

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius
Director

Memorandum

June 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: 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 (SCOTW) met on September 10, 2019 and January 28, 2020 to discuss the draft interlocal agreement. The SCOTW approved a motion to accept the proposed Interlocal on February 11, 2020 (7-0 vote). Over the last several months, all 7 cities have signed the Interlocal Agreement and it is now ready for final review by the County Council. Therefore, we are requesting that Council approve a motion authorizing the Executive to sign the Interlocal Agreement.

As previously discussed and approved by Council’s SCOTW on February 11, 2020, there are 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; **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 one 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 small 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, Ferndale	Yes	No	Yes	88%
County, Bellingham, Lynden	Yes	No	Yes	88%
County, Bellingham, Blaine and Everson, Nooksack, or Sumas	Yes	No	Yes	85%
County, Bellingham, and 4 small cities	Yes	Yes	Yes	87%
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 42% of the countywide population. Bellingham has 40% of the countywide population. These percentages are derived from State Office of Financial Management population estimates.

The interim Interlocal Agreement would expire on June 30, 2024 if the countywide planning policies have not been amended by this date to include procedures for adopting future countywide planning policy amendments.

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