

**RESOLUTION NO. 2010-05**

**A RESOLUTION RECOMMENDING AGAINST FURTHER CHANGES TO BELLINGHAM'S URBAN GROWTH AREA BOUNDARY IN 2010.**

**WHEREAS**, in 2009 Whatcom County completed an extensive review of Bellingham's urban growth area (UGA) boundary as part of the required 10-year UGA update review process; and

**WHEREAS**, in November 2009, the County adopted Ordinance 2009-071 maintaining Bellingham's UGA boundary except for the Lake Padden Watershed portion of the Yew Street area which the County placed in an "UGA Reserve"; and

**WHEREAS**, the City of Bellingham agreed with and supported the County's action to adopt UGA boundaries for Bellingham in 2009, with the understanding that the City and County would have the opportunity to review the boundary again as part of the 2011 comprehensive plan update process; and

**WHEREAS**, Whatcom County has an upcoming March compliance hearing before the Western Washington Growth Management Hearings Board to determine whether the County has adequately completed its 10-year UGA update review process and its UGA boundaries are GMA compliant; and

**WHEREAS**, the appellants in this Growth Board case and the County have recently asked the Growth Board to delay the compliance hearing to give the parties time to explore settlement of the appeal; and

**WHEREAS**, a settlement of the case may result in Whatcom County modifying the Bellingham UGA boundary that it adopted in Ordinance 2009-071; and

**WHEREAS**, the state Growth Management Act allows local governments to amend their comprehensive plan, including UGA boundaries, on an annual basis; and

**WHEREAS**, Whatcom County has a process in place to consider whether or not to docket proposed amendments to their comprehensive plan; and

**WHEREAS**, the County has received two requests to docket for review in 2010 comprehensive plan amendment proposals that would add property north and east of the City to Bellingham's UGA; and

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

**WHEREAS**, both of the areas requesting inclusion in Bellingham's UGA were discussed at length during the County's 10-year UGA update process that concluded with the County's adoption of Ordinance 2009-071 in November 2009; and

**WHEREAS**, neither of these areas was included in Bellingham's UGA by the County in 2009; and

**WHEREAS**, the County has asked the City to comment on whether or not the proposed amendments to the UGA boundary should be docketed for review in 2010.

**NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL:**

1. The City of Bellingham supported the County's action in November 2009 to maintain Bellingham's UGA boundary except for the Lake Padden Watershed portion of the Yew Street area which the County placed in an "UGA Reserve." (See attached City Council Resolution 2009-14 and letter of agreement for the Yew Street UGA.)

2. The Whatcom County Council should avoid making further changes to the Bellingham UGA boundary until the City completes its 2011 comprehensive plan update process. Any potential boundary changes to the UGA should be reviewed as part of the 2011 comprehensive plan update process.

3. The County should decline to docket for review in 2010 any potential changes to the County's comprehensive plan related to Bellingham's UGA boundary and reject any settlement of the Growth Board appeal regarding the County's 10-year UGA update process that requires a modification of Bellingham's UGA boundary.

**PASSED** by the City Council this 8<sup>th</sup> day of February, 2010.

\_\_\_\_\_  
Council President

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

**ATTEST:** \_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Office of the City Attorney

(3)

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

**RESOLUTION NO. 2009-14**

**A RESOLUTION CONTAINING RECOMMENDATIONS REGARDING POTENTIAL CHANGES TO BELLINGHAM'S URBAN GROWTH AREA.**

**WHEREAS**, the State Growth Management Act requires Whatcom County to review and update all urban growth area (UGA) boundaries every 10 years; and

**WHEREAS**, Whatcom County is under a Growth Management Hearings Board order to complete the UGA update process by December 1, 2009; and

**WHEREAS**, Bellingham, the other cities and the County have worked together since 2008 to develop new 20-year growth forecasts and to perform a land capacity analysis for the cities and UGAs; and

**WHEREAS**, the County intends to use the population growth forecasts and the land capacity analysis (LCA) to review and update UGA boundaries; and

**WHEREAS**, the County has asked cities to provide recommendations regarding potential changes to UGA boundaries by June 1, 2009; and

**WHEREAS**, the Bellingham Planning Commission held a public hearing on May 5, 2009 to review potential changes to Bellingham's urban growth area and to receive public comment; and

**WHEREAS**, the Planning Commission adopted recommendations at their May 5 meeting; and

**WHEREAS**, the Bellingham City Council held a public hearing on May 18, 2009 to review and take public comment on the potential changes to the Bellingham UGA; and

**WHEREAS**, the City Council concurs with the recommendations of staff and the Planning Commission that no significant changes are needed to the Bellingham UGA at this time.

**NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL:**

1. The County should not use the results of their LCA to make significant changes to the Bellingham UGA at this time. City and County should monitor actual development in the

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

(1)

city and UGA to compare the County's development assumptions in their LCA with the densities that are actually achieved over time.

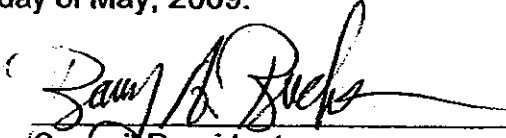
2. There is no "bright line" rule in state law that defines urban density as at least four dwelling units per acre. The burden of proving otherwise rests with the County.

3. In light of these issues, the County should make no changes to the Bellingham UGA boundary at this time.


4. The City Council requests of the County that no additional UGA lots be created in the Lake Whatcom Watershed.

5. The capacity for development in the city and UGA and possible boundary changes should be reviewed again as part of the 2011 comprehensive plan update process.

PASSED by the City Council this 18<sup>th</sup> day of May, 2009.

  
Council President

APPROVED by me this 20<sup>th</sup> day of May, 2009.

  
Mayor

ATTEST:   
Finance Director

APPROVED AS TO FORM:

  
Office of the City Attorney

PUBLISHED: May 22, 2009

(2)

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903



# BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225  
Telephone (360) 778-8200 Fax (360)778-8101  
Email: ccmil@cob.org Website: www.cob.org

September 14, 2009

Whatcom County Council  
Whatcom County Courthouse  
311 Grand Ave., Suite 108  
Bellingham, WA 98225

VIA HAND DELIVERY

RE: County Executive's Recommendations for Bellingham

Council Members,

Thank you for the opportunity to comment on Executive Kremen's recommendations regarding population growth forecasts and potential changes to the city's urban growth area (UGA) boundary.

As we understand it, Executive Kremen's recommendations for Bellingham include:

1. A 20-year population growth forecast allocation of 116,201 for the Bellingham UGA.
2. Removal of the Geneva and Hillsdale areas from the Bellingham UGA.
3. Removal of the Lake Padden Watershed portion of the Yew Street urban growth area and placing it in a "reserve" category.

We will address each of these recommendations separately as follows.

### Recommendation 1. 2031 Population Growth Allocation

As you will recall, the Bellingham City Council recommended a population growth allocation of at least 113,055. Executive Kremen's recommendation of 116,200 is about 3,150 higher than the City's original recommendation. The justification for this recommendation is provided on page 4 of the County's August 17 "Urban Growth Area Review, County Executive Recommendations" document:

*"Bellingham has been, and will continue to be, the primary population and employment center in Whatcom County. The city of Bellingham request for no additional growth allocation can lead to increased pressure on rural and resource lands if there are not sufficient housing opportunities in that community."*

We support the Executive's slightly higher growth allocation, with the understanding that: 1) the County will continue its efforts to reduce the development capacity in the rural and agricultural areas of the county; and 2) we will have the opportunity during the 2011 comprehensive plan update process to determine whether or not the city can accommodate the additional growth (reconcile the difference).

Recommendation 2. Removing Geneva and Hillsdale from the Bellingham UGA

The explanation for these recommendations is provided in the *Urban Growth Area Review* packet. The County states in the document that the reason for the recommendation to remove these areas from the UGA is:

*"Continued designation of land within the Lake Whatcom watershed for urban development contradicts our goals of protecting the watershed. Lake Padden is also considered a sensitive water body because it is designated as impaired by pollution under Clean Water Act standards. Protection of water quality from existing and future development can occur through cooperation of the county and city, but designating the Lake Whatcom watershed for urban growth sends the wrong message, while Lake Padden needs to be studied further before urban development continues in that watershed."*

The City has a long-term interest in the water quality of Lake Whatcom because we are responsible for providing the entire population of Bellingham with safe drinking water. It is one of the City's primary obligations to provide this essential resource, and there is an equal obligation to keep the source water clean.

The Geneva area was platted out many years ago and has little development potential remaining on the vacant platted lots. Therefore, removing the area from the UGA and a subsequent downzoning would have little impact on the amount of future development. Even so, we have an interest in the manner in which the remaining development or redevelopment occurs, the rules under which it occurs, and the enforcement of those rules. We continue to believe that eventual annexation of Geneva and Hillsdale and application and enforcement of more restrictive City development standards makes the most sense for lake water quality. See attached Comparison of Development Regulations memo for more information.

We therefore recommend that the Geneva and Hillsdale areas remain in Bellingham's UGA. If the ultimate decision is to remove these areas from the UGA, we urge the County to adopt the development and environmental protection standards recently adopted by the City for the Silver Beach area of Bellingham. We also urge the County to provide the necessary resources to enforce these standards.

Recommendation 3. Removing from the UGA the Lake Padden Watershed area of the Yew Street UGA and placing it in a "Reserve".

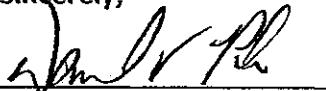
We understand that this action is being contemplated by the County because of concerns about the water quality in Lake Padden and the future development potential in this part of the Padden Watershed.

The Yew Street area has been in Bellingham's UGA since 1997 (and before that in the "Urban Service Area" since the mid-1980s). The City, the Bellingham School District and property owners have all made, or are making, investments in plans, infrastructure and other improvements in the area in reliance on the UGA designation and the current urban zoning.

We understand the issues raised by the Executive with respect to future urban levels of development and potential impacts on the Padden watershed. We also have questions about how to potentially serve the area with the full range of urban services. Therefore we support the County Executive's proposal to place the area in a "UGA Reserve" category. We intend to review this issue as part of the City's 2011 comprehensive plan update process. At that time, we may request that the UGA Reserve designation be removed and the area added back to Bellingham's UGA.

Please contact Tim Stewart or Greg Aucutt if you have any questions regarding our comments.

Sincerely,



Dan Pike, Mayor  
City of Bellingham



Barry Buchanan, President  
Bellingham City Council

- C Pete Kremem, Whatcom County Executive
- David Stalheim, Whatcom County Planning and Development Services
- Alan Marriner, Asst. City Attorney