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Mark Personius
Director

Memorandum

January 13, 2020

TO: The Honorable Satpal Sidhu, Whatcom County Executive
The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner *MA*

THROUGH: Mark Personius, Director *MP*

RE: Interim Interlocal Agreement Relating to Countywide Planning Policies

The Growth Management Act required the County to adopt countywide planning policies in cooperation with the cities (RCW 36.70A.040(4) and RCW 36.70A.210). Countywide planning policies establish a framework for developing city and county comprehensive plans and ensuring these plans are consistent. The County Council originally adopted countywide planning policies in 1993 and amended these policies in 1997 and 2005.

The Washington State Legislature approved Engrossed Second Substitute Senate Bill 5254 relating to the Growth Management Act's "Review and Evaluation" (buildable lands) program requirements in 2017. This legislation imposes new requirements that Whatcom County must address, in close coordination with the cities, over the next several years. One of these requirements is to amend the countywide planning policies to establish the buildable lands program.

As the City/County Planner Group discussed the requirement to amend the countywide planning policies, we came to the conclusion that we needed to establish an interim procedure for making amendments. We established a subcommittee that reviewed other jurisdictions' procedures for countywide planning policy amendments, drafted a proposed interlocal agreement, and brought it back to the City/County Planner Group for consideration.

The County Council's Special Committee of the Whole met on September 10, 2019 to discuss the draft interlocal agreement, and expressed two general concerns:

1. Authority to Initiate Amendments – The Special Committee of the Whole was concerned about initiation of a proposed countywide planning policy amendment by a non-elected official (city manager).

Staff Comment: The City/County Planner Group met to discuss this concern. First, it should be noted that a city manager would be authorized to initiate an amendment to the countywide planning policies, but this only starts the review process. The County Council and each city council would ultimately have to approve the proposed countywide planning policy amendments before they become effective. Additionally, the Blaine City Manager wrote a

letter dated October 29, 2019 (attached) indicating that, under the city's form of government, the City Manager is Blaine's chief executive officer. Therefore, a city manager should be able to initiate countywide planning policy amendments.

2. City Approval – The Special Committee of the Whole was also concerned about essentially ceding authority, as Bellingham or a group of three small cities could veto County Council adoption of countywide planning policies.

Staff Comment: The City/County Planner Group met to discuss this concern and recommended several changes to the draft interlocal agreement. Initially, we would note that countywide planning policies apply to the County and all cities. Therefore, a collaborative process to amend these policies is favored. The City/County Planner Group recommended a more iterative approval process, which includes the following steps:

- The City/County Planner Group would issue recommendations on the proposed countywide planning policies;
- The County Planning Commission would hold a public hearing and issue recommendations on the proposed countywide planning policies;
- The County Council's Committee of the Whole would review the proposed Countywide planning policies and vote on whether or not to send final draft countywide planning policies to the cities for review and approval;
- The city councils would vote to approve or disapprove the draft countywide planning policies (the policies could not be changed at this point);
- The County Council would hold a public hearing and take a final vote on the draft countywide planning policies (the policies could not be changed at this point).

Additionally, the City/County Planner Group modified the proposal so that three small cities could not stop the approval process. In the revised proposal, at least 4 small cities would have to vote against the proposal to stop it.

Finally, the proposed countywide planning policies were modified so that city approval comes prior to final County Council approval. In the previous version, the cities could essentially veto final County Council approval.

The revised interlocal agreement was discussed at the Small Cities Partnership/Caucus meeting on December 17, 2019. No further changes were made at that meeting.

County Planning and Development Services would like to discuss the proposed interlocal agreement with the County Council's Special Committee of the Whole on January 28 to ascertain whether or not the Council has any concerns with the revised proposal. The cities would then take the agreement through their respective approval processes (and obtain signatures of the appropriate city officials), before the agreement would come back to the County Council for a formal vote and signature by the County Executive.

Thank you for your review and consideration of the proposed interlocal agreement between Whatcom County and the cities. We look forward to discussing it with you.