**BEFORE THE WESTERN WASHINGTON GROWTH**

**MANAGEMENT HEARINGS BOARD**

WHATCOM ENVIRONMENTAL COUNCIL,)
)
Petitioner,)No. 94-2-0009
)
vs.)ORDER DENYING
)RECONSIDERATION
WHATCOM COUNTY,)
)
Respondent.)
_____)

On November 21, 1994, Whatcom County requested we reconsider a portion of our ruling entered November 9, 1994, in the above entitled action.The request was directed toward the portion of our order concerning adoption of municipal boundaries as the IUGA until such time as proper analysis and public participation could be accomplished. The County argued that the GMA does not require, nor allow, establishing an IUGA at existing city limits.The argument is summarized at page 2 of the motion as follows:

> "...That is to say, any IUGA must be based on proper analysis of the relevant factors, and that not even the current city limits is acceptable as an IUGA boundary unless the proper analysis of the relevant factors results in the placement of the boundary at that location."

The difficulty with Whatcom County's position is shown by the approach taken toward the requirement that an IUGA be fixed by October 1, 1993.Whatcom County initially took the position that fixing an IUGA was a meaningless act.Ultimately, on May 2, 1994, an IUGA ordinance was adopted, but only because a petition was filed and a hearing was pending.(See *Watershed Defense Fund, et.al. vs. Whatcom County*, WWGMHB #94-2-0003).When that ordinance was challenged in the instant case, the County candidly acknowledged that there was no current planning analysis undertaken prior to establishing the IUGAs. Additionally, the County did not take action to restrict urban growth outside a properly established IUGA boundary.

The Legislature directed that an IUGA be established by October 1, 1993, RCW 36.70A.110(4). Whatcom County does not appear to have made an effort to comply with that legislative direction.The fallacy in the County's argument is that if compliance with the Act did not require establishing an IUGA at municipal boundaries as a "default" or base position, the approach taken by Whatcom County in this case would render the provisions of RCW 36.70A.110(4) meaningless.

We adhere to our analysis of the relationship between RCW 36.70A.110(1) and (4).The motion for

reconsideration is denied.

This is a Final Order under RCW 36.70A.300 for purposes of appeal.

DATEDthis 7th day of December, 1994.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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William H. Nielsen
Board Member/Presiding Officer

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Les Eldridge
Board Member

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Nan A. Henriksen
Board Member