

WHATCOM COUNTY

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Mark Personius
Director

Memorandum

February 4, 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, and expressed two general concerns:

1. Authority to Initiate Amendments – The SCOTW was concerned about initiation of proposed countywide planning policy amendments by a non-elected official (City Manager). On January 28, 2020, the SCOTW approved a motion (6-1 vote) to remove "Any City Manager" from the *Authority to Initiate Amendment* section (which is reflected in the draft Interlocal). SCOTW indicated that a city manager could take a proposed countywide planning policy amendment through their city council to initiate the amendment.

Staff Comment: A city manager could be authorized to initiate countywide planning policy amendments, but this would only start the review process. The County Council and city councils would ultimately have to approve the proposed 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. Blaine plans to send a representative to the February 11 SCOTW meeting to further discuss this issue.

2. City Approval – The SCOTW was concerned about essentially ceding authority to enact countywide planning policies to the cities, especially:
 - a. Bellingham's ability to stop proposed countywide planning policies without the support of any other city, and
 - b. Getting jurisdictions on board that represent a majority of the county-wide population, while still providing a say to the small cities.

Staff Comment: The City/County Planner Group met again to discuss this concern on January 31 and recommended several changes to the draft interlocal agreement. 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 is now recommending one of 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 now 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. Please keep in mind that

ratification is only required under method 1 or method 2 for the amendments to become effective. 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	88.51%
County, Bellingham, Lynden	Yes	No	Yes	88.58%
County, Bellingham, Blaine, and Everson, Nooksack, or Sumas	Yes	No	Yes	85.28%
County, Bellingham, and 4 small cities	Yes	Yes	Yes	87.23%
County and 5 small cities	No	Yes	No	53.58%

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 42.16% of the countywide population. Bellingham has 40% of the countywide population.

The City/County Planner Group also recommended inserting a clause that the Interlocal Agreement would expire on June 30, 2024 (the deadline for updating comprehensive plans) if the countywide planning policies are not amended by this date to include procedures for adopting future countywide planning policy amendments.

County Planning and Development Services would like to discuss the proposed interlocal agreement with the County Council's Special Committee of the Whole on February 11 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.