



Memorandum

September 14, 2022

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

FROM: Matt Aamot, Senior Planner

THROUGH: Steve Roberge, Assistant Director

RE: Interlocal Agreement - Countywide Planning Policies Amendment
Procedures

The Growth Management Act (GMA) 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, 2005, and 2021.

As the City/County Planner Group discussed the GMA requirement to amend the countywide planning policies in association with the Buildable Lands Program, we came to the conclusion that we needed to establish an interim procedure for making countywide planning policy amendments. The Group 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 (SCOTW) met on September 10, 2019 and January 28, 2020 to discuss the draft interim interlocal agreement. The SCOTW approved a motion to accept the proposed Interlocal on February 11, 2020 (7-0 vote). All 7 cities signed the Interim Interlocal Agreement. After County Council authorization, the Executive signed the Interim Interlocal Agreement on July 14, 2020 (Whatcom County Contract No. [202007014](#)).

The City/County Planner Group is now proposing a long-term Interlocal Agreement establishing procedures for amending countywide planning policies, to replace the Interim Interlocal Agreement. Main differences between the approved Interim Interlocal Agreement and the proposed long-term Interlocal Agreement include changes to the following sections:

- Tribal and Federal Agency Participation (Section 1.3) – A new section was added relating to inviting the Lummi Nation, Nooksack Tribe, and appropriate federal agencies to participate in and cooperate with the countywide planning

policy amendment process in accordance with RCW 36.70A.210(4). This new section was added in response to Substitute House Bill 1717 that was passed by the State Legislature and signed by the Governor in 2022.

- Recommendation (Section 1.4) – A clause was removed that essentially allowed the City/County Planner Group to stop a Countywide Planning Policy amendment from going forward (unless overruled by the County Executive and majority of mayors). Under the current proposal, if the City/County Planner Group recommends denial of an amendment, it will still proceed for review by the County Planning Commission and County Council. A timeframe was added that the County Planning Director must refer proposed CWPP amendments to the City/County Planner Group *within 10 days*. Finally, the option for City/County Planner Group members to vote by email was removed (with ZOOM or hybrid meetings, this would typically not be necessary).
- Ratified Amendments (Section 1.10) – A clause was added to ratification method A that at least 50% of the total jurisdictions must vote for the amendments (so that a minority of jurisdictions could not impose new CWPPs on the majority of jurisdictions).
- Effective Date, Duration and Termination (Section 2) – The proposal is a long-term Interlocal Agreement that would be valid through December 31, 2032. The existing Interim Interlocal Agreement is set to expire in 2024 or when new CWPP amendment procedures are adopted, whichever comes first.
- Termination of Interim Procedures (Section 3) – Explicitly terminates the Interim Interlocal Agreement, as it is being replaced by the proposed long-term Interlocal Agreement.

Section 1.10 of the proposed long-term Interlocal Agreement provides two methods to ratify countywide planning policy amendments. In order to become effective, the amendments would have to be approved by:

- Method 1 - Jurisdictions (the County and cities) representing at least 85% of the total population of Whatcom County and at least 50 percent of the total number of jurisdictions; **or**
- Method 2 - At least 75% of the jurisdictions, provided that Whatcom County must be one of the jurisdictions to approve the amendments (i.e., the County and at least 5 of the 7 existing cities).

Under method 1, the County, the City of Bellingham and two or more small cities (depending on population) would need to approve a countywide planning policy amendment. Disapproval by the County, the City of Bellingham, or a coalition of small cities would prevent the countywide planning policies from being ratified

under this method. However, there is a second method under which countywide planning policies could be ratified.

Under method 2, the County and at least 5 of the seven cities would need to approve a countywide planning policy amendment. Disapproval by the County or a coalition of three cities would prevent the countywide planning policies from being ratified *under this method.*

The chart below shows the different possible routes to ratification. For the amendments to become effective, ratification is only required under method 1 or method 2. Additionally, Whatcom County is the only jurisdiction that must approve the countywide planning policies amendments in every scenario.

| Approval by | Ratification under Method 1? | Ratification under Method 2? | Bellingham's Approval Required? | % of County Population Represented |
|---|---|------------------------------|---------------------------------|------------------------------------|
| County, Bellingham, and 2 or 3 small cities | Yes (except if the cities are the smallest ones) | No | Yes | 85% |
| County, Bellingham, and 4 small cities | Yes | Yes | Yes | 86% |
| County and 5 small cities | No | Yes | No | 53% |

NOTE: The “% of County Population Represented” is the minimum percentage of the countywide population represented by the jurisdictions approving the amendments. For purposes of this chart, the County represents the unincorporated population, which is approximately 41% of the countywide population. Bellingham has about 40% of the countywide population. These percentages are from the 2020 Census.

On September 27, Planning and Development Services would like to provide an overview of the proposed Interlocal Agreement and ask the County Council to identify any concerns prior to review by the seven city councils. After approval by the city councils, we will bring the interlocal agreement back to the County Council to hold a public hearing and vote to authorize the Executive to sign the Interlocal Agreement.

Thank you for your review and consideration of the proposed Interlocal Agreement between Whatcom County and the cities.