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A T T O R N E Y S A T L A W

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VIA HAND DELIVERY AND ELECTRONIC MAIL

February 13, 2009

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

Whatcom County Planning Commission
ATTN: Becky Boxx
5280 Northwest Drive
Bellingham, WA 98226

Re: EIS for 10-Year UGA Review; Columbia Valley

Dear Council and Commission Members:

Our firm represents S. C. Goshen LLC and Holly Associates LLC ("S.C. Goshen"), which together own approximately one hundred acres in the existing Columbia Valley Urban Growth Area and the adjacent forty acres, which was recommended for inclusion in the UGA by the Foothills Subarea Plan Advisory Committee. S.C. Goshen's property is highlighted on the enclosed map. The purpose of this letter is to comment upon the scope of the EIS that will be prepared as part of the County's ten year review of its urban growth areas. We strongly urge the Council to study the existing Columbia Valley UGA and the modified Columbia Valley UGA that was recommended by the Foothills Subarea Plan Advisory Committee, as part of the EIS's evaluation of the County's UGAs.

The County's consultants have recommended that a suitability analysis approach be used to review Whatcom County's UGAs. Under this approach, three alternatives have been developed: a No Action alternative; Alternative X, which shifts growth out of rural areas into UGAs; and Alternative Y, which shifts growth away from Bellingham to small urban communities. Both the existing Columbia Valley UGA and modified Columbia Valley UGA fit within these alternatives. Retaining the existing Columbia Valley UGA is consistent with the No Action alternative. The modified Columbia Valley UGA falls within either Alternative X or Alternative Y since the modified UGA results in a net decrease in the size of the UGA of approximately 110 acres. The modified UGA thereby allows for some accommodation of future growth pursuant Alternative Y, but still accommodates Alternative X's goal of shifting growth from rural areas to UGAs.

The recent recommendation to downzone the existing Columbia UGA and to create a LAMIRD is not a viable alternative that should be considered in the EIS. Importantly, Planning Staff had recommended retaining a UGA in Columbia Valley and prepared proposed findings of

fact and conclusions of law supporting this action. No findings or conclusions yet support a LAMIRD in the Columbia Valley. Although findings and conclusions are anticipated to be written after the fact, they cannot retroactively support a decision contrary to good planning. There has been a long standing policy anticipating urban growth in the Columbia Valley UGA. The urban residential zoning in this area was originally adopted in 1988 and the Columbia Valley area was designated as a UGA by the County Council in 1999. Because they are within an existing and valid UGA, Columbia Valley property owners have a reasonable expectation to continue to use and develop their land at urban density levels.

The statutory LAMIRD provisions are not to be used as prospective and ongoing rural development tools. Rather a LAMIRD, is to be used to acknowledge pre-existing development. It is the Foothills Subarea Plan that provides the policies for growth and development within the area. A misconception has arisen that commercial uses and other services can develop in Columbia Valley if the LAMIRD designation is approved. Only existing land within the LAMIRD can be used for commercial and industrial uses. The proposed LAMIRD encompasses the built-out area of Columbia Valley, which is virtually all residential development. A LAMIRD cannot be expanded to include additional commercial/industrial acreage as this type of development is to be directed to the UGAs. See Friends of Skagit County v. Skagit County, Final Decision and Order, Case No. 07-2-0025c, May 12, 2008. There appears to be general agreement that the residents of Columbia Valley lack adequate services and employment opportunities. Development of these services must occur adjacent to the existing residential areas, otherwise long term planning and traffic problems will result. Removal of Columbia Valley's UGA will isolate the existing residents of the Columbia Valley from needed services and jobs, thereby creating the type of rural sprawl that the GMA was designed to prevent.

The EIS is meant to be a practical document for evaluating the environmental impacts associated with the County's ten year review of its UGAs. During its EIS review, the County should be considering practical and legal alternatives to existing UGA boundaries and growth allocations. The existing Columbia Valley UGA and the modified Columbia Valley UGA present the only two viable options for consideration under any of the three proposed alternatives. Thus, we urge that the scope of the EIS be limited to consideration of retaining a Columbia Valley UGA.

Sincerely,

Brownlie Evans Wolf & Lee, LLP



Heather Wolf

cc: client

Alternative 1

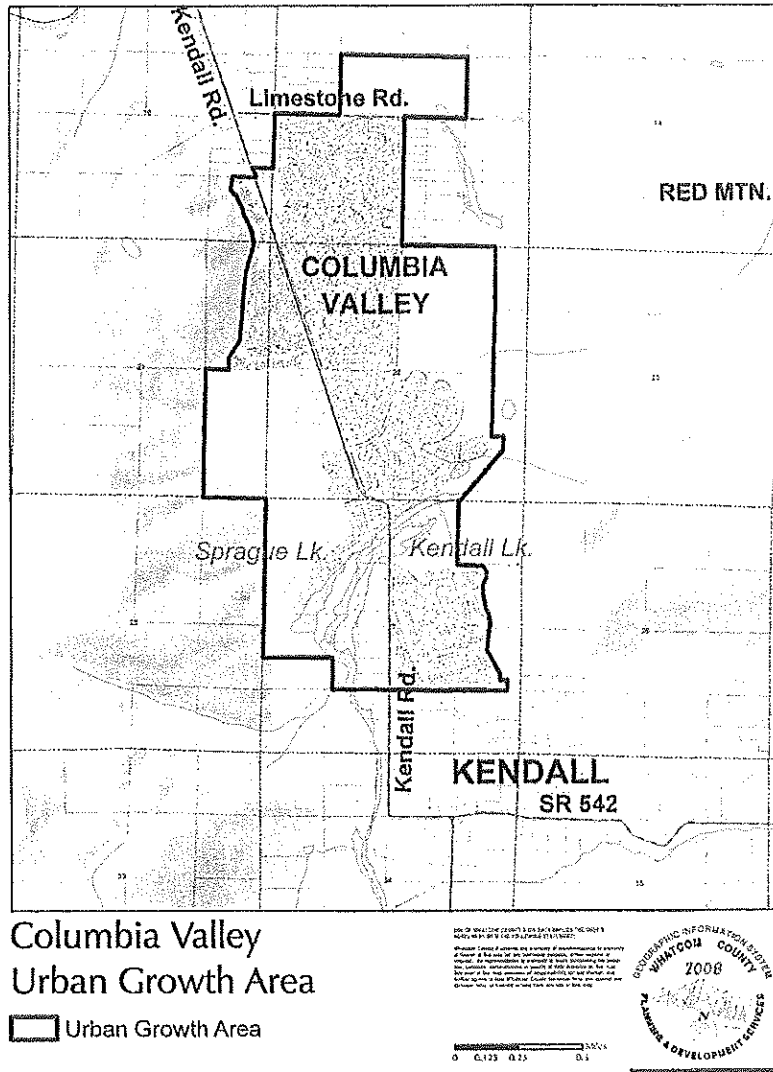


Figure 2 – Columbia Valley UGA Recommended by the FSPAC