

Whidbey Environmental Action Network

Restoration Education Preservation

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*Dedicated to the preservation and restoration of the native biological diversity
of Whidbey Island and the Pacific Northwest*

Nov. 17, 2006

TO: Island County Planning Commission
FROM: Steve Erickson
RE: Proposed Oak Harbor UGA expansion

Whidbey Environmental Action Network urges you to recommend against approval of the UGA expansion proposed by Oak Harbor. The expansion as proposed violates GMA requirements, is not needed, is inconsistent with comprehensive plan policies for agricultural land, and will have significant adverse environmental impacts. These concerns are addressed below.

- **UGA expansion as proposed violates GMA requirements.**

The expansion as proposed violates GMA's goals and requirements for Urban Growth Areas and resource lands. GMA requires that that growth not be located on resource lands. RCW 36.70A.110. The Fakkema land is a portion of a larger farm unit that includes designated resource land. This proposal will locate urban growth, an incompatible use, immediately adjacent to that designated resource land.

Because Island County has taken the position before a state Court of Appeals that GMA's goals for *agricultural industries* apply to agriculture in every zone, it is appropriate to consider the impact of the UGA expansion on agriculture generally in determining if the proposal runs afoul of GMA's goals. The proposal clearly is inconsistent with GMA's natural resource lands goals. It will directly convert commercial agricultural land to incompatible urban uses, threaten the viability of agricultural use of adjacent land (including designated agricultural land of long term commercial significance), and is a prelude to proposed conversion of that land. It is predictable that the Fakkema's will again propose expansion of the UGA to include the remaining 272 acres of farm and forest land in the near future.

Additionally, GMA requires that in its review of the adequacy of the UGA, Oak Harbor consider increasing density within the UGA. Oak Harbor has not done so. The actual population density within Oak Harbor is relatively low. Consequently, the expansion is not consistent with GMA's purpose of fostering compact urban development.

- **UGA expansion is not needed**

The claimed "need" for UGA expansion has flawed underpinnings. The capacity analysis assumes that there will be no changes relative to current conditions in terms of factors such as transportation (i.e. fuel) costs, landowner interest in redevelopment, or the ability of local government to affect these factors, particularly desire for and ability of landowners to redevelop

property already developed at low densities within the city and UGA. The assumption that Oak Harbor, the local governmental entity, has no ability for positive influence in this arena leads to the city's attempt to simply continue business-as-usual. It simply takes Oak Harbor's existing relatively low densities and plans for additional low density by expanding the UGA. However, Oak Harbor should be considering increasing its current low density rather than sprawling out into the surrounding countryside. GMA requires that the City consider increasing density, but instead the proposed UGA residential expansions consist entirely of areas proposed for low densities. This is at least partially the direct result of the flawed process used by the City. Rather than actually plan, the City is simply responding to landowner requests for development. Agricultural land and areas with critical areas should be the very last locations that are ever considered for urbanization. Because of Oak Harbor's flawed process, they have become the first. The County should not buy into this flawed process and its flawed result.

• **UGA expansion is inconsistent with comprehensive plan policies for agricultural land.**

The expansion is not consistent with the existing comprehensive plan policies for agricultural land. Specifically, the proposed expansion is not consistent with these goals and policies:

Rural Agriculture Lands (RA)

Goal:

Create an area where rural agricultural activities are encouraged to occur with residential uses while preserving rural character and maintaining open space as the dominant characteristic.

H. Encourage the conservation of lands suitable for agricultural use and support farming as an activity valued in the County.

Commercial Agriculture (CA)

Goal:

Reserve lands which because of their size, soil type, and active management are part of an essential land base to continued commercial agriculture, and assure their continued viability to serve as a resource for food, fiber, feed and forage.

G. Protect agricultural operations from incompatible uses by using measures including, but not limited to:

1. Ensuring that uses on adjacent lands do not interfere with continuing agricultural good management practices on resource lands;

K. Coordinate agricultural land preservation policies with other jurisdictions, special districts and their respective programs.

L. Coordinate agricultural land preservation policies with other County-wide Planning Policies through:

1. Correlating agricultural land preservation policies with Urban Growth Area policies and with public facility and service provision policies to prevent the extension of urban services to areas intended for continued agricultural use;
2. Ensuring that public facility and service extension, even if not directly serving the agricultural lands, do not stimulate the conversion of agricultural land or make its preservation and protection more difficult.

• **UGA expansion will have significant adverse environmental impacts.**

The County may not rely entirely on environmental review performed by Oak Harbor. First, alternatives considered in the Oak Harbor Comprehensive Plan Nonproject Environmental Impact Statement (Dec. 2001) simply don't include these lands, as shown by the alternatives maps. Second, the DNS issued September 9, 2004 fails to consider numerous fundamental issues. These include:

Impacts outside of the proposed UGA boundaries, including watershed scale impacts, impacts to critical areas outside the proposed UGA boundaries, and impacts to water quality and wildlife.

Reasonably foreseeable impacts to critical areas, wildlife, and water quality within the proposed UGA from the planned urbanization.

Both specific and general concerns regarding urbanization of agricultural land in violation of GMA.

Accordingly, the County must conduct its own environmental review and threshold determination. Particular impacts that must be considered include:

Traffic

Water quality and pollution, and aquatic ecosystem function

including impacts to Swantown Lake and adjacent Puget Sound

Wildlife

including Swantown Lake and adjacent Puget Sound

impacts to north-south connectivity (e.g. landscape fragmentation) on Whidbey Island.

Precedential policy allowing urbanization of agricultural land.

Analysis of the probable impacts should also include the expansion of the proposed UGA to include the entire Fakkema property. The City has stated that the landowner intends to resubmit in 2007 their recently withdrawn application to add the entire property to the UGA.

Given the scope and depth of probable adverse environmental impacts of the proposal, a Determination of Significance should be issued and an Environmental Impact Statement performed.