

RESOLUTION NO. 2008-17

**A RESOLUTION REGARDING WHATCOM COUNTY'S AMENDMENTS TO THE BELLINGHAM URBAN FRINGE SUBAREA PLAN RELATED TO ZONING CHANGES IN THE CITY'S URBAN GROWTH AREA AND REVISIONS TO THE URBAN GROWTH AREA BOUNDARY.**

**WHEREAS**, in 2004, Whatcom County adopted population growth forecasts for the City of Bellingham that required the City to plan for urban area population growth of 31,600 during the 2002-2022 planning period; and

**WHEREAS**, in June 2006 the City adopted a new Comprehensive Plan that established as a matter of policy that the city would accommodate the forecasted growth through a combination of infill within the existing city limits, increased densities in the existing urban growth area (UGA) and expansion of the urban growth area boundary; and

**WHEREAS**, the City and County have jointly engaged in a lengthy process to update the Bellingham Urban Fringe Subarea (UFS) Plan as required by the 1997 interlocal agreement between the City and County; and

**WHEREAS**, key components of the UFS Plan update include a review of the urban growth area boundary and zoning within the UGA in order to establish that the City has sufficient developable land to accommodate future population growth as required by the State Growth Management Act; and

**WHEREAS**, in May 2006 the City Council adopted Resolution 2006-15 recommending changes to zoning densities in portions of the existing UGA that are appropriate for higher densities; and

**WHEREAS**, Resolution 2006-15 also included a recommendation to add certain "Five Year Review" areas to Bellingham's northern UGA to accommodate future population and employment growth, to encourage construction of needed transportation corridors, to create an opportunity to master plan new neighborhoods at densities that support transit, to create additional transfer of development rights receiving zones, and to provide affordable housing; and

**WHEREAS**, Resolution 2006-15 adopted the City's Land Supply Methodology Report dated May 2, 2006, which report was subsequently adopted as part of the City's Comprehensive Plan (the "Land Supply Analysis"); and

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**WHEREAS**, in August 2007 the County Council's Planning and Development Committee recommended to the full County Council most of the zoning changes in the existing UGA that were recommended by the City. However the Committee came to much different conclusions with respect to the need to add land to Bellingham's UGA as recommended by the City; and

**WHEREAS**, in September 2007 the City and County began a reconciliation process in an attempt to reconcile the differences with respect each jurisdiction's position regarding adding land to Bellingham's UGA; and

**WHEREAS**, City and County staff were unable to resolve all the differences with respect to the need for land to be added to Bellingham's UGA; and

**WHEREAS**, in December 2007, the full County Council stated their intent to adopt the Planning and Development Committee's recommendations with some slight modifications; and

**WHEREAS**, on February 4, 2008, the City adopted Resolution 2008-03 supporting Whatcom County's decision to accommodate future growth with a more limited expansion of the City's UGA boundaries than originally recommended by the City in Resolution 2006-15; and

**WHEREAS**, on February 12, 2008, Whatcom County passed Ordinance 2008-003 which adopted a more limited expansion of the City's UGA boundaries than originally recommended by the City in Resolution 2006-15; and

**WHEREAS**, a number of petitions have been filed with the Western Washington Growth Management Hearings Board (Growth Board) challenging Whatcom County's adoption of Ordinance 2008-003; and

**WHEREAS**, on March 17, 2008, Robert Weisen filed a petition with the Growth Board challenging the City's adoption of Resolution 2008-03; and

**WHEREAS**, on April 4, 2008, Jack Petree filed a petition with the Growth Board also challenging the City's adoption of Resolution 2008-03; and

**WHEREAS**, on April 25, 2008, the Growth Board consolidated these two petitions filed against the City into one case, *Jack Petree and Robert Weisen v. City of Bellingham*, Case No. 08-2-0016c; and

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**WHEREAS**, the City and the Petitioners in *Jack Petree and Robert Weisen v. City of Bellingham* desire to settle the case by having the City clarify Resolution 2008-03;

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

1. The City adopted Resolution 2008-03 to show its support for Whatcom County's decision to accommodate future growth with a more limited expansion of the City of Bellingham's UGA boundaries than originally recommended by the City in Resolution 2006-15. The City's position as stated in Resolution 2008-03 had no regulatory effect.
2. Resolution 2008-03 did not modify the City's Comprehensive Plan or Land Supply Analysis that the City adopted in 2006, Resolution 2006-15, or the City's development regulations. The portions of the City's Comprehensive Plan dealing with land supply and UGA boundaries and the City's Land Supply Analysis adopted by the City in 2006 remain in effect today.
3. If Whatcom County's decision to adopt a Bellingham UGA boundary that is less expansive than the boundaries recommended by the City in Resolution 2006-15 is upheld on appeal, the City will evaluate what, if any, changes it must make to its Comprehensive Plan, Land Supply Analysis, and development regulations to maintain consistency with the County's decision.
4. The City will perform this evaluation as part of the annual review of its Comprehensive Plan in the year after the Growth Board finds that Whatcom County's Bellingham UGA boundaries are GMA compliant or as otherwise permitted under the Growth Management Act.
5. If the City determines that its Comprehensive Plan, Land Supply Analysis, or development regulations are inconsistent with Whatcom County's decisions regarding the City's UGA as upheld by the Growth Board, it will follow the legislative process outlined at BMC 21.10.150 to determine what amendments are necessary to achieve consistency. This process will include broad notice to the public and at least one public hearing before the Planning Commission and one public hearing before City Council. Any changes to the City's Comprehensive Plan, Land Supply Analysis, or development regulations that are necessary to achieve consistency with Whatcom County's decisions regarding the City's UGA will be determined as a result of this legislative process. Nothing in Resolution 2008-03 dictates or prejudices the result of this process or the changes that might be made.

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PASSED by the Council this 19th day of May, 2008.

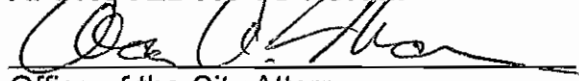
  
Council President

APPROVED by me this 20<sup>th</sup> day of May, 2008.

  
Mayor

ATTEST:   
Finance Director

APPROVED AS TO FORM:

  
Office of the City Attorney