



September 16, 2009

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

Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

RE: City of Blaine UGA – West Semiahmoo Area

Honorable Members of the Whatcom County Council and
Whatcom County Planning Commission:

We have previously written requesting that the West Semiahmoo area of Blaine's existing UGA not be removed for the urban growth area of Blaine. In light of the County Executive's recommendation we feel that we need to once again state our case for the retention of the West Semiahmoo Area of the Blaine UGA and express our disappointment with a planning process that has virtually excluded property owner participation during the crucial first phase of the planning process. The process has moved at break neck speed providing limited formal opportunity for the public to review and understand the work products of the Planning Departments and their consulting team. The implications of those work products and the affect on the community are only now being fully understood, both by the public and apparently by the Planning Department as well.

With regard to the Blaine UGA, we have argued that the current Blaine UGA area has been in place for more than 12 years since the adoption the County's first comprehensive plan adopted under the Growth Management Act in May 1997. Over the ensuing 12 years, landowners, public entities including the City, the County, utility districts, and fire districts have been planning under the existing UGA. In fact, the County Council recently approved updates to the Water and Sewer Comprehensive Plans of the Birch Bay Water and Sewer District. Both of these comprehensive utility plans have long contained provision for providing sewer and water service to the West Semiahmoo Area of the Blaine UGA and continue to do so with this latest update.

We have also argued that the notion that a long established UGA could get smaller seems to contradict the idea of having 20 year planning periods. It is understandable that Urban Growth Areas should be reviewed periodically during the 20-year planning period with the idea of expanding the boundaries if land supply appears constrained. The idea that "underperforming" UGA's should be examined and downsized as well, however, does

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not seem to be consistent with the idea of long term comprehensive planning that provide predictability for the landowner and government and private service providers.

The predictability aspect of urban growth areas is particularly relevant to the Blaine UGA. In 1996 and 1997, the County's growth management planning effort was challenged on a number of issues including the size of its Urban Growth Areas including Blaine's UGA. In their final decision and order in the matter of *Wells, et al vs Whatcom County #97-2-30c*, the Western Washington Growth Management Hearings Board found that with the exception of the Drayton Harbor area and the aquifer recharge area that the Blaine UGA as established under the County's 1997 Comprehensive Plan "is not invalid and complies with GMA".

With a specific ruling by the Board as to the validity of certain areas of the Blaine UGA, it seems reasonable that property owners in the West Semiahmoo area (an area found to be in compliance by the Board) should conclude that this area would remain in Blaine's Urban Growth Area until eventually annexed by the City and plan accordingly - certainly, the City of Blaine, Birch Bay Water and Sewer District and the Fire District all did so.

We again point out that the notion that a long established UGA, especially one that was determined to compliant with GMA could get smaller seems to contradict the idea of urban growth areas and the idea of having 20 year planning periods. It is understandable that Urban Growth Areas should be reviewed periodically during the 20-year planning period with the idea of expanding the boundaries if land supply appears constrained. The idea that "underperforming" UGA's should be examined and downsized as well, however, does not seem to be consistent with the idea of long term comprehensive planning that provides predictability for the landowner and government and private service providers, especially when there is no reason to do so. The fact that the Hearings Board had determined in 1997 that the West Semiahmoo portion of the Blaine UGA was compliant with GMA should be sufficient justification to keep this area in Blaine's UGA.

Thank you for considering our comments.

Very truly yours,
TRILLIUM CORPORATION



Chris Benner
Vice-President Real Estate Development

cc: Amy Kosterlitz, GordonDerr LLP
City of Blaine City Council
David Stalheim, Whatcom County Planning and Development Services