



CITY OF BLAINE

COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

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City Council Study Session Report

Proposed Process for Amending the County-wide Planning Policies

To: Blaine City Council

From: Stacie Pratschner, AICP, RPA / Community Development Services Director

Date: September 6, 2019

Re: **Interlocal Agreement for Interim Procedures to Amend the County-wide Planning Policies**

Summary

The Community Development Services Department (CDS or “the Department”) is providing this memorandum in advance of the City Council Study Session on September 10, 2019. The purpose of this memo is to describe proposed Interlocal Agreement between Whatcom County and the cities relating to interim procedures for amending the County Wide Planning Policies (CWPPs). The following sections describe the statutory background for and implementation of the CWPPs; discuss the proposed interlocal agreement to amend the policies; and concludes with a description of the next steps for the Council in the approval process. The proposed agreement is included as **Attachment 1**.

State Law and the County Wide Planning Policies

The Growth Management Act (GMA) requires Whatcom County to adopt countywide planning policies (CWPPs or “the policies”) in cooperation with the cities.¹ CWPPs ensure that fast-growing cities and counties develop their individual Comprehensive Plans in a coordinated and consistent manner. The Whatcom County Council originally adopted CWPPs in 1993; the policies were subsequently amended in 1997 and 2005.²

The CWPPs are adopted as Appendix C of the Whatcom County Comprehensive Plan, and delineate the following goals with accompanying policy statements for the County and cities:

- Citizen involvement;
- Urban v. rural lands;
- Development in incorporated and unincorporated UGAs;
- Affordable housing;
- Open space;

¹ RCWs 36.70A.040 and .210.

² <https://whatcom.legistar.com/View.ashx?M=F&ID=7681814&GUID=31B33BD8-C731-4CB1-9258-214E7EAAB1C5>.

- Economic development;
- Public facilities and impact fees;
- Intergovernmental cooperation;
- Fiscal impacts; and
- Private property rights.

In 2017, the Washington State Legislature approved Engrossed Second Substitute Senate Bill (SB) 5254. This bill added Whatcom County onto the roster of “buildable lands” counties, requiring the county and its cities to determine if there is sufficient property to accommodate projected population growth as determined by the Washington Office of Financial Management (OFM).³ This requirement results in a need to amend the currently-adopted CWPPs to establish a buildable lands program.

The shared responsibility of the county and the cities within its borders to amend the CWPPs requires the establishment of an interim procedure for making amendments. The following section discusses the development and content of the proposed procedures.

Draft Interlocal Agreement

The City/County Planner group (comprised of the planning directors or their designees of each of the seven Whatcom County cities and the County) was charged with developing an interlocal agreement to provide procedures for the County and cities to amend the CWPPs. The draft agreement, included as **Attachment 1**, is an interim procedure until a permanent framework agreement is developed.

Any City Council; Mayor; Manager; or the Whatcom County council or Executive may initiate an amendment to the CWPPs. Proposed amendment are received by the County Planning Director and disseminated to the City/County Planner group for review and a recommendation. Recommendations must receive a majority vote before being forwarded for ratification.

Ratification is an “up or down” vote by the legislative authority to approve or disapprove an amendment. An amendment may be ratified by the county and cities representing at least 90 percent of the total county population, and at least 6 out of 8 jurisdictions.

Next Steps

Table 1 demonstrates the timeline for review and potential approval of the proposed agreement:

DATE	ACTION
September 10, 2019	County staff discusses draft interlocal with the County Council’s Special Committee as a Whole.
September 20, 2019	City/County Planner meeting to discuss Committee input.
October 2019	Cities take the interlocal to their Council’s for approval.
November 2019	Interlocal to County Council; Executive may sign the Agreement.

³ Butler, Steve. 2017. Recent Changes to Washington’s Land Use and Planning Laws. www.mrsc.org

The Department requests feedback from the Council on the attached agreement.

List of Attachments

1. Draft 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.

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.

