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SIMI JAIN, Attorney
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311 Grand Avenue, Suite 105
Bellingham, Washington 98225

Re: Matichuk re Whatcom County's proposed Ordinance adopting new urban growth areas.

Dear Council members,

Mr. Matichuk requested that the County Council 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.¹ You may recall that the County Council chose not to consider Mr. Matichuk's request for its 2009 docket primarily because the County was reviewing its UGA. The time is ripe for the County Council to fix this mistake. Consideration of all the information contained in the DEIS, the FEIS, and input from the City of Bellingham, leads to fixing this mistake as it will greatly benefit Mr. Matichuk, result in a more logical zoning boundary and have an insignificant effect on the Lake Whatcom watershed.

The proposed Ordinance Amending Whatcom County Zoning Code Title 20, the official Whatcom County Zoning Map, and the Whatcom County Comprehensive Plan and Maps, to Implement Changes Relating to Completion of the 10 Year Review of the Urban Growth Areas Required under the Growth Management Act ("Ordinance"), states that the City of Bellingham requested that the areas within the Lake Whatcom Watershed currently in the UGA remain in the UGA. *Ordinance, Section 84.* Mr. Matichuk supports keeping the Geneva area within the UGA.

However, the Ordinance also proposes to rezone Lake Whatcom watershed UGAs to UR (1 unit per 5 acres), the zoning to be consistent with the City's request for the creation of no additional urban

¹ 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. These lots are now held by a number of 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 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.

lots in the watershed. *Ordinance, Section 87.* Mr. Matichuk opposes a rezone of the Lake Whatcom watershed UGAs to 1 unit per 5 acres.

There is some disagreement between the City of Bellingham and Whatcom County regarding the number of possible additional dwelling units in the Geneva area at full build out. Whatcom County has indicated that the UR3 zoning would allow another 152 dwellings at full build out. *Memo Stalheim to Planning Commission, 10/06/09.* And, that by changing the zoning to one unit per five acres (R5), 74 additional units is the development capacity. The City of Bellingham's planning director indicated that due to the City's water service policy, the real development capacity in the Geneva UGA under UR3 zoning is 77 additional units. *Email Tim Stewart to David Stalheim, 10/08/09.* The difference between a rezone and maintaining the current zoning is so minimal that a rezone is unnecessary.

A rezone would have a negative effect on property owners with smaller lots that cannot meet the County's zoning requirements. These property owners will be left with property that cannot be developed in an urban growth area.

We urge the inclusion of Mr. Matichuk's property within the Geneva area UGA and oppose the rezone of the Geneva area UGA. A rezone of the Geneva area UGA will negatively affect property owners with undeveloped land in the Geneva area.

Sincerely yours,



Simi Jain

c. client