



Whatcom Chapter

July 3, 2008

Dennis Rhodes, Director
Planning and Building Department
City of Ferndale
2095 Main Street
Ferndale, WA 98248

RE: Ferndale's EAGLE Program

Dear Mr. Rhodes:

As you may know, Futurewise is Washington's leading public interest group advocating growth management practices, upholding both the spirit and the letter of the Growth Management Act. Futurewise Whatcom is our local chapter, established specifically for the preservation of our county's valuable agricultural, natural, and resource lands by encouraging public policies of sustainable, livable, and compact forms of urban development that avoid sprawl.

Praise for EAGLE

We begin by acknowledging and praising Ferndale's forward-looking EAGLE program for its numerous excellent features. In particular, we support the many aspects of the EAGLE program that encourage compact, efficient retail development that places less of a burden on public infrastructure. This includes awarding points for pedestrian and cyclist amenities, transit support, public recreational and open spaces, multistory and mixed-use buildings, and for buildings which are used for more than just weekday "business hours." All of these practices address the need for a more people-friendly rather than car-centered development, which will enable continued prosperity of the local economy with a minimum of land use and sprawl. Bravo.

We also recognize some pragmatic advantages of the EAGLE program. By establishing a system of incentives, rather than proscriptions, the EAGLE program allows some flexibility to accommodate individual project and site needs, as well as individual developer preferences. This should help to insure developer acceptance and success.

Futurewise Whatcom Steering Committee
Todd Donovan, Rick Dubrow, Lynnea Flarry, Eric Hirst,
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We are also impressed with the requirement for large retail development to have an Adaptive Re-use Plan, and to design projects with an eye to the longer term, which may involve adaptive re-use by different businesses or for different purposes in the future. Re-use is a wise practice for many reasons. As you know, one of the problems with our old patterns of development is that older commercial areas, usually in city centers, often have been abandoned in favor of new development in the urban fringe. This sort of sprawling development is both harmful to the vitality of the city core and a wasteful and unwise use of our rural and agricultural lands. One of the greatest threats to agriculture, here in Whatcom County and elsewhere, is the rising cost of land, driven up by non-agricultural land use demands. By proactively encouraging future re-use of developed land by requiring an Adaptive Re-use Plan (or a re-use bond), the EAGLE system helps to avoid pressure for sprawl in the future. We strongly support this aspect of the proposal. In fact, we would like the City to consider requiring a re-use plan for the Bronze level of certification as well.

In addition, we applaud the inclusion of incentives to go beyond the minimum wetlands mitigation, when such mitigation is required under Ferndale's municipal code. Experience has shown that wetlands mitigation efforts usually fail to perform as well as expected. For this reason, Futurewise supports more robust mitigation efforts that go well beyond the mandated minimums. The EAGLE wetlands provision is a welcome step in this direction.

Concerns about EAGLE

Futurewise Whatcom also has some concerns with the EAGLE program. Like all new programs, it is difficult to predict with confidence the ramifications and consequences of the proposed EAGLE system. It is in this cautious spirit that we raise a number of concerns and possible problems.

To begin with, the Whatcom chapter of Futurewise is concerned about the proliferation of so-called "big box" stores, because they rely upon a business model of drawing customers from far and wide. This is a travel-dependent form of business that conflicts with sustainable business practices, which instead emphasize local economies and local businesses to a greater extent. We recognize that some kind of a balance may be struck, and we also recognize that size alone is not the full determinant of impact or suitability for a community. Nonetheless, for Ferndale to better achieve its purposes, it may be necessary to specifically address the maximum size of a retail establishment.

We believe it is important to distinguish between very large retail development, on the one hand, and big box retail on the other. Put simply, a large retail development may consist of one large store or of a collection of smaller stores and various uses. The appropriateness and desirability for these two scenarios is quite different. As proposed, the EAGLE system rewards multi-use retail developments, but it does not specifically address the issue of big box retail. We suggest that this difference should be recognized explicitly within the EAGLE ordinance, or else be clearly and separately addressed in some other manner (e.g., through a zone-specific size cap).

Moreover, while the EAGLE program may effectively address the issue of the character of large retail development, it addresses the issue of location only indirectly. We see location as an important issue that needs to be looked at carefully, with particular consideration about how location may prevent or exacerbate sprawl. The issue of location is beyond the scope of this letter.

We also have some concerns about the nuts-and-bolts of the EAGLE proposal. EAGLE's numerical system, while it has the advantage of apparent clarity and ease of use, would appear to create questionable equations of public value. For example, a project may earn up to 12 points for installing a significant piece of public art. Public art is great, but how does this compare to other values and public policy priorities? Providing living wage jobs can earn at most 10 points, while the inclusion of 20% affordable housing earns only eight points. Which of these is a higher public policy goal? Similarly, one hundred percent purchased Green Power earns a maximum of eight points. How does this compare, in terms of community benefits, to simply installing better-directed outdoor lights (4 points) and joining the Chamber of Commerce (3 points)? How does this compare to using all local design professionals and construction workers (maximum 4 points) and all local business tenants (also maximum 4 points)?

The question is not whether each of the many aspects in the EAGLE program is valuable. They are all of value. Rather, the question is *of how much value* is each aspect, in relation to the public's priorities, and in comparison to each other?

By establishing numerical values for various aspects of a project, EAGLE is setting up a system of incentives. This is the intention of the program. But how well chosen are these arbitrary point values? Any potential developer would be foolish to not seek to maximize points earned, for a minimum in investment. Why would a developer bother to set aside large amounts of public space, or develop low-profit affordable housing, when the same points can be easily earned by installing low-flow plumbing and efficient lighting? Within each category, developers will seek to maximize "bang for the buck." How will this play

out in practice? Our concern is that some of the most important potential benefits of the EAGLE program may not be realized in practice

As presently conceived in the draft proposal, the numerical value of the incentives overlooks the fact that most energy efficiency measures provide operational savings that pay for themselves, while other aspects – such as providing permanent, dedicated public space – do not. The City needs to be careful to not simply provide superfluous incentives for actions that already provide their own return on investment, while providing inadequate incentives for those actions that require more support and financial encouragement. The fact that developers are required to earn points in each of several categories will partially address this issue. However, we remain concerned that some of the most needed and most valuable practices, from a public policy perspective, may not be sufficiently rewarded by the EAGLE points system.

In particular, we suggest that the points earned for the Low Impact and Greater Good categories be increased, so that developers will find it more attractive to earn the Additional Points from these categories. This is not a statement that these categories are the most valuable or worthy. Rather, as mentioned above, the logic is to provide greater incentives for those practices that do not yield continual economic returns (such as Energy Efficiency measures) to building owners.

Thank you for this opportunity to provide comment on this important program. We look forward to further smart growth initiatives from the City of Ferndale in the future. If you have any questions, please do not hesitate to contact either myself (at 392-8678) or Futurewise Whatcom’s chapter director, Cathy Lehman (224-8877).

Respectfully,

Michael Lilliquist

CC: Mayor of Ferndale, Gary Jensen
Ferndale City Council (Steve Malpezzi, Mel Hansen, Connie Faria, Paul Ingram,
Ken Downey, Lloyd Zimmerman, Keith Olson)