



## WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive  
Bellingham WA 98226

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### AGENDA March 10, 2022

The Whatcom County Planning Commission will hold a **virtual\*** meeting at 6:30 p.m., with staff located at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of February 24, 2022
- Countywide Planning Policy Amendments
  - *Public Hearing and Work Session*
- Unfinished Business
- Adjournment

**\* This is a virtual meeting only.**

**Physical attendance is not permitted due to COVID-19 restrictions.**

**NOTE:** For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

*Individuals who require special assistance to participate in the meetings are asked to contact "PDS\_Planning\_Commission@co.whatcom.wa.us" at least 96 hours in advance.*

#### Upcoming Meeting Topics

- Forest Practices Transfer of Jurisdiction
- Cottage Industry
- Short Course on Local Planning

#### Pending Items Commissioners would like to address

*Code related implications of climate modeling*



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
February 24, 2022**

Public Hearing and Work Session

1

1 **Call to Order**

2 The virtual meeting was called to order by Whatcom County Planning Commission  
3 Chair, Kelvin Barton at 6:32 p.m.

4 **Roll Call**

5 **Present:** Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Stephen Jackson,  
6 Julie Jefferson, Kimberley Lund, Dominic Mocerri, Scott Van Dalen

7 **Staff Present:** Matt Aamot, Steve Roberge, Royce Buckingham, and Tammy Axlund

8 **Department Update**

9 Steve Roberge, Assistant Director of Planning and Development Services (PDS),  
10 provided an update on the department's implementation of the new permit software,  
11 and announced a short course on local planning to be hosted by Washington State  
12 Department of Commerce at the April 28<sup>th</sup> Planning Commission meeting. More  
13 information will be sent out about the event which will be open to the public. Mr.  
14 Roberge provided updates on legislative items before Council including approval of the  
15 following items as recommended by the Planning Commission:

- 16 • Whatcom County Code clean up
- 17 • Tiny home ordinance
- 18 • Amendment to Comprehensive Plan Map and Zoning for the Nooksack Falls  
19 Exclave
- 20 • Repeal of Cherry Point Ferndale Subarea Plan

21 **Open Session Public Comment**

22 No one offered public comment.

23 **Commissioner Comments**

24 Commissioner Deshmane thanked staff for the presentation that they made at the last  
25 meeting on the planning and development process. He appreciated it and found it  
26 helpful.

27 **Approval of Meeting Minutes**

28 **Timestamp: 12:07**

29 **Commissioner Bartel moved** to approve the meeting minutes from February 10,  
30 2022.

31 **Commissioner Deshmane seconded.**

32 **Roll Call Vote: Ayes-Jackson, Jefferson, Lund, Mocerri, Van Dalen, Bartel,**  
33 **Deshmane, Hansen, Barton; (Ayes-9; Nays-0; Abstain-0). The motion carried.**

34 **Transfer of Development Rights (TDR) Receiving Area – LA Robertson**

35 **Timestamp: 14:18**

36 Royce Buckingham, Senior Deputy Prosecuting Attorney for Whatcom County,  
37 explained that as a request for a rezone, the agenda item tonight qualified for a quasi



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
February 24, 2022**

Public Hearing and Work Session

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1 judicial public hearing. He described the quasi judicial hearing process and responded  
2 to questions.

3 **a) Public Hearing and Work Session Regarding TDR Receiving Area – LA**  
4 **Robertson**

5 **Timestamp: 19:10**

6 Matt Aamot, PDS Senior Planner, described the proposal for Transfer of Development  
7 Rights, reviewed consistency with the Comprehensive Plan, and reported staff  
8 conclusions and recommendations.

9 **Timestamp: 31:00**

10 Brad Swanson and Kristen Reid, Belcher Swanson Law Firm, provided background  
11 information for the application as well as arguments on behalf of the applicant. They  
12 addressed information provided in the staff report and in public comments.

13 Matt Aamot commented on the interpretation of Policy 2GG-2, and Brad Swanson  
14 responded.

15 Representatives from Belcher Swanson Law Firm responded to Commissioners'  
16 questions.

17 **b) Public Comment**

18 **Timestamp: 1:00:57**

19 The following individuals provided public comment: Chris Thorndike Kent, Wendy  
20 Harris, Daniel Dalley, Laura Brakke, James Hallett.

21 Commissioners discussed the proposal.

22 **Timestamp: 1:30:07**

23 ***Commissioner Jefferson moved to oppose the proposal***

24 ***Commissioner Deshmane seconded and offered a friendly amendment that the***  
25 ***motion be to accept staff recommendations and Findings of Fact.***

26 ***Commissioner Jefferson agreed to the amendment.***

27 **Roll Call Vote: Ayes-Jefferson, Lund, Moceri, Van Dalen, Bartel, Deshmane,**  
28 **Hansen, Jackson, Barton; (Ayes-9; Nays-0; Abstain-0). The motion carried.**

29 **Adjournment**

30 The meeting was adjourned at 8:05 p.m.

31 Minutes prepared by Tammy Axlund.

32 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

33 \_\_\_\_\_  
34 Kelvin Barton, Chair

\_\_\_\_\_   
Tammy Axlund, Secretary



Memorandum

March 1, 2022

TO: The Whatcom County Planning Commission  
FROM: Matt Aamot, Senior Planner  
THROUGH: Steve Roberge, Assistant Director  
RE: Countywide Planning Policy Amendment Procedures (File PLN2022-00002)

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The proposal is to amend the Countywide Planning Policies by adding a new section relating to Countywide Planning Policy Amendment Procedures (these Policies will reside in Appendix C of the Whatcom County Comprehensive Plan, Section "S").

The Growth Management Act, originally enacted in 1990-91, required the County to adopt countywide planning policies in cooperation with the cities (RCW 36.70A.040 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 over the years.

The City/County Planner Group developed proposed Countywide Planning Policy Amendment Procedures. The County Executive initiated these Countywide Planning Policies for review pursuant to an interlocal agreement between the County and Cities (Contract No. 202007014).

These proposed policies set forth procedures for adopting future amendments to the Countywide Planning Policies, including provisions relating to:

- The authority to initiate Countywide Planning Policy amendments;
- Required information;
- Recommendations by the City/County Planner Group;
- SEPA review;
- County Planning Commission review;
- City review and approval;
- County Council review and adoption;
- Ratification requirements; and
- Notification.

The Planning Commission will make a recommendation on these amendments to the County Council. The Council will consider an ordinance adopting the amendments. Thank you for your review and consideration of the proposed amendments. We look forward to discussing them with you.

**WHATCOM COUNTY  
PLANNING & DEVELOPMENT SERVICES**

**Countywide Planning Policies**

**PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

1. The proposal is to amend the Countywide Planning Policies by adding a new section relating to Countywide Planning Policy Amendment Procedures (these Policies reside in Appendix C of the Whatcom County Comprehensive Plan).
2. The subject Countywide Planning Policy Amendment Procedures include provisions relating to the authority to initiate future amendments, required information, recommendations by the City/County Planner Group, SEPA review, County Planning Commission review, City review and approval, County Council review and adoption, ratification requirements, and notification.
3. Notice of the subject amendments was submitted to the Washington State Department of Commerce on January 21, 2022.
4. WAC 197-11-800(19) categorically exempts procedural actions from State Environmental Policy Act (SEPA) review. The SEPA Official determined that the subject proposal is exempt as a procedural action on January 21, 2022.
5. Notice of the Planning Commission hearing was published in the Bellingham Herald on February 25, 2022.
6. Notice of the Planning Commission hearing was posted on the County website as of February 25, 2022.
7. Notice of the Planning Commission hearing was sent to citizens, media, cities, and other groups on the County's e-mail list on February 25, 2022.
8. The Planning Commission held a public hearing on the subject amendments on March 10, 2022.
9. The Growth Management Act (GMA), originally approved by the State Legislature in 1990-91, required the County to adopt countywide planning

policies in cooperation with the Cities (RCW 36.70A.040 and RCW 36.70A.210).

10. 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)).
11. The County Council adopted the original Countywide Planning Policies in April 1993 (Resolution 93-024).
12. The County Council amended the Countywide Planning Policies in March 1997 (Resolution 97-011).
13. The County Council amended the Countywide Planning Policies in January 2005 (Ordinance 2005-022).
14. The County Council amended the Countywide Planning Policies in February 2021 by adding provisions relating to the Review and Evaluation Program (Buildable Lands) and Dispute Resolution Procedures (Ordinance 2021-003).
15. The City/County Planner Group formulated the subject Countywide Planning Policies relating to the procedures for future amendments.
16. The County Executive initiated the Countywide Planning Policy amendments for review on October 27, 2021 pursuant to an interlocal agreement between the County and Cities (Whatcom County Contract No. 202007014).
17. GMA Planning Goal 11 is to “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020(11)).
18. The subject Countywide Planning Policies will facilitate coordination between the County and Cities consistent with the GMA.

### **PROPOSED CONCLUSION**

The subject Countywide Planning Policies are consistent with the GMA and are in the public interest.

### **RECOMMENDATION**

Based upon the above findings and conclusions, staff recommends approval of Exhibit A (Countywide Planning Policy amendments).

## **Exhibit A**

### **Appendix C Countywide Planning Policies**

#### **Whatcom County Countywide Planning Policies Adopted April 1993**

**(Revised March 11, 1997, January 25, 2005, and February 9, 2021)**

#### **A. Citizen Involvement**

1. The county and the cities shall cooperate to provide public education on the requirements of the Growth Management Act.
2. The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.
3. Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.
4. Citizen comments and viewpoints shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.
5. The county and the cities shall establish a system for subarea, community and neighborhood liaison to foster communication between the respective government and its neighborhoods. This system would also provide a point of contact for issues that may affect subareas, the community, or neighborhoods.
6. Various planning techniques, such as overlay maps and Geographic Information Systems, shall be utilized to allow citizens and public officials the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made.

**B. Urban Versus Rural Distinctions**

1. Whatcom County shall primarily become a government of rural areas in land use matters directed towards agriculture, forestry and other natural resources and natural resource based industries. The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas. This Section shall not preclude county governance of large urban industrial areas outside of the city UGA's (see Cherry Point below), developed urban areas within urban growth areas not yet annexed, and developed rural areas where the "urban" designation is inappropriate.
2. The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.
3. Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial, industrial and intensive residential development greater than a rural development density. These areas should be clearly delineated, and not expanded beyond logical outer boundaries in accordance with RCW 36.70.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.
4. In the next 20 years, Whatcom County should discourage "new fully contained communities" (as defined and authorized by RCW 36.70A.350) outside designated Urban Growth Areas.
5. Whatcom County should undertake a public process to define rural areas and rural growth as distinct from urban areas and urban growth.

**C. Urban Growth Areas**

1. Urban growth needs shall be met by a combination of in-fill within cities and by growth within designated municipal and non-municipal Urban Growth Areas.
2. The size and location of Urban Growth Areas shall be consistent with adopted local policies and with the capital facilities plans.
- 3a. The most current, accurate population projections based on a range provided for Whatcom County by the Office of Financial Management shall be used as the basis for determining that Urban Growth Areas shall include sufficient area to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period.
- 3b. The County and Cities shall develop a consistent approach to calculating the land supply needed within an urban growth area. This approach shall consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses, local market factors and the ability of the jurisdiction to provide services. It is recognized that the above limitations may vary by jurisdiction, but the method for applying them shall be consistent. Urban

growth areas shall permit a range of densities and uses; however, in recognition of community character, these uses and densities may vary among jurisdictions.

4. Urban Growth Areas shall be evaluated at least every ten years to determine if they contain sufficient area to accommodate the urban growth that is projected for the succeeding twenty-year period. The market factor for each Urban Growth Area shall also be evaluated to determine whether the land supply is adequate to meet the needs of the community or whether the land supply is excessive and contributing to sprawl.
5. Urban Growth areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

**D. City Urban Growth Areas**

1. The Urban Growth Areas for the small cities shall be of an adequate size to allow them to become viable economic centers with a balance of jobs and housing. The small cities shall do appropriate planning to ensure adequate distribution of land uses and services at a range of urban densities and zoning classifications.
2. Urban Growth Areas for cities shall include those areas contiguous to cities and with urban characteristics as defined by the Act. The Geneva area in Bellingham’s UGA is characterized by urban development, but is also identified by the city and county as a Water Resource Protection UGA because of its location in the Lake Whatcom Watershed. Lake Whatcom is the drinking water source for much of the Bellingham urban area. Geneva is appropriate to include in an urban growth area, but is not an area where additional urban development is desirable.
3. Cities shall develop a plan to provide urban level water and sewer services within their Urban Growth Areas. This plan should be developed in cooperation with existing water purveyors and other municipal corporations providing water or sewer services within each city's Urban Area, and should be implemented through interlocal agreements. Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities as defined within the Whatcom County Comprehensive Plan.
4. Existing cities should absorb additional population at a range of densities appropriately responsive to the city's community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands. In those small cities entirely surrounded by flood plains, critical area and resource lands or within Shellfish Protection Districts, the county and the city shall seek to negotiate a balance between protection

of resources and the allocation of adequate land area to meet the growth needs of the city and to maintain the desired character of the community.

5. All cities should grow in an efficient manner while maintaining their character and, where reasonable, shall provide for adequate open space between cities to prevent strip development.
6. Cities should be encouraged to provide positive incentives for in-fill.

**E. Non-City Urban Growth Areas**

1. Urban Growth Areas may also be established in areas that are not contiguous to existing cities, and are already characterized by urban growth where adequate facilities and services can be provided and which are intended to meet needs not met by cities and their Urban Growth Areas.
2. Non-city urban growth areas, for already urbanized unincorporated residential areas shall be encouraged to infill in a way that will facilitate efficient provision of facilities and services consistent with the scale of development.
3. Cherry Point shall be designated as an unincorporated industrial urban growth area in recognition of existing large scale industrial land uses. Additional large scale development shall be encouraged consistent with the ability to provide needed services and consistent with protecting critical areas along with other environmental protection considerations. The Cherry Point industrial area is an important and appropriate area for industry due to its access to deep water shipping, rail, all-weather roads, its location near the Canadian border, and its contribution to the County's goal of providing family wage jobs.
4. The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts, water associations and private service providers within each of these Areas, and should be implemented, where appropriate, through interlocal agreements. Short term and long term boundaries may be used to facilitate provision of urban levels of service.

**F. Contiguous, Orderly Development and Planning in Urban Growth Areas**

1. Cities, the county and special districts shall execute interlocal agreements to coordinate plans for and manage growth in Urban Growth Areas prior to annexations. Interlocal agreements shall acknowledge and implement the Countywide Planning Policies.
2. Interlocal agreements shall incorporate clear and reasonable criteria for orderly annexation. The county and the cities shall establish a process to incorporate representative citizen input into interlocal agreement and encourage appropriate districts to participate. If adequate procedures are developed to replace it, the Boundary Review Board may be replaced.

3. All urbanized areas currently within urban growth boundaries associated with cities should be encouraged to annex to cities. Orderly annexations with logical boundaries shall be encouraged. Interlocal agreements shall specify guidelines on size, timing of annexations and urban levels of development, and tax revenue sharing when appropriate.
4. Within Urban Growth Areas, cities shall not extend water and sewer utilities without an adopted program for annexation and an adopted Capital Facilities Plan. Exceptions may be made in cases where human health is threatened as determined by the County Health Department. If water extensions are made, they shall be consistent with the service area boundaries and other provisions within the adopted Coordinated Water System Plan.
5. In the areas where utilities presently extend beyond city limits, but are within Urban Growth Areas, the city, county, and the existing water purveyors for the area should jointly plan with the county. The County shall adopt zoning which reflects this joint planning.
6. Unless specifically provided for by state statues, Cities, other municipal corporations, and other public and private utilities shall not extend urban levels of water service to serve urban uses outside Urban Growth Areas. If legally allowed water extensions are made outside of Urban Growth Areas, the maximum number of connections shall not exceed the density allowed under the associated zoning. The number of connections shall be specified in a legally binding document at the time the extension is approved. Property contiguous to extension of utilities necessary to solve existing water deficiencies, but which cannot benefit from them because of zoning constraints, shall not be assessed for those improvements.
7. The availability of pipeline capacity required to meet local needs and/or supply shall not be used to justify development counter to the countywide land development pattern and shall not be considered in conversions of agricultural land, forestry, and rural areas.
8. The cities, other municipal corporations, public utilities, and the county shall cooperate to identify and balance the needs of each jurisdiction and entity when planning for transition of services and annexation within Urban Growth Areas. This intergovernmental cooperation and coordination should be reflected in revenue agreements, work programs for joint projects, and regional solutions adopted by the affected parties.
9. Major transportation, utility and greenway corridors shall be planned within Urban Growth Areas. Development shall be consistent with these corridors. The county shall ensure conformance through the permit process and incentive programs.
10. Interlocal agreements shall include provisions for agreed upon development standards within Urban Growth Areas. Unless a different standard is negotiated, the more rigorous of the standards shall be enforced by the county.

11. The county and the City of Bellingham shall establish, through the Urban Fringe Subarea Plan update, the policies, zoning and criteria to comply with current state Growth Management law.
12. To encourage contiguous, orderly development and annexation in Urban Growth Areas around cities, the county shall designate Urban Residential zones limiting density to a maximum of one dwelling unit per five acres in undeveloped areas until urban level utilities are provided. Developed or partially developed areas presently zoned Residential-Rural shall retain that zoning. In the Bellingham Urban Growth Area, substantial development and subdivisions already have occurred without annexation. The revised Urban Fringe Subarea Plan and a new Interlocal Agreement between the City of Bellingham and the county will address sequence and timing for annexations, subdivisions, and urban levels of development.
13. In Urban Growth Areas where development is occurring based on the presence of utilities, urban development shall meet common urban standards including fire flow requirements and supply. The county and the cities will work together to develop reasonable standards over time.
14. The County and the cities shall coordinate drainage, stormwater management and flood control in Urban Growth Areas and work toward the development of common standards.

**G. Affordable Housing**

1. The county and the cities shall take actions to ensure a balance of housing and economic growth consistent with each jurisdiction’s employment base and diverse income levels and to reduce commuting times and traffic congestion.
2. The county and the cities shall plan for a range of housing types and costs commensurate with their affordable housing needs.
3. Affordable housing should be convenient to major employment centers and public services or be designed to accommodate public transportation.
4. The county and the cities shall promote innovative techniques and develop strategies to provide for affordable housing with design, density, lot sizes and development standards that provide for a variety of housing types.
5. The county and the cities shall review existing regulations and policies that exclude or discourage affordable housing in their communities and shall not adopt regulations and policies which do so. Mobile, modular, and manufactured homes on individual lots, mobile home parks, accessory units, inclusionary zoning, mixed use, and increased densities shall be reviewed as affordable housing alternatives.
6. The county and the cities should work with the private sector, other public and non-profit agencies, citizen groups, and trade representatives to assure that there is an adequate supply of sites available for affordable housing and to

encourage housing design that is compatible with the surrounding neighborhoods.

7. Low income housing shall not be concentrated in only a few communities or neighborhoods.
8. The county and the cities shall consider reducing impact and/or mitigation fees for affordable housing provided in a proposed development.
9. Each jurisdiction should explore options for providing shelter for the homeless.

#### **H. Open Space/Greenbelt Corridors**

1. Adequate open space is vital to the quality of life and sense of place in Whatcom County. The county, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors and to enhance recreational opportunities, public access and trail development.
2. The county and the cities shall plan for greenbelts and open space in their Comprehensive Planning processes and coordinate with each other. Open space systems should include lands which contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. With increased residential densities, jurisdictions also should ensure provision of adequate neighborhood parks and play areas within safe bicycling and walking distance for children.
3. The county and the cities shall encourage, to the extent it is feasible, separation of Urban Growth Areas through planning, zoning, development regulations, open space purchase, conservation easements and other mechanisms which may be appropriate. Also, an array of incentives such as density bonuses, design flexibility and transferable development rights shall be offered to affected land owners.
4. The County and Cities should work cooperatively to protect and restore stream corridors within Urban Growth Areas that support anadromous fish.

#### **I. Economic Development and Employment**

1. Whatcom County recognizes that a healthy economy, which provides opportunity for diverse segments of the community, is important to the quality of life in the area. The Greater Whatcom Comprehensive Economic Development Strategy (CEDS) "is intended to put forth economic development alternatives for Whatcom County that will support jobs creation, with an emphasis on higher wage jobs and diversification"
2. New business development and expansion of existing businesses are key factors in providing "family wage" jobs and a strong tax base. Economic development that pays family wage rates should be encouraged. Industrial land designations must be sufficient to permit the concentration of industry in

appropriate locations beyond 20 years. In order to attract new industry and provide for expansion of existing industries, the county and the cities will designate land supply of sufficient size and diversity to provide a range of suitable locations for industrial development. The designation of this land shall be established in a way that preserves natural resource based industries and critical areas.

3. To provide sufficient land supply for industrial growth and development, industrial designations must not only include lands suitable for development, but also lands suitably zoned to provide adequate buffers. It is also important that these lands and buffers be conserved with appropriate land use and zoning provisions to ensure that they will be available for future use.
4. Encourage business location, retention, and expansion according to city and county comprehensive plans in order to meet current and future demand for diverse business and industry. Work with funding agencies and the private sector to facilitate extension of adequate sewer, water, telecommunications and road access to existing commercial and industrial-zoned properties, creating shovel-ready sites. Cities and county may utilize the “Quick Sites” economic development program through OTED, which links strategic elements of planning, zoning, environmental review, and permitting with the business-siting effort.
5. The county and the cities should include an economic development element in their Comprehensive Plans. Economic development elements should be consistent with the CEDS. Economic development shall be coordinated with environmental concerns to protect the quality of life. Planning efforts should address economic sustainability. As part of the comprehensive planning process and through implementation of the comprehensive plan, the County shall develop and adopt goals, policies and regulations that protect resource land industries and support and encourage resource-based industries.
6. The county and the cities should continue to cooperate through the Partnership for a Sustainable Economy to maintain the CEDS for infrastructure funding. Other appropriate organizations, businesses, and individuals should be involved in the process.
7. Economic vitality and job development shall be encouraged in all the cities and in designated areas of the county consistent with community growth policies, particularly addressing adequacy of transportation corridors, public transportation, impacts on the environment, and the ability of the area to provide urban services.
8. Economic development should be encouraged that:
  - a. Does not adversely impact the environment;
  - b. Is consistent with community values stated in local comprehensive plans;
  - c. Encourages development that provides jobs to county residents;

- d. Addresses unemployment problems in the county and seeks innovative techniques to attract different industries for a more diversified economic base;
  - e. Promotes reinvestment in the local economy;
  - f. Supports retention and expansion of existing businesses.
- 9. The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture and fisheries industries should be supported in a sustainable manner.
  - 10. The cities and county agree to set policies for approving proposals to authorize siting of Major Industrial Developments for large or resource-based industries outside of Urban Growth Areas (as per RCW 36.70A.365). The master planning process for specific manufacturing, industrial, or commercial businesses shall address infrastructure, buffers, environmental protection, sprawl, resource lands, critical areas, and land supply.
  - 11. Whatcom County encourages siting of industrial uses in proximity to and to further utilization of our access to deep water and port facilities for shipping, rail, airports, roadways, utility corridors and the international border.

**J. Countywide Transportation Facilities and Strategies**

- 1. A Regional Transportation Planning Organization (RTPO) has been established in Whatcom County to conduct regional, cooperative transportation planning. The RTPO has completed a Regional Transportation Plan (RTP) including countywide transportation policies. The RTP has been approved by a regional transportation Policy Board consisting of elected representatives of most area jurisdictions. The Transportation Chapter of the Whatcom County Comprehensive Plan and the Comprehensive Plans for each of the City's must be consistent with the RTP as it is amended. The county and the cities will continue to support the RTPO on an on-going basis to coordinate transportation planning across Whatcom County.
- 2. Whatcom County jurisdictions shall encourage alternative modes of transportation to the single occupancy vehicle. Each jurisdiction shall encourage:
  - a. Use of public transportation;
  - b. Development of liked on-street bicycle routes and pedestrian and bicycle trail corridors;
  - c. Adequate pedestrian facilities;
  - d. Connections between different modes of transportation;
  - e. Intermodal connection of freight transportation.

3. To encourage use of single occupant vehicle alternatives and development of pedestrian scale neighborhoods, high density residential development shall be encouraged in urban growth areas with particular attention to those locations within cities and in close proximity to arterials and main transit routes.
4. Cities are particularly encouraged to support transit and pedestrian friendly mixed use developments within their UGAs to help achieve the goals supported in these policies.
5. Where the roadway level of service (LOS) adopted in local comprehensive plans cannot be maintained as a result of proposed new development, that development shall be denied, unless the proponents agree to pay a proportionate share of the cost of maintaining the LOS.
6. Strategies for maintaining established levels of service may include transportation demand management techniques, project impact mitigation fees, enhanced access to public transportation service, and/or other steps to reduce or limit traffic congestion.
7. Priorities shall be established and expenditures coordinated for countywide bicycle and trail corridors. Bicycle and pedestrian-specific trails and other facilities shall be included during project planning and review. Coordinated corridors and cost sharing should be explored among all responsible and interested parties.
8. Whatcom County should work cooperatively with the Whatcom County Council of Governments, Cities, Whatcom Transit Authority and other agencies with jurisdiction to plan for inter-county and international transportation links, such as airports, border crossings, passenger rail, freight rail, transit, ferries, and other transportation facilities.

**K. Siting of Public Facilities**

1. As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors, human service facilities, and airport and other port facilities. In order to reduce land use conflicts, policies related to a design component shall be incorporated in the comprehensive plans.
2. The county and the cities will implement a cooperative and structured process, which includes early and continuous public involvement, to consider siting of essential public facilities of a regional and statewide nature. State facilities shall conform to local siting procedures.
3. Public facilities that generate substantial travel demand should be sited along or near major transportation and public transit corridors, where available.
4. The county and the cities shall work with their respective school district to encourage siting of schools in conjunction with areas where substantial development exists or is projected and near public transportation corridors.

5. Sharing of corridors for major utilities, trails and other transportation rights-of-way is encouraged when not in conflict with goals to protect wildlife, public health and safety.

**L. Impact Fees**

1. The county and the cities are encouraged to adopt fair and reasonable impact and/or mitigation fee ordinances to ensure that new growth pays its fair share of the cost of capital facilities, such as transportation improvements, parks, and schools.
2. The county and cities shall work with their school districts to develop impact fee formulas as appropriate to the district's capital needs.

**M. Intergovernmental Cooperation**

1. To adequately plan for growth and implement the policies of the Growth Management Act, the governmental jurisdictions in Whatcom County, including the Lummi Nation and Nooksack Tribe, and the Port of Bellingham shall work together to establish on-going mechanisms to improve communication, information sharing and coordinated approaches to common problems.
2. Whatcom County governments should communicate with neighboring counties and governments in British Columbia and work cooperatively on growth management issues that cross county and national borders.

**N. Water Quality and Quantity**

1. The cities, and the county, in cooperation with other municipal corporations, tribal governments, federal and state agencies, and public and private utilities shall cooperate in the protection of water resources and in drawing upon said water to support growth.
2. The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.
3. Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA's and across jurisdictional boundaries to maintain quality of life and economic health in Whatcom County.
4. Jurisdictions involved in the development of ground and/or surface water management plans shall pursue the adoption and implementation of the plans, as well as coordination and integration of the plans into local comprehensive plans as appropriate. Examples of such plans include the Lake Whatcom Management Plan, WRIA 1 Watershed Management Plan, Shellfish Protection District Plans and drinking water source protection plans.

5. All jurisdictions should participate in the process to establish a countywide water resource management body in accordance with the Watershed Management Act and other applicable federal, state and local regulations to inform GMA planning efforts.
6. All jurisdictions shall maximize reduction of water pollutants from stormwater runoff and combined sewer overflows.

**O. Fiscal Impact**

1. It is recognized that if the Growth Management Act and these policies are implemented to their maximum extent, county government may eventually lose the tax base needed to operate essential services, including the criminal justice function and the Offices of Treasurer, Assessor, and Auditor, which serve all jurisdictions in the area. Revenue-sharing shall be addressed in inter-local agreements between Cities and the County.

**P. Private Property Rights**

1. As required in the Growth Management Act, private property shall not be taken for public use without just compensation having been made. It is not the purpose of this paragraph to expand or reduce the scope of private property already provided in local, state and federal law.
2. The county as required by Whatcom County Home Rule Charter Section 1.11, and cities should establish a pro-active process to anticipate potential takings.

**Q. Review and Evaluation Program**

1. The County and cities will cooperate to implement and maintain a program that meets the review and evaluation requirements of RCW 36.70A.215, unless the Growth Management Act no longer contains these requirements or sufficient funds are not appropriated by the state.
2. The purposes of this program are to:
  - a. Compare actual (achieved) development densities with planned development densities and determine whether the County and cities are achieving planned urban densities within urban growth areas and have sufficient suitable land to accommodate planned population and employment growth through the remainder of the 20-year planning period.
  - b. Identify and adopt reasonable measures, if necessary, to reduce the differences between actual development patterns and growth and development assumptions contained in the County comprehensive plan and/or city comprehensive plans.
3. The County, in conjunction with the cities, will develop and maintain a Review and Evaluation Program Methodology, taking into consideration the State

Department of Commerce Review & Evaluation Program Buildable Lands Guidelines.

4. The County, in conjunction with the cities, will prepare, adopt, and publish a Buildable Lands Report in accordance with the timeframes set forth in the Growth Management Act.
5. The County and cities will follow the Review and Evaluation Program Methodology for the collection, monitoring, and analysis of development activity data, and comparing actual growth and development patterns with growth and development assumptions. As part of this process, the cities and County will collect data annually. The cities will provide collected data to the County upon request.
6. When the Buildable Lands Report identifies inconsistencies between actual development patterns and growth and development assumptions and targets contained in the County comprehensive plan and/or city comprehensive plans, the County and cities will discuss whether reasonable measures are necessary and appropriate to address such inconsistencies before considering adjusting urban growth areas. Each jurisdiction will individually determine whether reasonable measures are required under the Growth Management Act for their jurisdiction.
7. The County and cities will cooperate, and make every effort at the staff level, to resolve disputes regarding inconsistencies in collection and analysis of data.
8. Nothing in this policy will be construed as altering the land use power of any Whatcom County jurisdiction under established law.

**R. Dispute Resolution Procedures**

1. The County and cities will work cooperatively to implement the countywide planning policies. The County and cities will work together to attempt to resolve any disputes regarding implementation of the countywide planning policies.
2. In the event of an impasse, the jurisdictions involved may mutually agree to use mediation for a minimum of 90 days. After the 90 day period, the parties may, by mutual agreement, elect to utilize binding arbitration. In the event that the parties agree to use arbitration, a three member arbitration panel will be selected by mutual agreement. If the parties cannot agree on membership of the panel, each party will select one member and those two members will select the third member. The decision of the arbitration panel on the issue will be final.
3. If mediation, arbitration, or both are used, each jurisdiction will be responsible for its own legal costs, but the jurisdictions involved will split the costs of a mediator or arbitrators evenly.
4. Nothing in this policy will be construed as altering the land use power of any Whatcom County jurisdiction under established law.

**S. Countywide Planning Policy Amendment Procedures**

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 (voting by the County Executive and the mayors).
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 subsections 7 and 8 above) by:
- a. Jurisdictions (the County and cities) representing at least 85% of the total population of Whatcom County and at least 50 percent of the total number of jurisdictions; or
  - b. At least 75% of the total number of 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.