

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

This agreement is made by and between Whatcom County (herein after referred to as the “County”) and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas (herein after referred to as the “Cities”).

WHEREAS, 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); and

WHEREAS, the GMA states countywide planning policies are used “. . . solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent . . .” (RCW 36.70A.210(1)); and

WHEREAS, the County Council adopted the original countywide planning policies in April 1993 (Resolution 93-024); and

WHEREAS, the County Council amended the countywide planning policies in March 1997 (Resolution 97-011); and

WHEREAS, the County Council amended the countywide planning policies in January 2005 (Ordinance 2005-022); and

WHEREAS, cooperative relationships and coordination between the County and Cities are mutually beneficial; and

WHEREAS, the Cities and County desire to agree on an interim procedure for amending the countywide planning policies in this interlocal agreement; and

WHEREAS, the County and Cities anticipate that new sections will be inserted into the countywide planning policies establishing procedures for future amendments to the countywide planning policies and addressing the GMA-mandated Review and Evaluation (Buildable Lands) Program. Once the amendment procedures have been incorporated into the countywide planning policies, this interlocal agreement will no longer be needed;

NOW, THEREFORE, subject to the terms and conditions contained herein, the Cities and County agree as follows:

Section 1. Interim Procedures for Amending the Countywide Planning Policies

The Cities and the County agree to the following interim procedures for amending the countywide planning policies:

1. **Authority to Initiate Amendment** – Any of the following may initiate a proposed amendment to the Countywide Planning Policies by submitting a written proposal to the County Planning Director:
 - a. The Whatcom County Executive;
 - b. The Whatcom County Council;
 - c. Any City Council;
 - d. Any City Mayor;
 - e. Any City Manager.

2. **Required Information** - The proposed amendment shall include:
 - a. The language of the proposed amendment shown with underlining and strikethroughs.
 - b. An explanation of the need for the proposed amendment. This may include, as appropriate, the factors, changed conditions, data, analysis, and/or experience with existing countywide planning policies that show a need for the proposed amendment.

3. **Recommendation** - The County Planning Director shall refer proposed amendments to the City/County Planner Group, which shall be comprised of the planning directors or designees from the County and each of the seven Cities. The City/County Planner Group will review and issue recommendations on the proposed amendments as follows:
 - a. The City/County Planner Group will strive to reach consensus but if consensus cannot be reached, recommendations will be by majority vote of the eight jurisdictions (the County and seven cities).

- b. Any jurisdiction's representative that cannot attend the meeting may vote by e-mail sent to the County Planning Director.
 - c. The City/County Planner Group's recommendations will be issued within 180 days of receiving the proposed amendments. The process of forming recommendations will allow time, within this 180-day period, for individual jurisdictions to consult with their respective planning commissions and/or elected officials, at the discretion of each jurisdiction.
 - d. If a majority of the City/County Planner Group votes against the proposed amendments or if the City/County Planner Group does not make a recommendation within the 180-day time period, the amendments will not be processed further unless the County Executive and a majority of the city mayors agree to proceed with the proposed amendments. The 180-day time period may be extended by 90 days by majority vote of the eight jurisdictions.
4. **SEPA** – Whatcom County will conduct SEPA review, if required, on the recommended Countywide Planning Policy amendments.
5. **County Council Review/Adoption** – The County Council will invite County and City planners to a committee of the whole meeting to discuss the proposed countywide planning policy amendments. The County Council may, after conducting a public hearing, adopt and ratify the amendments.
6. **Ratification** - Countywide planning policy amendments must be ratified by the respective legislative authorities within 90 days of Whatcom County Council adoption, in order to take effect, as follows:
 - a. Ratification by the county and cities representing at least 90 percent of the total county population; and
 - b. Ratification by at least 75 percent of the total jurisdictions (i.e. at least 6 of the 8 jurisdictions must ratify the policies).

Ratification means a vote by the legislative authority to approve or disapprove the countywide planning policy amendments (up or down vote). Countywide planning policy amendments adopted by the County Council may not be modified during the ratification process.

If a jurisdiction does not take action within the 90-day period, that jurisdiction shall be deemed to have ratified the amendments.

7. **Notification of Ratified Amendments** - The County Planning Director shall notify the Cities and the Governor's office in writing within fourteen (14) days of confirming that the ratification requirements, set forth in section 6 above, have been met.

Section 2. Effective Date, Duration and Termination

This interlocal agreement shall be effective upon signature by the Mayor and/or City Manager of each of the seven Cities and the Whatcom County Executive.

This interlocal agreement shall remain in effect until the countywide planning policies are amended to include procedures to review and adopt future countywide planning policy amendments. When the countywide planning policies are amended to include procedures to review and adopt future countywide planning policy amendments, this interlocal agreement shall automatically terminate.

IN WITNESS WHEREOF, the parties have signed this agreement, effective on the date indicated in Section 2 of this agreement.

CITY OF BELLINGHAM

By _____
Kelli Linville, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Attest _____

STATE OF WASHINGTON)
) ss.
County of Whatcom)

On this ____ day of _____, 2019, before me personally appeared KELLI LINVILLE, to me known to be the Mayor of the CITY OF BELLINGHAM, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State
of Washington residing at _____.
My appointment expires: _____

IN WITNESS WHEREOF, the parties have signed this agreement, effective on the date indicated in Section 2 of this agreement.

CITY OF BLAINE

By _____
Michael Jones, City Manager

Date _____

Approved as to form:
Office of the City Attorney

Attest _____

STATE OF WASHINGTON)
) ss.
County of Whatcom)

On this ____ day of _____, 2019, before me personally appeared MICHAEL JONES, to me known to be the City Manager of the CITY OF BLAINE, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State
of Washington residing at _____.
My appointment expires: _____

IN WITNESS WHEREOF, the parties have signed this agreement, effective on the date indicated in Section 2 of this agreement.

CITY OF EVERSON

By _____
John Perry, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Attest _____

STATE OF WASHINGTON)
) ss.
County of Whatcom)

On this ___ day of _____, 2019, before me personally appeared JOHN PERRY, to me known to be the Mayor of the CITY OF EVERSON, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State
of Washington residing at _____.
My appointment expires: _____

IN WITNESS WHEREOF, the parties have signed this agreement, effective on the date indicated in Section 2 of this agreement.

CITY OF FERNDALE

By _____
Jon Mutchler, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Attest _____

STATE OF WASHINGTON)
) ss.
County of Whatcom)

On this ____ day of _____, 2019, before me personally appeared JON MUTCHLER, to me known to be the Mayor of the CITY OF FERNDALE, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State
of Washington residing at _____.
My appointment expires: _____

IN WITNESS WHEREOF, the parties have signed this agreement, effective on the date indicated in Section 2 of this agreement.

CITY OF SUMAS

By _____
Kyle Christensen, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Attest _____

STATE OF WASHINGTON)
) ss.
County of Whatcom)

On this ___ day of _____, 2019, before me personally appeared KYLE CHRISTENSEN, to me known to be the Mayor of the CITY OF SUMAS, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State
of Washington residing at _____.
My appointment expires: _____

IN WITNESS WHEREOF, the parties have signed this agreement, effective on the date indicated in Section 4 of this agreement.

WHATCOM COUNTY

By _____
Jack Louws, County Executive

Date _____

Approved as to form:
Whatcom County Prosecutor

Attest _____

STATE OF WASHINGTON)
) ss.
County of Whatcom)

On this ___ day of _____, 2019, before me personally appeared JACK LOUWS, to me known to be the County Executive of WHATCOM COUNTY, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of
Washington residing at _____.
My appointment expires: _____