comprehensive Plan. Whatcom County's first GMA compliant plan was passed in 1997.

1995 – 2002: Bellingham adopts its Comp Plan and, seven years later begins a mandated review in conjunction with a County review.

2002 – 2006: Bellingham, the smaller cities, and the County review and revise their Comp Plans.

2008: The County accomplishes its ten year review. For the most part the cities ignore the GMA requirement that their Comp Plans be updated to be consistent with the County's plan; The new County plan is adopted in Nov. 2009.

2010 – 2014 – New County Comp. plan is adopted late in 2009 and begins to influence growth patterns throughout the county.

The first U.S. Census to measure actual Urban Growth Area populations took place in 2010. OFM reports on UGA populations annually.

The EIS "Shares of Population Growth by Growth Area" analysis (Table 4.7-2) lumps in 5+ years of growth not affected by GMA planning (1990 – 1995 or '97). The second segment ignores all of the five years of growth that's taken place since the last major update of the County Comprehensive plan.

As an example of the skewing of the growth data the writers of the DEIS chose to examine, the lowest percentage of growth as a part of total county growth reported for Bellingham in the DEIS is 41.6%.

Examining Bellingham's capture of growth since the last County Comp plan process (2009) it can be seen that Bellingham has only captured 28% of all growth 2010 – 2014.

It is easy to see that very different conclusions regarding Bellingham's performance under the new County Plan would be drawn, if more recent growth data linked to new plans or lack of plans was considered.

Question: What are the environmental implications of ignoring the most recent 24% of Whatcom County's growth period under the GMA (and all of the experience since the 2009 County Comp Plan update) while including as much as 35% (7 years) of the time frame that was pre-GMA (taking place prior to the County's first compliant Comprehensive Plan, 1997).

8. Comment and Question:

Page 2-14 contains Figure 2.5-5. The figure details the number of jobs to be accommodated under the four Alternatives put forward in the DEIS. A note accompanying the charting says, "Alternative 4 models [predicts] 954 jobs on Lummi Nation land around I-5 and Slater Road between Bellingham and Ferndale, and 80 jobs on the Lummi Reservation, where a mixed use marina is planned, in addition to the growth shown above. This would appear to be an overt example of the desires of the EIS writers driving the data rather than of the data determining likely environmental impacts and outcomes.

Question: Why would 954 jobs magically appear on the Lummi land near I-5 only if Alternative 4 is adopted and not under the other Alternatives? Will the Lummi Nation choose not to use the land if Alternatives 1, 2, or 3 are adopted?

9. Comment and Question:

Page 2 – 16 of the EIS details land capacity implications of the various alternatives. Once again the impact of Lummi Nation ownership of employment land is ignored save for Alternative 4. The EIS recognizes that 954 jobs depend on the land the Lummi Nation owns near I-5.

Most of that land was formally controlled by Bellingham. Bellingham, under Alternative 3, is said to have an excess land capacity of 677 jobs. Because the Lummi Nation now controls this land, formerly controlled by Bellingham, Bellingham's capacity has been reduced by 954 job meaning Bellingham's actual capacity should be recorded as a negative 277 jobs.

Question A: Because the Lummi Nation now controls said lands near I-5 in the Bellingham UGA, why isn't that fact reflected in the capacity supply for Bellingham, no matter which alternative is chosen.

Question B: The Lummi nation have provided the County with testimony that its zoning does not match their zoning, and that the Lummi have authority over their lands, not Whatcom County or Bellingham. Why is Bellingham/Whatcom zoning being used on lands owned by Lummi in the Bellingham UGA?

10. Comment and Question:

Aside from the footnotes dealing with the Lummi Nation as a jobs creator at I-5 and Slater, the Lummi Nation is virtually ignored in the EIS. A significant percent of the county's population consists of members of the Lummi Nation, and the Nation has become an economic powerhouse in recent years as an employer.

Question: Where is the data required to assess the Lummi and Nooksack nations in terms of their impact on the economic, social, and environmental life of Whatcom County contained in the EIS?

11. Comment and Questions:

A discussion of "Land Capacity by Alternative," is offered on page 2 – 15 of the EIS. A capacity analysis is offered (Table 2.5-4). The capacity analysis is inadequate because it only compares capacity under the four alternatives to Growth Levels selected for examination. For example, Bellingham is said to have a deficiency of 7,318 persons of its assigned growth under Alternative 3. But residents expected to arrive over the next 20 years represent only a portion of the housing need in Bellingham.

The GMA requires, for example, analysis of a variety of housing needs, per RCW 36.70A.070:

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

Bellingham's Consolidated [housing] Plan points to a total of 4,451 households facing "severe housing cost burdens" in the city. The plan also points to housing needs for other segments of the community including the homeless, overcrowded households, and a general lack of affordability throughout the community.

No jurisdiction by jurisdiction analysis of housing deficiencies (housing needs that must be addressed before the need to house future populations is even considered) appears to have been considered, created, or provided to inform this EIS. Bellingham has also been shown to have an extremely low vacancy rate for housing of all kinds widely considered to represent an unhealthy housing market.

The County Wide Planning Policies put forward a number of requirements regarding affordable housing. Among them: "Low income housing shall no be concentrated in only a few communities or neighborhoods."

Question A: A reasonable EIS must ask the question, "If not one single person moved to Whatcom County over the next twenty years, what would have to be done to correct existing deficiencies? How many housing units and at what economic levels must they be? How much buildable land for employment do we need for the existing and planned for residents?"

Question B: How many more units of housing of the various types called out for analysis by GMA must be developed in each city and county jurisdiction just to address existing deficiencies. What are the environmental implications in terms of not providing sufficient buildable land necessary to address present deficiencies, in addition to accommodating future growth?

Question C: How many units of housing are required in each jurisdiction just to bring the housing vacancy rate of today in each market area into balance with the vacancy rate assumed in the County's land capacity analysis for those jurisdictions? Also, what are the environmental implications of a failure to maintain an adequate vacancy rate in each jurisdiction? (Sprawl, long commutes, etc.)

Question D: What has each jurisdiction determined a healthy vacancy rate to be for available rental housing (Single Family and Multi Family) and for available owner occupied housing? What are the environmental implications of a too low vacancy rate?

12. Comment and Question:

GMA RCW 36.70A.070 requires cities and counties consider:

...preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

Question: How does this joint city/county DEIS account for, on a UGA by UGA basis, the housing needs of each segment of the community, as required by the GMA, and what are the environmental considerations (sprawl, increased greenhouse gas emissions, etc.) of a failure to assure the provision of adequate housing supplies for each economic segment of the community?

13. Comment and Questions:

This DEIS is supposed to also be the DEIS utilized by Whatcom County's cities. As such it is supposed to be based on agreed upon data. Testimony by the City of Bellingham points to land capacity analysis differences between Bellingham and the County's capacity analysis. As the City also pointed out, the city's Planning Commission has yet to even make recommendations regarding how the city will accommodate growth. The City and the County are using different capacity analysis in their deliberations. The City's analysis was sent to the County in early 2014.

Question A: What are the environmental implications in terms of dispersion of population and employment for the cities and the county use of different capacity information to arrive at conclusions about UGA sizing, rural area standards etc? Can this EIS function as a common EIS for both cities and counties if the jurisdictions disagree about fundamental data points used in the document?

Question B: If this EIS is a joint EIS usable by both cities and the county in decision making, why does a city like Bellingham have to submit testimony criticizing the EIS for attempting to be a policy setting document rather than an informational document? How are the citizens of Bellingham to use this document for comment on the Bellingham public process?

14. Comment and Question: The whole purpose of this EIS process is to provide the information regarding the environmental impacts of various approaches to growth necessary to allow informed decision making as the county and its cities update their Comprehensive Plans.

Regarding employment, the GMA requires, per RCW 36.70A.070:

“(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.”

And 36.70A.115:

Comprehensive plans and development regulations must provide sufficient land capacity for development. Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

An Economic Development Element is not optional once a Comprehensive Plan already contains such an element, such as Whatcom County's. Only a broad brush analysis of jobs land capacity is provided in the city/county Land Capacity Analysis (LCA). Land supplies are delineated, but no analysis of the kinds of economic activity, city by city, allowed on those lands, is provided for in the EIS.

Question A: City by city and UGA by UGA, what is the projected need for each of the economic sectors called out by the GMA calculating in both existing deficiencies and, future accommodation requirements.

Question B: Is an adequate supply of properly zoned and actually buildable land available to meet economic needs for the 20 year life of the plan? What, if any deficiencies exist in each jurisdiction; what are the environmental implications of failing to address deficiencies that may exist?

15. Comment and Question:

The GMA calls County Wide Planning Policies (CWPP), already adopted by the County and all cities, “the framework” upon which a Comprehensive Plan is constructed. The Growth Management Hearings Board, Washington State courts and other decisions emphasize that words like must, shall, etc. contained in CWPPs impose an imperative on both cities and counties.

CWPP I – 3 requires that industrial land designations in both cities and in the county “must” not only provide sufficient land for development within the 20 year life of the plan but, “must” also provide for lands “...sufficient to permit the concentration of industry in appropriate locations beyond 20 years.”

CWPP E – 3 requires that at Cherry Point, “Additional large scale development shall be encouraged,” yet Cherry Point has only a 61 job capacity to accommodate growth beyond the 20 year horizon.

Question: While the EIS points to the requirement that industrial land supplies must be planned to provide supplies beyond the 20 years of the 2016 plan, the EIS does not appear to account for that need in its capacity analysis. How much additional land supply in each county jurisdiction is required to meet CWPP requirements that Industrial supplies be planned for “beyond” 20 years?

16. Comment and Question:

Regarding the “Suitability Analysis” segment of the EIS, the “Biodiversity” analysis relies on studies accomplished by Conservation Northwest (CN); a well-known political activist organization. The methodology utilized to determine the presumed biodiversity characteristics utilized in the EIS is described in an available CN report. However, the DEIS states that the actual data used to arrive at conclusions as well as information about how the data was actually utilized to arrive at those conclusions is “...stored on a hard-drive at CN’s Bellingham office. Direct access to the database is limited, due to license agreements signed between the author of this report and various natural resource agencies who oversee the location and distribution of species presence records in Washington State.”

Question: How can informed comment be made regarding the purported biodiversity characteristics of an area if the data used in the EIS to “determine” those characteristics is closely held (unavailable to the public) by an activist organization dedicated to influencing public policy on the very issues being discussed by the EIS?

17. Comment and Question:

Page 3-6 purports to analyze Bellingham’s water and sewer service areas. The analysis contains a misstatement in terms of the former Geneva UGA. County Comprehensive Plan policy 2U – 11 unequivocally removed both the Hillsdale and Geneva unincorporated UGAs from the Bellingham UGA inventory at the expiration of the year 2012. While Hillsdale is still in the city’s water service area it is no longer a UGA. If the 2012 removal of Geneva and Hillsdale from the Bellingham UGA was not considered in the Bellingham land capacity analysis then the entire EIS is invalidated due to the dominant role Bellingham has in the entire county’s ability to accommodate growth.

Question: Was the removal of the Geneva and Hillsdale UGAs, as required by adopted policy, considered in developing the DEIS?

18. Comment and Question:

The Suitability Analysis is in outright error in declaring that various UGAs are adjacent to designated Resource Lands (ag, forest, and mineral), but have no such resource lands within them. Ferndale, Lynden, Everson, Sumas, and Columbia Valley all contain designated and zoned resource lands of long term commercial significance within their boundaries. None have the transfer of development rights programs in place that would allow resource lands inside a UGA. GMA makes no provision for pretending lands of long term commercial significance may be contained inside a UGA as “holding zones.” GMA says growth must be “encouraged” inside of UGAs!

Question: What are the environmental consequences of discouraging growth inside several UGAs in the county by restricting growth through designation of resource lands?

19. Comment and Question:

Because designated resource lands in UGAs are assumed to be available for growth under the law, the lands must be rezoned at some point to allow that growth. Such a rezone will reduce the acreage of land dedicated to resource lands.

Question: What are the environmental consequences of reducing the acreage of designated resource lands?

20. Comment and Question: The county will be required to remove designated Ag resource lands from the UGAs containing them unless the lands are zoned for urban uses, or a TDR program complete with sending areas is negotiated and put in place between the county and the various cities prior to adoption of the 2016 Comprehensive Plan.

Question: What are the environmental consequences of removing Ag and other resource lands of long term commercial significance from the UGAs containing them?

21. Comment and Question:

Studies show that agriculture, especially berry and dairy, represents one of Whatcom County’s largest consumers of water. The DEIS points to the potential for adding thousands of acres of new land to the AG zones of the county. The DEIS does not appear to address the potential need for new water resources to serve that AG land.

Question: What are the potential or probable impacts on the water resources of Whatcom County of adding those thousands of acres of new land to the AG zones of the county?

22. Comment and Question:

No data nor comment appears to be provided regarding deficiencies in Bellingham’s ability to provide planned for public infrastructure inside the city but, also in the unincorporated UGAs within the “non-rolling” original 20 year timeframe, ie 1997 to 2017. Hearings Boards and other legal entities have warned cities and counties about this requirement for years, in their decisions.

Bellingham and Whatcom County have a joint obligation, under law, to assure that urban services, with minor exceptions, are available throughout the entire UGA and that growth planned for in 1997 can take place by 2017. If infrastructure cannot be provided, it is the County’s obligation to provide other options to assure that planned urban levels of growth can take place inside of unincorporated UGAs. The same is true of the county’s other city like UGAs, Birch Bay and Columbia Valley.

Question A: Does this EIS address deficiencies needed to allow previously planned for growth to occur?

Question B: What are the environmental impacts of not having the capacity to provide for already planned for growth and then planning for additional growth on top of that?

23. Comment and Question

Throughout the Suitability Analysis section of the EIS, the “options” discussion speaks to “reserving” portions of growth allocations, keeping UGAs in place until adequate capital facilities planning is in place, and other options. This policy would allow the cities and the county to continue business as usual until some, as of yet, unknown formal action takes place to make the plan we adopt today compliant in the world of tomorrow.

The GMA does not allow counties and cities to plan based on acknowledging the plan adopted today is flawed but will be fixed in the future. The Whatcom County plan (including for their two UGA areas), once adopted in 2016, must be fully complete and must have strategies and requirements to be realized within the 20 year framework it purports to address. The plan adopted today cannot perpetuate existing deficiencies.

Question: What are the environmental consequences, including but not limited to potential sprawl, of assuming a plan that is not fully complete will be adopted in 2016, perhaps fixed later.

24. Comment and Question:

The EIS discusses carbon emission issues at length as well as county and city targets for reducing emissions. At the same time, the assumptions the DEIS is based on assume that all Alternatives assume population growth will be dispersed, while jobs growth will mostly take place in Bellingham.

Question: What are the environmental impacts, including but not exclusive to transportation caused pollution, associated with the dispersion of population growth throughout the county combined with the concentration of economic growth within the City of Bellingham?

25. Comment and Question:

The capture of total growth percentages reported in Table 4.7-2 represent a complete disconnect when compared to population growth actually occurring 2010 – 2014. For example, Bellingham captured only about 28% of total growth 2010 – 2014, while Ferndale and Lynden are capturing in excess of 20% each of the entire county’s growth. Using part of the approach put forward in the EIS, it can be seen that since the year 2000 Bellingham is only capturing 39.6% of the county’s population growth (2000 – 2014).

Question A: What are the environmental implications of assigning growth allocations to cities that are grossly out of step with what is actually happening in the County since the last, 2009 update of the County Comp. Plan?

Question B: What are the environmental consequences of allocating more population and jobs to the cities, including Bellingham, while assuming no significant changes to Bellingham’s plan to increase its capture rate to levels achieved in the past?

26. Comment and Question:

The City of Lynden water rights issue, as described in the EIS, only reports on Lynden’s take on the dispute. Ecology has submitted comments, essentially saying the EIS should assume Ecology’s take on the issue should be reflected in the plan. To plan effectively decision makers should be exposed to both sides of the discussion so they have the context necessary to make an informed rather than a guided decision.

Question: Shouldn't both sides of the water rights issue be analyzed and reported upon in the EIS? What are the environmental implications should either side prevail?

27. Comment and Questions:

The Cherry Point UGA is in close proximity to three population centers (UGAs): Birch Bay, Blaine, and Ferndale. Based on actual capture of growth since the last update and review of the various Comp. Plans, the combined populations of Birch Bay, Blaine, and Ferndale are under-allocated for employment. Because of its proximity to these UGAs and its status as a major industrial center Cherry Point is a logical place to focus on for jobs growth.

If future growth in Whatcom County follows the trends of the past ten years, Ferndale and Birch Bay will capture significantly more population growth than is allocated to them; Bellingham will capture significantly less growth, well under its population targets.

Given the CWPP's calling for planning for industrial expansion beyond the twenty year horizon and the demonstrated lack of capacity at Cherry Point it seem the Cherry Point UGA should be a prime candidate for expansion.

Question A: Does a purported excess capacity of only 61 jobs at Cherry Point meet CWPP requirements that expansion capacity beyond the 20 year planning horizon be provided for?

Question B: What are the environmental implications of not providing for employment growth consistent with actual population growth in and near rapidly growing UGAs, while projecting for employment growth well beyond actual population growth in urban areas like Bellingham?

28. Comments and Questions:

The GMA spends more time discussing the need for a healthy rural character than it does on almost any other issue. "Opportunities to both live and work in rural areas" are to be provided. Rural areas of the county are those areas under county control that are not designated agricultural, mineral resource, or forest lands though the use of rural lands for agriculture or forests cannot be forbidden. The county then has an obligation to assure opportunities to live and work in rural areas is provided meaning an adequate supply of land to support those opportunities must be provided.

Question A: The EIS supports extensive conversion of rural lands to other uses, especially designated AG lands. What are the environmental impacts of a too tight supply of rural lands?

Question B: Where is the discussion of the various land supplies available in the rural lands of the county in terms of their adequacy to allow the county to achieve GMA goals and other requirements providing for a traditional rural lifestyle?

29. Comments and Questions:

Most of the cities and many of the rural fire districts have LOS standards for fire and emergency response times. By way of example Bellingham's response time is met in less than 10% of the city segments analyzed in a recent report by the fire department due to long travel times from fire stations remote from the areas they must serve.

The EIS is completely inadequate in measuring fire and emergency response times as it relies on WSRB ratings or, worse, lack of data to determine adequacy. Fire and emergency response for Whatcom County should be judged on achieving adopted LOS levels where they exist not on a standard that satisfies the state's insurance companies.

Question A: Why weren't LOS standards adopted by each jurisdiction in the County used to determine whether or not fire and emergency services are being provided at appropriate levels?

Question B: How do the various districts and jurisdictions measure up to their adopted LOS standards for fire and emergency response?

Question C: What capital facilities needs for fire and emergency services are revealed when actual LOS standards are used and what are the environmental consequences of failing to provide services at those levels?

30. Comment and Question:

Whatcom County Parks has a surplus acreage of nearly 12,500 acres over the Level of Service (LOS) called out in the Comprehensive Plan. Roughly 12,000 acres of park land consists of resource lands, most of that forest lands of long term commercial significance. The Parks department not only has not developed harvest plans for those 12,000 acres, it has indicated the lands are not intended to ever be utilized as required by law. Newly planted forests are important carbon sinks while old growth forests slowly become carbon contributors to the atmosphere.

Question: What are the environmental implications of effectively withdrawing about 12,000 acres of land from the lands set aside under Growth Management law to support the long term health of the Whatcom County forest industry?

31. Comment and Questions:

The EIS is almost completely silent regarding Whatcom County's forest resource lands of long term commercial significance, despite the emphasis the GMA puts on assuring adequate attention has been paid to establishing and preserving those forests for harvest, ie "working forests".

Question A: How many acres of forest lands of long term commercial significance are now available for use in Whatcom County?

Question B: How many acres has the county determined are needed to support the industry? The County has adopted a goal of 100,000 acres for commercial ag.

Question C: If a serious shortfall in the number of acres of forest lands of long term commercial significance exists, what are the environmental implications?

32. Comments and Questions:

Mineral Resource lands are among the most important of all the resource lands in terms of the everyday life of the people of Whatcom County. They are also the most limited of the three types. Housing affordability, land use patterns, and the vitality of the economy are all reliant on adequate supplies, especially sand and gravel. As with forest resource lands, the EIS gives short shrift to the GMA required examination and protection of mineral resource lands.

Question A: What is the likely demand for the major mineral resources over the next twenty years?

Question B: Are the lands set aside as mineral resource lands of long term commercial significance adequate to serve the needs of Whatcom County, and to meet the requirements set out in the Comprehensive Plan goals and policies for mineral resource lands?

Question C: For purposes of preventing environmental degradation, among other concerns, the County Comp Plan requires that 50% of MRL lands be located within ten miles of UGAs. Are sufficient lands to fulfill that need for the next twenty years in the inventory?

Question D: What are the environmental implications, including employment and transportation, of an inadequate supply of mineral resources lands during the next 20 years, in place and located in proximity to Urban Growth Areas as is called out in the existing Whatcom County Comprehensive Plan?

33. Comment and Questions:

An analysis of housing trends over the 18 years in Whatcom County indicates a good deal of the housing capacity in the county has been created in the county's older "recreational housing" areas; housing once supplying the recreational market has been converted to permanent housing. This was largely due to the lack of affordable housing, especially in Bellingham.

Housing units and vacant lots formerly serving the recreational marketplace are typically at a long distance from cities, and are poorly served by the shopping, employment opportunities, and other services full time households require. That means long commutes and long commutes mean large carbon footprints. Examples of the many areas long considered to be mostly recreational areas that have been converted to full time housing include Glenhaven, Sudden Valley, Columbia Valley, and Birch Bay.

Cities like Bellingham have benefitted by not having to build infrastructure; they have been able to avoid encouraging growth in their UGAs by shifting growth they once captured to formerly recreational areas and rural areas.

Comparison of data from the 2008 Comp Plan process indicates the conversion of recreational housing to full time housing is drying up as a source of housing for new populations arriving in Whatcom County.

Question A: What are the environmental implications of consuming our one time recreational housing units by converting them to full time housing, especially but not limited to the county's carbon footprint?

Question B: What are the environmental impacts if the conversion of recreational developments to full time residential use is no longer possible due to lack of supply?

Question C: What are the likely impacts on the Whatcom County, in terms of jobs and transportation, of the conversion of onetime recreational areas into full time housing areas?

Question D: On housing issues in general, why has the DEIS ignored the valuable information and ideas in the detailed "County-wide Housing Affordability Taskforce" (CHAT) report? This report was completed in 2008 with diverse community input and at considerable public expense by Bellingham and the County.

34. Comment For All Action Alternatives:

The DEIS, on page 1-2 states, "...allows residents, businesses, and other government agencies to comment on proposals and alternatives." This comment is a request to improve all of the action alternatives and supported by Section I of the County Wide Planning Policies.

One of the most important components missing from this DEIS is a suitability analysis as to which lands around the Cherry Point Industrial Urban Growth Area would be best suited for inclusion as part of the Cherry Point UGA in the near future, 5 to 40 years out.

CWPP Policy I-2 states, "New business development and expansion of existing businesses are key factors in providing "family wage" jobs and a strong tax base. Economic development that pays family wage rates should be encouraged. Industrial land designations must be sufficient to permit the concentration of industry in appropriate locations beyond 20 years. In order to attract new industry and provide for expansion of existing industries, the county and the cities will designate land supply of sufficient size and diversity to provide a range of suitable locations for industrial development. The designation of this land shall be established in a way that preserves natural resource based industries and critical areas. "

A recent study by Econ Professor Hart Hodges et al demonstrates that Cherry Point is one of the County's biggest suppliers of both family wage and living wage jobs while strengthening the tax base greatly.

Cherry Point has special requirements for project proposals, such as a minimum project master site plan size of 160 acres and secondary size of 40 acres. Additional lands around the Cherry Point UGA should be identified that would fulfill CWPP I-2 and offer increased opportunity for primary uses that do not require direct access to deep water, such as "large scale high technology businesses" and secondary uses complimentary to primary uses.

The FEIS, as part of the preferred alternative and all of the DEIS action alternatives, should identify UGA Reserve lands, or the adoption of a Long Term Planning UGA designation that provides all needed analysis and policy support to include new lands into the Cherry Point UGA for at least 10 to 20 years beyond the GMA required 20 years.

Cherry Point is extremely important to job creation and retention in Whatcom County and has NO resource lands located adjacent to it, is very close to the Ferndale, Birch Bay, and Blaine UGA areas, has rail and state highway access, and must be protected now and into the future.

Question: Why does the DEIS ignore the 2014 study "Employment at Cherry Point" by Professors Hart Hodges of WWU and Bill Beyers of UW. It contains valuable current information and analysis on employment patterns etc.

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