

Chapter Eight Resource Lands

3 Introduction

4 The growth and harvest of farm products, re-generation and harvesting of timber,
5 use of marine resourceaquatic lands for shellfish harvest, and excavation of
6 minerals all shape Whatcom County's landscape and strongly influence the
7 economy. Resource lands, which include agriculture, forestry, fisheries (RCW
8 36.70A.020), and mineral resource lands, also largely represent Whatcom County's
9 cultural heritage. These natural resource activities have been major industries
10 since European settlement began in the area, and the use of marine lands by our
11 indigenous citizens far predates European settlement.

12 Chapter Organization

13 This chapter is divided into ~~three~~four sections: Agricultural Lands, Forest Resource
14 Lands, Marine Resource Lands, and Mineral Resources. ~~The action plans for all three~~
15 ~~sections appear at the end of the chapter.~~

16 Purpose

17 This chapter contains goals and policies designed to identify and protect the
18 important natural resource lands found in Whatcom County as defined by RCW
19 36.70A. The development of these goals and policies is necessary to ensure the
20 provision of land suitable for long-term farming, forestry, and mineral extraction so
21 the production of food, fiber, wood products, and minerals can be maintained as an
22 important part of our economic base through the planning period. Without
23 protection of these resource lands, some of the lands could be inappropriately or
24 prematurely converted into land uses incompatible with long-term resource
25 production. The premature conversion of resource lands into incompatible uses
26 places additional constraints on remaining resource lands and can lead to further
27 erosion of the resource land base.

28 Process

29 Each section of this chapter includes a description of the process followed in
30 creating that section.

31 GMA Goals, and County-Wide Planning Policies, and Visioning Community 32 Value Statements

33 The following goals and policies in this chapter have been developed:

- 34 • to be consistent with and help achieve the state-wide GMA goals to "maintain
35 and enhance" natural resource based industries

- 1 • to implement County-Wide Planning Policies ~~which-that~~ express the desire for
2 the county to become a government of rural lands and sustainable resource
3 based industries
- 4 • to fulfill the citizens' vision of Whatcom County where resource based
5 industries are widely practiced and encouraged

6 | The Agricultural Lands, Forest Resource Lands, Marine Resource Lands, and Mineral
7 Resources sections of this chapter address Goal 8 of the GMA, which reads:

8 **"Natural Resource Industries.** Maintain and enhance natural
9 resource based industries, including productive timber, agricultural,
10 and fisheries industries. Encourage the conservation of productive
11 forest lands and productive agricultural lands, and discourage
12 incompatible uses." (RCW 36.70A.020)

13 The goals, policies, and action plans of this chapter support the achievement of this
14 goal by identifying, designating, and protecting productive resource lands from
15 incompatible uses, thereby helping to maintain the county's important natural
16 resource based industries.

17 Identifying and designating productive resource lands also helps implement the
18 County-Wide Planning Policies ~~which state that Whatcom County shall "become a~~
19 ~~government of rural areas in land use matters~~ directed towards agriculture,
20 forestry, mineral resources, marine industries, and other natural resources."~~[CWPP~~
21 ~~B(1)].~~—In addition, land use policies ~~which-that~~ encourage best management
22 practices are included within this chapter to support and maintain the County-Wide
23 Planning Policies regarding economic development: As part of a broad based
24 economy; of productive timber, agriculture, mineral
25 and fisheries aquatic industries ~~should be maintained~~ in a sustainable manner.
26 (CWPP I-9)

27 ~~The results of the Visioning Process place a great importance on preserving~~
28 ~~agricultural lands while recognizing the economic pressures facing the farming~~
29 ~~community. The economics of forestry are recognized as well, along with the~~
30 ~~necessity of mining and the reality of impacts on affected neighbors. The goals,~~
31 ~~policies, and action plans of the Resource Lands chapter support the future vision of~~
32 ~~Whatcom County as a semi-rural region with productive resource based industries~~
33 ~~and a healthy environment by encouraging the use of good management practices~~
34 ~~and resource conservation measures as well as designating and protecting resource~~
35 ~~lands.~~

36 **Agricultural Lands – Introduction**

37 **Purpose**

38 | The purpose of this section is to provide a clear set of guidelines that both
39 preserves the agricultural base in Whatcom County, prioritizes the human need for
40 food, fiber, shelter and energy and ensures ~~that~~ both the agricultural industry and

1 the cultural heritage thrive in the years to come.

2
3 **Process**

4 In 1991 an Agricultural Resource Land Advisory Committee was formed to adopt
5 ~~Interim~~ Agricultural Resource Land Designations under the GMA. After 13
6 committee meetings and three public information meetings, the committee
7 recommended adoption of refined goals and objectives and re-adoption of the
8 existing Agriculture zoning and plan designations. Their recommendation was
9 adopted by Council through Ordinance 92-013. Exhibit A to Ordinance 92-013
10 explains the locational criteria that were used to designate agricultural lands. The
11 revised criteria are now found in Policy 8A-3.

12 Currently, approximately 86,000 acres are designated as agricultural lands of long-
13 term commercial significance.

14 ~~Committee members were chosen for their interest or expertise in Whatcom County~~
15 ~~agriculture and included dairy and berry producers, food processors, Whatcom~~
16 ~~County Farm Bureau, a Darigold Board member, a small farmer, interested citizens,~~
17 ~~Cooperative Extension Service, Agriculture Stabilization and Conservation Service,~~
18 ~~and Soil Conservation Service.~~

19 ~~After 13 committee meetings and three public information meetings in 1991, the~~
20 ~~committee recommended adoption of refined goals and objectives and re-adoption~~
21 ~~of the existing Agriculture zoning and plan designations on an interim basis. This~~
22 ~~included consolidation of the existing body of agriculture policies into one~~
23 ~~document; a refined set of goals, objectives, issues, and planning horizon; a list of~~
24 ~~consensus items agreed upon by the Committee; an Action Plan; and a right to~~
25 ~~farm ordinance. Much of the material in this section was taken from that original~~
26 ~~process and distributed among the agricultural community for their review prior to~~
27 ~~submission of the final draft to the County Council and Planning Commission for~~
28 ~~action.~~

29 **GMA Requirements**

30 The Growth Management Act requires the ~~Whatcom County Comprehensive Plan to~~
31 ~~identification of~~ the "general distribution and general location and extent of the
32 uses of land... for agriculture..." ~~Map 8-1~~~~Map 18~~ and ~~Map 8-2~~~~Map 19~~ show
33 agricultural soils and existing agricultural zoning boundaries.

34 ~~Map 8-1~~~~Map 18~~ shows prime agricultural soils, and the Agricultural
35 Comprehensive Plan designation. Those lands designated as Agriculture in the
36 comprehensive plan are designated as Agricultural Lands of Long-Term Commercial
37 Significance as defined by GMA as agricultural lands that have the growing
38 capacity, productivity, and soil composition of the land for long-term commercial
39 production, in consideration with the land's proximity to population areas, and the
40 possibility of more intense uses of the land." (RCW 36.70A.030(10).~~for GMA~~
41 ~~planning purposes.~~

1
2 Prime farmland, as defined by the Natural Resources Conservation Service (NRCS),
3 "is the land that is best suited to food, feed, forage, fiber, and oilseed crops."
4 Categories of prime soils depicted on ~~Map 8-1~~**Map 18** are described as follows:

- 5 • Category I: All areas are prime farmland.
- 6 • Category II: Prime farmland ~~if~~ **when** drained.
- 7 • Category IV: Prime farmland ~~if irrigated~~**when protected from flooding**.
- 8 • ~~Category V: Prime if drained and protected from flooding or not frequently~~
9 ~~flooded during the growing season. Prime farmland when irrigated.~~
- 10 • Category VII: ~~Prime if irrigated and either protected from flooding or not~~
11 ~~frequently flooded during the growing season. Prime when drained and~~
12 ~~protected from flooding.~~
- 13 • ~~Category VII: Prime if subsoiled, completely removing the root inhibiting soil~~
14 ~~layer.~~

15 ~~These prime soil categories are taken directly from the NRCS National Soil Survey~~
16 ~~Handbook Part 622. Whatcom County does not contain all NRCS categories of prime~~
17 ~~soils.~~

18 ~~Map 8-2~~**Map 19** shows Agriculture Protection Overlay soils, and provides a visual
19 representation of those areas that are subject to the Agriculture Protection Overlay
20 (APO). The APO recognizes that agriculturally important soils may lie outside
21 existing agricultural zoning, ~~in designated rural areas~~, and provides a mechanism
22 for conserving these soils for agricultural use, if conservation is appropriate.
23 Soils ~~are~~ **were** classified as APO soils based on the NRCS's Prime Farmland
24 classification system and Land Evaluation and Site Assessment (LESA) system.

25 The purpose of the APO is to promote and encourage commercial agricultural
26 activity, meet long-term agricultural needs not otherwise met in the Agriculture
27 zone district, provide a reasonable mix of uses and activities ~~which~~ **that** may
28 enhance the economic resources available to the farmer, and provide for a variety
29 of uses within the rural areas ~~which~~ **that** are not inconsistent with or incompatible
30 with the use of lands within these areas for agricultural activities.

31 Conserving productive agricultural lands in rural areas, ~~without infringing on private~~
32 ~~property rights~~, is a primary objective of the APO. The APO applies to all lands
33 zoned Rural-5A or Rural-10A that are outside designated urban growth area
34 boundaries and held in parcels of 20 acres or larger. ~~Map 8-2~~**Map 19** shows lands
35 zoned Rural-5A or Rural-10A that are outside UGAs. Applied at the time of
36 subdivision, the APO ~~utilizes~~ **uses** cluster zoning in order to allow development on
37 one portion of a parcel, while leaving the remainder of the parcel available for
38 agricultural use. The portion available for development will be limited to 20 percent
39 (or possibly, up to 30 percent).

1 The APO seeks to conserve lands, with agriculturally important soils, whose
2 predominant use has been and continues to be, or could be commercial agriculture.
3 This overlay zone shall include areas ~~which~~ that:

- 4
- 5 1. Have been designated as agricultural open space for county property tax
6 purposes within the past seven years; and/or
- 7 2. Those that include more than 50 percent APO soils;

8 GMA also specifies the need for regulatory protection relative to agriculture. It
9 requires that the county "shall adopt development regulations on or before
10 September 1, 1991, to assure the conservation of agricultural, forest, and mineral
11 resource lands . . ." Whatcom County has enacted a Right-To-Farm ordinance that
12 meets this requirement.

13 **Agricultural Lands – Background Summary**

14 ~~Agriculture has been practiced continuously in Whatcom County since long before~~
15 ~~Euro-American settlers arrived. Native American peoples had developed and~~
16 ~~cultivated root crops in the natural prairies along the Nooksack Valley, where sub-~~
17 ~~irrigated meadows were ideal sites for such plants as camas and "Indian carrot."~~
18 ~~Euro-American settlers expanded the area under cultivation, logging and planting~~
19 ~~crops on thousands of acres of forest land.~~

20 Today agriculture plays an important role in both Whatcom County's economy and
21 its identity.

22 Whatcom County agriculture is widespread and diverse, ranging from small, organic
23 farms in the Mt. Baker Foothills to cold-storage facilities in Bellingham, and includes
24 orchards, dairies, cattle ranches, produce farms, and nurseries, to name a few. Our
25 farms are the country's top producers of red raspberries and are also major
26 producers of milk, beef, blueberries, potatoes, nursery products, and many other
27 agricultural commodities.

28 The economic impacts of agriculture on Whatcom County are substantial. According
29 to the U.S. Department of Agriculture's 2012 Census of Agriculture, 1,483 Whatcom
30 County farms produced a market value of \$326 million in crops and livestock that
31 year, ranking eighth in the state. Milk produced locally in 2013 reached an all-time
32 high market value of \$246.1 million. Raspberries and blueberries combined for a
33 record market value of \$123.6 million in 2014.

34 Average annual agricultural employment in Whatcom County in 2014 was 3,512,
35 with substantial seasonal variation within that average, according to the
36 Washington State Employment Security Department. Locally, agricultural jobs
37 soared to 5,661 in the third quarter of 2015. In addition, farms and support
38 businesses, such as equipment retailers, veterinarians, processing facilities, and
39 feed suppliers employ many Whatcom County residents.

1 Agricultural activity is generally considered to be a condition or activity which
2 occurs on agricultural land in connection with the commercial production of
3 agricultural products. Agricultural land ~~may include, but not be limited to can be~~
4 ~~described as~~ the land, ~~buildings,~~ freshwater ponds, ~~including the buildings,~~
5 ~~infrastructure~~ and machinery used in the commercial production of agricultural
6 products. Agricultural products are those plants and animals useful to humans.
7 Commercially viable agricultural products require generally rich and fertile soil with
8 appropriate amounts of water to bring them to a harvestable stage.

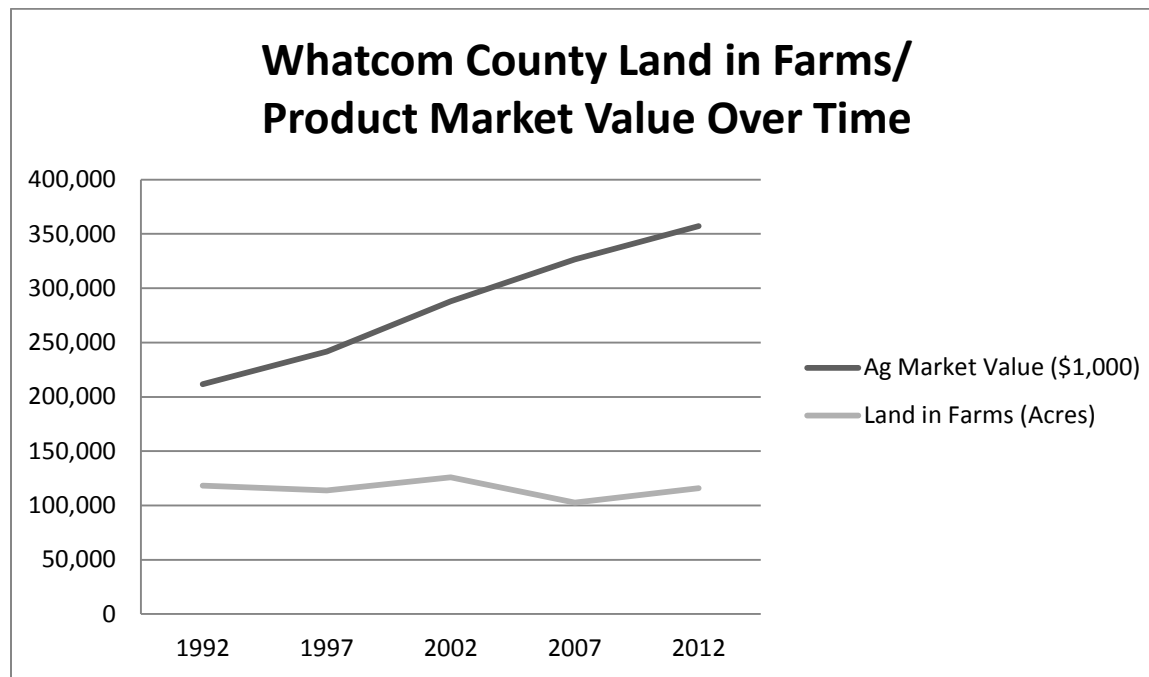
9 Agricultural lands are an important resource to the people of Whatcom County and
10 Washington State. ~~Yet if not adequately protected through zoning and other~~
11 ~~measures,~~ these lands ~~may be converted to are often considered available for~~
12 urban or rural uses. Often the conversion process begins when rural uses move
13 onto agricultural land, creating smaller parcels, more buildings, and activities that,
14 in some cases, are incompatible with agriculture. In many cases, this blurs the line
15 of distinction between agriculture uses and other uses and sets the stage for further
16 conversion of the limited agricultural land base in Whatcom County.

17 The viability of an agricultural resource economy is dependent upon the presence of
18 certain agriculture related industries and activities. These include processors (for
19 example, fruit and vegetable packers and milk processors in Whatcom County),
20 farm implement sales and repair, fertilizer and pesticide suppliers, trucking firms,
21 certified meat inspectors and processors, a pool of farm labor, etc. These activities,
22 in turn depend on a stable (or expanding) agricultural products economy ~~which that~~
23 is in turn dependent on maintaining a stable agricultural resource land base. If
24 agricultural production is reduced below a certain level in a given geographical
25 area, then it becomes no longer economical for the agriculture related activities to
26 remain in that area. Loss of these support industries results in further reduction and
27 conversion of the agricultural land base and an accelerating downward spiral for the
28 local agricultural economy.

29 Another important consideration is maintaining a large contiguous land base ~~—~~
30 ~~without a significant potential for conversion to non-agricultural residential uses—~~
31 for agriculture. Smaller, discontinuous agricultural areas are more vulnerable to
32 conversion pressures resulting from longer hauling routes, difficulty in transporting
33 farm equipment and supplies on roads dedicated to residential traffic, conflicts with
34 neighboring non-agricultural land uses, and the reduced importance of agriculture
35 in the local economy. Maintaining such a large contiguous land base sometimes
36 requires preserving within the agricultural resource land area some lands that are
37 not well suited to actual production of crops. Such inclusions may best be used for
38 building sites, windbreaks, specialty crops, livestock wintering, forestry, etc. Thus it
39 is important to consider both the size and the configuration of the agricultural
40 resource area to provide long term stability of the agricultural resource and support
41 industry economy.

42 In 1949, 200,000 acres of land were reported to be in farm production in Whatcom
43 County. ~~Between 1949 and 1992, land in farm production declined. Since that time,~~
44 ~~land in farm production has declined. In 1994, agriculture accounted for 139,680~~

1 ~~acres, a decline of over 60,000 acres. The number of farms in Whatcom County~~
2 ~~declined from 1,463 in 1987 to 1,367 in 1992. Although farm size remained about~~
3 ~~the same over this period, averaging 86 acres, the total number of acres in farm~~
4 ~~production declined by 6,539 acres between 1987 and 1992. In 2012, agriculture~~
5 ~~accounted for 115,831 acres, nearly 85,000 fewer acres than 1949. However, since~~
6 ~~1992, the amount of land in farms has remained relatively stable (between 100,000~~
7 ~~and 125,000 acres). But at the same time, both the number and diversity of farms~~
8 ~~in the County has been increasing. Even while the amount of land in agricultural~~
9 ~~use has remained relatively stable over the past two decades, the economic value~~
10 ~~of the products produced on those farms has increased by more than \$100 million~~
11 ~~in the same time period. These figures illustrate how the amount of land in farm~~
12 ~~production has been steadily shrinking over time.~~



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~~Agricultural Lands~~ — Issues, Goals, and Policies

Agricultural Land Base

The state legislature has recognized that agriculture faces unprecedented international market competition and costs. Low profit margins have contributed to the decline of Whatcom County's agricultural land base from 1949 to 2012. The continued loss of working agricultural land also harms critical areas because, as the Puget Sound Partnership has noted, farm and cattle ranch lands can deliver critical area outcomes that can be superior to converted lands, in terms of water quality functions, floodplain, aquifer recharge, and food and habitat functions for fish and wildlife species. Because of this, additional regulations need to be carefully tailored to prevent additional threats that can accelerate conversion to non-agricultural uses.

1 Agricultural viability is dependent upon long-term supplies of clean water and a
2 large fertile land base. Erosion of the farm land base has been recognized as a
3 national and local problem. The maintenance of a sufficiently large land area
4 devoted to agricultural activity is necessary to support associated farm processing
5 operations such as milk and berry processing facilities.

6 ~~Increasing d~~Demand for low cost residential building sites coupled with fluctuating
7 profit margins for agricultural operations and availability of residential development
8 rights brings ~~increasing~~ pressure to convert agricultural land to residential and
9 other non-agricultural uses.

10 Whatcom County passed Resolution 2009-040 on July 7, 2009 in which the County
11 Council confirmed that 100,000 acres of land available for agricultural use is the
12 minimum goal for ensuring a land base necessary to support a viable agricultural
13 industry in Whatcom County. The resolution also stated the need to strengthen
14 agricultural land protection in the County's Rural Study Areas as defined in the
15 2007 Rural Land Study by the Agricultural Advisory Committee (AAC). The AAC
16 assisted in the creation of the County's Agricultural Strategic Plan in 2011, which
17 included the task of reviewing rural study areas and identifying any new agricultural
18 zoning designations or where agricultural land protection efforts should be
19 strengthened.

20 **Goal 8A: Conserve and enhance Whatcom County's agricultural**
21 **land base for the continued production of food and fiber.**

22 Policy 8A-1: Conserve productive agricultural lands and agricultural resource
23 lands, including areas with prime soils ~~which-that~~ are not now
24 zoned agriculture, or where the area is composed of agricultural
25 operations that have historically been and continue to be
26 economically viable, by developing and implementing a long
27 range strategy. The planning horizon should be twenty years in
28 the short-term and ~~250~~ 100 years in the long-term.

29 Policy 8A-2: Maintain a working agricultural land base sufficient to support a
30 viable local agricultural industry by considering the impacts to
31 farmers and agricultural lands as part of the legislative decision
32 making process. Measures that can be taken to support working
33 farms and maintain the agricultural land base should include: A
34 long range conservation strategy should include:

- 35 • Maintenance of 100,000 acres of agricultural land to support
36 a healthy agricultural industry.
- 37 • A workable transfer of development rights program (TDR) in
38 which the development potential of a site could be
39 transferred to another location where development is more
40 favorable.
- 41 • The workable TDR program shall give priority to the creation
42 of economically viable receiving areas.

- 1 • Developing a marketplace approach to strengthening
2 agricultural practices while enhancing larger-scale watershed
3 processes and functions by identifying feasible opportunities
4 on agricultural land to improve both watershed health and
5 agricultural viability and developing incentives and tools to
6 compensate farmers for actions that exceed minimum
7 regulatory standards.
- 8 • Maintaining a Purchase of Development Rights (PDR)
9 program which that facilitates the removal of development
10 rights from productive farmland and provides permanent
11 protection of those agricultural lands through the use of
12 conservation easements or other legal mechanisms.
- 13 • ~~Maintenance of a sufficient quantity of agricultural land to~~
14 ~~support a healthy agricultural industry.~~
- 15 • ~~Required mitigation in the event that designated agricultural~~
16 ~~land is converted to another use.~~
- 17 • ~~Required buffers on all new non-agricultural uses located~~
18 ~~adjacent to agricultural activities.~~
- 19 • ~~Development assistance to agricultural-related enterprises.~~
- 20 • ~~Farm friendly regulations.~~
- 21 • Incentives and cooperation between landowners and public
22 agencies such as the utilization use of the current use tax
23 assessment provisions.
- 24 • Implementing land use policies that encourage farming on
25 Rural lands of high agricultural productivity and potential.
- 26 • Discouraging conversion of designated agricultural lands to
27 non-agricultural uses.
- 28 • Track acres lost due to conversion, development, or policy
29 implementation such as critical areas ordinance, so
30 mitigation strategies can be implemented to offset the acres
31 lost.
- 32 • Education and marketing of programs that emphasize
33 recognition of the local and regional significance of
34 agricultural land as a natural resource and the economic,
35 social and ecological benefits it provides.
- 36 • Working cooperatively with local farmers and coordinating
37 with local and state agencies to address water quality
38 impacts of agricultural activities on local streams and
39 groundwater.
- 40 • Securing an adequate, sustainable and legal supply of
41 irrigation water sufficient to support the long-term viability of
42 the local agricultural industry.

- 1 • Identify and evaluate any new or changed zoning or
2 comprehensive plan agricultural lands of long term
3 commercial significance designations as needed or warranted
4 for the Rural Study Areas.
- 5 • Economic development assistance to agricultural-related
6 enterprises.
- 7 • Recognize regulatory impacts and encourage farm friendly
8 regulations.

9 Policy 8A-3: The criteria for designating or de-designating lands under the
10 Agriculture land use designation shall be considered on an area-
11 wide basis. When applying the following criteria, the process
12 should result in designating an amount of agricultural resource
13 lands sufficient to maintain and enhance the economic viability
14 of the agricultural industry in the county over the long term, and
15 to retain agricultural support businesses, such as processors,
16 farm suppliers, and equipment maintenance and repair facilities.
17 The criteria are as follows:

- 18 1. The land is not already characterized by urban growth. In
19 determining this factor, the County should consider WAC
20 365-196-310 and RCW 36.70A.030(19).
- 21 2. The land is used or capable of being used for agricultural
22 production. In making this determination, the County shall
23 use the land-capability classification system of the U.S.
24 Department of Agriculture Natural Resources Conservation
25 Service. These eight classes are incorporated into map units
26 and are based on the growing capacity, productivity, and soil
27 composition of the land.
- 28 3. The land has long term commercial significance for
29 agriculture. In determining this factor, consider the following
30 nonexclusive criteria:
 - 31 a. The majority of the area contains Prime Farmland Soils as
32 determined by the Natural Resource Conservation Service
33 (NRCS).
 - 34 b. The area may contain 100-year floodplains as delineated
35 by the Federal Emergency Management Agency (FEMA).
 - 36 c. Land use settlement patterns, the intensity of nearby
37 uses, and the history of approved land development
38 permits are generally compatible with agricultural
39 practices.
 - 40 d. A majority of the area is composed of agricultural
41 operations that were historically in agriculture prior to
42 1985.

- 1 e. The predominate parcel size in the area is large enough
- 2 to adequately maintain agricultural operations.
- 3 f. The availability of public services.
- 4 g. The availability of public facilities such as roads used to
- 5 transport agricultural products.
- 6 h. Special purpose districts that are oriented to enhancing
- 7 agricultural operations such as drainage improvement,
- 8 watershed improvement, and flood control exist.
- 9 i. The area has a pattern of landowner capital investment in
- 10 agricultural operations improvements including irrigation,
- 11 drainage, manure storage, the presence of barns and
- 12 support buildings, enhanced livestock feeding techniques,
- 13 agricultural worker housing, etc.
- 14 j. The area contains a predominance of parcels that have
- 15 current use tax assessment derived from the Open Space
- 16 Taxation Act.
- 17 k. The area's proximity to urban growth areas.
- 18 l. The area's proximity to agricultural markets.
- 19 m. Land value under alternative uses.

20 | Policy 8A-~~34~~: Support conservation of productive agricultural land by requiring
21 the use of best management practices including soil and water
22 conservation, livestock ~~waste~~ waste_nutrient/manure management,
23 etc.

24 | Policy 8A-~~45~~: Discourage conversion of productive agricultural land to
25 incompatible non-agricultural uses.

26 | Policy 8A-~~56~~: Require all requests for re-designation from agriculture to
27 demonstrate that changed site conditions or circumstances have
28 occurred since the original designation to such an extent that
29 the site no longer satisfies the designation criteria for
30 agricultural lands.

31 | Policy 8A-~~67~~: Work cooperatively with farmers to pPrioritize agricultural
32 activity in land use decisions when land is composed of prime
33 and/or productive agricultural soils and agriculture is the highest
34 value resource use.

35 | Policy 8A-~~78~~: Establish flexibility in land use plans and regulations to
36 encourage maintenance of the productive agricultural land base,
37 such as agricultural parcel reconfiguration.

38

- 1 ~~Policy 8A-8: Maintain NRCS Soil Survey as basic guideline for designating~~
2 ~~agricultural resource lands.~~
- 3 ~~Policy 8A-9: Conserve water resources from both a quantity and a quality~~
4 ~~perspective to ensure and possibly enhance continued~~
5 ~~agricultural viability.~~
- 6 ~~Policy 8A-10: Work to ensure water rights are available for agricultural uses.~~
- 7 Policy 8A-~~11~~9: Use an "Agriculture Protection Overlay" (APO) designation in
8 certain Rural zoned areas as one way to ~~achieve this goal~~
9 increase agricultural production in areas outside of designated
10 agricultural land of long-term commercial significance.
- 11 Policy 8A-~~12~~10: The Agricultural Advisory Committee shall advise the Whatcom
12 County Executive and Council on agricultural issues and
13 agricultural land use. Whatcom County shall support the
14 Agricultural Advisory Committee with staff and other resources,
15 and shall recognize the AAC's input with regard to agricultural
16 resource lands.

17 **Agricultural Products Industry**

18 Agriculture is an essential contributor to the local Whatcom County economy.
19 Agriculture is most productive in large agricultural communities where neighbors
20 support agriculture and where labor, farm supplies and market systems for farm
21 products are available.

22 Agriculture is one of the most important resources in Whatcom County. Whatcom
23 County works with farmers to ensure productive agricultural land and improved
24 nutrient management practices help reduce impacts on aquatic lands. Whatcom
25 County is also strongly supported by agriculture fiscally with sales and jobs.

26 **Goal 8B: Maintain and enhance Whatcom County's agricultural**
27 **products industry as a long-term and sustainable**
28 **industry.**

29 Policy 8B-1: Promote the expansion and stability of local and regional
30 agricultural economies.

31 Policy 8B-2: Assist Whatcom County's agricultural industry in the pursuit of
32 its long-term economic potential. This should include the
33 development of strategies and policies necessary to reach this
34 potential, in terms of both production and diversity.

35 Policy 8B-3: Support agricultural product processing facilities through
36 appropriate planning, zoning, and land use regulations.

37

- 1 Policy 8B-4: Support methods and strategies to market Whatcom County
2 | agriculture in ways ~~which-that~~ ensure that agricultural activities
3 (such as dairying) and entities (such as processors) will remain
4 here in the long term.
- 5 Policy 8B-5: Support improving the efficiency and flexibility of state and local
6 environmental regulations affecting the agricultural products
7 industry.
- 8 Policy 8B-6: ~~Develop—Utilize~~ a range of result-oriented non-regulatory
9 programs, options, and incentives, collaboratively developed
10 and monitored by the County and landowners, ~~which-that~~
11 agricultural landowners can employ which meet or exceed
12 county environmental regulationsgoals.

13 **Agriculture Related Cultural Heritage**

14 Agriculture is not just a business but a way of life, with many farmers farming the
15 same land their parents and grandparents farmed. The sense of community that
16 these people have built over the years is one of the most valuable assets of our
17 county.

18 Nevertheless, the livelihood of these people appears to be threatened. Property has
19 become a valuable commodity in Whatcom County and oftentimes young farmers
20 cannot afford to buy productive farmland because the cost is so prohibitive. ~~The~~
21 ~~reverse is true for retiring farmers. Often they cannot find buyers who can afford~~
22 ~~the high market value of the land. In some cases this creates pressure to convert~~
23 ~~the land to other uses.~~

24 **Goal 8C: Preserve and enhance the cultural heritage that is related**
25 **to agriculture.**

26 ~~Policy 8C-1: Find ways for retiring farmers to pass their farms on to their~~
27 ~~children and for young farmers to be able to afford to buy~~
28 ~~productive farmland.~~

29 Policy 8C-~~12~~: Identify, preserve, and enhance community character,
30 landscape, and buildings associated with agricultural activity.

31 Policy 8C-~~23~~: Involve those who actually are engaged in agricultural activities,
32 and give high regard to their opinions in the County's decision-
33 making during ~~in~~ the planning process. ~~Utilize~~ Use groups
34 working effectively with the agricultural community to help
35 preserve and/or create a sustainable economic agricultural base.

36 Policy 8C-~~34~~: Support the continuation of owner occupied/family owned
37 farms.

38

1 Policy 8C-4: Encourage the use of programs that help beginning farmers buy
2 productive farmland.

3 Policy 8C-5: Develop and support more programs to promote ag-tourism and
4 ag-education to increase public awareness of the nutritional and
5 economic value of agriculture and quality food production.

6 **Land Use Conflicts**

7 The Right-To-Farm Ordinance was created because agriculture is the priority use.
8 Usual and accustomed farm activities create odors, dust, sprays, noise from farm
9 machinery, etc. and are prioritized with the Right-To-Farm Ordinance.

10 Agriculture may conflict with other land uses. Improper nutrient/manure
11 management practices on agricultural land may impact the commercial and
12 recreational use of aquatic lands miles away. Residents of non-farm housing
13 adjacent to farms, and owners and patrons of nearby commercial uses, have
14 complained of nuisances such as odors, dust, chemical sprays, and noise from
15 machinery. Farm equipment, crops, and livestock may suffer from increased
16 vandalism. In addition, non-farm residential development, particularly residential
17 subdivisions, can raise assessed valuation or lead to special assessments on
18 adjacent farmlands, resulting in higher property taxes for farmers. The same is true
19 of commercial uses. On the other hand, the open space value of farmland can be
20 diminished or destroyed by the location of commercial uses such as junk yard, auto
21 wrecking yards, etc.

22 Many agricultural drainage districts have been in existence since the early 1900s
23 with little or no outside influence. Their sole function has been to keep the water
24 table down low enough to allow crops to grow throughout the season. In the last
25 few years, however, there has been growing concern about the impact this activity
26 may have on fish habitat and fish populations. As a result, Hydraulic permits have
27 been difficult to get from the Washington State Department of Fish & Wildlife and
28 drainage activity has been slowed.

29 Mining activities, such as the extraction of sand and gravel, are often an alternative
30 use of land zoned for agriculture. Such activities may limit options for later
31 agricultural use, depending upon the intensity of the activity and the extent of soil
32 rehabilitation efforts.

33 Many profitable agricultural operations are located on land outside of predominantly
34 agricultural areas. Although these operations may not be entirely compatible with
35 neighboring urban and suburban developments, they are important contributors to
36 the agricultural base in Whatcom County.

37 **Goal 8D:** Reduce land use conflicts between Whatcom County's agriculture and
38 non-agricultural landowners.

39

- 1 Policy 8D-1: ~~Strive to Work to~~ reduce potential conflicts between
2 incompatible agricultural activities by ~~establishing~~ maintaining
3 zoning regulations ~~which that~~ protect productive agricultural
4 lands of long-term commercial significance from conversion to
5 non-compatible uses. ~~This zoning should recognize the diversity~~
6 ~~of agricultural landowners and agricultural land uses. This~~
7 ~~zoning should provide flexible regulations, which encourage all~~
8 ~~agricultural landowners to maintain the productive agricultural~~
9 ~~land base while protecting them from conflicting uses.~~
- 10 Policy 8D-2: ~~Affirm and build upon~~ Maintain the Right-To-Farm ordinance, ~~in~~
11 ~~order to help curb pressures to convert farms to non-farm~~
12 ~~uses. Give priority to agricultural uses and owners of parcels~~
13 ~~zoned for agriculture priority in land use and nuisance conflicts~~
14 ~~with residents of adjacent properties and adjacent property~~
15 ~~owners.~~
- 16 Policy 8D-3: Support improved communication and understanding between
17 agricultural landowners and the public through such
18 mechanisms as ~~voluntary agricultural management plans,~~
19 community forums, and educational programs.
- 20 Policy 8D-4: Recognize the importance of surface mining as an agricultural
21 practice when the activity contributes to enhancing subsequent
22 agricultural uses on the property.
- 23 Policy 8D-5: Accommodate the location of designated mineral resource lands
24 in or near agriculture zones when determined by Whatcom
25 County to be in the best interests of the community.
- 26 Policy 8D-6: Support agricultural activity in mixed farm/rural residential
27 areas, with the understanding that certain farm practices may
28 conflict with other neighboring rural land uses.
- 29 Policy 8D-7: ~~Help resolve conflicts associated with~~ Help resolve conflicts
30 ~~associated with~~ maintaining and enhancing ~~quality~~ fish habitat
31 and the necessary drainage work that is annually done by
32 agricultural drainage districts, watershed improvement districts,
33 and landowners.
- 34 ~~Policy 8D-8: Encourage the fencing of livestock away from fish-bearing~~
35 ~~streams.~~
- 36 Policy 8D-8: Develop a continuum of efforts moving from education and
37 outreach, development of voluntary best practices, technical
38 assistance, and incentives, monitoring, and regulation, to
39 minimize impacts when conflicts arise between agriculture and
40 other land uses.
41

1 | Policy 8D-9: Encourage low intensity recreational activities ~~that which help~~
2 | sustain and are compatible with agricultural uses.

3 | Policy 8D-10: In the "Agricultural Protection Overlay" on parcels 20 acres and
4 | larger with Rural 5 acre and Rural 10 acre zoning, require non-
5 | agriculturally related development to be clustered on 20 or up to
6 | 30 percent of the available land with the remainder available
7 | for open space and agricultural uses. Development standards
8 | shall provide flexibility to achieve development potential in
9 | cases of natural limitations.

10 | Fish and Wildlife

11 | ~~Utilization~~ Use of agricultural lands can impact habitat, including riparian areas,
12 | stream flows, channel habitat structure, and water quality.

13 | **Goal 8E:** ~~Work with agricultural land users to find efficient and~~
14 | ~~effective cooperative ways to protect and improve habitat~~
15 | ~~of threatened and endangered species through education~~
16 | ~~and incentive programs. Encourage agricultural land uses~~
17 | ~~to voluntarily protect and restore habitat of threatened~~
18 | ~~and endangered species through education and incentive~~
19 | ~~programs.~~

20 | Policy 8E-1: Ensure that adequate riparian buffers are maintained along
21 | rivers and streams.

22 | Policy 8E-2: ~~Prevent livestock from degrading riparian and instream habitat~~
23 | ~~by using best management practices for the fencing of livestock~~
24 | ~~from streams and support the provision of alternative watering~~
25 | ~~systems. Encourage fencing along rivers and streams to prevent~~
26 | ~~livestock from degrading riparian and instream habitat.~~

27 | Policy 8E-3: Encourage ~~utilization the use~~ of integrated pest management
28 | practices, including herbicides and pesticides, that protect water
29 | quality.

30 | Policy 8E-4: ~~Ensure~~ encourage proper storage and application of compounds
31 | that can pollute our waterways such as manure and other
32 | fertilizers, pesticides and herbicides. ~~and other compounds that~~
33 | ~~can pollute our waterways.~~

34 | Policy 8E-5: ~~Ensure~~ encourage ~~voluntary restoration to~~ properly functioning
35 | habitat conditions for those riparian areas and stream reaches
36 | that do not currently provide such habitat conditions through
37 | voluntary restoration, technical assistance incentives.

38

- 1 Policy 8E-6: Encourage the maintenance and operation of drainage systems
2 such that ~~the actual and potential~~ habitat and water quality
3 impacts from such systems are minimized and agricultural uses
4 remain viable.
5
- 6 Policy 8E-7: Work with the watershed improvement districts, drainage
7 districts, and the Washington State Department of Fish and
8 Wildlife to resolve tradeoffs associated with fish and wildlife
9 habitat on agricultural lands.
- 10
- 11 Policy 8E-8: Continue to work with farmers on improving water quality
12 practices.
- 13
- 14 Policy 8DE-9: Provide outreach and education to farmers on using Best
15 Management Practices as defined by WCC 14.02.020 to protect
16 water quality.
- 17
- 18 Policy 8E-10: Develop and implement education and incentive programs that
19 encourage agriculture land owners to take steps to improve
20 habitat of threatened and endangered species.
- 21
- 22 Policy 8E-11: Support State and Federal agencies in increasing funding and
23 improving practices that avoid adverse impacts to the habitat of
24 threatened and endangered fish and wildlife species and to
25 marine waters that support shellfish resources.
- 26
- 27 **Water for Agriculture**
- 28 Agriculture uses a significant amount of water, most of which is pumped from wells
29 or surface waters. Given the competition for scarce water supplies (addressed in
30 Chapter 11, Environment, Water Resources), ways must be found to secure an
31 adequate long-term water supply while encouraging water conservation and
32 improving water quality prior to it entering the waterways.
- 33 **Goal 8F: Strive to ensure adequate water supplies to support a**
34 **thriving agricultural sector.**
- 35 Policy 8F-1: Actively participate in the WRIA 1 Watershed and Salmon
36 Recovery Programs.
- 37 Policy 8AF-92: Conserve water resources from both a quantity and a quality
38 perspective to ensure and possibly enhance continued
39 agricultural viability.
- 40 Policy 8AF-103: Support the agricultural community's access to sufficient legal in
41 Work to ensure water rights are available for agricultural uses.

1 Policy 8F-4: Balance the needs of agricultural water users with needs for
2 instream uses through such process as the WRIA 1 Salmon
3 Recovery Program.

4 Policy 8F-5: Recognize while regulation of water quality is important, the
5 water need for production of food, fiber, shelter and energy by
6 agricultural resource lands is equally critical.

7 **Forest Resource Lands – Introduction**

8 **Purpose**

9 This section contains policies to guide Whatcom County in conservation of forest
10 resources land of long-term commercial significance, and to implement the
11 provisions of the Growth Management Act and, the adopted County-Wide Planning
12 Policies, ~~and the citizen developed Visioning Community Value Statements.~~

13 **GMA Requirements**

14 Designation and conservation of forest resource lands of long-term commercial
15 significance is required under the Growth Management Act (RCW 36.70A.060). The
16 Growth Management Act [RCW 36.70A.030 (8)] defines forest lands as follows:

17 "Forest land" means land primarily devoted to growing trees for long-term
18 commercial timber production on land that can be economically and
19 practically managed for such production, including Christmas trees subject to
20 the excise tax imposed under RCW 84.33.100 through 84.33.140, and that
21 has long-term commercial significance. In determining whether forest land is
22 primarily devoted to growing trees for long-term commercial timber
23 production on land that can be economical and practically managed for such
24 production, the following factors shall be considered: (a) the proximity of the
25 land to urban, suburban, and rural settlements; (b) surrounding parcel size
26 and the compatibility and intensity of adjacent and nearby land uses; (c)
27 long-term local economic conditions that affect the ability to manage for
28 timber production; and (d) the availability of public facilities and services
29 conducive to conversion of forest land to other uses.

30 Long-term commercial significance is defined by RCW 37.70A.030 (10) as
31 including:

32 The growing capacity, productivity, and soil composition of the land for long-
33 term commercial production, in consideration with the land's proximity to
34 population areas, and the possibility of more intense uses of the land.

35 Map 8-3 shows lands designated as forest resource lands of long-term commercial
36 significance.

1 **Process**

2 Whatcom County has implemented zoning regulations for forest land since the
3 1970s. With the passage of the Growth Management Act, the county began to
4 review the zoning classifications ~~which had been previously in place. The county's~~
5 ~~Forest Resource Lands Program was established to review the current forest~~
6 ~~designations and zoning regulations for compliance with the Growth Management~~
7 ~~Act. The Planning Division began preliminary project work in early 1991. At that~~
8 ~~time, a citizens' advisory committee was formed to review draft forest land~~
9 ~~definitions, criteria, and designations.~~

10 ~~In 1991 a The~~ Forest Resource Lands Citizens' Advisory Committee ~~was~~ composed
11 of ~~small~~ forest landowners, ~~industrial forest landowners~~, representatives of the
12 Washington State Department of Natural Resources, forestry consultants, and
13 private citizens ~~was formed. The committee reviewed the interim~~ The purpose of
14 the committee was to provide review and recommendations on the draft
15 designation of forest resource lands and the , reviewed the Rural Forestry and
16 Commercial Forestry zones and land use code. , and made recommendations for
17 changes in the zoning text regulating these two forestry zones. In addition, the
18 committee reviewed and made recommendations for a Right-To-Practice-Forestry
19 ordinance. The draft forest land designations were developed under the original
20 GMA definition utilizing a set of locally derived criteria for more refined definition of
21 forest lands. These criteria included average parcel size, parcel tax status, type of
22 road access to each parcel, ownership status, presence of public services, and
23 environmental constraints. In 1992, the committee's recommendations went were
24 forwarded to the Planning Commission and on to the County Council before
25 adoption in 1993, which by and large accepted the committee's proposals. The
26 Planning Commission passed on to the County Council the forest lands designations
27 and, by the end of 1993, the County Council had adopted the Planning
28 Commission's recommendations, with minor changes along the way. The draft
29 forest resource land designations and policies fulfilled the Growth Management Act's
30 interim designation and conservation requirements for resource lands. . These
31 interim designations were eventually adopted as part of the Final 1997
32 Comprehensive Plan, in which over 35,000 acres were designated as Rural Forestry
33 and over 186,000 acres were designated as Commercial Forestry.

34 In March 1994, the Forest Resource Lands Citizens' Advisory Committee was
35 reconvened to develop and recommend goals and policies for the comprehensive
36 land use plan. ~~These goals and polices are presented below.~~ The goals and policies
37 are a compilation of the previously existing county goals regarding forest lands,
38 statements from the Visioning Committee's work, and statements generated by the
39 committee. These goals and policies reflect a broad consensus of the community for
40 the conservation and utilization-use of the forest resources of Whatcom County.

1 **GMA Requirements**

2 ~~Designation and conservation of forest resource lands of long-term commercial~~
3 ~~significance is required under the Growth Management Act (RCW 36.70A.060). The~~
4 ~~Growth Management Act [RCW 36.70A.030 (8)] defines forest lands as follows:~~

5 ~~"Forest land" means lands primarily devoted to growing trees for long-~~
6 ~~term commercial timber production on land that can be economically~~
7 ~~and practically managed for such production, including Christmas trees~~
8 ~~subject to the excise tax imposed under RCW 84.33.100 through~~
9 ~~84.33.140, and that has long-term commercial significance. In~~
10 ~~determining whether forest land is primarily devoted to growing trees~~
11 ~~for long-term commercial timber production on land that can be~~
12 ~~economical and practically managed for such production, the following~~
13 ~~factors shall be considered: (a) the proximity of the land to urban,~~
14 ~~suburban, and rural settlements; (b) surrounding parcel size and the~~
15 ~~compatibility and intensity of adjacent and nearby land uses; long-~~
16 ~~term economic conditions that affect the ability to manage for timber~~
17 ~~production; and (d) the availability of public facilities and services~~
18 ~~conducive to conversion of forest land to other uses. The Washington~~
19 ~~State Office of Community Development recommends (WAC 365-190-~~
20 ~~060) that the following factors be considered, when classifying forest~~
21 ~~lands, in addition to those found in RCW 36.70A.030: (e) Property tax~~
22 ~~classification: Property is assessed as open space or forest land~~
23 ~~pursuant to chapter 84.33 or 84.34 RCW; (f) Local economic~~
24 ~~conditions which affect the ability to manage timberlands for long-term~~
25 ~~commercial production and (g) History of land development permits~~
26 ~~issued nearby.~~

27
28 ~~Long-term commercial significance is defined by RCW 37.70A.030 (10) as~~
29 ~~including:~~

30
31 ~~The growing capacity, productivity, and soil composition of the land for~~
32 ~~long-term commercial production, in consideration with the land's~~
33 ~~proximity to population areas, and the possibility of more intense uses~~
34 ~~of the land.~~

35 ~~The interim forest land designations were developed under the original GMA~~
36 ~~definition utilizing a set of locally derived criteria for more refined definition of~~
37 ~~forest lands. These criteria included average parcel size, parcel tax status, type of~~
38 ~~road access to each parcel, ownership status, presence of public services, and~~
39 ~~environmental constraints. By utilizing these criteria Whatcom County effectively~~
40 ~~considered the same factors for designating forest land required under the~~
41 ~~amended definition of forest lands. In addition, the Washington State Department~~
42 ~~of Natural Resource lands and the Mount Baker National Forest lands within eastern~~
43 ~~Whatcom County are recognized as forest lands of long term commercial~~
44 ~~significance. Designated forest lands for purposes of long term commercial~~
45 ~~significance are displayed on **Map 20**.~~

1 **Forest Resource Lands—Background Summary**

2 ~~Forest resource lands are lands which are used primarily for growing trees for~~
3 ~~commercial purposes. In order to be designated as forest resource lands, they must~~
4 ~~have the potential for long-term commercial investment for the management of~~
5 ~~forest products.~~

6 The forest resources of Whatcom County have historically been one of the most
7 important natural resources in the region. Lands in the lower foothills ~~which that~~
8 were initially harvested between 1900 and 1950 now support commercially mature
9 stands of timber. In addition, a few areas of original forest still remain.

10 The majority of the county's non-federal forest resource lands (about 268,597
11 acres) are located in the foothills of western Whatcom County. Most of this land
12 (223,613 acres) is zoned for forest production uses, and is. ~~The majority of the land~~
13 ~~currently zoned for forest production is~~ owned and managed by a few large
14 institutions, including natural resource based corporations, insurance companies,
15 the State of Washington, and small private forest management companies. These
16 landowners manage their lands primarily for the production of timber resources.
17 ~~The State of Washington manages about 94,000 acres of timber land in Whatcom~~
18 ~~County for a variety of public trusts, including state schools and universities, capital~~
19 ~~buildings, state and local governments. Forest Board Lands provide revenue from~~
20 ~~timber sales to the State general fund, Whatcom County government, and other~~
21 ~~junior taxing districts in Whatcom County.~~

22 A smaller portion of the land zoned for forest production is owned and managed by
23 individual woodlot owners and farm/foresters, some of whom reside on their
24 properties. ~~An additional 108,514 acres of land in lowland Whatcom County is~~
25 ~~supporting stands of commercial timber, but is not necessarily managed for~~
26 ~~production of forest products. The majority of these lowland areas are zoned either~~
27 ~~Rural or Agriculture. Individual woodlot owners and farm/foresters constitute the~~
28 ~~majority of landowners of forest lands outside the forestry zone. The goals of~~
29 ~~individual forest landowners, whether in the forestry zone or not, encompass a~~
30 ~~broader range of objectives than just timber production and may include~~
31 ~~management for wildlife, conservation, specialty forest products, firewood, privacy,~~
32 ~~aesthetics, and low density residential or other uses compatible with forestry.~~

33 ~~Based on data collected from forest practice applications, the average standing~~
34 ~~volume of a second growth stand of timber in Whatcom County today is about~~
35 ~~30,000 to 40,000 board feet per acre. Today, most timber is harvested between 40~~
36 ~~and 90 years of age. The harvested areas are replanted with seedlings specifically~~
37 ~~selected for desired growing characteristics, collected from seed trees in the same~~
38 ~~elevation and climatic zone as the harvested area.~~

39 Traditionally, forest land use has been seen as a lower economic value compared to
40 agriculture, rural, suburban, urban, commercial, or industrial uses. As a result,
41 some forest landowners have held forest land in reserve at low cost (current use
42 tax status) while managing for forest products and waiting for the growth of more
43 intense land uses in the vicinity of their property. Many landowners in Whatcom

1 County have taken advantage of the current use taxation programs in order to
2 make forest management on their land more economical. These programs greatly
3 benefit community interests by helping forest landowners keep land in open space
4 and forest use.

5 With a growing population, there is a genuine need to promote conservation of
6 productive forest land and associated public resources through a balanced
7 combination of regulatory protection as mandated by the Growth Management Act,
8 and the provision of incentives for maintaining lands in long-term commercial
9 timber production. It is state and county policy to provide forest landowners with
10 long-term land use predictability, for both productive forest lands and adjacent
11 non-forest use lands. Premature conversion of those productive forest lands to
12 other land uses ~~which—that~~ are incompatible with the management of forest
13 resources is recognized as a threat to the forest industry. Such conversions include
14 changing the use of forest land from commercial timber production to incompatible
15 residential, commercial, industrial, ~~or—and~~ agricultural land uses, or parks and
16 preserves that exclude forest production management. Once forest land has been
17 converted and roads, utilities and other infrastructure have been constructed, the
18 land is not as useful for long-term commercial forest production. In addition, the
19 encroachment of land uses such as non-forestry related residential into areas
20 devoted to forest production can create conflicts between residents and forest
21 landowners.

22 ~~Forest Resource Lands—~~Issues, Goals, and Policies

23 The following goals and policies apply to both Rural and Commercial Forest lands
24 and address the issues of conserving productive forest land and meeting the goals
25 of the Growth Management Act.

26 Forest Land Base

27 The working forest land base in Washington State and in Whatcom County has been
28 steadily ~~fluctuating—decreasing~~ over time. Most of the forest land base change has
29 been attributed to conversion of forest land to parks, preserves, and set-asides, or
30 environmental regulations. A minor amount of land has been converted to rights-of-
31 way and urban and suburban uses. With the additional population growth forecast
32 for Whatcom County ~~(coming mostly from in-migration)~~, there will be continued
33 pressure to convert all types of lands to residential uses. The greatest pressure to
34 convert forest land will likely occur along the margins of traditional forest land
35 where a spectrum of possible land uses may exist, in areas near infrastructure, and
36 on forest sites with commanding views.

37 Complicating the issue of maintaining and protecting the forest land base from
38 conversion is the existing diverse character of forest resource ownerships and forest
39 management goals among Whatcom County's timber landowners. While the larger
40 forest landowners manage their lands primarily for timber production, the smaller
41 forest landowners tend to have diverse forest management goals ~~ranging from~~
42 ~~small-scale timber and woodlot uses to preservation of forests for wildlife habitat.~~
43 Zoning and land use regulations to conserve forest land in Whatcom County need to

1 recognize the range of diverse ownership goals and provide for a range of allowed
2 land uses to ensure the viability of both large and small scale forest management
3 goals while achieving the broader comprehensive goal of conserving the forest land
4 base of the county.

5 **Goal 8F:** ~~Maintain and enhance~~ Support increasing ~~Whatcom~~
6 ~~County's~~ working forest land base and support policies
7 that do not adversely impact the commercial forest land
8 base.

9 Policy 8F-1: Recognize that rural woodlot owners, farm/foresters, small
10 private timber companies as well as large natural resource
11 corporations, the Federal Government, and the State of
12 Washington constitute the ownership of the forest resource land
13 base of Whatcom County.

14 Policy 8F-2: Provide appropriate land use regulation for the diverse forest
15 resource lands within the county through the designation of
16 Rural Forestry and Commercial Forestry zones.

17 Policy 8F-3: Apply the following general criteria for Rural and Commercial
18 Forestry comprehensive plan designations and zones:

19 ~~Rural Forestry~~ Zone: Lands mostly devoted to growing trees for
20 commercial timber production, usually located within public
21 service districts such as fire or water districts, accessed by
22 private roads built to Whatcom County development standards
23 or public roads, with low density residential development. Land
24 parcels are generally 20 acres or greater in size.

25 ~~Commercial Forestry~~ Zone: Lands primarily devoted to growing
26 trees for long-term commercial timber production, located
27 outside of public service districts such as fire and water districts,
28 and accessed by private or state forest roads. Land parcels are
29 generally 40 acres or greater in size.

30 Policy 8F-4: Support conservation of productive forest land by requiring the
31 use of best management practices such as proper road
32 construction and maintenance, prompt re-planting of harvested
33 areas, and protection of forest soils.

34 Policy 8F-5: Support conservation of the working forest land base through
35 cooperation between landowners, private organizations and
36 public agencies, and through a broad range of incentives ~~and~~
37 ~~cooperation between landowners and public agencies~~ such as
38 ~~the utilization of~~ the current use tax assessment provisions of
39 ~~RCW 84.28,~~ RCW 84.33, and RCW 84.34.

40

- 1 | Policy 8F-6 Encourage and support the ~~utilization-use~~ of the Small fForest
2 | Landowner Forestry Riparian Easement Program to help small
3 | landowner’s economic viability and willingness to keep the land
4 | in forestry use (WAC 222-21-005).
- 5 | Policy 8F-7: Establish flexibility in land use plans and regulations to
6 | encourage maintenance of the productive forest land base.
- 7 | ~~Policy 8F-8: Review Title 20.42 (Rural Forestry) and 20.43 (Commercial~~
8 | ~~Forestry) for opportunities to provide compatible non-forest~~
9 | ~~uses that encourage forest landowners to keep their land in~~
10 | ~~productive forest uses.~~
- 11 | ~~Policy 8F-8: Discourage inappropriate conversion of productive forest land to~~
12 | ~~incompatible non-forest uses. It is the intent of this policy not to~~
13 | ~~allow conversion of forest land if the proposed use is~~
14 | ~~incompatible with the maintenance of long-term forest~~
15 | ~~management. Incompatible uses include those which:~~
- 16 | Policy 8F-9: Discourage inappropriate conversion of ~~productive-designated~~
17 | forest land to incompatible non-forest uses. It is the intent of
18 | this policy not to allow conversion of GMA designated forest
19 | lands of long-term commercial significance outside the Lake
20 | Whatcom Watershed Overlay District if the proposed use is
21 | incompatible with the maintenance of long-term forest
22 | management. Incompatible uses include those ~~which~~ that:
- 23 | • create fire or safety hazards to adjacent forest land;
- 24 | • permanently alter or remove a significant portion of a parcel
25 | from ~~production~~ use of forest ~~products~~ use; A significant
26 | portion would be greater than 20% of the lot;
- 27 | • create significant financial hardships for adjacent forest
28 | landowners; or
- 29 | • can lead to land use conflicts with adjacent forest
30 | landowners.
- 31 | ~~Policy 8F-10: Special districts should review their boundaries (e.g. fire~~
32 | ~~districts, water districts) for conformance with forestry~~
33 | ~~designations and consider making appropriate adjustments.~~
- 34 | ~~Policy 8F-11: Recognize the difference between designated (mapped) forest~~
35 | ~~lands and working forests. Designated forest lands may include~~
36 | ~~public or private forest lands not actively managed for timber~~
37 | ~~production, such as for parks, open space or habitat~~
38 | ~~preservation purposes. Working forests are actively managed for~~
39 | ~~timber production and to provide a balance of social, economic,~~
40 | ~~and ecological benefits, products, and values.~~

1 Policy 8F-12: Maintain a working forest land base by considering the impacts
2 of working forests as part of the legislative decision making
3 process. Measures that can be taken to support working forests
4 may include:

- 5 • Land use policies that encourage active management plans on
6 Rural Forest lands;
- 7 • Track acres of forest lands lost from productivity due to
8 conversion, development or policy implementation such as
9 critical areas ordinance, and work with the forestry advisory
10 committee to identify economically viable mitigation
11 strategies that can be implemented to offset the acres lost.
- 12 • Land use policies that recognize the multiple values of
13 working forests and respect the rights and responsibilities of
14 private and public forest landowners;
- 15 • Education programs that emphasize recognition that wood is
16 a renewable natural resources;
- 17 • Public and institutional education programs that promote the
18 benefits of working forests;
- 19 • Championing the implementation of the Northwest Forest
20 Plan and completion of individual forest plans in order to re-
21 balance the social, economic, and ecological benefits and
22 products on a national forest specific basis;
- 23 • Ensuring that timber management plans submitted as part of
24 the Designated Forest Land Current Use Tax program are
25 implemented, or remove the property from the program; and
- 26 • Discouraging conversion of designated forest lands to non-
27 forest uses.

28 **Forest Products Industry**

29 Investment in forest land is complicated by the long time it takes to realize any
30 financial return from growing trees. Once a forest is harvested and a new forest
31 plantation is established, it can take from 40 to 60 years at a minimum before
32 another harvest can occur. Due to the fact that investments in forest land and
33 timber growing are long term in nature, it is necessary to provide forest landowners
34 with assurance that their investments will be realized.

35 Forest resource lands make an important contribution to the local economy in
36 Whatcom County. Resource based employment continues to provide some of the
37 better paying jobs in our local area. Several major employers operate primary and
38 secondary forest product processing facilities. Furthermore, Whatcom County has a
39 long history of involvement in the forest industry, with many families and
40 communities involved in forest management.

1 ~~Environmental regulations have constrained timber production in some locations,~~
2 ~~though the impact industry-wide is not as significant as other factors. According to~~
3 ~~a recent timber supply study conducted by the University of Washington, timber~~
4 ~~production on private lands is more sensitive to changes in the minimum harvest~~
5 ~~age of the available timber supply than it is to changes in the land base as a result~~
6 ~~of restrictions on harvest, such as wetlands protection rules. Other timber supply~~
7 ~~factors, such as currently available growing stock, stumpage prices, and~~
8 ~~labor/technology costs have more influence on timber supply than environmental~~
9 ~~regulations.~~

10 **Goal 8G: ~~Maintain and enhance~~ Support increasing the viability of**
11 **Whatcom County's forest products industry.**

12 Policy 8G-1: Support improving the efficiency and flexibility of state and local
13 environmental regulations affecting the forest products industry,
14 in order to assure environmental protection and improve
15 predictability for the forest products industry while minimizing
16 the regulatory costs to forest landowners.

17 Policy 8G-2: Develop a range of non-regulatory programs, options, and
18 incentives ~~which that~~ forest landowners can employ to meet or
19 exceed county environmental goals.

20 Policy 8G-3: Support the efforts of the forest landowners and managers in
21 Whatcom County to operate in a long-term, sustainable manner
22 as part of a stable, broad based economy.

23 Policy 8G-4: Work cooperatively with the Washington State Department of
24 Natural Resources to ensure the most productive and
25 appropriate use of ~~Whatcom County's Forest Board State Forest~~
26 lands within Whatcom County.

27 Policy 8G-5: ~~Support~~ Consider surface mining, along with rock crushing,
28 washing, and sorting, when done as part of conducting forest
29 practices within the forestry zones, as compatible uses.

30 Policy 8G-6: Support ~~primary and secondary~~ forest product production
31 facilities through appropriate planning, zoning, and land use
32 regulations.

33 Policy 8G-7: Encourage the United States Forest Service and the Department
34 of Natural Resources to implement harvest practices that
35 maximize the use of forest lands while allowing appropriate
36 multiple uses.

1 **Land Use Conflicts**

2 One of the most significant impacts for timber landowners in Washington State is
3 the growing number of conflicts between forest landowners and their neighbors.
4 These conflicts are the result of expansion into the margins of commercial forest
5 land base by people seeking residential land and recreational tracts, and who bring
6 with them conflicting values concerning resource extraction, such as logging.

7 **Goal 8H: Reduce land use conflicts between Whatcom County's**
8 **forest and non-forest landowners.**

9 Policy 8H-1: Refine the Rural and Commercial Forestry zoning regulations to
10 conserve productive forest lands of long-term commercial
11 significance from conversion to non-compatible uses. This
12 zoning recognizes the diversity of Forest Resource landowners
13 and forestry land uses. This zoning should include provisions for
14 compatible, non-forestry uses ~~which~~that encourage all forest
15 landowners to maintain the productive forest land base while
16 conserving them from conflicting uses.

17 Policy 8H-2: Affirm Whatcom County Code Chapter 14.04, the Right-To-
18 Practice-Forestry ordinance, which requires notification of
19 property owners in the vicinity of forestry zones of the types of
20 normal forest management operations likely to be conducted on
21 forest land.

22 Policy 8H-3: Prior to issuing a development permit or receiving approval for a
23 rezone, every attempt should be made to annex all development
24 into local fire district boundaries. Before a development permit
25 or a rezone is approved, it should be demonstrated to the
26 satisfaction of the County that adequate fire prevention
27 measures will be in place for the resident and adjacent
28 properties.

29 Policy 8H-4: Support and encourage improved communication and
30 understanding between forest landowners and the public
31 through such mechanisms as voluntary forest management
32 plans, community forest forums, and educational programs.

33 Policy 8H-5: Work cooperatively with the Washington State Department of
34 Natural Resources, forest landowners, and the general public to
35 address community concerns and land use conflicts ~~which~~that
36 may arise as a result of forest practices.

37 **Fish and Wildlife**

38 ~~Utilization~~Use of forestlands can impact habitat, including riparian areas, stream
39 flows, channel habitat structure, and water quality.

- 1 | **Goal 8I:** Support the Department of Natural Resources to
2 | ensure—Ensure that forest practices avoid adverse
3 | **impacts to the habitat of threatened and endangered fish**
4 | **and wildlife species and to marine waters that support**
5 | **shellfish resources.**
- 6 | Policy 8I-1: Ensure that adequate riparian buffers, based on best available
7 | science, are maintained along rivers and streams.
- 8 | Policy 8I-2: Minimize sedimentation to rivers and streams, to the greatest
9 | extent possible, using BMPs.
- 10 | Policy 8I-3: Ensure that riparian and stream functions are protected when
11 | forestlands are converted to non-forestry uses.

12 | **Mineral Resources – Introduction**

13 | **Purpose**

14 | The purpose of this section is to guide Whatcom County in conservation of mineral
15 | resource lands of long-term commercial significance and in land use decisions
16 | involving lands where mineral resources are present, and to implement the
17 | provisions of the Growth Management Act and the adopted County-Wide Planning
18 | Policies.

19 | **Process**

20 | In 1990, the Washington State Legislature passed the Growth Management Act.
21 | One of the goals of the act is to maintain and enhance resource-based industries.

22 | The Act mandates that each county planning under the Act classify and designate
23 | mineral resource lands of long term commercial significance.

24 | To address the mandates of the Growth Management Act, Whatcom County formed
25 | a Surface Mining Citizens' Advisory Committee in the 1990s to produce, through a
26 | consensus process, the issues, goals, and policies found in this chapter. Planning
27 | staff drafted the sub-section on mineral designations following review and
28 | comments from the committee.

29 | In 1992, Whatcom County adopted an Interim Classification of Mineral Resources
30 | provided by the Washington State Department of Natural Resources. This
31 | classification system, as well as existing resource information, was used for the
32 | interim designation of mineral resource lands of long-term commercial significance.
33 | Through their involvement, the Surface Mining Advisory Committee recommended a
34 | longer planning horizon, which would require additional mineral resource areas.
35 | Additional MRLs were, in fact, designated when the Comprehensive Plan was
36 | adopted in 1997.

37 |

1 Since 1997, amendments for MRL designation have been landowner initiated.

2 ~~Planning staff drafted the sub-section on mineral designations following review and~~
3 ~~comments from the committee. The committee was comprised of a cross-section of~~
4 ~~community members including mining operators, foresters, farmers, and rural~~
5 ~~homeowners representing diverse interests and geographic areas in Whatcom~~
6 ~~County. The County Council adopted the original mineral resource provisions in the~~
7 ~~1997 Comprehensive Plan. These provisions were updated in 2004-2005 after~~
8 ~~reviewing the GMA, Surface Mining Advisory Committee recommendations and new~~
9 ~~information.~~

10 **GMA Requirements**

11 One of the goals of the Growth Management Act is to maintain and enhance
12 resource based industries, including the aggregate and mineral resource industries,
13 with the purpose of assuring the long-term conservation of resource lands for future
14 use. The goals and policies in this section support that goal. In addition, the ~~Act~~
15 GMA mandates that each county shall classify mineral resource lands and then
16 designate and conserve appropriate areas that are not already characterized by
17 urban growth or have other GMA values that may preclude designation and that
18 have long-term commercial significance.

19 The Growth Management Act requires that each county planning under the act shall
20 designate mineral resource lands. Mineral resource lands are lands primarily
21 devoted to the extraction of minerals or that have known or potential long-term
22 commercial significance for the extraction of minerals.

23 Classification is first step in implementing natural resource lands designations, as
24 required in RCW 36.70A.170, and requires defining categories to which natural
25 resource lands and critical areas will be assigned. Designation is the second step in
26 implementation, in which natural resource lands must be designated based on their
27 defined classifications. Designated Mineral Resource Lands of Long Term
28 Commercial Significance are displayed on **Map 8-4.**

29 As part of the required periodic review, Whatcom County must consider new
30 information in determining if amendments are necessary to the mapped designated
31 mineral resources.

32 **~~Mineral Resources~~—Background Summary**

33 Mining activities in Whatcom County have taken place since the 1850s, though the
34 nature, scope and extent of such activities has changed considerably through time.
35 These changes have reflected the economics involved at each point in time at least
36 as much as they reflect the geologic character of Whatcom County. Historically, the
37 more important mineral commodities of Whatcom County have been coal, gold
38 (placer and lode), sandstone, clay, peat, limestone, olivine, and sand and gravel
39 aggregate, with the latter three being especially important at present. ~~Many other~~
40 ~~commodities, however, have been prospected for or extracted.~~

~~In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the County, covering 4,204 acres. For planning purposes, the Surface Mining Advisory Committee recommended using an annual demand for sand and gravel of 12.2 cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997 Comprehensive Plan. There were approximately 108 people directly employed by the mining industry in 2000 (Greater Whatcom Comprehensive Economic Development Strategy, p. III-16).~~

In Whatcom County, sand and gravel mining has been ~~occurs~~ historically concentrated mainly to the east of Interstate-5 and north of Bellingham, with some exceptions. The more important historic aggregate mining areas from east to west include: (1) the Siper and Hopewell Road area two miles north of Nugent's Corner; (2) the Breckenridge Road area just east of Nooksack; (3) the Pangborn and Van Buren Road area two and one half miles southwest of Sumas; (4) the Pole and Everson-Goshen Road area to the southwest of Everson; (5) the Axton Road area one mile east of Laurel; and (6) the Valley View Road area three miles to the east of Blaine. ~~It is estimated that between 1999-2001 approximately 1.73 million cubic yards of sand and gravel from upland pits were excavated annually in Whatcom County (Report Engineering Geology Evaluation Aggregate Resource Inventory Study Whatcom County, Washington (GeoEngineers, Inc., Sept. 30, 2003, p.7).~~

Limestone has been mined since the early 1900s in Whatcom County. Historically, the main use for limestone was for ~~p~~Portland cement manufacturers and pulp and paper industries. Today, limestone is mined in the Red Mountain area north and east of Kendall and is primarily used for rip-rap to mitigate effects of flooding, and for crushed rock, ~~and for pulp mills. Limestone mining has decreased significantly over the years.~~ In 1966, about 500,000 tons of limestone were produced annually from deposits on Red Mountain and ~~from~~ deposits north of Maple Falls. Since then, limestone mining has decreased significantly.

Whatcom County is home to one of the largest known deposits of olivine in the United States, located in the Twin Sisters Mountain. The extraction of high quality Twin Sisters dunite (olivine) by the Olivine Corporation, largely from the Swen Larsen Quarry, has ranged from 400 tons in the early years of operation to a more recent annual average of approximately 70,000 to 80,000 tons.

In the past extraction of river gravel occurred primarily within the banks of the Nooksack River between Deming and Lynden, ~~as determined by aggregate size and composition.~~ As of March, 1993, 34 gravel bars had approved status for extraction. ~~Between 1990 and 1993, an average of 170,000 cubic yards per year of river gravel were removed from the Nooksack River. Between 1960 and 1987, removal rates averaged about 50,000 cubic yards per year.~~ However, because of federal regulations and decreasing seasonal windows in which gravel could be removed from the river due to impacts to riparian habitat and endangered salmon spawning and habitat, there has not been any river bar scalping on the Nooksack River since 1995.

1 | ~~Mineral Resources~~—Issues, Goals and Policies

2 | General Issues

3 | While ~~urbanization-development~~ creates demand for sand and gravel resources, it
4 | may also encroach upon or build over those same resources, rendering them
5 | inaccessible. Strong community opposition to mining near residential, agricultural,
6 | or sensitive environmental areas may also limit extractive opportunities. Adequate
7 | resource protection could ~~help to assure the long-term conservation of resource~~
8 | ~~lands for future use. It would also~~ help to ensure a competitive market and to
9 | guard against inflated land prices by allowing the supply of minerals to respond to
10 | the demand of a free market. Helping the aggregate industry and the associated
11 | businesses, trades, and export markets also creates jobs and stimulates the
12 | economy, to the benefit of the county.

13 | ~~Surface mining can create Potential~~ conflicts with other land uses. ~~Those impacts,~~
14 | ~~however,~~ may include increased noise, dust, ~~scenic impacts~~visual blight, traffic,
15 | road wear, and neighboring property devaluation. ~~Un-reclaimed m~~Mines can affect
16 | property values while at the same time nearby residents may use the area for
17 | shooting, dirt bike riding, and other activities. Controlling trespassing to surface
18 | mining can be a significant safety issue for mine operators. ~~Property rights~~Adjacent
19 | land use issues range from the right to mine and use the value of mineral resource
20 | land to the right to live in an area with a high quality of life and retain home values.
21 | Citizens may be generally unaware of the county zoning of surrounding property
22 | and the mining uses that are allowed. ~~Trespassing and various other activities that~~
23 | ~~may conflict with other land uses are generally illegal and can cause liability for~~
24 | ~~mine owners/operators. Numerous federal, state, and local regulations also~~
25 | ~~mitigate impacts of noise, dust, traffic, and environmental issues.~~ These and other
26 | factors may contribute to a climate of distrust and hostility between the aggregate
27 | industry and property owners in the vicinity.

28 | ~~Environmental issues associated with surface mining include groundwater~~
29 | ~~contamination and disruption of fish and wildlife habitat. Surface mines do have the~~
30 | ~~potential, however, if reclaimed properly, to create wetlands and fish and wildlife~~
31 | ~~habitat, possible productive agricultural land for a limited number of crops, or~~
32 | ~~provide land for parks, housing, industrial and other uses.~~Surface mines, when
33 | reclaimed properly, can enhance wetlands, fish, and wildlife habitat, possible
34 | productive agricultural land, or provide land for parks, housing, industrial, or other
35 | uses. When not reclaimed properly, mines may create environmental issues, such
36 | as groundwater or aquifer impacts, and contamination or disruption of fish and
37 | wildlife habitat.

38 | As a natural result of geologic forces, it is not uncommon in Whatcom County to
39 | have excellent mineral deposits located under prime farmland soil and above an
40 | aquifer recharge area. Mining in these areas can substantially reduce the productive
41 | capacity of the soil and make the underlying aquifer more susceptible to
42 | contamination. Removing the soil overburden eliminates the natural filtration
43 | system, exposing the aquifer to direct contamination from turbidity, industrial spills,

1 illegal dumping and agriculture products. Removing, stockpiling and spreading soil
2 ~~may creates an unacceptable~~ risk of compromising the productive capacity of the
3 most productive and versatile farmland in the ~~C~~county. Another potential problem is
4 that digging out a side hill and/or through a clay barrier could tap the groundwater
5 and suddenly drain an aquifer. This creates a conflict between competing natural
6 resource industries; agriculture and mining. While agriculture is a sustainable
7 industry, mining is an industry that relies on a fixed, nonrenewable resource.

8 ~~Associated mining activities such as rock crushing on-site can greatly increase the~~
9 ~~"industrial atmosphere" experienced by nearby property owners. This activity,~~
10 ~~however, helps to keep material transportation costs down. In addition, accessory~~
11 ~~uses are a necessary part of most operations, and to carry them out on site is cost-~~
12 ~~effective.~~

13
14 **Goal 8J:** **Sustain and enhance, when and where appropriate,**
15 **Whatcom County's mineral resource industries, support**
16 **the conservation of productive mineral lands, and**
17 **discourage incompatible uses upon or adjacent to these**
18 **lands.**

19
20 Policy 8J-1: Conserve for mineral extraction designated mineral resource
21 lands of long-term commercial significance. The use of adjacent
22 lands should not interfere with the continued use of designated
23 mining sites that are being operated in accordance with
24 applicable best management practices and other laws and
25 regulations.

26
27 Policy 8J-2: Support the use of new technology and innovative techniques
28 for extraction, processing, recycling and reclamation. Support
29 recycling of concrete and other aggregate materials. Support
30 the efficient use of existing materials and explore the use of
31 other materials ~~which-that~~ are acceptable substitutes for mineral
32 resources.

33
34 Policy 8J-3: Minimize the duplication of authority in the regulation of surface
35 mining.

36
37 **Goal 8K:** **Ensure that mineral extraction industries do not**
38 **adversely affect the ~~quality of life in Whatcom~~**
39 **~~County~~ people and other properties in the vicinity, by**
40 **establishing appropriate and beneficial designation and**
41 **resource conservation policies, while recognizing the**
42 **rights of all property owners.**

43
44 Policy 8K-1: Avoid significant ~~mineral extraction~~ impacts on adjacent or
45 nearby land uses, public health and safety, or natural resources
46 from mineral extraction.

47

- 1 Policy 8K-2: Consider the maintenance and upgrade of public roads before
2 approving mineral extraction. Address all traffic on county roads
3 in a fair and equitable fashion.
4
- 5 Policy 8K-3: Avoid adversely impacting ground and surface water quality.
6 The protection of aquifers and recharge zones should have
7 precedence over surface mining in the event it is determined by
8 the county that adverse impacts cannot be avoided through the
9 standard use of best management practices. Avoid
10 contamination of aquifers by using ~~uncontaminated and inert~~
11 ~~materials~~ best management practices for reclamation or on-site
12 storage.
13
- 14 Policy 8K-4: ~~Require, w~~Where there ~~exists~~ County has jurisdiction, ~~the~~
15 require reclamation of mineral resource lands to other
16 compatible uses on an ongoing basis as mineral deposits are
17 depleted. Best Management Practices should be used to achieve
18 this.
19
- 20 Policy 8K-5: ~~As part of the mining permit process, Have an plan for an~~
21 ultimate end use for land used for mineral extraction ~~which that~~
22 will complement and preserve the value of adjoining land.
23
- 24 Policy 8K-6: ~~Where not subject to the Surface Mining Act, R~~require security
25 to cover the costs of reclamation prior to extraction activity, and
26 insurance policies or a similar type of protection as appropriate
27 to cover other potential liabilities associated with the proposed
28 activity.
- 29 Policy 8K-7: Designate site-specific mineral resource lands only after mineral
30 extraction impacts have been anticipated and evaluated, and
31 potential adverse environmental impacts have been addressed
32 through appropriate mitigation and/or reasonable alternatives.
- 33 ~~Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and~~
34 ~~held by more than 1% common beneficial ownership or~~
35 ~~beneficial interest with an existing mine, shall require that the~~
36 ~~existing mine is substantially in compliance with all operating~~
37 ~~permits and regulations before expansion of the designation will~~
38 ~~be approved and must be in complete compliance before~~
39 ~~extraction of the additional area may commence.~~
- 40 Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and
41 held by more than 1% common beneficial ownership or
42 beneficial interest with an existing mine is allowed, but before
43 extraction of the additional area may commence the existing
44 mine must be in complete compliance with all operating permits
45 and regulations.

1 **Rural and Urban Areas**

2 Many of the rural areas in Whatcom County have been and are being used for
3 mineral extraction. Low density rural areas with potential natural resources such as
4 sand and gravel may be able to accommodate a variety of uses, and surface mining
5 has been a traditional use. Significant mineral deposits occur in certain parts of the
6 rural areas. Some of these areas have higher surrounding residential densities than
7 others, and many rural residents expect less intrusive forms of land uses.
8 Determining which areas are the most appropriate for mineral extraction is a
9 difficult and challenging task.

10 **Goal 8L: Achieve a balance between the conservation of**
11 **productive mineral lands and the quality of life expected**
12 **by residents within and near the rural and urban zones of**
13 **Whatcom County.**

14 Policy 8L-1: Discourage new residential uses from locating near designated
15 mineral deposit sites until mineral extraction is completed
16 unless adequate buffering is provided by the residential
17 developer.

18 Policy 8L-2: Protect areas where existing residential uses predominate
19 against intrusion by mineral extraction and processing
20 operations.

21 Policy 8L-3: Allow accessory uses to locate near or on the site of the mineral
22 extraction source when appropriate. Authorize crushing
23 equipment to locate near the mineral extraction source as a
24 conditional use provided that all pertinent regulatory standards
25 are maintained. Site asphalt and concrete batch plants as a
26 conditional use, addressing potential impacts for the site.

27 Policy 8L-4: Buffer mineral resource areas adjacent to existing residential
28 areas. Buffers ~~preferably should~~ could consist of berms and
29 vegetation to minimize impacts to adjacent property owners.
30 Buffers should be reduced for a limited period of time during
31 reclamation if quality minerals are contained therein.

32 Policy 8L-5: Encourage mineral extraction operators in the county to
33 voluntarily provide resource use information to nearby
34 landowners, and to develop a good neighbor policy, such as
35 voluntary mine management plans and community and
36 educational forums.

37 **Agricultural Areas**

38 There is considerable overlap between high quality aggregate lands and high quality
39 agriculture lands. Several deposits represent a primary source for sand and gravel
40 and, as well, form the parent material for prime agricultural soils. Both large, deep,

1 open pit mines and smaller projects removing ridges and high ground have been
2 operating in these overlap areas in the agricultural district. The smaller projects
3 usually occur on dairy farms where corn or grass is cultivated. Potential drawbacks
4 from commercial mining in agricultural areas may include reclamation problems,
5 the loss of scenic terrain, an increased risk of groundwater contamination from
6 future agricultural practices, soil rehabilitation difficulties, negative cost-benefit
7 balance, and drainage may also be adversely affected.

8 Some farmers want the freedom of choice to use their land for farming or surface
9 mining, especially in cases where mining income could "save the farm." Others
10 want to preserve farmland. Some questions to consider are the extent to which
11 surface mining should occur on farmland and the extent to which it should be
12 reclaimed back to farmland if it does occur.

13 The agriculture zone is sparsely populated and there are fewer conflicts between
14 homeowners and mining industries than in urban or rural zones. Nevertheless,
15 mining activities can significantly impact nearby landowners.

16 **Goal 8M: Recognize the importance of conserving productive**
17 **mineral lands and conserving productive agricultural**
18 **lands within or near the agricultural zones of Whatcom**
19 **County without jeopardizing the critical land base that is**
20 **necessary for a viable agricultural industry.**

21 Policy 8M-1: Allow mining in the agriculture zone that would enhance farming
22 by leveling knolls and ridges when appropriate. In these areas,
23 reclamation of mineral extraction sites ~~shall~~ occur in a
24 timely fashion. The site should also be restored for uses allowed
25 in an agricultural zone and blend with the adjacent landscape
26 and contours.

27 Policy 8M-2: Avoid the use of designated agricultural land for mineral or soil
28 mining purposes unless the soils can be restored to their original
29 productive capabilities as soon as possible after mining occurs.

30 Policy 8M-3: Allow accessory uses such as washing and/or screening of
31 material to locate near or on the site of the mineral extraction
32 source when appropriate. Within MRL designations, authorize
33 application for mineral processing facilities such as rock crushers
34 and concrete plants through the conditional use process.

35 **Forestry Areas**

36 Surface mining of gravel and rock resources is an integral part of a forest
37 landowner's forest management. Adequate supplies of gravel and rock not only add
38 to the economics of forest management, but also reduce environmental impacts of
39 forest roads. Rock crushing helps conserve a valuable commodity by reducing the
40 amount of material necessary for road construction. The use of crushed rock on
41 roads reduces the amount of sediment developed and better protects water quality.

1 Zoning densities in the Forestry Districts protect the access to mineral resources in
2 the future. These regions contain most of the county's hard rock reserves, such as
3 olivine and limestone. In some areas, the soils overlaying mineral deposits may
4 have a lower productivity for growing timber compared to the high mineral resource
5 value.

6 As lowland sand and gravel resources become exhausted or unavailable, the
7 commercial potential of mining in forest zones increases enough to warrant the
8 expense of hauling. While this would increase the potential for impacts, such as
9 heavier truck traffic, land use conflicts may be minimal based on the lack of or low
10 residential densities in these zones.

11 **Goal 8N: Maintain the conservation of productive mineral lands**
12 **and of productive forestry lands within or near the**
13 **forestry zones of Whatcom County.**

14 Policy 8N-1: Recognize the importance of forest lands in the county and the
15 importance and appropriateness of surface mining as part of
16 conducting forest practices within the forest zones.

17 Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones
18 when appropriate as long as conflicts with other land uses can
19 be mitigated.

20 Policy 8N-3: Allow commercial surface mining operations in the forest zones
21 when appropriate as long as conflicts with other land use zones
22 can be mitigated.

23 Policy 8N-4: Carefully consider the siting of asphalt and concrete batch plants
24 due to possible adverse impacts.

25 Riverine Areas

26 ~~Proponents of river bar scalping support it for both economic and flood control~~
27 ~~purposes. River bar aggregate supplies high quality rock material (although it~~
28 ~~produces poor quality sand due to excessive organic material). In addition and, if~~
29 ~~done properly, bar scalping can stabilize a section of the river channel and decrease~~
30 ~~flood damage immediately downstream.~~

31
32 The benefits of river bar scalping are local and it may have negative effects in areas
33 surrounding the mining site. For example, if done improperly gravel removal can
34 de-stabilize the river channel locally and increase, rather than decrease, flood
35 damage downstream. After intensive bar scalping, floodwater that is normally
36 stored on the floodplain of the mined reach can be concentrated and dumped on
37 the reach immediately downstream.

38
39

1 If gravel mining exceeds the rate of replenishment from upstream, the river bed
2 may lower both upstream and downstream; this bed degradation can undermine
3 bridge supports and other structures, cause adjacent banks to erode (or stabilize,
4 depending on how much and where gravel is removed), lower groundwater tables
5 adjacent to the river, and damage riparian vegetation.

6 Improper mining methods in fish spawning reaches can de-stabilize spawning
7 gravel or clog it with silt, remove cover vegetation or trap smolts during out-
8 migration. Over harvesting of gravel can erode the river bed and expose the
9 underlying substrate, reducing or eliminating pool and riffle habitat for fish and
10 other aquatic animals. Finally, petroleum spills from mining equipment can degrade
11 local surface water quality if not responded to properly.

12 While river gravel is a resource that could extend the life of other Whatcom County
13 gravel resources, river bars are not a reliable source from year to year. The amount
14 of gravel that can be mined varies with seasonal and yearly rates of gravel
15 deposition; high and low water levels and timing; and fish migration, spawning and
16 out-migration timing.

17 Various costs raise the price of river bar gravel. For example, there are several
18 streams (e.g. Boulder Creek, Porter Creek, Glacier Creek, etc.) which may offer
19 significant quantities of sand and gravel, but which are not currently being mined
20 due to prohibitive transportation costs. Other factors include the cost and limited
21 availability of access easements to the river, the repeated handling that is
22 necessary for extraction and processing of the material, and the cost of complying
23 with regulations.

24 Finally, many state and federal regulations restrict scalping locations and practices.
25 The cost and time delay of duplicate regulation, environmental restrictions, royalty
26 charges and the regulatory process are deterrents to river bar mining.

27 ~~Although the public believes river bar scalping will significantly reduce flooding~~
28 ~~along the entire river, in fact its benefits are local and it may have negative effects~~
29 ~~in areas surrounding the mining site. For example, if done improperly gravel~~
30 ~~removal can de-stabilize the river channel locally and increase, rather than~~
31 ~~decrease, flood damage downstream. After intensive bar scalping, floodwater that~~
32 ~~is normally stored on the floodplain of the mined reach can be concentrated and~~
33 ~~dumped on the reach immediately downstream. If gravel mining exceeds the rate~~
34 ~~of replenishment from upstream, the river bed may lower both upstream and~~
35 ~~downstream; this bed degradation can undermine bridge supports and other~~
36 ~~structures, cause adjacent banks to erode (or stabilize, depending on how much~~
37 ~~and where gravel is removed), lower groundwater tables adjacent to the river, and~~
38 ~~damage riparian vegetation.~~

39 ~~Improper mining methods in fish spawning reaches can de-stabilize spawning~~
40 ~~gravel or clog it with silt, remove cover vegetation or trap smolts during out-~~
41 ~~migration. Over harvesting of gravel can erode the river bed and expose the~~
42 ~~underlying substrate, reducing or eliminating pool and riffle habitat for fish and~~

~~other aquatic animals. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.~~

~~While river gravel is a renewable resource that could extend the life of other Whatcom County gravel resources, river bars are not a reliable source from year to year. The amount of gravel that can be mined varies with seasonal and yearly rates of gravel deposition high and low water levels and timing, and fish migration, spawning and out-migration timing.~~

~~Various costs raise the price of river bar gravel. For example, there are several streams (e.g. Boulder Creek, Porter Creek, Glacier Creek, etc.) which may offer significant quantities of sand and gravel, but which are not currently being mined due to prohibitive transportation costs. Other factors include the cost and limited availability of access easements, to the river, the repeated handling that is necessary for extraction and processing of the material, and the cost of complying regulations.~~

~~Finally, many state and federal regulations restrict scalping locations and practices. The cost and time delay of duplicate regulation, environmental restrictions, royalty charges and the regulatory process are deterrents to river bar mining.~~

Goal 8P: Subject to Federal and State regulations, Support the extraction of gravel from river bars and stream channels in Whatcom County for flood control purposes and market demands where adverse hydrologic and other environmental effects are avoided or minimized.

Policy 8P-1: Designate river gravel as a supplemental source to upland reserves.

Policy 8P-2: Allow, when appropriate, the stockpiling, screening, and washing of river gravel in all zone districts when associated with river gravel extraction as close to the extraction site as possible to keep handling and transportation costs to a minimum.

Policy 8P-3: Design river gravel extraction to work with natural river processes so that no adverse flood, erosion, or degradation impacts occur either upstream or downstream of extraction sites. Base mining extraction amounts, rates, timing, and locations on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan.

Policy 8P-4: Locate and operate river gravel extraction to provide long-term protection of water quality and quantity, fish and wildlife populations and habitat, and riparian vegetation.

- 1 Policy 8P-5: Plan and conduct operations on rivers and streams so that
2 short- and long-term impacts and hazardous conditions are
3 either prevented or held to minimum levels ~~which that~~ are not
4 harmful to the general public. Create as little adverse impact on
5 the environment and surrounding uses as possible.
- 6 Policy 8P-6: Fully consider the recommendations of the Flood Hazard
7 Management Committee to encourage gravel bar scalping that
8 decreases the likelihood of flooding and lowers the costs of flood
9 damage and repair, flood management, and emergency
10 services.
- 11 Policy 8P-7: Support the use of gravel from tributary streams for flood
12 hazard control, provided environmental impacts are fully
13 addressed.
- 14 Policy 8P-8: Support the use of existing public access easements ~~that exist~~
15 to allow gravel removal.
- 16 Policy 8P-9: Work with other jurisdictions and related agencies to reduce or
17 eliminate redundant regulations, streamline the permitting
18 process, and provide greater opportunities for appropriate river
19 gravel extraction to enhance other important resources,
20 specifically agricultural.

21 Mineral Designations

22 ~~Whatcom County's interim designation work, accomplished in 1992, was based~~
23 ~~upon the following statutory direction:~~

24 ~~"On or before September 1, 1991, each county [required to plan under~~
25 ~~the Act] shall designate where appropriate: ... Mineral resource lands~~
26 ~~that are not already characterized by urban growth and that have~~
27 ~~long-term significance for the extraction of minerals ..." (RCW~~
28 ~~36.70A.170).~~

29 ~~"Minerals" include gravel, sand, and valuable metallic substances"~~
30 ~~[RCW 36.70A.030(11)].~~

31 ~~The Growth Management Act also directed counties to:~~

32 ~~"adopt development regulations ...to assure the conservation of...~~
33 ~~[designated] mineral resource lands..." [RCW 36.70A.060(1)].~~

34 ~~Whatcom County responded to the above mandates as follows:~~

- 35 ~~• By adopting interim Mineral Resource Lands (MRL) designations covering~~
36 ~~1,250 acres of lowland sand and gravel deposits. All of these areas had~~

1 ~~existing reclamation permits from the Washington State DNR covering at~~
2 ~~least twenty acres.~~

- 3 ~~• By restricting density to one unit per twenty acres within MRL~~
4 ~~designations and, more recently, by requiring disclosure notices on~~
5 ~~property and development within three five feet of the MRLs.~~

6 ~~The GMA goes on to state that counties:~~

7 ~~"shall review these designations...when adopting their comprehensive~~
8 ~~plans ...and may alter such designations...to insure consistency"~~
9 ~~[36.70A.060(3)].~~

10 ~~This is the most pertinent part of the Act in terms of plan direction.~~

11 ~~The Washington State Department of Community Development was required to~~
12 ~~produce "Procedural Criteria," (Chapter 365-195 WAC), to further assist~~
13 ~~interpretation of the act by counties and cities. This helped to further elucidate the~~
14 ~~link between mineral designations and the GMA comprehensive plan. The~~
15 ~~"Procedural Criteria" provides guidance in Section 400, Natural Resource Lands, as~~
16 ~~follows:~~

17 ~~Prior to the development of comprehensive plans, cities and counties~~
18 ~~planning under the Act ought to have designated natural resource~~
19 ~~lands of long-term commercial significance and adopted development~~
20 ~~regulations to assure their conservation. Such lands include~~
21 ~~agricultural lands, forest lands and mineral resource lands. The~~
22 ~~previous designations and development regulations shall be reviewed~~
23 ~~in connection with the comprehensive plan adoption process and~~
24 ~~where necessary be altered to ensure consistency.~~

25 ~~Generally, natural resource lands should be located beyond the boundaries of urban~~
26 ~~growth areas. In most cases, the designated purposes of such lands are~~
27 ~~incompatible with urban densities.~~

28 ~~The review of existing designations should, in most cases, be limited to~~
29 ~~the question of consistency with the comprehensive plan, rather than~~
30 ~~revisiting the entire prior designation and regulation process. However,~~
31 ~~to the extent that new information is available or errors have been~~
32 ~~discovered, the review process should take this information into~~
33 ~~account.~~

34 ~~Review for consistency in this context should include whether the~~
35 ~~planned use of lands adjacent to agriculture, forest or mineral resource~~
36 ~~lands will interfere with the continued use in an accustomed manner~~
37 ~~and in accordance with the best management practices of the~~
38 ~~designated lands for the production of food, agricultural products,~~
39 ~~timber, or for the extraction of minerals.~~

~~If these guidelines are followed, then the comprehensive plan should address mineral designations by asking the following questions: Is there new information that might lead to different designations at this point and have errors been made?~~

~~The H~~interim designations, adopted as discussed above part of the 1993 Comprehensive Plan, were based upon minimal criteria. A more complete set of designation criteria is necessary in order to better define which areas in the county are appropriate for mineral designations. These designations should also include quarry rock and valuable metallic mineral sites because interim designations did not include these resources.

The interim designations were also based more upon a twenty year planning horizon than a fifty year planning horizon. ~~The Minimum Guidelines to Classify Agriculture, Forest, and Mineral Lands (Chapter 365-190 WAC) state that "the Department of Natural Resources has a detailed minerals classification system counties and cities may choose to use" (section 070(b). This classification system recommends a fifty year planning horizon. In the past, F~~the Surface Mining Advisory Committee ~~also~~ has recommended planning for a fifty year supply. While achieving a 50-year local supply may not be practical due to limitations of mineral resources, protecting identified mineral resource areas that are not currently in conflict with other important goals of the GMA is an important long-term goal. However, it should be recognized that due to geologic constraints particular to Whatcom County long-term aggregate supply may not be entirely met by local supplies and some areas of Whatcom County may be better served by import of aggregate materials from sources outside of Whatcom County. Implementing the protection of mineral resources of long-term economic significance this goal would will require the adoption of criteria allowing for additional mineral resource areas.

Additional MRLs were, in fact, designated when the Comprehensive Plan was adopted in 1997 in an attempt to plan for a fifty-year supply of mineral resources. The fifty year demand for minerals in Whatcom County is difficult to project and requires many assumptions. However, in 2004, after review of multiple studies, the Surface Mining Advisory Committee concluded that the existing MRLs do not contain a fifty-year supply of mineral resources, and that meeting the demand for construction aggregate in Whatcom County will require expansion of the mineral resource land designations and the consideration of importing aggregate. The policies and criteria below are meant to guide meeting the demand for construction aggregate. ~~The Surface Mining Advisory Committee estimated that, as of 2005, there will be a supply of approximately 60.7 million cubic yards of sand and gravel and 8.7 million cubic yards of bedrock in existing MRLs that will be available for future use.~~

~~The fifty year demand for minerals in Whatcom County is difficult to project and requires many assumptions. Based upon Whatcom County's per capita rate of consumption of 12.2 cubic yards of sand & gravel and 1.3 cubic yards of bedrock that is being utilized for official planning purposes, approximately 174.4 million cubic yards would be required over the fifty year planning period from 2005-2054. The Washington State Department of Natural Resources, however, has~~

~~recommended a per capita rate that would result in a fifty year demand of approximately 129 million cubic yards in Whatcom County. This estimate assumes that conservation, recycling, increased cost, high density development (which requires less rock per person), and political decisions will result in reduced demand despite continued population growth. Conversely, some factors may increase demand for aggregate such as the construction of mass transportation systems, the possible substitution of masonry materials for wood products, and increased exports to Canada or other United States counties.~~

~~Meeting the demand for construction aggregate in Whatcom County requires expansion of the mineral resource land designations and the consideration of the importation of aggregates. The policies and criteria below are meant to guide meeting the demand for construction aggregate.~~

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

~~Policy 8Q-1: Through a county-led county-wide assessment, sSeek to identify and designate a 50 year supply of potential commercially significant —mineral resource landseconstruction aggregate supply, to meet future demand, to the extent compatible with protection of water resources, agricultural lands, and forest lands and other GMA goals.~~

~~Policy 8Q-2: Ensure that at least 50% of the total areas designated for construction aggregate is within ten miles from cities and urban growth areas where feasible.~~

Policy 8Q-~~3~~2: Ensure that designations of urban growth boundaries are consistent with mineral designations by considering existing and planned uses for the designated areas and adjacent properties. Intergovernmental agreements should demonstrate how future land uses of mined areas will protect underlying aquifers, given the increased groundwater vulnerability to contamination.

Policy 8Q-~~4~~3: Allow mining within designated MRLs through a conditional use permit process requiring:

- (1) on-site environmental review, with county as lead agency, and
- (2) application of appropriate site specific conditions, and
- (3) notification to neighboring property owners within 2,000 feet to insure opportunity for written and oral input.

1
2 | Policy 8Q-~~54~~: Consider potential resource areas (PRA) identified in the Report
3 Engineering Geology Evaluation Aggregate Resource Inventory
4 Study Whatcom County, Washington (GeoEngineers, Inc., Sept.
5 30, 2003) and updated in the Aggregate Resource Inventory
6 2014 Study Update Whatcom County, Washington (Element
7 Solutions, December 22, 2014) for MRL designation and during
8 county review of land development projects in order to avoid
9 development incompatible with mineral resource extraction.

10 | Policy 8Q-~~65~~: Work with the Port of Bellingham, the City of Bellingham, or
11 waterfront property owners to facilitate the importation of
12 mineral resources necessary to provide ~~€~~county citizens with
13 adequate mineral resources at reasonable prices.

14 | Policy 8Q-6: Consider removal of land from Mineral Resource Designation
15 after mining and subsequent reclamation is completed.

16 Fish and Wildlife

17 | ~~Utilization~~ Use of mineral resource lands can impact habitat, including riparian
18 areas, stream flows, channel habitat structure, and water quality.

19 **Goal 8R:** **Ensure that mining avoids adverse impacts to the habitat**
20 **of threatened and endangered fish and wildlife species.**

21 Policy 8R-1: Ensure that adequate riparian buffers are maintained along
22 rivers and streams.

23 Policy 8R-2: Ensure proper treatment of wastewater prior to discharge.

24 Policy 8R-3: Provide and maintain best management practices for erosion
25 control to prevent sedimentation.

26 Policy 8R-4: Provide proper storage ~~and containment~~ of hazardous materials,
27 ~~and provide for appropriate on-site spill response and clean-up~~
28 ~~materials and personnel.~~

29 Policy 8R-5: Provide for appropriate on-site spill response, containment and
30 clean-up materials and personnel.

31 ~~Policy 8R-5: Avoid surface mining in the floodplain.~~

32 ~~Policy 8R-6: Allow river bar scalping, except where it would adversely affect~~
33 ~~spawning or critical habitat areas.~~

34 Policy 8R-~~76~~: Work with state and federal agencies to develop policies and
35 regulations regarding in-stream gravel extraction to ensure that
36 spawning protected species, essential fish habitat, or other

1 critical ~~habitat is~~ areas are not adversely impacted and that
2 flooding or erosion in surrounding areas is not increased.

3 Policy 8R-7: Avoid river bar scalping where it would adversely affect
4 spawning salmon or critical habitat areas.

5 Mineral Resource Lands (MRL) – Designation Criteria

6 Non-Metallic Mineral Deposits

7 General Criteria

8 1. Non-metallic deposits must contain at least 1,000,000 cubic yards of proven
9 and extractable sand, gravel, or rock material per new MRL Designation.

10 2. Minimum MRL Designation size is twenty acres.

11 2-3. Expansion of an existing MRL does not need to meet criteria 1 or 2.

12 3-4. MRL Designation status does not apply to surface mines permitted as an
13 accessory or conditional use for the purpose of enhancing agriculture or
14 facilitating forestry resource operations.

15 4-5. All pre-existing legal permitted sites meeting the above criteria will be
16 designated.

17 5-6. The site shall have a proven resource that meets the following criteria:

- 18 • Construction material must meet current WSDOT Standard Specifications
19 for common borrow criteria for road, bridge and municipal construction, or
20 Whatcom County standards for other uses.
- 21 • Sand and gravel deposits must have a net to gross ratio greater than
22 80% (1290 cy/acre/foot).

23 6-7. MRL Designations must not be within nor abut developed residential zones or
24 subdivisions platted at urban densities.

25 7-8. MRL Designations must not occur within the 10 year zone of contribution for
26 designated wellhead protection areas, as approved by the State Department
27 of Health for Group A systems, and by the Whatcom County Health
28 Department for Group B systems, in accordance with source control
29 provisions of the regulations on water system comprehensive planning. MRL
30 designations may be modified if a wellhead protection area delineated
31 subsequent to MRL designation encompasses areas within a designated MRL.
32 If a fixed radii method is used to delineate a wellhead protection area, the
33 applicant may elect to more precisely delineate the wellhead protection
34 boundary using an analytical model; provided, that the delineated boundary
35 proposed by the applicant is prepared by a professional hydrogeologist; and
36 further provided, that the delineated boundary has been reviewed and

1 approved by the Washington State Department of Health for Group A
2 systems, and by the Whatcom County Health Department for Group B
3 systems. The hydrogeologist shall be selected by mutual agreement of the
4 county, water purveyor, and applicant; provided, if agreement cannot be
5 reached the applicant shall select a consultant from a list of no less than
6 three qualified consultants supplied by the county and water purveyor.

7 ~~8.9.~~ MRL Designation should not enclose by more than 50% non-designated
8 parcels.

9 ~~9.10.~~ Site-specific MRL designations shall only be approved after mineral extraction
10 impacts have been anticipated and evaluated, and potential adverse
11 environmental impacts have been addressed through appropriate mitigation
12 and/or reasonable alternatives.

13 ~~10.11.~~ MRL Designations must be reviewed for internal consistency with other parts
14 of the comprehensive plan so that the MRL designation does not preclude
15 achievement of other parts of the comprehensive plan.

16 ~~11.12.~~ Expansion of MRL Designations to parcels contiguous to, and held by more
17 than 1% common beneficial ownership or beneficial interest with an existing
18 mine is allowed, but before extraction of the additional area may commence
19 the existing mine must be in complete compliance with all operating permits
20 and regulations. ~~shall require that the existing mine is substantially in~~
21 ~~compliance with all operating permits and regulations before expansion of~~
22 ~~the designation will be approved.~~

23 *Additional Criteria for Designated Urban and Rural Areas*

24 ~~12.13.~~ Abutting parcel size density must not exceed one unit per nominal five acres
25 for more than 25% of the perimeter of the site unless project specific
26 mitigation is created.

27 *Additional Criteria for Designated Forestry Areas*

28 ~~13.14.~~ Must demonstrate higher value as mineral resource than forestry resource
29 based upon:

- 30 • soil conditions.
- 31 • quality of mineral resource.
- 32 • sustainable productivity of forest resource.

33 *Additional Criteria for Designated Agricultural Areas*

34 ~~14.15.~~ Prohibit MRL designations in areas designated Agriculture by the Whatcom
35 County Comprehensive Plan that contain "Prime Farmland Soils" determined
36 by the Natural Resource Conservation Service. ~~as listed in Table 5, Soil~~

~~1 Survey of Whatcom County Area, Washington, U.S. Department of
2 Agriculture Soil Conservation Service. A Goldin (1983).~~

3 **River and Stream Gravel**

4 ~~15-16.~~ MRL Designation status applies to river gravel bars possessing necessary
5 permits and containing significant quality reserves.

6 ~~16-17.~~ MRL Designation status may apply to those upland sites located in proximity
7 to river gravel sources and used primarily for handling and processing
8 significant amounts of river gravel.

9 **Metallic and Industrial Mineral Deposits**

10 ~~17-18.~~ For metallic and rare minerals, mineral designation status extends to all
11 patented mining claims.

12 ~~18-19.~~ Mineral Resource Designation status extends to all currently permitted
13 industrial mineral deposits of long-term commercial significance.

14 ~~19-20.~~ All other non-patented mineral deposits must meet the non-metallic MRL
15 Designation criteria, numbers 6 through 15, as applicable.

16 **Mineral Resources – Site Selection Method**

17 1. Sites meeting Mineral Resources Designation Criteria 1-5 (and areas enclosed
18 by these sites greater than 50%).

19 2. Sites requested by owner or operator meeting designation criteria.

20 3. Sites that are regionally significant meeting designation criteria.

21 4. Sites adjacent to both roads and other proposed MRL sites meeting
22 designation criteria.

23 **Marine Resource Lands – Introduction**

24 **Purpose**

25 This section contains policies to guide Whatcom County in the creation of a new
26 section for this chapter to ensure the conservation of functioning marine resource
27 lands of long-term commercial and recreational significance, and to ensure that
28 both industries requiring functioning marine lands, and the cultural heritage that
29 use of our marine lands represent, thrive in the years to come.

30 **GMA Requirements**

31 Goal 8 of the GMA (RCW 36.70A.020) guides the county to “Maintain and enhance
32 natural resource based industries, including productive timber, agricultural, and
33 fisheries industries.” Marine lands have a clear nexus regarding maintenance of

1 fisheries industries, including commercial and recreational shellfish harvest. While
2 the GMA does not require specific designation of marine resource lands that support
3 aquatic based industries, functioning marine lands are so intrinsically necessary for
4 production of historical fish and shellfish production that these lands are identified
5 on our GMA required critical areas maps, shoreline inventory and analysis, and
6 integral in the state/county approved 2008 Shoreline Restoration Plan.

7 **Issues, Goals, and Policies**

8 The following goals and policies apply to both designated and undesignated marine
9 lands and are meant to help in the creation of this section to address the issues of
10 conserving productive marine land and meeting the goals of the Growth
11 Management Act.

12 **Goal 8S: Conserve and enhance Whatcom County's marine land**
13 **base for the long-term and sustainable production of**
14 **commercial and recreational economic activities.**

15 **Policy 8S-1: Whatcom County will work with committees including but not**
16 **limited to the Marine Resource Committee, the Shellfish**
17 **Protection Advisory Committee, and other local marine land**
18 **experts to create a new section of this chapter to support Goal**
19 **8S to be docketed and processed for consideration no later than**
20 **2017.**

21 **Resource Lands — Action Plan**

22 **Agricultural Lands**

23 1. ~~Direct the Advisory Committee to review the existing Comprehensive Plan~~
24 ~~and zoning designations for Agriculture during subarea review to determine~~
25 ~~whether any adjustments in these boundaries are warranted. The review~~
26 ~~should include parcels within the Agriculture designation to determine if they~~
27 ~~should no longer be designated Agriculture, and should include parcels in the~~
28 ~~Rural designation (and possibly other designations) to determine if they~~
29 ~~should be designated Agriculture. The review should also include areas~~
30 ~~outside the immediate Agriculture boundary as available research and data~~
31 ~~indicate. Designation as "Agriculture Protection Overlay" may be one tool to~~
32 ~~implement this recommendation.~~

33 ~~2. Direct the Advisory Committee to develop a process that conserves and~~
34 ~~enhances the Agricultural resource land base.~~

35 ~~3. To assist staff and public in evaluating lands for possible inclusion in the~~
36 ~~Agriculture zone, develop a system such as the LESA (Land Evaluation and~~
37 ~~Site Assessment) system or a similar mechanism. This system will consider~~
38 ~~County-wide Planning Policies and Growth Management Act goals for the~~
39 ~~conservation of the agricultural resource. Other uses for such a system could~~
40 ~~include:~~

1 • ~~Evaluating requests for agricultural land divisions pursuant to the~~
2 ~~exceptions to the 40-acre minimum parcel size in the Agriculture zone~~
3 ~~district of Title 20.~~

4 • ~~Evaluating applications for Conditional Use Permits for non-agricultural~~
5 ~~production uses in the Agriculture zone district of Title 20.~~

6 ~~4. Establish buffers or setback requirements on non-agricultural lands when~~
7 ~~they are adjacent to agricultural lands. As a part of this task, establish the~~
8 ~~quality and type of buffers or setbacks.~~

9 ~~5. Implement strategies that reduce negative impacts by agricultural uses on~~
10 ~~natural systems.~~

11 ~~6. Coordinate with the members of the agricultural community when addressing~~
12 ~~issues that affect agriculture in Whatcom County. Representative entities~~
13 ~~such as the Whatcom Conservation District, the Natural Resource~~
14 ~~Conservation Service, the Whatcom County Agricultural Preservation~~
15 ~~Committee, the Whatcom County Farm Bureau, the Whatcom County Dairy~~
16 ~~Federation, the Whatcom County Cooperative Extension Service and other~~
17 ~~agriculture related organizations should be included.~~

18 ~~7. Support educational short courses which address methods of structuring~~
19 ~~agricultural estates to minimize inheritance taxes; give special emphasis to~~
20 ~~utilization of Land Trust as a mechanism by which to protect their farmlands~~
21 ~~in perpetuity for agricultural uses by their heirs or other farmers.~~

22 ~~8. Work with the drainage districts and the Washington State Department of~~
23 ~~Fish and Wildlife to resolve conflicting interests associated with fish and~~
24 ~~wildlife habitat.~~

25 ~~9. Encourage equity in present tax assessment systems relating to agricultural~~
26 ~~land use.~~

27 **Forest Resource Lands**

28 1. ~~Review criteria for Rural Forestry and Commercial Forestry and make~~
29 ~~amendments as necessary in order to conform with the requirements of the~~
30 ~~Growth Management Act.~~

31 2. ~~Review Title 20.42 (Rural Forestry) and 20.43 (Commercial Forestry) for~~
32 ~~opportunities to provide for compatible, non-forest uses which encourage~~
33 ~~forest landowners to keep their land in productive forest uses.~~

34 3. ~~Review Chapter WAC 222-21 for opportunities to encourage and support~~
35 ~~small landowners to use the Small Forest Landowner Riparian Easement~~
36 ~~Program.~~

- ~~4. Review special district boundaries (e.g. fire districts, water districts) for conformance with forestry designations and make recommendations to appropriate agencies for adjustments.~~
- ~~5. Establish a comprehensive program of forest land conservation incentives to offer to landowners who wish to keep their land in long-term productive forest use. Coordinate this program with private land trusts, state agencies, and federal programs.~~
- ~~6. Adopt a memorandum of agreement with the Washington State Department of Natural Resources outlining the roles and responsibilities of Whatcom County and the Department of Natural Resources with regard to regulating forest practice activities in Whatcom County.~~
- ~~7. The County shall adopt standards, by December 31, 2005, for the administration and enforcement of regulations related to Class IV Forest Practice conversion activities in Whatcom County as specified in RCW 76.09.240.~~
- ~~8. Develop criteria and best management practices for establishing minimum fire prevention measures for development that takes place outside of a fire district boundary.~~
- ~~9. Formally review designations of productive forest land to determine if changes are necessary to meet forest land designation criteria.~~

Mineral Resources

- ~~1. Investigate the problems associated with inactive and non-permitted mining sites and work with the appropriate government agencies to resolve such problems.~~
- ~~2. Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop a good neighbor policy.~~
- ~~3. Make regulatory processes more efficient and timely, while protecting the land use rights of those affected.~~
- ~~4. Implement a surface mining regulatory program, consistent with the comprehensive plan that addresses those areas where there is a conflict between land uses. Maintain an ongoing advisory committee consisting of representatives of diverse interests.~~
- ~~5. Develop and/or implement standards that optimize the life cycles of roads, bridges, and buildings, favoring durability over low, initial cost. Such standards can include improved road sub-base preparation (better compaction), thicker road bases, reinforcement, alternative materials, and concrete surfaces for some applications.~~

- 1 ~~6. Encourage the use of alternative materials through educational programs.~~
- 2 ~~7. Develop a program for use of alternative methods and materials in County~~
- 3 ~~projects.~~
- 4 ~~8. The Mineral Resource Land map designations and/or designation criteria~~
- 5 ~~should be reviewed at least once every seven years to determine if changes~~
- 6 ~~are necessary to meet mineral resource goals and policies. Such review~~
- 7 ~~should include consideration of the removal of land from Mineral Resource~~
- 8 ~~Designation after mining activity is completed and the addition of new~~
- 9 ~~designations in order to maintain a 50-year supply of mineral resources.~~
- 10 ~~Review may occur through subarea plan updates provided a complete review~~
- 11 ~~will occur within the seven year time frame.~~
- 12 ~~9. Investigate and implement methods to reduce inefficient uses of high quality~~
- 13 ~~gravel deposits.~~
- 14 ~~10. Budget for and update the Aggregate Resource Inventory study to document~~
- 15 ~~the short and long range availability and location of quality mineral~~
- 16 ~~resources, to be completed by 2010.~~
- 17 ~~11.1. Support and encourage legislation streamlining regulatory processes and~~
- 18 ~~other actions to encourage appropriate utilization of gravel from the~~
- 19 ~~Nooksack drainage as a resource where appropriate and a method to~~
- 20 ~~stabilize and/or reduce flooding events and/or reduce the loss of agricultural~~
- 21 ~~land to erosion.~~