

MEMORANDUM

TO: Whatcom County Council
FROM: Tyler Byrd
RE: Previous COW action does not comply with County Code
DATE: October 27, 2025

1. Introduction

The County Council Committee of the Whole (COW) at its October 21, 2025, meeting discussed AB2025-513 regarding the 2025 Comprehensive Plan Update. The discussion went beyond reviewing the project status and staff effort to date and focused on specific proposed UGA boundaries. The COW then passed a motion to approve multiple UGAs, including Bellingham's which at that time had not been approved by the Planning Commission or Bellingham City Council.

The COW action does not comply with County Code as it bypassed the required review and adoption of written Findings and Conclusions by the County Planning Commission before the County Council can take any action.

2. County Code

The relevant Whatcom County Code is:

a. **WCC 2.31.025 Duties.**

The planning commission shall assist the planning and development services department in carrying out its duties, including assisting in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. The planning commission shall conduct such hearings as may be required under RCW Chapter [36.70](#), and shall make findings and conclusions therefrom which shall be transmitted to the planning and development services department. The planning and development services department shall transmit the recommendations of the planning commission to the county council with such comments and recommendations the department deems necessary. (Ord. 93-042 Exh. A; Ord. 93-003 Attachment D (part)).

<https://www.codepublishing.com/WA/WhatcomCounty/#!/WhatcomCounty02/WhatcomCounty0231.html#2.31>

3. **Growth Management Act Requirements (RCW [36.70.040](#))**

Department—Creation—Creation of commission to assist department.

By ordinance a board may, as an alternative to and in lieu of the creation of a planning commission as provided in RCW [36.70.030](#), create a planning department which shall be organized and function as any other department of the county. When such department is created, the board shall also create a planning commission which shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.

[[1963 c 4 s 36.70.040](#). Prior: [1959 c 201 s 4](#).]

<https://app.leg.wa.gov/RCW/default.aspx?cite=36.70.040>

4. **Conclusion**

County Code is clear: the Planning Commission tenders their recommendation via adopted findings and conclusions to the County Council. The Planning Commission has yet to complete their review of all UGAs. The GMA requires a coordinated UGA review in concert with adopted projections for land capacity, population, and employment and the Final EIS. The Commission has not completed this process.

By selectively intervening into the UGA review currently, the COW has violated Whatcom County Code and possibly the State GMA requirements. This violation must be repaired so that the 2025 Comprehensive Plan can be completed transparently by the Planning Commissioners, according to their code obligations, and only then submitted for County Council action. This immediate action must occur now to remove an easy appeal to the State Growth Management Hearings Board.