



Memorandum

September 22, 2020

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Director

RE: Countywide Planning Policies (File # PLN2020-00007)

The Washington State Legislature approved Engrossed Second Substitute Senate Bill or [ESSSB 5254](#) relating to the Growth Management Act's "Review and Evaluation" (buildable lands) program requirements in 2017. The review and evaluation program has several main components, which are summarized below:

- Determining whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions contained in the county and city comprehensive plans with actual growth and development that has occurred;
- Determining whether there is sufficient land that is suitable for development in the future; and
- Identifying reasonable measures, if necessary, to reduce the differences between growth assumptions contained in comprehensive plans and actual development patterns ([RCW 36.70A.215](#)).

The Growth Management Act, originally enacted in 1990-91, required the County to adopt countywide planning policies (CWPPs) in cooperation with the cities (RCW 36.70A.040 and RCW 36.70A.210). CWPPs establish a framework for developing city and county comprehensive plans and ensuring these plans are consistent. The County Council originally adopted CWPPs in 1993 and amended these policies in 1997 and 2005.

The 2017 State legislation (ESSSB 5254) imposes new requirements that Whatcom County must address, in close coordination with the cities, over the next several years (see RCW 36.70A.215). One of these requirements is to amend the CWPPs to establish the Review and Evaluation Program. Another requirement is to adopt dispute resolution procedures.

The City/County Planner Group developed proposed CWPPs relating to the Review and Evaluation Program and Dispute Resolution Procedures in 2019-2020. These policies will govern how the County and cities will implement and maintain the Review and Evaluation Program. The policies also set forth procedures for resolving any disputes relating to the CWPPs that should arise between the jurisdictions.

The County Executive initiated the CWPPs for review in August 2020 pursuant to an Interlocal Agreement¹ concerning interim procedures for amending the Policies (Contract No. 202007014). The Planning Commission recommended approval of the CWPPs on September 10, 2020.

The City/County Planner Group recommended a modification to proposed CWPP R.2 on September 18, 2020 after Planning Commission review. The City of Bellingham noted that, under the originally proposed CWPPs, one jurisdiction could impose arbitration on other jurisdictions if mediation doesn't work out. Therefore, City/County Planner Group recommended an amendment to Policy R.2 to indicate that both the mediation and arbitration processes would be undertaken by mutual agreement of the parties involved. This change, which relates to how the cities and the County interact in case of a dispute, is shown within underlining and strikethroughs on Exhibit A.

Per the Interlocal Agreement, the next steps in the process are as follows:

- **Whatcom County Council Review** – The County Council will invite County and City planners to a committee of the whole meeting to discuss the proposed CWPP amendments. The County Council's committee of the whole will take a vote on whether or not to send final draft CWPP amendments to the cities for review and approval.
- **City Approval Process** – The respective city legislative authorities must act upon final draft CWPP amendments within 90 days of the County Council vote to send the amendments to the cities for review and approval. City approval means a vote by the legislative authority to approve or disapprove the CWPP amendments (up or down vote). Final draft CWPP amendments may not be modified during the city approval process.
- **Whatcom County Council Adoption** – Following approval of the CWPP amendments by the cities, the County Council may, after conducting a public hearing, adopt the CWPP amendments. Final draft CWPP amendments may not be modified during the County Council adoption process.

Thank you for your review and consideration of the proposed CWPPs. We look forward to discussing them with you.

¹ The Interlocal Agreement Between Whatcom County and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas Concerning Interim Procedures for Amending the Countywide Planning Policies was authorized by the County Council on July 7, 2020 (AB2020-263) and signed by the County Executive on July 14, 2020.