

## Kate Blystone - Fwd: Geneva and Hillsdale UGAs

---

**From:** PDS  
**To:** David Stalheim; Kate Blystone  
**Date:** 10/15/2009 4:21 PM  
**Subject:** Fwd: Geneva and Hillsdale UGAs

---

>>> "Wendy Harris" <w.harris2007@comcast.net> 10/15/2009 2:06 PM >>>

### GENEVA AND HILLSDALE SHOULD BE REMOVED FROM THE BELLINGHAM'S URBAN GROWTH AREAS

The GMA does not allow designation of areas for urban growth where no such urban growth is anticipated during the planning period.

C.U.S.T.E.R. v. Whatcom County, 96-2-0008 (MO 7-25-97).

### **An Area Should Not Be Designated As An Urban Growth Area Where No Urban Growth Is Planned**

The Geneva and Hillsdale UGAs are located within the Lake Whatcom watershed. Both the County and Bellingham agree that additional development should not be encouraged in these UGAs. The most logical step would be to remove these UGAs and rezone these areas as rural. After all, UGAs are the land designated in a Comprehensive Plan to accommodate urban growth. RCW 36.70A.030(18) and 36.70A.110.

In contradiction of this logic, Bellingham requested that it retain the Geneva and Hillsdale UGAs. The Whatcom County Planning Commission not only agreed with this request, but recommended that the County Comprehensive Plan be amended to prohibit urban level development within the Lake Whatcom UGAs. The result: designating an area for urban growth where urban growth is expressly prohibited. This approach is nonsensical on its face, and I urge County Council members to reject the flawed logic of this recommendation.

Land is only included in a UGA if it is deemed appropriate for urban development. If it is not appropriate for urban development, it should be left out of the UGA. Abenroth v. Skagit County, 97-200060 (FDO, 1-23-98). The fact that an area is urbanized, or already has water and sewer facilities, does not require a County to designate it as a UGA. Achen v. Clark County, 95-2-0067, (CO 10-1-96).

This issue has been litigated specifically with regard to Lake Whatcom and the Western Washington Growth Management Hearings Board determined that the GMA does not allow designation of a UGA that is not expected to develop at urban densities in order for a city to have greater control over its water supply. WEC v.

Whatcom County, 94-2-0009 (MO 7-25-97); C.U.S.T.E.R. v. Whatcom County, 96-2-0008 (MO 7-25-97). The protection of a critical area, such as Lake Whatcom, is the function of a proper ordinance, not by the establishment of a UGA. Id.

### **UGAs Require Transformation of Governance**

The Geneva and Hillsdale UGAs have existed for some time, and until this current UGA review process, there has been almost no talk of annexation, nor does it appear that annexation would be financially feasible in the near future. In an attempt to sell the UGAs to City and County Councils, I have heard both Planning Staffs stating that there is no requirement for annexation after a UGA is established. This is misleading. One of the purposes of a UGA is to achieve a transformation of governance. For this transformation to take place, "...a clear implication of legislative directive is that incorporations and annexations must occur." City of Snoqualmie v. King County, 92-3-0004 (FDO, 3-1-93); Abenroth, Id.

### **A Comprehensive Watershed Based Management Strategy Is Necessary to Restore Lake Whatcom**

The only effective approach to restoring Lake Whatcom is to adopt and fund an interjurisdictional watershed based strategy along the lines of the Birch Bay Watershed Characterization and Study Pilot Project. Allowing the watershed UGAs to remain status quo does not assist in this process. Until the City, County and Water District can implement, fund and enforce a comprehensive and uniform watershed based adaptive implementation strategy, the current pattern of ineffective ad hoc projects by the separate jurisdictions will continue. The watershed UGAs should be removed and this area of the watershed must be strictly protected until an effective and meaningful approach for restoring the Lake is created.

Thank you allowing me to provide public comment on the Geneva and Hillsdale UGAs.

Sincerely,  
Wendy Harris  
Bellingham Resident