

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.
  
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. **Whatcom County Planning Commission Review** – The Whatcom County Planning Commission will hold a public hearing and issue recommendations on the proposed countywide planning policy amendments. City planners will be invited to the hearing.
  6. **Whatcom County Council Review** – 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's committee of the whole will take a vote whether or not to send final draft countywide planning policy amendments to the cities for review and approval.
  7. **City Approval Process** – The respective city legislative authorities must act upon final draft countywide planning policy amendments within 90 days of the County Council vote to send the amendments to the cities for review and approval.

City approval means a vote by the legislative authority to approve or disapprove the countywide planning policy amendments (up or down vote). Final draft countywide planning policy amendments may not be modified during the city approval process.

If a city does not notify the County Planning Director of the action taken within the 90-day period, that city shall be deemed to have approved the amendments.

8. **Whatcom County Council Adoption** – Following approval of the countywide planning policy amendments by the cities under subsection 7 above, the County Council may, after conducting a public hearing, adopt the countywide planning policy amendments. Final draft countywide planning policy amendments may not be modified during the County Council adoption process.
9. **Ratified Amendments** - In order to become effective, countywide planning policy amendments must be approved (pursuant to subsection 7 and 8 above) by:
  - a. Jurisdictions (the County and cities) representing at least 85% of the total population of Whatcom County; or
  - b. 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).
10. **Notification of Ratified Amendments** - The County Planning Director shall notify the Cities and the Governor’s office in writing within fourteen (14) days of County Council adoption of the countywide planning policies, as set forth in subsection 8 above.

**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 June 30, 2024 or the countywide planning policies are amended to include procedures to review and adopt future countywide planning policy amendments, whichever comes first.

- a. If the countywide planning policies are amended to include procedures to review and adopt future countywide planning policy amendments before June 30, 2024, this interlocal agreement shall automatically terminate upon adoption of said amendments by the County Council.
- b. If the countywide planning policies are not amended to include procedures to review and adopt future countywide planning policy amendments by June 30, 2024, this interlocal agreement shall automatically terminate on June 30, 2024.

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

CITY OF BELLINGHAM  
By [Signature]  
Seth Fleetwood, Mayor

Date March 12, 2020

Approved as to form:  
Office of the City Attorney  
[Signature]

Attest [Signature]

STATE OF WASHINGTON )  
  ) ss.  
County of Whatcom     )

On this 12<sup>th</sup> day of March, 2020, before me personally appeared SETH FLEETWOOD, 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.

[Signature]  
NOTARY PUBLIC in and for the State  
of Washington residing at Bellingham  
My appointment expires: 8-29-23

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*  
Michael Jones, City Manager

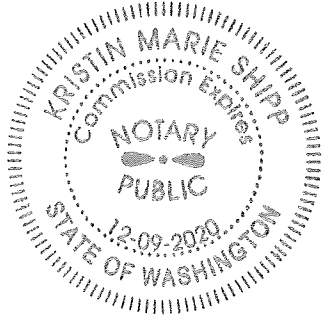
Date 3/12/2020

Approved as to form:  
Office of the City Attorney

*[Signature]*  
Attest *Kristin Marie Shipp*

STATE OF WASHINGTON     )  
  ) ss.  
County of Whatcom         )

On this 12 day of March, 2020, 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.



*Kristin Marie Shipp*  
NOTARY PUBLIC in and for the State  
of Washington residing at Blaine wa  
My appointment expires: 12-09-2020  
*KMS*

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

CITY OF EVERSON

By [Signature]  
John Perry, Mayor

Date 3/25/20

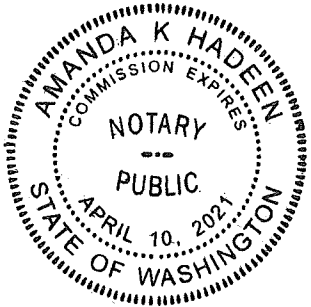
Approved as to form:  
Office of the City Attorney  
[Signature]

Attest [Signature: Melvin DeGuz]

STATE OF WASHINGTON )  
) ss.  
County of Whatcom )

On this 25th day of March, 2020, 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.

[Signature: Amanda K. Hadeen]  
NOTARY PUBLIC in and for the State  
of Washington residing at Bellingham, WA  
My appointment expires: April 10, 2021



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

CITY OF FERNDALE

By [Signature]  
Greg Hansen, Mayor

Date \_\_\_\_\_

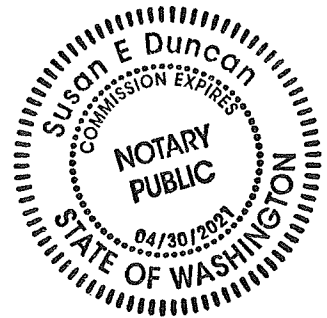
Approved as to form:  
Office of the City Attorney  
[Signature]

Attest Dannon C. Traxler

STATE OF WASHINGTON )  
 ) ss.  
County of Whatcom )

On this 13<sup>th</sup> day of May, 2020, before me personally appeared GREG HANSEN, 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.

[Signature]  
NOTARY PUBLIC in and for the State  
of Washington residing at Ferndale.  
My appointment expires: 04/30/2021





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

CITY OF LYNDEN

By Scott Korthuis  
Scott Korthuis, Mayor

Date March 17, 2020

Approved as to form:  
Office of the City Attorney  
T. C. Ell

Attest Jeff Muntz

STATE OF WASHINGTON )  
 ) ss.  
County of Whatcom )

On this 17 day of March, 2020, before me personally appeared SCOTT KORTHUIS, to me known to be the Mayor of the CITY OF LYNDEN, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Pamela D. Brown  
NOTARY PUBLIC in and for the State  
of Washington residing at Whatcom County  
My appointment expires: 9/4/2021

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

CITY OF NOOKSACK

By Marshall Judy  
Marshall Judy, Mayor Pro-Tem

Date 5-8-20

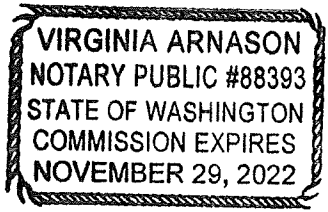
Approved as to form:  
Office of the City Attorney

Nicholas A. Fay - NICHOLAS A. FAY

Attest 7/6/20

STATE OF WASHINGTON )  
 ) ss.  
County of Whatcom )

On this 8<sup>th</sup> day of MAY, 2020, before me personally appeared Marshall Judy, to me known to be the Mayor Pro-Tem of the CITY OF NOOKSACK, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



Virginia Arnason  
NOTARY PUBLIC in and for the State  
of Washington residing at Nooksack.  
My appointment expires: 11-29-2022

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*  
Kyle Christensen, Mayor

Date 2-24-20

Approved as to form:

Office of the City Attorney

*James J. Winters*

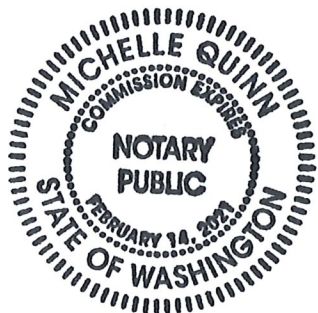
Attest *Michelle Quinn*

STATE OF WASHINGTON )

) ss.

County of Whatcom )

On this 24<sup>th</sup> day of February, 2020, 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.



*Michelle Quinn*  
NOTARY PUBLIC in and for the State of Washington residing at SUMAS, WA  
My appointment expires: 02/14/2021

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

WHATCOM COUNTY

By Satpal Sidhu  
Satpal Sidhu, County Executive

Date 7-14-2020

Approved as to form:

Whatcom County Prosecutor

Karen Frakes, via phone  
WA

Attest \_\_\_\_\_

STATE OF WASHINGTON )  
County of Whatcom ) ss.  
County of Whatcom )

On this 14<sup>th</sup> day of July, 2020, before me personally appeared SATPAL SIDHU, 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.



Suzanne M. Meldner  
NOTARY PUBLIC in and for the State of  
Washington residing at Bellingham  
My appointment expires: 12-31-22