

June 22, 2009

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VIA USPS MAIL, E-MAIL,  
AND FACSIMILE TRANSMITTAL:

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Re: Matichuk Comment to DEIS Prepared for Whatcom County's 10-Year Urban Growth  
Area Review

Dear Mr. Stalheim,

Mr. Matichuk respectfully requests that the County fix a mistake made in 2008 when it adopted the Bellingham UGA for the Geneva area. The mistake was the exclusion of already urban sized and mostly developed parcels in the south half of Block 13, Plat of South Geneva, owned by Mr. Matichuk. As previously explained, between the time of completion of the Residential Land Use and Inventory Analysis in 2002, and by the time new Bellingham UGA was adopted in February 2008, substantial development had occurred to these lots in the south half of Block 3 and they were no longer underutilized. Mr. Matichuk sold five of the seven lots to different owners and almost every lot contains a residence. So the supporting data of an undeveloped south half Block 3 was not accurate when the UGA was adopted. The new UGA line should have been drawn to reflect existing development at the time of adoption in 2008, instead of reflecting development as it existed in 2002.

We urge the inclusion of the Matichuk property (Lots 13-24 Block 3, Plat of South Geneva on Lake Whatcom) into the Geneva UGA. You may recall that the County Council chose not to consider Mr. Matichuk's request for its 2009 docket primarily because the County is presently reviewing its Urban Growth Areas (UGA). In addition, Council members made it known that they were interested in the City of Bellingham's (City) views on Mr. Matichuk's request and the results of the DEIS. Below you will find a brief summary of the City's views and also Matichuk's comments on the DEIS.

**City's view on Matichuk proposal:**

During the City Planning Commission meeting on May 5, 2009, the Commission considered Mr. Matichuk's request and recommended that this area be studied to correct the mistake. In the majority of the Commission's opinion the downzone of Mr. Matichuk's property did appear to

be a mistake. The City Planning Staff and the City Planning Commission specifically recommended as follows:

the County should review the "Matichuk" property in the Geneva UGA to determine if this property was mistakenly removed from Bellingham's UGA in 2008.

Memorandum from Greg Aucutt to City Council, May 7, 2009.

On May 18, 2009, the City Council heard testimony pertaining to the Resolution (2009-14) for Recommendations Regarding Potential Changes to Bellingham's Urban Growth Area Boundary. The portion of the Resolution applicable to Mr. Matichuk's property is as follows:

3. In light of these issues, the County should make no changes to the Bellingham UGA boundary at this time. However, the County should review the "Matichuk" property in the Geneva UGA to determine if this property was mistakenly removed from the Bellingham's UGA in 2008.

Mr. Dan McShane, former County Councilmember, weighed in on the Matichuk request, urging the City to reject it and not allow any more urban lots to be created in the watershed. In response to Mr. McShane's request, Councilman Weiss, "requested a friendly amendment to remove the second sentence from item 3: "However, the County should review the "Matichuk" property in the Geneva UGA to determine if this property was mistakenly removed from Bellingham's UGA in 2008."; add a new Item 4 "The city council requests of the county that no additional UGA lots are created in the Lake Whatcom Watershed; and change the current Item 4 to Item 5." Minutes, May 18, City Council meeting. Essentially, the City Council agreed with Mr. McShane that there should be no new urban lots in the Lake Whatcom watershed.

Mr. Matichuk's lots are already urban sized lots as the lot sizes of Lots 13-23, Block 3, Plat of South Geneva, range from .15 acres to .18 acres. Lot 24 is 0.3 acres. In the UR-3 zone, the conventional lot size is 12,000 square feet (approximately 0.27 acres) in short term planning areas with public sewer and water and stormwater collection and detention facilities. WCC 20.20.252.

**Comment on DEIS:**

The DEIS includes the Matichuk property within the Suitability Analysis Area located in the vicinity of the current Geneva UGA. DEIS Figures 2-9, 3-1 and 3-2. Mr. Matichuk's proposal is identified with a green checkmark. DEIS figure 3-1. The Geneva Suitability Analysis Area borders on a sensitive watershed, Lake Whatcom. For areas in the sensitive watershed area, the County identifies two options for the Bellingham UGA: (1) where not fully developed, consider UGA boundary changes to protect remaining undeveloped areas; and (2) In developing/redeveloping areas, implement watershed protection and low impact development

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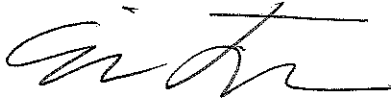
Page 3

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measures. DEIS, p. 111. With regard to lot patterns, the DEIS suggests if the UGA has excess capacity, tighten boundaries to include only areas already developed at urban densities and other appropriate lands needed for growth. DEIS, p. 112.

We agree with the County's approach to the Geneva UGA suitability area. However, the DEIS should contain additional analysis as to why the Matichuk proposal satisfies the suitability criteria for inclusion in the Geneva UGA. In addition, some definition of "proposed docket item" would be appropriate. Inclusion of the Matichuk property within the Geneva UGA fits with the suitability criteria set forth in the DEIS as it is already mostly developed. Critical areas, biodiversity, resource lands remain unaffected by such a change. The property is already served by water and sewer from the Lake Whatcom Water and Sewer District. Furthermore, any impact on Lake Whatcom and Transportation will be minimal and not significant as the change will result in the addition of only one more residence. Finally, this change will mirror the development patterns and lot sizes within the UR-3 zone upon which the Matichuk property borders. The net effect of granting Matichuk's request and fixing this mistake will not be environmentally significant, however, it will make a great deal of difference to Mr. Matichuk. We urge you to include Matichuk's property within the Geneva UGA.

Sincerely,  
ZENDER THURSTON, P.S.



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cc: Robert Matichuk