

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES

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SEPA Appeal Form

Appeal of:

- Determination of Significance
- Determination of Non-Significance
- Mitigated Determination of Non-Significance

Appellant:

Name Whatcom Business Alliance Phone (360) 746-0411
Address 2423 E. Bakerview Rd City Bellingham
State WA Zip 98226 Email tony@WhatcomBusinessAlliance.com
Property Interest of Appellant Members real/personal property in Cherry Pt UGA

Property Owner:

Name n/a - proposal is Cherry Point Amendmt by county *comp plan* Phone (360) 778-5010
Address 311 Grand Avenue Suite 105 City Bellingham
State WA Zip 98225 Email council@co.whatcom.wa.us

Date Determination Became Final: December 6, 2016

Associated SEPA file: SEP 2016 - 00091

Assessors Parcel Number(s): All tax parcels in Cherry Point UGA

A Statement is Attached to this Application Containing:

- Why I believe the determination or interpretation is not correct, **and**
- What I believe to be the correct determination or interpretation, **and**
- How the decision adversely affects me or my property

I/ We certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my/our knowledge and belief.

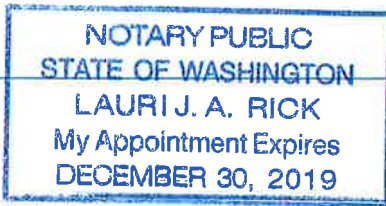
Signature of Appellant

Dec. 16, 2016
Date

Signature of Attorney/ Agent

Dec 15, 2016
Date

Subscribed and sworn to before me this 16th of DECEMBER, 2016.



Print Name

LAURI J. A. RICK

Notary Public in and for the State of Washington

Residing at

LYNDEN, WA

My appointment expires:

12 13019

FOR COUNTY USE ONLY:

Appeal Number: APL 2016-0002

Appeal Fee: \$ 525-

Receipt Number: _____

Date Received: _____

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Fostering Business Success and Community Prosperity

December 16, 2016

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VIA HAND-DELIVERY

Whatcom County Hearing Examiner
Whatcom County Planning and Development Services
J.E. "Sam" Ryan, Director
5280 Northwest Drive
Bellingham, WA 98226

Honorable Hearing Examiner and Ms. Ryan:

Enclosed please find a completed SEPA Appeal submitted by the Whatcom Business Alliance, prepared using the form provided by Whatcom County. A check for \$525 is also provided herewith.

The Whatcom Business Alliance appreciates the opportunity to participate in bottom-up community planning, including the current effort underway to review the Whatcom County Comprehensive Plan provisions regarding land use in the Cherry Point Urban Growth Area. We look forward to continuing a dialogue with the county to advance the interests of all stakeholders in the affected area. It is our hope that the collective efforts of all involved will lead to a comprehensive plan that harmonizes everyone's interests.

Nevertheless, we are filing this SEPA appeal of the Determination of Non-Significance that became final on December 6, 2016. We do so to preserve our legal rights in the event that the mutual efforts of all involved in this present planning effort do not lead to consensus, despite our confidence in achieving that objective.

Thank you for the continued opportunity to actively engage in the future well-being of our community.

A handwritten signature in black ink, appearing to read "Tony Larson", with a long, sweeping underline.

Tony Larson, President
Whatcom Business Alliance



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Handwritten initials in blue ink, possibly "WBA", written over the date stamp.

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SUPPLEMENTAL STATEMENT

A. WBA believes that the Determination of Non-Significance is deficient because it is based on an Environmental Checklist that fails to disclose or analyze many of the probable significant adverse impacts to the built and natural environment - including without limit land capacity, employment, housing and public services - that would occur as a consequence of adoption of the Council Proposal and Alternative #1. By way of illustration only and not intended as an inclusive analysis of all deficiencies, the Environmental Checklist, at question 7, the applicant states that it knows of no further activity that would occur as a result of the proposed activity (Council Proposal and Amendment #1). This is incorrect; these two proposals themselves direct a study to find ways to ban economic activities currently allowed by law in the Cherry Point UGA. The checklist similarly fails to even answer questions regarding the proposals' impacts to jobs, displacement, housing and public service. In reliance on those non-answers, the DNS was issued.

In the mandatory supplement to the checklist, the applicant only discloses and presents the laudatory positive natural environmental impacts that could occur and fails to similarly disclose or analyze those impacts to jobs, displacement, housing and public services. This is unlawful and reflects a judgment that only certain impacts are worthy of assessing under SEPA. The law does not allow selective one-sided review.

Whatcom County issued a Final Environmental Impact Statement (Final EIS) on November 12, 2015 for the proposed 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Area (UGA) Review, which was adopted by the County Council on August 9, 2016. Four alternatives were studied in the Draft EIS issued in March 2015 addressing a range of population and employment growth levels and patterns. The Final EIS responded to public and agency comments received on the Draft EIS and provided corrections and clarifications to the environmental analysis contained in the Draft EIS. The Final EIS also evaluated a Preferred Alternative identified by each City and the County, which was a variation of alternatives studied in the Draft EIS.

None of the four alternatives studied in the EIS for the 2015 Comprehensive Plan and Development Regulations Update and Urban Growth Area Review studied the effects of the Council Proposal and Alternative #1. The 2015 EIS cannot be relied upon, incorporated by reference or adopted to support the DNS issued for the current Cherry Point proposals. The studies that supported that EIS, including without limit information on a range of population and employment growth levels and patterns, would no longer be accurate for the Council Proposal and Alternative #1. The new proposals require new



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studies that assess the proposals' impacts to the built and natural environment before being able to conclude there is no significant impact.

B. The correct Threshold Determination is a Determination of Significance, for which a Supplement to the 2016 EIS should be prepared, or an independent new EIS should be prepared for these four proposals alone.

C. The WBA is a local economic development and business advocacy organization with hundreds of local members including private businesses, non-profits and municipalities. WBA companies located in the Cherry Point UGA and those businesses outside of Cherry Point that are dependent on those businesses will experience negative consequences stemming from the proposals that limit dock numbers and types of business activities that can be conducted. These stakeholders include companies that ship, receive and transport fuels and other commodities, as well as ancillary support services to those businesses. Their businesses serve suppliers and customers throughout the western United States, Canada and other Pacific Rim countries. Restraints on these companies' ability to grow, change and adapt their industry operations even as the community changes during the 20-year period covered by the Comprehensive Plan will deter continued investment and adaptation in those businesses already heavily invested in the Cherry Point UGA, and will generate negative impacts to both Cherry Point stakeholders and the broader community that benefits from the vitality of the Cherry Point UGA industries. These stakeholders employ significant numbers of people both directly and indirectly, and generate millions upon millions of dollars in tax revenues to government agencies that provide police, education, utilities, transportation, public safety and human and public services. These stakeholders and the broader community dependent on that vitality are significantly impacted by absolute bans on the businesses' ability to remain vital in a changing and competitive world.

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Rd., Suite B

Bellingham, WA 98226

360-778-5900

CUSTOMER RECEIPT

Receipt: 520100000000014914

Payor: STOEL RIVES

Date: 12/16/2016

Description	Amount
APL2016-00012	
Records archiving	25.00
Hearing Examiner: Appeal (B)	500.00

Total: \$ 525.00

Check # 897277 Paid \$ 525.00

STOEL RIVES

Thank you!