



P.O. Box 1517
Bellingham, WA 98227

November 24th, 2009

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

Dear Whatcom County Council,

SUBJECT: Ordinance to implement changes relating to completion of the 10 year review of the Urban Growth Areas required under the Growth Management Act

Futurewise Whatcom is the local chapter of the statewide land-use advocacy organization, Futurewise, whose mission is to promote healthy communities and cities while protecting farmland, forests and shorelines today and for future generations.

We acknowledge the immense work undertaken throughout 2008-2009 by County Council, the Planning Commission, the small cities, county staff, and Whatcom County citizens, that has led us to this hearing today. And we especially appreciate the opportunity to comment on what we consider, overall, such excellent recommendations for the 10 year review as a result of that lengthy process.

Whatcom County residents support the goal of preserving agricultural lands and reducing the potential for growth in rural areas. These are also priorities for Futurewise Whatcom, and these are key goals of the state Growth Management Act. These reasons are all why, in our September 17th letter to the County Council and Planning Commission, we documented our concerns with the proposed expansion of Lynden into agricultural lands of long term commercial significance, and Everson's swap of two parcels, both involving agricultural lands of long term commercial significance.

The *Whatcom County Comprehensive Plan* provides that:

GOAL 8A Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber.

Further, **Whatcom County Countywide Planning Policy C.5** provides that:

5. Urban Growth Areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

And earlier this year, County Council reaffirmed their commitment to protecting agriculture by unanimously adopting a resolution to preserve 100,000 acres of agricultural land. Currently, our county has approximately 86,000 acres zoned for agriculture.

These policies are consistent with the Growth Management Act, which provides that agricultural lands of long-term commercial significance should not be included in urban growth areas. As the Washington Supreme Court wrote:

Thus, GMA required municipalities to designate agricultural lands for preservation even *before* those municipalities were obliged to declare their UGAs and adopt comprehensive plans in compliance with GMA. The "designation and interim protection of such areas are] the first formal

step in growth management implementation ... to preclude urban growth area status for areas unsuited to urban development.”¹

Specifically, we continue to support the ideas that:

- The city of Lynden should not expand its UGA into high agricultural land of long term commercial significance on both sides of Double Ditch road. We recognize that Lynden has limited room to expand, but the need to preserve our agricultural base must take precedence. In light of Whatcom County’s commitment to preserve 100,000 acres of agricultural land to ensure the continued viability of our agricultural industry, and we are sitting at roughly 86,000 acres, we hope to see Lynden’s growth contained at least until enough agricultural land is ensured for this goal. In addition, we believe the County must consider the fact that Lynden’s insufficient and uncertain water rights have not yet been fully addressed.
- The city of Everson should not be allowed to expand into agricultural land of long term commercial significance by swapping floodplain agricultural land in the current UGA for dry agricultural land in the proposed UGA. This is not a win for agricultural preservation in Whatcom County, and should not be seen as anything but the expansion of Everson onto valuable agricultural land.

Turning from agricultural land to rural land, the most common argument against compactly sized UGAs is that they force growth out into rural areas. However, if oversized UGAs solved the problem of rural growth, Whatcom County wouldn’t have experienced the levels of rural growth that it has over the last couple of years while we’ve also had oversized UGAs. It is rural zoning that dictates what level of growth is allowed in rural areas. And rural sprawl can be mitigated if our plans for future growth designate areas for population accommodation inside of and close to our existing cities.

Oversized UGAs encourage rapid conversion of rural lands into urban uses and do nothing to combat rural zoning that incentivizes rural growth. Defining appropriately-sized UGAs is a vital first step of any process to prevent sprawl in our county.

In addition to these concerns, we believe that the prevention of rural sprawl and compliance with the GMA would be better facilitated if the County Council’s decision about the UGAs give adequate consideration to the following:

- We are uncertain about the perceived meaning of any “Urban Reserve” designation – which does not require any action under the GMA. As this designation may be seen as another version of the UGA designation by property owners, it could fuel inappropriate expectations about the potential extension of urban services in rural areas where such services have not been studied, approved or actually planned for.
- In Birch Bay, we think it is important for the County to evaluate the Birch Bay Watershed Characterization Pilot study before finalizing the Birch Bay UGAs. The pilot provides a sophisticated evaluation of where land should be protected, restored, or developed based upon sound and objective criteria. We believe the new UGAs must conform to the Pilot’s findings, in order to effectively protect our rivers and the Puget Sound into which they flow.
- If possible, we hope that UGA planning give priority to the goal of preserving physical separation between existing cities. If there is a way to prevent cities such as Bellingham and Ferndale from further blending into ‘Bellingdale’ (or ‘Fernham’), policy should promote that goal.

¹ *22 City of Redmond v. Central Puget Sound Growth Management Hearings Bd.*, 136 Wn.2d 38, 48, 959 P.2d 1091, 1095 (1998) (footnote omitted).

In summary, Futurewise Whatcom would not like to see the expansion of any cities onto agricultural lands of long-term commercial significance, in accordance with citizen preferences, local policy and state law. And we acknowledge the significance of appropriately sizing UGAs as a necessary first step to bring Whatcom County into compliance with state law, even though it alone will not solve the problem of our county's rural sprawl.

We are grateful that Whatcom County is nearing completion of an overdue 10 year UGA review, and heartily support most elements of the existing County Council recommendation. We believe it will further the priorities of county residents and advance the goals of our county's Comprehensive Plan and the state GMA.

Ultimately, our highest priority at this point is to meet the GMHB deadline of December 1st, 2009, so that Whatcom County can move on in 2010 to the necessary next steps.

Sincerely,

Cathy Lehman
Chapter Director

Todd Donovan
Steering Committee President