

SPONSORED BY: _____
PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

**ADOPTING WHATCOM COUNTY COMPREHENSIVE PLAN
AMENDMENTS RELATING TO THE
2016 COMPREHENSIVE PLAN UPDATE AND
URBAN GROWTH AREA (UGA) REVIEW**

WHEREAS, The Growth Management Act requires Whatcom County to periodically review and update the Comprehensive Plan; and

WHEREAS, The Growth Management Act requires Whatcom County to periodically review and update UGAs; and

WHEREAS, The Whatcom County Council reviewed and considered Growth Management Act requirements, Planning Commission recommendations, staff recommendations, city recommendations, advisory committee recommendations, Tribal government comments, and public comments on the Comprehensive Plan update and UGA review; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The Washington State Growth Management Act (GMA) requires Whatcom County to periodically review and revise its comprehensive plan and development regulations under RCW 36.70A.130(1). Whatcom County must complete the update in 2016.
2. The GMA also requires Whatcom County to review urban growth areas (UGAs) under RCW 36.70A.130(3). The UGAs must be able to accommodate urban growth projected for the 20-year planning period, which extends through the year 2036. Whatcom County must complete the update in 2016.

3. A Draft Environmental Impact Statement (EIS) entitled "Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review" was issued on March 10, 2015. A public hearing on the Draft EIS was held on April 13, 2015. The written comment period closed on May 15, 2015. A Final EIS was issued on November 12, 2015.
4. GMA Planning Goal 11, relating to citizen participation and coordination, is to "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts."
5. The GMA requires the County to establish and broadly disseminate a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans (RCW 36.70A.140). Whatcom County developed a Public Participation Plan to guide the planning process and has followed that Plan.
6. Whatcom County Planning and Development Services Department staff reviewed the Comprehensive Plan and prepared initial recommended amendments based on the following objectives:
 - a. Incorporate comments and recommendations from consultation with Council and Executive-appointed advisory committees, other county departments, cities and agencies;
 - b. Update elements with current information, data or projections relevant to the new twenty-year planning period;
 - c. Remove outdated narrative language regarding process and history of previous planning efforts;
 - d. Update narrative and policies to address current issues and planning initiatives or to reflect new policy direction;
 - e. Convert action items at the end of each chapter into policies or delete action items already accomplished or no longer needed;
 - f. Amend or delete policies that are out of date or duplicative;

- g. Update narrative and policies to achieve internal consistency; and
 - h. Achieve consistency with the GMA (incorporate changes based on state legislative updates).
7. The Whatcom County Planning Commission held a series of public meetings from March 2015 – January 2016 and a meeting in May 2016. The Planning Commission considered input from a variety of sources including staff recommendations, city recommendations, advisory committee recommendations, Tribal government comments, public comments, and agency comments.
 8. Notice of proposed amendments was submitted to the Washington State Department of Commerce on April 28, 2016 pursuant to RCW 36.70A.106. WAC 365-196-630(2)(c) states "If the proposed amendment changes during the legislative process, counties and cities may submit supplemental materials to the department without initiating a new sixty-day notice period." Pursuant to WAC 365-196-630(2)(c), Whatcom County submitted supplemental information to the Department of Commerce on July 22, 2016 showing the proposed amendments as modified during the County Council's review process.
 9. Proposed Comprehensive Plan amendments have been posted on the County website.
 10. Notices of the Planning Commission hearings were sent to citizens, media, cities, Tribal governments and other groups on the County's e-mail list on November 25, 2015 and May 12, 2016.
 11. Notices of the Planning Commission hearings for the subject amendments were published in the Bellingham Herald on November 25, 2015 and May 13, 2016.
 12. The Planning Commission held public hearings on the subject amendments on December 10, 2015 and May 26, 2016.
 13. The Planning Commission issued Findings of Fact & Reasons for Action on January 14, 2016 (Comprehensive Plan Chapters 1-11) and May 26, 2016 (Comprehensive Plan Appendices).
 14. The Whatcom County Council held public hearings on the subject amendments on January 26, March 22, April 5, April 19, May 3, May 17, May 31, June 14, June 28, and August 9, 2016.

15. The Whatcom County Council reviewed and considered Planning Commission recommendations, staff recommendations, city recommendations, advisory committee recommendations, Tribal government comments, and public comments on the Comprehensive Plan update.

Approval Criteria

Whatcom County Code

16. Pursuant to Whatcom County Code 2.160.080, in order to approve comprehensive plan amendments the County must find all of the following:
 - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
 - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
 - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
 - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
 - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
 - d. The amendment does not include or facilitate spot zoning.

- e. Amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated Transfer of Development Rights sending area, with certain exceptions including UGA expansions initiated by a government agency.

Re-Designating UGA Reserves to UGAs

- 17. The Whatcom County Comprehensive Plan (Chapter 2) states that:
 - . . . Urban Growth Area Reserves means a land use designation that may be applied to those areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which appear to be suitable for future inclusion in the respective Urban Growth Area. . . .
- 18. General criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area are set forth in the Comprehensive Plan (Chapter 2) and relate to:
 - a. Need for Land Capacity;
 - b. Adequate Public Facilities and Services;
 - c. Land Use Plans;
 - d. Natural Resource Lands;
 - e. Environment; and
 - f. Open Space Corridors.
- 19. Additional issues are set forth in the Comprehensive Plan (Chapter 2) to re-designate specific UGA Reserves to UGAs.
- 20. Ferndale and Lynden UGA Reserves are re-designated to UGAs.

Re-Designating Agricultural Lands to UGAs

- 21. The GMA required Whatcom County to designate agricultural lands of long-term commercial significance (hereinafter "designated Agricultural lands") under RCW 36.70A.170(1), which the County accomplished in the 1990s.
- 22. Those lands designated as Agriculture in the Whatcom County Comprehensive Plan are designated Agricultural lands under the GMA.

23. Certain lands in UGA Reserves are currently zoned Agriculture. However, zoning does not determine which lands are designated Agricultural lands. Lands classified as UGA Reserve in the Comprehensive Plan are not designated Agricultural lands.
24. The GMA indicates that designated Agricultural lands are primarily devoted to agriculture and have "long-term commercial significance for agricultural production" (RCW 36.70A.030(2)). The GMA states that "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land (RCW 36.70A.030(10)). The "GMA does not dictate how much weight to assign each factor in determining which farmlands have long-term commercial significance" ([*Lewis County v. Western Washington Growth Management Hearings Board*](#), 157 Wn.2d 488 (2006)).
25. The GMA requires counties to consider the guidelines established in WAC 365-190-050 when designating Agricultural lands (RCW 36.70A.170(2)).
26. Based upon the GMA, Washington courts have developed a three factor test for designating and de-designating Agricultural Lands of long term commercial significance. In order to de-designate agricultural lands of long term commercial significance, it must be demonstrated that one of these three factors exists.
 - a. The land is characterized by urban growth. The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(19)).
 - b. The land is not primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics.
 - c. The land no longer has long-term commercial significance for agricultural production, as indicated by soil, growing capacity, productivity, and whether it is near population areas or vulnerable to more intense uses. Washington Administrative Code (WAC) 365-190-050 provides the following factors, which should be considered:
 - i. The classification of prime and unique farmland soils as mapped by the Natural Resources Conservation Service;

- ii. The availability of public facilities, including roads used in transporting agricultural products;
 - iii. Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;
 - iv. The availability of public services;
 - v. Relationship or proximity to urban growth areas;
 - vi. Predominant parcel size;
 - vii. Land use settlement patterns and their compatibility with agricultural practices;
 - viii. Intensity of nearby land uses;
 - ix. History of land development permits issued nearby;
 - x. Land values under alternative uses; and
 - xi. Proximity to markets.
27. New Whatcom County Comprehensive Plan Policy 8A-3 sets forth the criteria for designating or de-designating Agriculture lands. This Policy states:

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

- a. The land is not already characterized by urban growth. In determining this factor, the County should consider WAC 365-196-310 and RCW 36.70A.030(19).
- b. The land is used or capable of being used for agricultural production. In making this determination, the County shall use the land-capability classification system of the U.S.

Department of Agriculture Natural Resources Conservation Service. These eight classes are incorporated into map units and are based on the growing capacity, productivity, and soil composition of the land.

- c. The land has long term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:
 - i. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
 - ii. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
 - iii. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices.
 - iv. A majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985.
 - v. The predominate parcel size in the area is large enough to adequately maintain agricultural operations.
 - vi. The availability of public services.
 - vii. The availability of public facilities such as roads used to transport agricultural products.
 - viii. Special purpose districts that are oriented to enhancing agricultural operations such as drainage improvement, watershed improvement, and flood control exist.
 - ix. The area has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.

- x. The area contains a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.
 - xi. The area's proximity to urban growth areas.
 - xii. The area's proximity to agricultural markets.
 - xiii. Land value under alternative uses.
28. Whatcom County Comprehensive Plan Policy 8A-6 (formerly 8A-5) is to "Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands."
29. Whatcom County has considered the provisions of the GMA, WAC 365-190-050, and the Whatcom County Comprehensive Plan in evaluating de-designation of Agricultural lands. Pursuant to this review, land is re-designated in the Whatcom County Comprehensive Plan from Agriculture to Lynden UGA and from Agriculture to Nooksack UGA.

Growth Management Act

30. The GMA establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plans.
31. The GMA requires that a comprehensive plan must be an internally consistent document (RCW 36.70A.070).
32. The GMA establishes mandatory elements of a comprehensive plan in RCW 36.70A.070. Mandatory elements are: land use, housing, capital facilities, utilities, rural and transportation elements. These mandatory elements, along with other optional elements of the Comprehensive Plan, are addressed below.

Chapter 1 – Introduction and Growth Projections

33. The GMA requires that the comprehensive plan contain projections of future population growth (RCW 36.70A.070(1)) and future employment growth (RCW 36.70A.115).
34. Chapter 1 of the Whatcom County Comprehensive Plan contains GMA goals, background information, population projections, and employment projections.

35. Whatcom County and the cities hired a consulting firm, BERK, to develop a document entitled *Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report*. This report, which was issued in July 2013 and revised in November 2013, analyzed historical growth and developed preliminary allocations to UGAs and the area outside UGAs primarily based upon historic growth trends and shares. This report represented a starting point for public input and discussions by planning commissions and elected officials.
36. BERK also issued a report entitled *Whatcom County Urban Growth Area Review - Background Research on Selected Economic, Demographic, and Housing Trends* in November 2013. This report addresses Canadian influence on Whatcom County real estate markets including the effect of the exchange rate on border crossings, Canadian shoppers, Canadian air travel through the Bellingham International Airport, real estate prices attracting Canadian investors, and long-term population growth in British Columbia. This report states that “. . . Canadian retail spending in the U.S. will lead to additional demand for commercial land and Canadian investors will contribute to residential demand in Whatcom County. . .” (p. 11). This report also looks at housing trends and preferences, including national trends, elderly housing preferences, and Whatcom County housing market trends.
37. The County and cities adopted interlocal agreements in 2012 to, among other things, conduct coordinated growth management planning.
38. The County and the cities developed preliminary population and employment allocation recommendations after considering the OFM population projections, BERK report, county goals, city goals, public input, infrastructure capacity, land availability, etc. These preliminary recommendations were presented in several meetings of the Whatcom County Planning Commission in late 2013. The County Planning Commission issued recommendations relating to preliminary population and employment allocations on January 9, 2014.
39. The Whatcom County Council approved a nonbinding multi-jurisdictional resolution relating to population and employment growth allocations on March 11, 2014. Based upon the County and cities’ preliminary recommendations, this resolution provided preliminary growth allocations for conducting environmental review, further analyzing land capacity, developing draft land use planning proposals, traffic modeling, and formulating draft capital facility plans.

40. Following further analysis, Whatcom County and the cities issued UGA proposals in the summer of 2015. These proposals included population allocations, employment allocations and any UGA boundary changes.
41. The County Council considered OFM population projections, the BERK reports, infrastructure capacity, land availability, County and city proposals, Whatcom County Planning Commission recommendations, and public input prior to adopting the Comprehensive Plan's population and employment growth projections in 2016.
42. Whatcom County's estimated 2013 population was 205,800. It is projected that the County as a whole will grow by 69,650 people over the planning period. Therefore, total Whatcom County population is projected to be 275,450 in the year 2036.
43. The county-wide total population projection of 275,450 for the year 2036 is within the range of State Office of Financial Management projections.
44. The population growth allocations to the UGAs total 58,433 additional people over the planning period (which equates to approximately 84% of countywide population growth). The population growth allocation to the remainder of the county, outside UGAs, totals 11,217 additional people (which equates to approximately 16% of the countywide population growth).
45. Whatcom County, in consultation with cities, adopts a twenty-year county-wide employment forecast. In selecting a county-wide employment forecast, the county-wide population forecast, and the resulting ratio of forecast jobs to persons, should be compared to past levels and to desired policy objectives (WAC 365-196-310(4)(a)(iv)).
46. Whatcom County's historical employment rate since 1990 has fluctuated from a high of 52.4% in 2005 to a low of 45.6% in 2014 (*Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report* (November 2013, p. 17) and Washington State Employment Security Department). State-wide employment rates have been in the range of approximately 47-50% since 1990 (*Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report* (November 2013, p. 17)).
47. Whatcom County policy objectives relating to employment include:
 - a. Promoting a healthy economy providing opportunity for family wage jobs;
 - b. Fostering a diverse, private-sector job base;

- c. Fostering productive timber; agriculture, and fisheries industries in a sustainable manner;
 - d. Encouraging growth of tourism, and recreational activities;
 - e. Enhancing the economic trade, tourism, and industrial siting advantages of the county's location adjacent to the Canadian border;
 - f. Support creation of job opportunities for local residents, especially family wage jobs to decrease unemployment and underemployment; and
 - g. Supporting long-term employment efforts in the unincorporated areas of the county, including Point Roberts, Birch Bay, and east County.
48. WAC 365-196-310(2)(d) recognizes that the employment forecast is developed by the county at its discretion.
49. Whatcom County has reviewed the OFM population projections, historical employment/population ratios, city recommendations and policy objectives, and selects a future county-wide employment growth projection of 37,052.

Chapter 2 – Land Use

50. GMA Planning Goal 1, relating to urban growth, is to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner."
51. GMA Planning Goal 2, relating to reducing sprawl, is to "Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development."
52. The GMA, at RCW 36.70A.070(1), requires that a comprehensive plan must include:

A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use

element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

Urban Growth Areas (UGAs)

53. The GMA, at RCW 36.70A.110(1), requires that a comprehensive plan must include urban growth areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.

54. The GMA, at RCW 36.70A.110(2), also requires that:

Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. . .

55. The GMA, at RCW 36.70A.115, states:

Counties and cities . . . shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

56. Washington Administrative Code 365-196-310 addresses UGAs. Washington Administrative Code 365-196-310(3) states, when designating urban growth areas:

The designation process shall include consultation by the county with each city located within its boundaries. The adoption, review and amendment of the urban growth area should reflect a cooperative effort among jurisdictions to accomplish the requirements of the act on a regional basis, consistent with the county-wide planning policies. . .

57. There are a number of County-wide Planning Policies that apply to urban growth areas. County-wide Planning Policy C.2 states "The size

and location of Urban Growth Areas shall be consistent with adopted local policies and with the capital facilities plans.”

- 58. City and County staff presented UGA proposals to the Whatcom County Planning Commission in July through September 2015 and to the County Council in January through February 2016. The UGA proposals included population growth allocations, employment growth allocations, and any UGA boundary changes. These proposals were informed by local policies and plans.
- 59. County-wide Planning Policy C.3b states that “The County and Cities shall develop a consistent approach to calculating the land supply needed within an urban growth area. This approach shall consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses, local market factors and the ability of the jurisdiction to provide services. . . .”
- 60. The County and cities jointly developed a land capacity analysis methodology to estimate the population and employment capacity of each UGA. The County and cities used Geographic Information System software to inventory available lands and spreadsheets to calculate capacity in accordance with the methodology. City and County UGA proposals were informed by the land capacity analysis.
- 61. On a county-wide basis, the 2016 Comprehensive Plan Update/UGA Review modifies UGA acres (including land within cities) as follows:

UGA	Pre-2016 UGA Review Acres	Post-2016 UGA Review Acres	Change
Bellingham	23,172	23,172	0
Birch Bay	3,607	3,607	0
Blaine	4,071	4,071	0
Cherry Point	7,035	7,035	0
Columbia Valley	1,157	1,157	0
Everson	1,287	1,267	-20
Ferndale	5,869	5,986	117
Lynden	3,979	4,172	193
Nooksack	548	603	55
Sumas	959	959	0
TOTAL	51,684	52,029	345

- 62. The County’s population is projected to grow by 33.8% over the 23-year planning period. Prior to the 2016 UGA review, there were a total 51,684 acres in UGAs (including within cities). A total of 345 acres are added to UGAs in the 2016 UGA review. This constitutes a 0.7% increase in the land in UGAs on a county-wide basis. Future city land

use for the lands added to the UGAs is as follows:

- a. Residential: 155 acres (Lynden);
- b. Commercial: 117 acres (Ferndale);
- c. Industrial: 29 acres (Nooksack); and
- d. Public use: 44 acres (Lynden and Nooksack).

Bellingham UGA

63. The Bellingham UGA was established in 1997. The Bellingham UGA was reduced in size in the 2009 UGA review, when the south Yew St area was re-designated from UGA to UGA Reserve.
64. The Bellingham UGA had an estimated 2013 population of 92,660.
65. City of Bellingham Resolution 2015-14, approved by the City Council on August 31, 2015, recommended a Bellingham UGA population growth allocation of 28,398 over the planning period. This is the medium allocation from *Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report* (BERK, 2013).
66. City of Bellingham Resolution 2015-14 recommended a Bellingham UGA employment growth allocation of 22,641 over the planning period. This is the high allocation from *Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report* (BERK, 2013).
67. City of Bellingham Resolution 2015-14 recommended no changes to the UGA boundary.
68. City of Bellingham Resolution 2015-14 recommended that the south Yew Street area should remain in the UGA Reserve.
69. City of Bellingham Resolution 2015-14 recommended that the south Caitac area should be designated as a UGA Reserve.
70. The Whatcom County Planning Commission recommended increasing the population growth allocation for the Bellingham UGA to 35,918 people to allow more people to live near work, thereby decreasing impacts to the transportation system and the environment. This allocation was included in the City of Bellingham's Resolution No. 2014-11 (which was later modified by Bellingham Resolution No. 2015-14) and Whatcom County Resolution 2014-013. This is the high allocation from *Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report* (BERK, 2013).

71. The County Council determined that a population allocation of 31,050 is appropriate for the Bellingham UGA. This population allocation, which was studied in the Final EIS, is consistent with historical growth. On February 22, 2016, the Bellingham City Council directed City staff to use this population growth allocation in the update of the City of Bellingham Comprehensive Plan.
72. The land capacity analysis estimates that the existing Bellingham UGA can accommodate approximately 33,006 more people. The land capacity of the existing UGA is sufficient to accommodate the projected population growth over the planning period.
73. The Whatcom County Comprehensive Plan defines UGA Reserve as follows:

These are areas that are adjacent and contiguous to Urban Growth Areas which appear to be suitable for future inclusion of the respective Urban Growth Area. These lands are held in reserve until it is demonstrated that they are needed for urban growth, and that consideration is given to ensuring adequate public facilities and services, reduction of sprawl, economic development, open space corridors and natural resource conservation.
74. Approximately 339 acres north of the City of Bellingham meets the above definition and, therefore, is being designated as a UGA Reserve.
75. The employment growth allocation for the Bellingham UGA over the planning period is an additional 22,641 jobs. The UGA can accommodate approximately 27,302 more jobs.
76. The *City of Bellingham Water System Plan* (2009) and the *City of Bellingham Water System Plan Update* (2013) indicate that the City maintains a water system consisting of an intake from Lake Whatcom, water treatment plant, pump stations, water reservoirs, and water lines. The City of Bellingham has adequate water rights to meet projected demand over the 20-year planning period.
77. The *City of Bellingham Comprehensive Sewer Plan* (2009) indicates that the City maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Bellingham operates a wastewater treatment plant, which is also utilized by the Lake Whatcom Water and Sewer District. It is projected that the Wastewater Treatment Plant will be able to accommodate planned growth over the 20-year planning period.
78. The City of Bellingham's Stormwater Comprehensive Plan was adopted in 2007.

79. The City of Bellingham Fire Department serves the area within the city limits and will serve the UGA upon annexation. Currently, the Bellingham Fire Department assists in providing service to the City's UGA through mutual aid response agreements with fire districts. The Draft *Bellingham Comprehensive Plan Capital Facilities and Utilities Chapter* (2016) addresses fire protection capital improvement projects.
80. The Bellingham School District serves the UGA and surrounding area. State figures show that, between 2007 and 2014, the student enrollment increased by a total of 3.4%. In November 2013, the voters of the District approved a \$160 million bond to pay for capital facility improvements. The *Bellingham School District No. 501 Capital Facilities Plan 2015-2021* was approved by the District in 2015.
81. The transportation chapter of the Bellingham Comprehensive Plan is currently being updated. The City adopted a Pedestrian Master Plan in 2012 and a Bicycle Master Plan in 2014.
82. The existing Bellingham UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained. However, a 339 acre UGA Reserve is designated north of the city.

Birch Bay UGA

83. The Birch Bay UGA was established in 1997. The Birch Point area and land south of Point Whitehorn were removed from the UGA when the Birch Bay Community Plan was adopted in 2004. The Birch Bay UGA was reduced further in the 2009 UGA review, when lands in the eastern part of the UGA were removed.
84. The Birch Bay UGA had an estimated 2013 population of 7,540.
85. The population growth allocation for the Birch Bay UGA over the planning period is an additional 5,282 people. The land capacity analysis estimates that the existing UGA can accommodate 5,250 more people. The land in the existing UGA is sufficient to accommodate the population growth allocation over the planning period.
86. The employment growth allocation for the Birch Bay UGA over the planning period is an additional 545 jobs. The land capacity analysis estimates that the existing UGA can accommodate approximately 589 more jobs. Therefore, the commercial land capacity of the existing UGA is sufficient to accommodate job growth over the planning period.

87. Birch Bay Water and Sewer District provides water service to the UGA. The District's *Comprehensive Water System Plan* was approved in 2009, amended in 2010 and currently in the process of being updated.
88. Birch Bay Water and Sewer District provides sewer service to the UGA. The District's *Comprehensive Sewer System Plan* was approved in 2009 and is currently in the process of being updated.
89. The *Birch Bay Comprehensive Stormwater Plan* was approved in 2006 (Resolution 2006-070). Additionally, the *Birch Bay Central North Subwatershed Master Plan* was completed in 2013 and the *Birch Bay Central South Subwatershed Master Plan* was completed in 2015. These subwatershed master plans were prepared for Whatcom County Public Works Department Stormwater Division and Birch Bay Watershed and Aquatic Resources Management District (BBWARM) and function as updates to the 2006 Stormwater Plan. These plans include an inventory of existing stormwater systems and facilities (ditches, pipes, catch basins), modeling of stormwater flows, identification of stormwater problems and recommended solutions including maintenance and capital improvement projects.
90. North Whatcom Fire and Rescue (Fire District 21) provides fire protection and emergency medical services to the Birch Bay UGA and surrounding area. The *North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan* was approved by the District Commissioners in 2016.
91. The Blaine School District serves the majority of the Birch Bay UGA. State figures show that, between 2007 and 2014, the student enrollment dropped by a total of 5.5%, although enrollment has been steady between 2012 and 2014. In February 2015, the voters of the District approved a \$45 million bond to pay for capital facility improvements. The *Blaine School District Capital Facilities Plan* was approved by the District in 2015.
92. Blaine Rd. (SR 548) runs from the City of Blaine south through the UGA and connects with Grandview Rd. (also SR 548), which provides access to I-5. Birch Bay-Lynden Rd. also provides access from Birch Bay to I-5. Birch Bay Dr. runs along the Bay and provides access to recreational opportunities, condos, RV parks, and businesses located along the water. The County is planning the "Birch Bay Drive & Pedestrian Facility," which includes a berm to protect the roadway, improve pedestrian safety, and enhance shoreline access. Other near or medium term projects are included in the County's Six-Year Transportation Improvement Program. Longer term projects over the 20-year planning period are set forth in the Whatcom County Comprehensive Plan.

93. The existing Birch Bay UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained.

Blaine UGA

94. The Blaine UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review.
95. The Blaine UGA had an estimated 2013 population of 5,171.
96. The population growth allocation for the Blaine UGA over the planning period is an additional 4,414 people. The land capacity analysis estimates that the existing UGA can accommodate 6,445 more people.
97. The employment growth allocation for the Blaine UGA over the planning period is an additional 2,097 jobs. The land capacity analysis estimates that the existing UGA can accommodate 2,687 more jobs.
98. In the mid-1990s, Blaine coordinated with a major development firm and local property owners to annex land in "East Blaine" under the intention of constructing a community similar to Semiahmoo. At that time, Semiahmoo was ten years old and was well underway to being the community it is today. The idea of a second residential resort community was highly attractive. Unfortunately, soon after the annexation, the development group moved on and the project dissolved. Since then various properties in East Blaine have changed hands multiple times, and development has been very slow to materialize. East Blaine represents a large share of the City's potential residential capacity. In 2010, the City approved "East Maple Ridge" a residential development with over 350 units in a mix of traditional, small lot, cottage and multi-family units. In 2011, the City approved "Grandis Pond" a residential community of over 1,000 units in a similar mix of housing types and neighborhood commercial. Prior to the approval of these projects the City adopted the East Blaine Infrastructure Plan to coordinate water, sewer, electric, and stormwater service to the area. However, infrastructure service to the area is costly to construct and development of either project will require a robust housing market to support the cost of infrastructure. In the meantime, these properties inside the City limits sit idle, but contribute to the "land capacity" of the UGA.
99. Blaine has a shortage of serviced lots outside of Semiahmoo where properties are high priced, serving only a slim market segment. Outside of Semiahmoo, Blaine has less than two years of residential capacity with few opportunities for future subdivisions in the existing sanitary sewer service area. Blaine is on the verge of having no entry level market priced residential lots ready for construction. A solution

to the challenge has not been developed. Blaine has planned for service extension into East Blaine. Another option is expanding services into the UGA east of the City where topography and existing systems make provision of water and sewer service simple and cost-effective.

100. The City of Blaine is updating its *Comprehensive Water System Plan* and anticipates completion in 2016. The *City of Blaine Comprehensive Water System Plan (2009)* indicates that the City maintains a water system consisting of wells, a water treatment plant, booster pumps, water storage reservoirs, and water lines. The City provides service throughout the current City Limits, with the exception of a few parcels that are presently served by the Birch Bay Water and Sewer District. The City also serves the Pipeline Road UGA, but service to the Shipyard UGA is by Birch Bay Water and Sewer District. The City of Blaine has adequate water rights to meet projected demand over the 20-year planning period.
101. The *City of Blaine General Sewer Plan (2004, revised 2005)* and associated Technical Memorandum (2016) indicate that the City of Blaine maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. Blaine has made significant infrastructure investments in the last decade. The largest project has been the development of the Lighthouse Point Water Reclamation Facility. Lighthouse Point is a state of the art water reclamation facility delivering Class A water to customers when there is demand. This high-quality water is discharged to Semiahmoo Bay when demand for reclaimed water does not exist.
102. The City addresses stormwater on a project-by-project basis and coordinates upgrades to the municipal system with road improvement projects. The City's budget does not allow updating the Stormwater Management Plan (1995) prior to the 2016 comprehensive plan update. It is projected to occur in the next 2-3 years. The City voluntarily uses the 2014 Department of Ecology Stormwater Manual, which is the highest standard for stormwater management. This coupled with a project level review ensures effective stormwater management.
103. North Whatcom Fire and Rescue (Fire District 21) provides fire protection and emergency medical services to the Blaine UGA and surrounding area. The *North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan* was approved by the District Commissioners in 2016.
104. The Blaine School District serves the UGA and surrounding area. State figures show that, between 2007 and 2014, the student enrollment dropped by a total of 5.5%, although enrollment has been steady

between 2012 and 2014. In February 2015, the voters of the District approved a \$45 million bond to pay for capital facility improvements. The *Blaine School District Capital Facilities Plan* was approved by the District in 2015.

105. The City of Blaine contracted with the Transpo Group LLC to assist with updating the City's transportation element, which was adopted as part of its Comprehensive Plan in 2016. The transportation analysis indicated that all City roadways and state highways within the UGA will operate at the City's adopted LOS D or better during the planning period. The analysis identified a number of improvement projects that could enhance system function, but not are mandatory based on the adopted LOS. The City's update includes a transportation concurrency ordinance to monitor the transportation system and the impacts of development.
106. The existing Blaine UGA can accommodate projected urban growth over the planning period. In light of the issues of servicing land in East Blaine, the existing UGA (which was significantly reduced in size in the 2009 UGA review) is retained.

Cherry Point UGA

107. The Cherry Point Major/Port Industrial UGA was established in 1997 when the Whatcom Comprehensive Plan was adopted. The Cherry Point UGA boundaries did not change in the 2009 UGA review.
108. The Cherry Point area has been developed with heavy industrial uses, including two oil refineries and an aluminum smelter. The Cherry Point area was designated for industrial uses on the 1970 Comprehensive Plan map and the 1981 Cherry Point/Ferndale Subarea Plan.
109. The Cherry Point UGA zoning generally does not allow residential development.
110. The employment growth allocation for the Cherry Point UGA over the planning period is an additional 890 jobs. The land capacity analysis estimates the existing UGA can accommodate 951 more jobs.
111. County-wide Planning Policy I-2 states that: ". . . Economic development that pays family wage rates should be encouraged. Industrial land designations must be sufficient to permit the concentration of industry in appropriate locations beyond 20 years. . ."
112. There is a degree of tension between the GMA provisions requiring a 20-year land supply to accommodate urban growth and the County-wide Planning Policy, which calls for land designations to accommodate

industrial growth beyond the 20-year planning period. The County is addressing this situation with the following approach. First, the County is proposing the high employment growth allocation for the Cherry Point UGA. The high employment growth projection is 890 new jobs over the planning period, compared to 689 new jobs under the medium projection (*Whatcom County Population and Employment Projections and Urban Growth Area Allocations Phase I Technical Report*, BERK, 2013). Second, the land capacity analysis estimates that the existing Cherry Point UGA can accommodate 61 more jobs than the high projection. This approach seeks to comply with the GMA, while still meeting the intent of the County-wide Planning Policies. While it is important to ensure that UGAs are not oversized in order to contain urban growth and prevent sprawl, it also must be acknowledged that it is difficult to plan for *exactly* a 20-year land supply. Therefore, land capacity that is a little under or over the 20-year growth projection is acceptable. In this case, the UGA's land capacity is slightly over the 20-year urban growth projection. The County finds that this is a reasonable approach in light of County-wide Planning Policy I-2 and in the context of maintaining a UGA boundary that has existed for almost two decades (rather than expanding the UGA).

113. Public Utility District No. 1 of Whatcom County delivers industrial water supplies to existing major industrial facilities at Cherry Point. The PUD No. 1 Comprehensive Water Plan was approved in 2004 and is currently in the process of being updated. The Birch Bay Water and Sewer District provides potable water service to the BP Cherry Point Refinery by agreement. The District's Water System Plan was approved in 2009, amended in 2010 and currently in the process of being updated. Phillips 66 and Intalco Aluminum have water systems to treat water received from PUD No. 1 to meet their potable water needs. It is anticipated that PUD No. 1 will have a surplus water supply throughout the 20-year planning period (*Final EIS, Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Area Review*, November 2015, p. 3-26).
114. Birch Bay Water and Sewer District provides sewer service to the BP Cherry Point Refinery, in the northern portion of the UGA, by agreement. The District's Comprehensive Sewer System Plan was approved in 2009. The District is currently updating the sewer plan.
115. The major industries at Cherry Point have National Pollutant Discharge Elimination System (NPDES) permits. According to the U.S. Environmental Protection Agency (EPA), NPDES permits are designed (among other things) to prevent stormwater runoff from washing harmful pollutants into surface waters such as streams, rivers, lakes and coastal waters. These permits are issued in compliance with both the Federal Clean Water Act and the State of Washington Water

Pollution Control Law (RCW 90.48). The *Birch Bay Comprehensive Stormwater Plan* was approved in 2006. This plan states “. . . A portion of the Cherry Point Refinery facility operated by BP Corporation lies within the Upper Terrell Creek sub-basin. Portions of the Cherry Point Refinery, including on-site ponds, discharge through a permitted deep water outfall into the salt water and not to Terrell Creek. . .”

116. Whatcom County Fire District # 7 provides fire protection and emergency medical services to the UGA. The *Whatcom County Fire District No. 7 Capital Facilities Plan 2016-2036* was approved by the District Commissioners in 2016.
117. The Cherry Point UGA is within the Blaine and Ferndale School Districts. However, it is an industrial UGA that does not include residential zoning.
118. Grandview (SR 548) and Slater roads, which are major east-west connectors between Cherry Point and I-5, provide all-weather road access to Cherry Point. According to the Washington State Department of Transportation, improvements are planned at the Grandview/Kickerville Rd. intersection in 2017 to reduce the potential for collisions. Whatcom County's Six-Year Transportation Improvement Program includes preliminary engineering for intersection improvements at Slater and Northwest Dr.
119. The existing Cherry Point UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained.

Columbia Valley UGA

120. The Columbia Valley UGA was established in 1999. The UGA was reduced in size in the 2009 UGA review, when properties in the Kendall area were removed from the UGA.
121. The Columbia Valley UGA had an estimated 2013 population of 3,103.
122. The population growth allocation for the Columbia Valley UGA over the planning period is an additional 1,345 people. The land capacity analysis estimates that the existing UGA can accommodate 1,377 more people. Therefore, the land capacity is sufficient to accommodate the population growth allocation over the planning period.
123. The employment growth allocation for the Columbia Valley UGA over the planning period is an additional 359 jobs. The land capacity analysis estimates the existing UGA can accommodate 376 more jobs. Therefore, the commercial and planned industrial land capacity is

sufficient to accommodate the job growth allocation over the planning period.

124. Water District 13 and the Columbia Valley Water District provide water service to the UGA. District 13's service area encompasses the Peaceful Valley development, the East Whatcom Regional Resource Center and undeveloped land within the UGA. District 13 adopted a Small Water System Plan in 2012. The Columbia Valley Water District's service area includes the Paradise Lakes development, Campers' Paradise and the area north of Limestone Rd. The Columbia Valley Water District's Water System Plan Update was approved by the District in 2013.
125. Water District 13 provides sewer service to a portion of the UGA. District 13's service area encompasses the Peaceful Valley development, the East Whatcom Regional Resource Center and undeveloped land within the UGA. The Whatcom County Water District No. 13 Comprehensive Sewer Plan was approved by the District in 2012.
126. A *Water Quantity and Quality Report – Foothills Subarea* was prepared in 2008 in association with the Foothills Subarea Plan update and environmental impact statement (EIS). Regarding public stormwater facilities, this report states:

In the Columbia Valley/Kendall UGA coarse soils allow for ready infiltration of stormwater and there are no existing public stormwater flow control facilities (e.g., detention/retention or infiltration ponds) or water quality treatment facilities. Limited conveyance features (e.g., culverts and ditches) are present in the county and state road rights-of-way. Since most, if not all, proposed development in the subarea will be private, additional pressure on these existing features should be minimal. It is not anticipated that any programs or capital facility improvements will be needed in the subarea over the 6- and 20-year planning periods (pages 2-3).
127. Fire District 14 provides fire protection and emergency medical services to the Columbia Valley UGA and surrounding area. The *Whatcom County Fire District # 14 Capital Facilities Plan* was approved by the District Commissioners in 2015.
128. The Mount Baker School District serves the Columbia Valley UGA and surrounding area. Children in the UGA can attend the Kendall Elementary School, located south of the UGA. The Mount Baker Junior High School and High School are located in Deming. State figures show that, between 2007 and 2014, the student enrollment dropped by a total of 15.5%, although enrollment has experienced little change

been 2012 and 2014. The *Mount Baker School District Capital Facilities Plan* was approved by the District in 2013.

129. Kendall Road (SR 547) bisects the UGA and connects with Sumas to the northwest and Mount Baker Highway (SR 542) to the south. Limestone Rd., a County road, is located in the northern portion of the UGA. A roundabout at the SR 542/SR547 intersection, south the UGA, was constructed in 2015 to improve traffic flow and safety.
130. The existing Columbia Valley UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained.

Everson UGA

131. The Everson UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review, when portions of the UGA were re-designated to Rural and Agriculture and a UGA Reserve was established.
132. The Everson UGA had an estimated 2013 population of 2,665.
133. The City of Everson is proposing one change to its UGA. This change would shift approximately 20 acres, which includes two split-jurisdiction parcels, from the Everson UGA to the Nooksack UGA. This change would allow these properties to be developed for urban uses within a single municipality, while establishing a logical UGA boundary.
134. The population growth allocation for the Everson UGA over the planning period is an additional 1,242 people. The land capacity analysis estimates that the modified UGA can accommodate 1,305 more people.
135. The employment growth allocation for the Everson UGA over the planning period is an additional 602 jobs. The land capacity analysis estimates that the modified UGA can accommodate 758 more jobs.
136. The *City of Everson Water System Comprehensive Plan* (2013) and the *City of Everson Water System Comprehensive Plan Amendment No. 1* (2015) indicate that the City of Everson maintains a water system consisting of a well field, water treatment facilities, booster pumps, water reservoirs, and water lines. The City of Everson's water system has source capacity to meet the projected need over the 20-year planning period.
137. The *City of Everson General Sewer Plan* (2012) indicates that the City of Everson maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The

City of Everson operates a wastewater treatment plant, which is also utilized by the City of Nooksack. The Everson Wastewater Treatment Plant is being upgraded in 2016 to increase capacity to accommodate projected growth for both cities over the 20-year planning period.

138. Stormwater is addressed in the City of Everson Comprehensive Plan (2016). The City of Everson has also adopted the 2014 Department of Ecology Stormwater Manual.
139. Fire District 1 provides fire protection and emergency medical services to the Everson UGA and the surrounding area. The *Whatcom County Fire District # 1 Capital Facilities Plan* was approved by the District Commissioners in 2015.
140. The Nooksack Valley School District serves the Everson UGA and surrounding area. State figures show that, between 2007 and 2014, the student enrollment dropped by a total of 4.3%, although enrollment has been relatively steady over the last several years. In February 2015, the voters of the District approved an almost \$28 million bond to pay for capital facility improvements.
141. Capital facilities related to the City of Everson's transportation system are addressed in the capital facilities and transportation elements of the City's 2016 comprehensive plan update.
142. The Everson UGA is reduced in size by approximately 20 acres as proposed by the City of Everson. The land capacity of the modified UGA is sufficient to accommodate urban growth over the planning period.

Ferndale UGA

143. The Ferndale UGA was established in 1997. The Ferndale UGA was reduced in size in the 2009 UGA review.
144. The Ferndale UGA had an estimated 2013 population of 12,758.
145. The population growth allocation for the Ferndale UGA over the planning period is an additional 6,833 people. The land capacity analysis estimates that the existing UGA can accommodate 6,538 more people.
146. The employment growth allocation for the Ferndale UGA over the planning period is an additional 4,000 jobs. The land capacity analysis estimates that the existing UGA can accommodate 3,584 more jobs.

147. The City of Ferndale is proposing to expand the UGA into the UGA Reserve (in the I-5/Slater Rd. area) in order to provide additional land capacity to accommodate projected employment growth. The land capacity analysis estimates the proposed UGA, with the addition of the UGA Reserve, can accommodate approximately 3,807 more jobs. Therefore, the land capacity would be sufficient to accommodate employment growth over the planning period, if the UGA Reserve were added to the UGA.

148. Approximately 117 acres located southeast of the City is re-designated from UGA Reserve to UGA. The criteria for re-designation from UGA Reserve to UGA are addressed as follows:

- a. Need for Land Capacity – As indicated above, lands in the City and existing UGA fall short of accommodating the employment growth allocation. Therefore, adding land to the UGA is appropriate.
- b. Adequate Public Facilities and Services – As indicated below, the City of Ferndale and special districts have updated capital facility plans.
- c. Land Use Plans – The County comprehensive plan designation is UGA. The City of Ferndale’s comprehensive plan designation will be Commercial.
- d. Natural Resource Lands – There are no resource lands within or adjacent to the subject site.
- e. Environment – Both the City of Ferndale and Whatcom County have critical areas ordinances and stormwater rules in place.
- f. Open Space Corridors – The City of Ferndale’s UGA Proposal (August 2015), states:

. . . In accordance with RCW 36.70A.160, the City of Ferndale has contacted the City of Bellingham and the Lummi Nation. RCW 36.70A.160 states that jurisdictions planning pursuant to the Growth Management Act must identify open space corridors within and between UGA’s. Both the City of Ferndale and Bellingham have open space plans. In this area, the jurisdictions have discussed the fact that the existing Slater Road right of way, at 150’, is nearly twice as wide as will be required for current and projected future growth.

The large right of way will enable the two jurisdictions to establish trails and/or separated bicycle lanes together with unique landscaping elements that identify the separation between the two jurisdictions. While the specific design of these elements has

not been agreed to by the two cities, Ferndale believes that this open space corridor is more than sufficient to meet the requirements of the RCW . . .

149. The *City of Ferndale Water System Plan* (2016) indicates that the City maintains a water system consisting of wells, a water treatment plant, water reservoirs, pump stations, a pressure booster station, and water lines. In December 2011, Ferndale converted to a groundwater supply with greensand filtration for its drinking water. Previous to this, it purchased industrial grade water from PUD No.1 and treated the water at its own surface water treatment plant. In October 2014, Ferndale added a reverse osmosis system to treat its groundwater supply to reduce hardness. The city has adequate water rights to meet the needs of population growth over the 20 year period. Additionally, sufficient capacity exists to serve full buildout of the UGA expansion area. A 12" City of Ferndale water main has been extended to the southeast corner of properties within the City limits that abut the UGA expansion area.
150. The *City of Ferndale Comprehensive Sewer Plan* (2016) indicates that the City of Ferndale maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Ferndale also operates a wastewater treatment plant. The City of Ferndale plans a major sewer treatment plant upgrade by 2020. As planned, this upgrade will be sufficient to support growth forecast within the planning period and beyond. Within the UGA expansion area sufficient sewer capacity exists, or will exist at the time the properties are annexed into the City, because of the planned sewer treatment plant expansion to be completed by 2020. Sewer mains established to the northwest of the properties are sufficient to support expected sewer flows, and the City's sewer comprehensive plan has modeled the area to verify that sewer flows can be conveyed to these lines without the need for pump stations.
151. All development, including land within the UGA expansion area upon annexation, will be required to meet the City's stormwater standards and the 2014 Department of Ecology Stormwater Manual.
152. Whatcom County Fire District 7 serves the City of Ferndale and surrounding area. The *Whatcom County Fire District No. 7 Capital Facilities Plan 2016-2036* was approved by the District Commissioners in 2016.

153. The Ferndale School District serves the UGA and surrounding area. State figures show that, between 2007 and 2014, the student enrollment dropped by a total of 1.9%, although enrollment has been relatively steady over the last several years. The *Ferndale Schools Capital Facilities Plan and School Impact Fee Ordinance* was approved by the District in 2013.
154. The City of Ferndale worked with a consultant to update the City's Transportation Plan as part of its 2016 comprehensive plan update process. The City has modeled future development of the UGA expansion area and has concluded that transportation improvements necessary to support future growth are consistent with the City's established Transportation Element. In July 2015, Washington State earmarked over \$20 million for improvements to the interchange – improvements that become necessary as growth occurs. The City expects to work with other agency stakeholders to determine those projects necessary to serve future growth occurring during the planning period that may impact traffic at Exit 260.
155. The Ferndale UGA is expanded into the UGA Reserve southeast of the City to provide additional employment growth capacity. With this expansion, the UGA is sufficient to accommodate projected urban growth over the planning period.

Lynden UGA

156. The Lynden UGA was established in 1997. The Lynden UGA was expanded, and a UGA Reserve added, in the 2009 UGA review.
157. The Lynden UGA had an estimated 2013 population of 12,872.
158. The population growth allocation for the Lynden UGA over the planning period is an additional 6,403 people. The land capacity analysis estimates that the existing UGA can accommodate 5,385 more people. The residential land capacity falls short of accommodating the population growth allocation.
159. The City of Lynden is proposing to expand the UGA into the UGA Reserve (155 acres) in order to provide sufficient land supply to accommodate projected population growth. The land capacity analysis estimates the proposed UGA, with the addition of the UGA Reserve, can accommodate 6,472 more people. Therefore, the residential land capacity would be sufficient to accommodate population growth over the planning period, if the UGA Reserve were added to the UGA.

160. The City of Lynden is proposing three changes to its urban growth area UGA boundaries. These changes are:
- a. Re-designating approximately 155 acres, located northwest of the City, from UGA Reserve to UGA.
 - b. Re-designating approximately 0.4 acres, south of the City, from Agriculture to UGA. The southern half of this parcel is within the 100-year flood-plain of the Nooksack River. Therefore, pursuant to RCW 36.70A.110(8)(b)(iii)(C), development rights will be extinguished and uses on this portion of the property will be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances. An Irrevocable Covenant must be recorded with the Whatcom County Auditor to accomplish these purposes.
 - c. Re-designating approximately 38 acres, located southwest of the City, from Agriculture to UGA. This parcel is owned by the City and used for regional stormwater detention. This parcel is located within the 100-year flood-plain of the Nooksack River. Therefore, pursuant to RCW 36.70A.110(8)(b)(iii)(C), uses of the property will be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances. An Irrevocable Covenant must be recorded with the Whatcom County Auditor to accomplish these purposes.
161. Approximately 155 acres located northwest of the City is re-designated from UGA Reserve to UGA. The criteria for re-designation from UGA Reserve to UGA are addressed as follows:
- a. Need for Land Capacity – As indicated above, the lands in the City and existing UGA fall short of accommodating the population growth allocation. Therefore, adding land to the UGA is appropriate.
 - b. Adequate Public Facilities and Services – As indicated below, the City of Lynden and special districts have updated capital facility plans or supplemented these existing plans with technical memorandums.
 - c. Land Use Plans – The County comprehensive plan designation is UGA. The City of Lynden will likely designate the land for residential use.
 - d. Natural Resource Lands – There are designated Agricultural lands to the west and north of the subject property. *An Interlocal Agreement Between the City of Lynden and Whatcom County*

concerning Planning, Annexation and Development within the Lynden UGA was approved by both jurisdictions in 2012. Section 11 of the Interlocal Agreement addresses Agricultural Resource Lands.

Additionally, the City of Lynden's UGA Proposal (July 2015) states that the City has ". . . adopted a 'Right-to-Farm' ordinance and continues to search for answers related to agricultural setbacks. The City will also be considering the establishment of minimum residential densities as it updates the comprehensive plan and zoning ordinance during this cycle . . ."

- e. Environment – Both the City of Lynden and Whatcom County have critical areas ordinances and stormwater rules in place.
- f. Open Space Corridors – The City of Lynden's UGA Proposal (July 2015), states:

. . . The addition of this area between Double Ditch Road and SR 539 makes sense for the City's long term capital facilities planning. The development of Pepin Creek between Benson and Double Ditch Roads is a regional solution for habitat improvement, by moving fish bearing waters away from roadways; recreation, by including a trail along the new creek; and stormwater management by building flood storage capacity into the design of the creek. As a regional solution, the City must be able to plan for the area to be served. The improvements to Double Ditch Road that will be necessary to support the urban levels of development will require the City to be able to work with property owners on both sides of the road to design and finance the project. . .

- 162. The approximately 0.4 acre site located south of the City is re-designated from Agriculture to UGA. The Agriculture de-designation criteria are addressed as follows:

- a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(19)). The subject parcel, accessed from C Street and Kok Road, was formerly the site of the City's waste water treatment plant and was recently declared as surplus and sold to an adjoining property owner for re-development. The majority of the parcel is already within the City limits. However, the 0.4 acre remnant of the parcel was not included in the legal description for the annexation in 1967. Residential development exists in the City of Lynden north and west of the subject parcel.

Within ¼ mile of the site, there are 124 single family residences, multi-family condos (containing 63 units), a duplex, the Fairgrounds, auto parking, and a retail/office site. Urban growth is located in the vicinity of the subject site.

- b. Commercial Production of Agricultural Products – The subject site is not currently used for agriculture, but does contain agricultural soils.
 - c. Long Term Commercial Significance for Agriculture – The subject site is bounded by city limits on the west and UGA on the north. The site is not enrolled in the current use tax classification under RCW 84.34. Residential development exists in the City of Lynden north and west of the subject parcel. Within ¼ mile of the site, there are 124 single family residences, multi-family condos (containing 63 units), a duplex, the Fairgrounds, auto parking, and a retail/office site. Public water and sewer are located nearby in the city limits. Finally, the small size of the subject site does not lend itself to conducting commercial agricultural practices over the long term. Based upon these factors, the subject site is not of long-term commercial significance for agriculture.
163. The approximately 38 acre parcel located southwest of the City is re-designated from Agriculture to UGA. The Agriculture de-designation criteria are addressed as follows:
- a. Characterized by Urban Growth – The GMA states that “characterized by urban growth” refers to “. . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth” (RCW 36.70A.030(19)). The subject parcel, accessed from Flynn Rd., currently contains a City stormwater facility. Residential development exists in the UGA north of the subject parcel. Within ¼ mile of the site, there are 25 single family residences and a retail property. The primary condition that has changed for this parcel since it was designated as agricultural land, is the construction of a regional stormwater detention facility and the subsequent purchase of the property by the City of Lynden. The construction of the pond was permitted by Whatcom County in 2002 while the property was in private ownership. After the construction of the facility, the ownership was transferred to the City of Lynden and is being paid for by a local improvement district assessment. Urban growth is located on the subject site and nearby in the City of Lynden and UGA.
 - b. Commercial Production of Agricultural Products – The subject site currently has some agriculture use and contains agricultural soils.

- c. Long Term Commercial Significance for Agriculture – The subject site is bounded on the north by the UGA, which is zoned Urban Residential. The site is not enrolled in the current use tax classification under RCW 84.34. A City of Lynden stormwater pond occupies a portion of the subject site, and the site is owned by the City. Residential development exists to the north in the UGA. Urban land uses exist to the northeast in the City of Lynden. Within ¼ mile of the site, there are 25 single family residences and a retail property. Based upon these factors, the subject site is no longer of long-term commercial significance for agriculture.
164. The employment growth allocation for the Lynden UGA over the planning period is an additional 2,157 jobs. The land capacity analysis estimates the existing UGA can accommodate approximately 1,694 more jobs. The City of Lynden’s UGA Proposal (2015) indicates that some larger employers are not located within areas of commercial or industrial zoning. Two new schools will be constructed in the near future. Additionally, assisted living and skilled nursing facilities also have a fairly high employment density. As the population ages, Lynden continues to be a site where many seniors are retiring and the demand for care based housing will increase.
165. The City of Lynden has a contract with a consultant to update its Water Comprehensive Plan and the work on this plan will be finished in 2016. Because the Water Comprehensive Plan update has not yet been completed, the City’s consultant issued a Technical Memorandum (June 2016) addressing capital facility planning for water service. The City of Lynden maintains a water system consisting of a Nooksack River water intake structure, water treatment plant, booster pumps, water reservoirs and water lines. The City’s new 8 million gallon per day Water Treatment Plant went online in September 2015. The new plant doubles treatment capacity includes grit removal and sedimentation basins equipped with plate settlers to handle the heavy sediment load from the Nooksack River. The facility also features high rate deep bed gravity filters, and a combination of UV disinfection and chlorine to disinfect the water. The City believes it has adequate water supply to meet the needs of population growth over the 20 year period. However, the City of Lynden and the Department of Ecology have different interpretations of Lynden’s water rights. Therefore, Lynden and Ecology entered into a Memorandum of Agreement in 2004 and agreed to work cooperatively toward water right solutions for the City.
166. The City of Lynden has a contract with a consultant to update its Sanitary Sewer Comprehensive Plan and the work on this plan will be finished in 2016. Because the Sewer Plan update has not yet been completed, the City’s consultant issued a Technical Memorandum (June 2016) addressing capital facility planning for sewer service.

The City of Lynden maintains a wastewater collection and conveyance system consisting of gravity sewers, pump stations, and force mains. The City of Lynden also operates a wastewater treatment plant that includes an influent pump station, headworks with screens and grit removal, anoxic selector tanks, oxidation ditches, secondary clarifiers, effluent cloth disc filters, UV disinfection system, effluent Parshall flume, effluent pump station, sludge thickening and digestion, sludge dewatering, and composting facilities. It is projected that the Wastewater Treatment Plant will be able to accommodate planned growth over the 20-year planning period.

167. The City of Lynden's consultant issued a Technical Memorandum and an associated stormwater capital improvement plan in June 2016.
168. The City of Lynden Fire Department serves area within the city limits and will serve the UGA. Currently, the City of Lynden Fire Department assists in providing service to the City's UGA through mutual aid and automatic aid agreements with North Whatcom Fire and Rescue. The *City of Lynden Fire Department Capital Facilities Plan* was approved by the Lynden City Council in 2016.
169. The Lynden School District serves the UGA and surrounding area. State figures show that, between 2007 and 2014, the student enrollment has remained relatively consistent. In April 2015, the voters of the District approved a \$48 million bond to pay for capital facility improvements. The *Lynden School District Capital Facilities Plan* was approved by the District in 2016.
170. The City of Lynden has a contract with a consultant to update the Transportation Plan and the work on this plan will be completed in 2016. This plan will include the UGA and will reflect all infrastructure needs and a financing plan to complete those projects.
171. The Lynden UGA is expanded by approximately 193.4 acres as proposed by the City to provide additional population growth capacity and bring City owned property and infrastructure into the UGA. With this expansion, the UGA will be sufficient to accommodate projected urban growth over the planning period.

Nooksack UGA

172. The Nooksack UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review, when a portion of the UGA was re-designated to UGA Reserve.
173. The Nooksack UGA had an estimated 2013 population of 1,435.

174. The population growth allocation for the Nooksack UGA over the planning period is an additional 990 people. The land capacity analysis estimates the existing UGA can accommodate 948 more people.
175. The employment growth allocation for the Nooksack UGA over the planning period is an additional 115 jobs. The land capacity analysis estimates the existing UGA can accommodate 62 more jobs. The land capacity analysis estimates that there are only 2.5 net developable acres of industrial land in the city and existing UGA. The land capacity of the existing UGA falls short of accommodating the employment growth allocation.
176. The City of Nooksack is proposing to expand the UGA in order to provide sufficient land capacity to accommodate projected urban growth. The land capacity analysis estimates the proposed UGA can accommodate 1,001 more people and 106 more employees. Therefore, the land capacity would be sufficient to accommodate population and employment growth over the planning period, if the UGA were expanded.
177. The City of Nooksack is proposing four changes to its UGA and UGA Reserve boundaries. These changes are:
 - a. Re-designating approximately 20 acres from Everson UGA to Nooksack UGA, south of the City.
 - b. Re-designating approximately 6 acres from Agriculture to UGA. This parcel, which abuts the Nooksack Valley Middle School, is owned by the Nooksack Valley School District and is planned for future ball fields. This parcel is located within the 100-year floodplain of the Nooksack River. Therefore, pursuant to RCW 36.70A.110(8)(b)(iii)(C), development rights must be extinguished and uses of the property must be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances. An Irrevocable Covenant must be recorded with the Whatcom County Auditor to accomplish these purposes.
 - c. Re-designating approximately 29 acres from Agriculture to UGA to accommodate future industrial growth. This area is located north of Tom Road adjacent to the State Highway. Less than 1 acre of this area is located within the 100-year floodplain of the Nooksack River. Therefore, pursuant to RCW 36.70A.110(8)(b)(iii)(C), development rights must be extinguished and uses of the portion of the property within the floodplain must be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances. An

Irrevocable Covenant must be recorded with the Whatcom County Auditor to accomplish these purposes.

- d. Re-designating approximately 81 acres from UGA Reserve to Agriculture east of the city. In 2009, this area was shifted from UGA to UGA Reserve due to concerns related to potential impacts from naturally occurring asbestos contained in sediments from Swift Creek. It is acknowledged that the City of Nooksack UGA Proposal (August 2015) states:

. . . It is important to emphasize that the removal of land from the Nooksack UGA Reserve is being proposed in combination with and in exchange for the above described UGA expansions. Therefore, in the event the exchange described herein is found not to be acceptable to the County, then the proposed removal of land from the Nooksack UGA Reserve should be considered withdrawn. Under such a circumstance, the City of Nooksack would continue to work with the County to pursue a comprehensive solution to the Swift Creek sediment issue that would allow the Nooksack UGA Reserve to be safely developed. . . (p. 9).

178. Approximately 20 acres are re-designated from Everson UGA to Nooksack UGA, south of the City. This area includes two split-jurisdiction parcels. This change would allow these properties to be developed for urban uses within the City of Nooksack rather than in two jurisdictions.
179. The approximately 6-acre parcel owned by the School District is re-designated from Agriculture to UGA. The Agriculture de-designation criteria are addressed as follows:
 - a. Characterized by Urban Growth – The GMA states that “characterized by urban growth” refers to “. . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth” (RCW 36.70A.030(19)). The subject parcel does not contain urban growth within its boundaries. However, the City of Nooksack is adjacent to the east and the City of Everson is adjacent to the south. The Nooksack Middle School is directly to the east of the site, single family residential development is located to the northeast, and residential development (which includes multi-family housing) is located to the south. Within ¼ mile of the site, there are 138 single family residences, a duplex, two fourplexes, condominiums (21 units), and a retail site. Urban growth is located adjacent to the subject site.

- b. Commercial Production of Agricultural Products – The subject site contains agricultural soils. The subject site is used or capable of being used for agricultural production.
 - c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is bounded by city limits on the east and the south. The site is not enrolled in the current use tax classification under RCW 84.34. The cities of Everson and Nooksack have a history of issuing development permits nearby. The Nooksack Middle School is directly to the east of the site, single family residential development is located to the northeast, and residential development (which includes multi-family housing) is located to the south. Within ¼ mile of the site, there are 138 single family residences, a duplex, two fourplexes, condominiums (21 units), and a retail site. Public water and sewer are located nearby in the city limits. Based upon these factors, the subject site is no longer of long-term commercial significance for agriculture.
180. The approximately 29-acre area north of the City is re-designated from Agriculture to UGA. The Agriculture de-designation criteria are addressed as follows:
- a. Characterized by Urban Growth – The GMA states that “characterized by urban growth” refers to “. . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth” (RCW 36.70A.030(19)). The subject parcel does not contain urban growth within its boundaries. However, the City of Nooksack is adjacent to the east and to the south. A state highway, public utilities, single family residential development and railroad tracks exist immediately to the east. Land that is farmed (inside the city limits) and single family residential development is to the south. Within ¼ mile of the site, there are 59 single family residences, five duplexes, one fourplex, and a church. Urban growth is located adjacent to the subject site.
 - b. Commercial Production of Agricultural Products – The subject site contains agricultural soils. The subject site is used or capable of being used for agricultural production.
 - c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is bounded by city limits on the east and the south. State Route 9 abuts the eastern boundary of the site and Tom Rd. abuts the southern boundary of the site. Various city streets are in the surrounding area. The *City of Nooksack Water System Plan (2012)* shows existing City water lines in the area (Figures C4 and C5). In fact, two of the three parcels within the subject site are currently served by the City of Nooksack water

system. The *City of Nooksack 2012 General Sewer Plan Elements Amendment* (January 2016) indicates that there is a City of Nooksack sewer force main in place along State Route 9, which abuts the eastern boundary of the subject site. Pump Station 3 and two grinder pumps are located to the north and gravity mains are located to the south (Figure 3-1). Three-phase electrical power is available in the adjacent state highway right-of-way. Single family residential development and railroad tracks exist immediately to the east. Land that is farmed (inside the city limits) and single family residential development is to the south. The City of Nooksack has a long history of issuing residential building permits for the area within the City immediately across the highway from the subject site. Within ¼ mile of the site, there are 59 single family residences, five duplexes, one fourplex, and a church. Within ¼ mile of the site, approximately 28% of the parcels (representing approximately 75% of the acreage) are enrolled in the open space taxation program. More than 96% of the subject site is located outside the 100-year floodplain. According to the Census of Agriculture, the average farm size in Whatcom County was 68 acres in 2012. Average parcel size within the boundaries of the subject site is 9.6 acres (parcels range from 4.2 to 18 acres in this area). Based upon these factors, the subject site is no longer of long-term commercial significance for agriculture.

181. In conjunction with re-designation of land from Agriculture to UGA, approximately 81 acres are re-designated from UGA Reserve to Agriculture, east of the city. In 2009, this area was shifted from UGA to UGA Reserve due to concerns related to potential impacts from naturally occurring asbestos contained in sediments from Swift Creek. The Agriculture designation criteria are addressed as follows:
 - a. Not already characterized by Urban Growth – The GMA states that “characterized by urban growth” refers to “. . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth” (RCW 36.70A.030(19)). The subject area is largely used for agriculture, but also contains some residences and wooded area. There is urban growth to the west, within the City limits of Nooksack.
 - b. Commercial Production of Agricultural Products – The subject site contains agricultural soils. Much of the subject site is currently used for agricultural production.
 - c. Long Term Commercial Significance for Agriculture – Based on the re-designation of 35 acres from designated Agricultural lands to Nooksack UGA, the City of Nooksack no longer sees a need for the UGA Reserve for future urban growth. The subject site is largely

used for agriculture at the present time. The majority of the land is enrolled in the current use tax classification under RCW 84.34. This area has several larger parcels and is separated from urban growth to the west by the Sumas River.

182. Although the Nooksack UGA proposal would de-designate a total of 35 acres of Agricultural land, it would also designate 81 acres of Agricultural land that is currently UGA Reserve. Therefore, the Nooksack UGA proposal results in a net gain of 46 acres of designated Agricultural land.
183. The *City of Nooksack Water System Plan (2012)* and the *City of Nooksack Water System Plan Update (2016)* indicate that the City of Nooksack maintains a water system consisting of booster pumps, water reservoirs shared with the Nooksack Valley Water Association, and water lines. The City of Nooksack obtains all its water from the City of Sumas. The City of Nooksack's water system has capacity to meet the projected demand over the 20-year planning period.
184. The *City of Nooksack 2012 General Sewer Plan Elements Amendment (January 2016)* indicates that the City of Nooksack maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains but does not operate a wastewater treatment plant. Wastewater from Nooksack is treated at the Everson Wastewater Treatment Plant. The Everson Wastewater Treatment Plant is being upgraded in 2016 to increase capacity to accommodate projected growth for both cities over the 20-year planning period.
185. Stormwater is addressed in the City of Nooksack Comprehensive Plan (2016). The City of Nooksack has also adopted the 2014 Department of Ecology Stormwater Manual.
186. Fire District 1 provides fire protection and emergency medical services to the Nooksack UGA and surrounding area. The *Whatcom County Fire District # 1 Capital Facilities Plan* was approved by the District Commissioners in 2015.
187. The Nooksack Valley School District serves the Nooksack UGA and surrounding areas. State figures show that, between 2007 and 2014, the student enrollment dropped a total of 4.3%, although enrollment has been steady over the last several years. In February 2015, the voters of the District approved an almost \$28 million bond to pay for capital facility improvements.
188. Capital facilities related to the City's transportation system are addressed in the capital facilities and transportation elements from the 2016 update of the City's Comprehensive Plan.

189. The Nooksack UGA is expanded by approximately 55 acres as proposed by the City to provide sufficient population and employment growth capacity, and expansion of the Nooksack Valley School District ball fields. Additionally, in conjunction with the re-designation of designated Agricultural lands to UGA, approximately 81 acres of UGA Reserve are re-designated to Agriculture east of the city. With these changes, the UGA is sufficient to accommodate projected urban growth over the planning period.

Sumas UGA

190. The Sumas UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review, when a portion of the UGA was re-designated to UGA Reserve and a portion of the UGA was re-designated to Agriculture.
191. The Sumas UGA had an estimated 2013 population of 1,449.
192. The population growth allocation for the Sumas UGA over the planning period is an additional 874 people. The land capacity analysis estimates that the existing UGA can accommodate 884 more people. Therefore, the land capacity is sufficient to accommodate the population growth allocation over the planning period.
193. The employment growth allocation for the Sumas UGA over the planning period is an additional 445 jobs. The land capacity analysis estimates that the existing UGA can accommodate 460 more jobs. Therefore, the commercial and industrial land capacity is sufficient to accommodate the job growth allocation over the planning period.
194. The City of Sumas prepared a *Water System Comprehensive Plan* (2011). The City of Sumas maintains a water system consisting of two well fields, booster pumps, a water reservoir (which is directly adjacent to, and tied into, a water association reservoir), and water lines. Based upon further analysis in the City of Sumas Comprehensive Plan (2016), it appears that the city will have sufficient source capacity to accommodate projected growth through 2036.
195. The City of Sumas owns and maintains a sewage collection and transmission system that includes gravity sewer lines, force mains, and a small number of sewer lift stations. The City of Sumas transmits wastewater to the City of Abbotsford, B.C. under a wastewater disposal contract. Based on analysis presented in the City of Sumas Comprehensive Plan (2016), Sumas has sufficient sewer service capacity to meet its needs through 2036.

196. Stormwater is addressed in the City of Sumas Comprehensive Plan (2016). The City of Sumas has also adopted the 2014 Department of Ecology Stormwater Manual.
197. Fire District 14 provides fire protection and emergency medical services to the Sumas UGA and surrounding area. The *Whatcom County Fire District # 14 Capital Facilities Plan* was approved by the District Commissioners in 2015.
198. The Nooksack Valley School District serves the Sumas UGA and surrounding area. State figures show that, between 2007 and 2014, the student enrollment dropped by a total of 4.3%, although enrollment has been steady over the last several years. In February 2015, the voters of the District approved an almost \$28 million bond to pay for capital facility improvements.
199. Capital facilities related to the City's transportation system are addressed in the capital facilities and transportation elements from the 2016 update of the City's Comprehensive Plan.
200. The existing Sumas UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary will be retained.

Rural Element

201. The GMA, at RCW 36.70A.070(5), requires that a comprehensive plan must include a rural element that permits rural development, forestry and agriculture and protects rural character.
202. There are a number of County-wide Planning Policies that apply to rural areas. County-wide Planning Policy B.1 indicates ". . . The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas. . ."
203. County-wide Planning Policy B.2 states "The county shall discourage urban level development outside Urban Growth Areas. . ."
204. The rural element is contained within Chapter 2 of the Whatcom County Comprehensive Plan. The rural element addresses rural character and lifestyles, rural services, rural employment opportunities, land use, and limited areas of more intensive rural development (LAMIRDs).
205. Between 2011 and 2015, Whatcom County adopted a series of amendments to the Comprehensive Plan, development regulations and zoning map in response to Growth Management Hearings Board orders (GMHB Cases 05-2-0013 and 11-2-0010c). GMA compliance has been

achieved, although there is one remaining issue relating to rural water resources and that is pending before the Washington State Supreme Court (GMHB Case No. 12-3-0013 / Supreme Court Case No. 91475-3).

206. Whatcom County Comprehensive Plan Policy 2DD-2 adopts by reference various development regulations into the rural element (Chapter 2) of the Comprehensive Plan as measures to protect rural character required by RCW 36.70A.070(5)(c). On April 5, 2016, the County Council adopted Ordinance 2016-011, which contained several amendments to development regulations in Whatcom County Code. One such change amended Whatcom County Code 20.80.200, setback requirements. That zoning code section is adopted by reference in Comprehensive Plan Policy 2DD-2.B.3. This ordinance recognizes that approval of the amendment to that code section is also a Comprehensive Plan amendment.

Property Rights and Permits

207. GMA Planning Goal 6, relating to property rights, states "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions" (RCW 36.70A.020(6)). Whatcom County Comprehensive Plan Goal 2H and associated policies address this GMA Planning Goal.
208. GMA Planning Goal 7, relating to permits, states "Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability" (RCW 36.70A.020(7)). Whatcom County Comprehensive Plan Policies 2D-3 and 2D-4 address this GMA Planning Goal.

Historical Preservation

209. GMA Planning Goal 13, relating to historic preservation, is to "Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance" (RCW 36.70A.020(13)). Whatcom County Comprehensive Plan Goal 2ZZ and associated policies address this GMA Planning Goal.

Chapter 3 – Housing

210. GMA Planning Goal 4, relating to housing, is to:

Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock (RCW 36.70A.020(4)).

211. The GMA, at RCW 36.70A.070(2), requires that a comprehensive plan must include:

A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

212. The County-wide Planning Policies contain a section relating to affordable housing. County-wide Planning Policy G-2 states "The county and the cities shall plan for a range of housing types and costs commensurate with their affordable housing needs."
213. The Housing Chapter of the Whatcom County Comprehensive Plan provides background information, a market inventory and analysis, and an affordable housing vision statement. It also contains goals and policies relating to permitting process efficiency, mixed uses, access to housing, incentives, regulatory controls, preservation of existing housing stock and related issues. The chapter compares projected single- and multi-family dwelling unit needs based on population growth allocations with the estimated dwelling unit capacity of the urban growth areas and finds there is sufficient land to accommodate each type.
214. The *Whatcom County Housing Analysis* study was prepared in 2015 (and revised in 2016) in support of the Housing Chapter update and is referenced in the housing element. This study examines a number of factors including population trends, demographics, housing market trends, critical skills housing capability, housing cost burden by income group, publicly assisted housing, homelessness, national trends, and housing policy implications.
215. The Whatcom County Housing Advisory Committee reviewed Chapter 3 – Housing in a series of meetings held between December 2014 and March 2015. After considering staff input, the Housing Advisory Committee issued its recommendations.

216. The Housing Advisory Committee recommended adding a healthy housing goal with associated policies.
217. The Housing Advisory Committee recommended exploring various financial incentives and funds to support affordable housing.
218. The Whatcom County Planning Commission did not recommended including the healthy housing goal & policies or policies relating to the exploration of various financial incentives and funds to support affordable housing.
219. The County Council considered the Whatcom County Planning Commission recommendations, the staff proposal, recommendations from the Housing Advisory Committee, and public input on Chapter 3 – Housing.
220. The County Council inserted a policy regarding the exploration of various financial incentives and funds to support affordable housing.
221. The County Council added policies, suggested by staff, to coordinate with the cities to ensure efficient development in UGAs and to encourage adequate urban land supply to provide for a broad range of housing types commensurate with residential market demand.
222. Affordable Housing is addressed in Policies 3D-1, 3D-4, 3F-1 through 3F-8 in Chapter 3 - Housing.
223. Chapter 3 - Housing addresses the market inventory and analysis as required by GMA.

Chapter 4 – Capital Facilities

224. GMA Planning Goal 12, relating to public facilities and services, is to:

Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards (RCW 36.70A.020(12)).
225. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
 - a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.
 - b. A forecast of the future needs for such capital facilities.

- c. The proposed locations and capacities of expanded or new capital facilities.
 - d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
 - e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
226. County-wide Planning Policy K.1 states: "As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors, human service facilities . . ."
227. The Whatcom County Comprehensive Plan's capital facilities element contains several components: Chapter 4 - Capital Facilities, the Whatcom County 20-Year Capital Facilities Plan (Appendix E), and the Six-Year Capital Improvement Program for Whatcom County Facilities (Appendix F). Collectively, these components contain an inventory of existing facilities owned by public entities, a forecast of future needs, proposed expanded or new capital facilities, costs and funding sources.
228. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.

Chapter 5 – Utilities

229. The GMA, at RCW 36.70A.070(4), requires that a comprehensive plan must include "A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines."
230. There are a number of Countywide Planning Policies that address utilities, with which the Comprehensive Plan policy amendments are found to be consistent. These Countywide Planning Policies include:
- a. F.4 – "Within Urban Growth Areas, cities shall not extend water and sewer utilities without an adopted program for annexation and an adopted Capital Facilities Plan. . ."
 - b. F.5 – "In the areas where utilities presently extend beyond city

limits, but are within Urban Growth Areas, the city, county, and the existing water purveyors for the area should jointly plan with the county. The County shall adopt zoning which reflects this joint planning.”

- c. F.12 – “To encourage contiguous, orderly development and annexation in Urban Growth Areas around cities, the county shall designate Urban Residential zones limiting density to a maximum of one dwelling unit per five acres in undeveloped areas until urban level utilities are provided. . .”
 - d. K.1 – “As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as . . . utility corridors . . .”
231. The Utilities Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including Locational Criteria for Siting Utilities, Trends in Utility Technology, Electric Power, Natural Gas, Petroleum, and Telecommunications, Permitting Process Efficiency, Impediments to the Provision of Utilities, Regulatory Controls Encouraging Energy Conservation, Utility Corridors, Natural Gas and Hazardous Liquid Transmission Pipelines, Water Supply, Sewage Treatment, and Solid Waste Management.
232. Review was sought by the major utility providers in Whatcom County, but no comments were received.
233. The County Council considered Whatcom County Planning Commission recommendations, staff recommendations, and public comments on Chapter 5 – Utilities.

Chapter 6 – Transportation

234. GMA Planning Goal 3, relating to transportation, is to “Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans” (RCW 36.70A.020(3)).
235. The GMA, at RCW 36.70A.070(6), requires that a comprehensive plan must contain a transportation element that includes an inventory of existing facilities, level of service (LOS) standards, traffic forecasts, actions needed to meet LOS standards, a financing plan to meet identified needs, intergovernmental coordination, demand management, pedestrian and bicycle components, and concurrency measures.
236. The County-wide Planning Policies contain a section relating to transportation facilities and strategies. County-wide Planning Policy J-

5 states: "Where the roadway level of service (LOS) adopted in local comprehensive plans cannot be maintained as a result of proposed new development, that development shall be denied, unless the proponents agree to pay a proportionate share of the cost of maintaining the LOS."

237. County-wide Planning Policy J-2 states that "Whatcom County jurisdictions shall encourage alternative modes of transportation . . ."
238. The Transportation Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including level of service standards, concurrency, planning & design of transportation improvements, arterial and collector improvements, coordination with land use, multimodal approach, bicycle & pedestrian facilities, intergovernmental coordination, environmental practices, congestion & emissions reduction, and funding.
239. In 2011, the County Executive requested the Whatcom County Bicycle Pedestrian Advisory Committee (BPAC) and the Whatcom Council of Governments' Citizens Transportation Advisory Group (CTAG) to act as citizen advisory groups to help guide the revisions to Chapter 6 Transportation. Staff briefed both committees on GMA requirements for the transportation element prior to discussion of the specific amendments to the chapter.
240. The CTAG reviewed Chapter 6 – Transportation in July 2014. CTAG made no specific recommendations.
241. The BPAC reviewed Chapter 6 – Transportation in August and September 2014. The BPAC made recommendations to revise draft wording, which staff incorporated into the draft amendments to the chapter.
242. The County Council considered Whatcom County Planning Commission recommendations, staff recommendations, BPAC recommendations, and public input on Chapter 6 – Transportation.

Chapter 7 – Economics

243. GMA Planning Goal 5, relating to economic development, is to:

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic

development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities (RCW 36.70A.020(5)).

244. GMA amendments were adopted by the state legislature in 2002, at RCW 36.70A.070(7) and (9), to require an economic development element in a comprehensive plan if “. . . funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans. . .” (Second Substitute House Bill 2697). In an e-mail of July 6, 2015, the Washington State Department of Commerce indicated that the economic development element is considered optional because the state still has not provided funding.
245. The County-wide Planning Policies contain a section relating to economic development and employment. County-wide Planning Policy I-1 states “Whatcom County recognizes that a healthy economy, which provides opportunity for diverse segments of the community, is important to the quality of life in the area. . .”
246. County-wide Planning Policy I-4 is to “Encourage business location, retention, and expansion according to city and county comprehensive plans in order to meet current and future demand for diverse business and industry. . .”
247. The Economics Chapter of the Whatcom County Comprehensive Plan recognizes that a strong and diversified economy is essential to quality of life.
248. The Economics Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including the Comprehensive Economic Development Strategy, the Whatcom Futures report, current economic development activities, a diversified economy, coordination/cooperation between businesses, jurisdictions and other entities, infrastructure, regulations & permit processing, proximity to Canada, business retention & expansion, economic growth & environmental quality, natural resource based industries, unemployment & underemployment, geographic location of economic development, and the local food system.

Chapter 8 – Resource Lands

249. GMA Planning Goal 8, relating to natural resource industries, is to:

Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive

agricultural lands, and discourage incompatible uses (RCW 36.70A.020(8)).

250. The GMA requires counties to designate and assure conservation of agricultural, forest and mineral resource lands of long-term commercial significance (RCW 37.70A.060, .070, and 170).
251. Additionally, RCW 36.70A.131 requires that, as part of the comprehensive plan update, the county must review its mineral resource lands designations and mineral resource lands development regulations taking into consideration: (a) New information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits; and (b) New or modified model development regulations for mineral resource lands prepared by the Department of Natural Resources, the Department of Commerce, or the Washington state association of counties.
252. County-wide Planning Policy I-9 states that "The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. . ."
253. The Resource Lands Chapter of the Whatcom County Comprehensive Plan addresses designated Agricultural, Forestry and Mineral Resource Lands and related issues. The County Council is also adding a new "Marine Resource Lands" section in the Chapter.

Agricultural Lands

254. The agricultural lands section of the Resource Lands Chapter provides background information and addresses a number of issues including the agricultural land base, agricultural products industry, cultural heritage, land use conflicts, fish & wildlife, and water for agriculture.
255. The Agricultural Advisory Committee reviewed the agricultural text, goals and policies of Chapter 8 – Resource Lands in a series of meetings held between October 2014 and May 2015. After considering staff input and public comments, the Agricultural Advisory Committee issued its recommendations.
256. The Agricultural Advisory Committee recommended that the agricultural designation criteria be included in a policy. The designation criteria had been originally adopted through Ordinance 92-013, but had not been incorporated into a policy in the Comprehensive Plan.

257. The Agricultural Advisory Committee recommended a policy that lists actions the County may explore to support Goal 8A: "Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber." The Agricultural Advisory Committee recommended adding additional bullet points to Policy 8A-2 to support working farms and maintain the agricultural land base.
258. The Whatcom County Planning Commission recommended removing or editing several bullet points recommended by the Agricultural Advisory Committee under proposed Policy 8A-2. Specifically, the Planning Commission recommended striking exploration/development of a transfer of development rights program and a natural resource marketplace.
259. The County Council considered the Whatcom County Planning Commission recommendations, staff recommendations, Agricultural Advisory Committee recommendations and public input on Chapter 8 – Resource Lands.
260. The County Council is amending several bullet points under proposed Policy 8A-2 to add the exploration of a transfer of development rights program, developing a natural resource marketplace, tracking the acres lost due to agricultural conversion, and reviewing the Rural Study Areas for potential zoning changes.
261. New Policy 8A-3, relating to designation and de-designation of Agricultural lands, incorporates criteria in WAC 365-190-050 relating to "Agricultural Resource Lands."

Forest Resource Lands

262. The forest resource lands section of the Resource Lands Chapter provides background information and addresses a number of issues including the forest land base, forest products industry, land use conflicts, and fish & wildlife.
263. The Forestry Advisory Committee reviewed the forestry text, goals and policies of Chapter 8 – Resource Lands in a series of meetings held between July 2014 and November 2014. After considering staff input and public comments, the Forestry Advisory Committee issued its recommendations.
264. Policy 8F-9 discourages inappropriate conversion of designated forest land to incompatible non-forest uses. The existing Comprehensive Plan states that incompatible uses include those which permanently remove a significant portion of a parcel from productive forest uses. The Forestry Advisory Committee recommended amending the policy to identify a "significant portion" as 20%.

265. The Forestry Advisory Committee recommended a new Policy 8F-11 to recognize the difference between designated (mapped) forest lands and working forests.
266. The Forestry Advisory Committee recommended a new Policy 8F-12 to maintain a working forest land base sufficient to support a viable local forestry industry by considering the impacts of working forests as part of the legislative decision making process, including measures that may be taken to support working forests.
267. The County Council considered Whatcom County Planning Commission recommendations, staff recommendations, Forestry Advisory Committee recommendations, and public input on Chapter 8 – Resource Lands.
268. The County Council added language to Policy 8F-12 to track loss of forest land productivity due to conversion, implementation of critical areas ordinance, etc.

Mineral Resource Lands

269. The mineral resources section of the Resource Lands Chapter provides background information and addresses a number of issues including sustaining mineral resource industries, conserving mineral lands, rural & urban areas, agricultural areas, forestry areas, riverine areas, mineral resource land designations, and fish & wildlife.
270. Consistent with RCW 36.70A.131, Whatcom County has considered new information included in the "Aggregate Resource Inventory 2014 Study Update Whatcom County, Washington" authored by Element Solutions and dated December 22, 2014.
271. There are no new or modified model development regulations for mineral resource lands.
272. The Surface Mining Advisory Committee reviewed the mineral resource text, goals and policies of Chapter 8 – Resource Lands in a series of meetings held between July 2014 and December 2014. After considering staff input and public comments, the Surface Mining Advisory Committee issued its recommendations.
273. The Surface Mining Advisory Committee recommended deleting Policy 8Q-2 which states "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." This recommendation was made because it may not be feasible, as resources are located based on geologic history, not human development patterns.

274. The Surface Mining Advisory Committee recommended amending Policy 8Q-1 to protect all potentially commercially significant construction aggregate supply to meet future demand, rather than just a 50-year supply.
275. The Surface Mining Advisory Committee recommended reducing the minimum amount of non-metallic mineral deposits per new Mineral Resource Land Designation from one million to 250,000 cubic yards.
276. The Surface Mining Advisory Committee recommended combining existing Policies 8R-5, 8R-6, and 8R-7 into a single policy that addresses in-stream gravel extraction to ensure that protected species, essential fish habitat, and other critical areas are not adversely impacted and that flooding or erosion in surrounding areas is not increased.
277. The County Council considered Whatcom County Planning Commission recommendations, staff recommendations, Surface Mining Advisory Committee recommendations and public input on Chapter 8 – Resource Lands.
278. Policy 8Q-1 is amended to identify and designate mineral resource lands through a county-led county-wide assessment. The intent of the assessment is to meet future mineral resource demand in a manner that is compatible with water resources, agricultural lands, forest lands, and GMA planning goals.
279. The minimum non-metallic mineral deposit of one million cubic yards per new Mineral Resource Land Designation is retained.

Marine Resource Lands

280. A new Marine Resource Lands section is added to the Resource Lands Chapter. This section contains new Goal 8S to “Conserve and enhance Whatcom County’s marine land base for the long-term and sustainable production of commercial and recreational economic activities.”
281. Whatcom County will work with the Marine Resource Committee, the Shellfish Protection Advisory Committees, and other local marine land experts to develop policies supporting Goal 8S.

Chapter 9 – Recreation

282. GMA Planning Goal 9, relating to open space and recreation, is to: “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and

water, and develop parks and recreation facilities” (RCW 36.70A.020(9)).

283. GMA amendments were adopted by the state legislature in 2002, at RCW 36.70A.070(8) and (9), to require a park and recreation element in a comprehensive plan if “. . . funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans. . .” (Second Substitute House Bill 2697). In an e-mail of July 6, 2015, the Washington State Department of Commerce indicated that the park and recreation element is considered optional because the state has not provided funding.
284. RCW 36.70A.080, entitled “Comprehensive Plans – Optional Elements,” provides that jurisdictions planning under the GMA may include additional elements in comprehensive plans that relate to physical development within the jurisdiction. Such optional elements may include a recreation element.
285. County-wide Planning Policy H-1 states: “The county, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors and to enhance recreational opportunities, public access and trail development.”
286. Whatcom County has elected to adopt a recreation element in the Comprehensive Plan (Chapter 9) as provided in RCW 36.70A.080(1). This element is coordinated and consistent with other Whatcom County Comprehensive Plan elements. It is responsive to, informs, and relies on the Whatcom County Parks, Recreation, and Open Space Plan.
287. The Recreation Chapter of the Whatcom County Comprehensive Plan recognizes that recreation is essential to quality of life.
288. The Recreation Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including regional parks, multi-use camping parks, trail systems, specialized recreation areas, shoreline access areas, off road vehicle riding areas, activity centers, and park facilities.
289. The Whatcom County Parks & Recreation Commission reviewed Chapter 9 – Recreation in a series of meetings held between June 2014 and June 2015. After considering staff input and public comments, the Parks & Recreation Commission issued its recommendations.

290. The Parks & Recreation Commission recommended that instead of continuing to adopt by reference the Whatcom County Comprehensive Parks, Recreation and Open Space Plan and the Whatcom County Pedestrian & Bicycle Plan, which are separate functional documents, that these documents be referenced in the chapter as background documents.
291. The Parks & Recreation Commission also recommended that text, goals, policies and maps relating to Recreation Resource Management Areas (RRMAs) be removed from Chapter 9 – Recreation. This recommendation was based on public comment indicating that the County’s vision with respect to RRMAs may be outdated, and that relevant aspects of the RRMA vision may otherwise continue to be addressed in other Recreation Chapter 9 goals or policies.
292. The County Council considered Whatcom County Planning Commission recommendations, staff recommendations, Parks & Recreation Commission recommendations, and public input on Chapter 9 – Recreation.
293. The Comprehensive Parks, Recreation, and Open Space Plan and the Whatcom County Bicycle and Pedestrian Plan should no longer be incorporated by reference into the Comprehensive Plan. Rather, they should be referenced in Chapter 9 as background documents.
294. The Recreation Resource Management Areas text, goals, policies and map designations should also be removed from Chapter 9.

Chapter 10 – Design (Deleted)

295. A design chapter is not a required element in a comprehensive plan.
296. When Chapter 10 - Design was adopted in 1997, the County Council elected not to adopt policies that the Whatcom County Planning Commission had recommended in 1996. This reduced the chapter to a series of general goals without specific implementing policies (with the exception of the Historic and Cultural Resources section). Many of the general topics discussed in the chapter are addressed in greater detail in other chapters such as Land Use, Transportation, Resource Lands, Recreation, and Environment (for example, rural character, open space, clustering, and natural resources) or through development standards, incentives, or regulations that do not require a “Design” chapter of the Comprehensive Plan. Such issues may be better addressed through community or watershed specific planning approaches within the discretion of Whatcom County. Some design issues, such as rural clustering, have already been addressed as part of the County’s rural element GMA compliance efforts.

297. Historic and cultural resources are important topics that are addressed by GMA Planning Goal 13. Additionally, WAC 365-196-450 calls on counties to identify and encourage the preservation of historic and cultural resources. Therefore, the amendments retain and move the "Historic and Cultural Resources" section to Chapter 2, Land Use. The amendments delete the remaining portions of Chapter 10.

Chapter 11 – Environment (renumbered to Chapter 10)

298. GMA Planning Goal 10, relating to the environment, is to "Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water" (RCW 36.70A.020(10)).
299. There are a number of Countywide Planning Policies that address the environment, with which the Comprehensive Plan policy amendments are found to be consistent. These Countywide Planning Policies include:
- a. H-2 – "The county and the cities shall plan for greenbelts and open space in their Comprehensive Planning processes and coordinate with each other. Open space systems should include lands which contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. . ."
 - b. I-8 – "Economic development should be encouraged that . . . does not adversely impact the environment. . ."
 - c. N-1 – "The cities, and the county, in cooperation with other municipal corporations, tribal governments, federal and state agencies, and public and private utilities shall cooperate in the protection of water resources and in drawing upon said water to support growth."
 - d. N-3 – "Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA's and across jurisdictional boundaries to maintain quality of life and economic health in Whatcom County."
 - e. N-6 - "All jurisdictions shall maximize reduction of water pollutants from stormwater runoff and combined sewer overflows."
300. The Environment Chapter of the Whatcom County Comprehensive Plan recognizes that the environment is essential to our well-being, health, safety, and economy.
301. The Environment Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including community & environmental protection, administration and

regulation, the environment & property rights, climate change, natural hazards, water resources, watershed planning & management, surface water & groundwater, stormwater & drainage, water conservation, Lake Whatcom Watershed, natural systems, fish & wildlife, wetlands, and marine habitat.

302. The Marine Resources Advisory Committee reviewed Chapter 11 – Environment in a series of meetings held between May and July 2014. After considering staff input and public comments, the Marine Resources Advisory Committee issued its recommendations, which were incorporated into the document that went to the Whatcom County Planning Commission.
303. The Critical Areas Ordinance Citizens Advisory Committee also reviewed Chapter 11 – Environment in a public meeting in September 2015, but could not come to consensus on recommendations.
304. The Wildlife Advisory Committee reviewed Chapter 11 – Environment in meetings held in April and May 2016 and issued recommendations.
305. The County Council considered Whatcom County Planning Commission recommendations, staff recommendations, Marine Resources Advisory Committee recommendations, Wildlife Advisory Committee recommendations, and public input on Chapter 11 – Environment.

Appendix A – Glossary of Terms

306. The amendments to Appendix A are intended to ensure the definitions are consistent with state law, state administrative code, County code, and a pertinent technical document.

Appendix B – Acronyms

307. The amendments to Appendix B add acronyms that were previously omitted. The amendments also remove some acronyms.

Appendix C – Countywide Planning Policies

308. Appendix C formerly contained the GMA Planning Goals, Countywide Planning Policies, and the Visioning Value Statements. Appendix C is amended to contain only the Countywide Planning Policies.
309. Comprehensive Plan Chapter 1 now contains the GMA Planning Goals.
310. The amendments delete the glossary to the Countywide Planning Policies to avoid duplication with the glossary in Appendix A. Terms from this glossary that were not already in Appendix A are moved to that appendix.

311. The Visioning Value Statements (also known as “community value statements”) were developed in 1994 to assist in creation of the original 1997 Comprehensive Plan. Today, Land Use Chapter 2 contains a vision statement. Additionally, there are advisory committees and commissions focused on many of these issues. Therefore, the 1994 community value statements are deleted from the Comprehensive Plan.

Appendix D – Bibliography

312. The amendments to Appendix D add references to reports the County used when preparing the Comprehensive Plan.

Appendix E – 20-Year CFP and Appendix F – Six-Year CIP

313. GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).
314. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
- a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.
 - b. A forecast of the future needs for such capital facilities.
 - c. The proposed locations and capacities of expanded or new capital facilities.
 - d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
 - e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
315. The updated Whatcom County 20-Year Capital Facilities Plan (CFP) and the updated Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities contain inventories of existing facilities owned by public entities, a forecast of future needs, proposed expanded or new capital facilities, costs and funding sources. The existing 20-year CFP and existing Six-Year CIP will be repealed.

Appendix G – Transportation Impact Fee Background Information

316. In 2005 the County added transportation impact fee background information to Appendix G. However, the County has not enacted impact fees. Therefore the existing appendix is not needed. The amendments delete the existing Appendix G in its entirety.

Appendix H – Airport Overlay and Appendix I – Airport Surfaces

317. RCW 36.70.547 requires “Every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport. Such plans and regulations may only be adopted or amended after formal consultation with: Airport owners and managers, private airport operators, general aviation pilots, ports, and the aviation division of the department of transportation. . .”
318. The Whatcom County Council created an Airport/Land Use Compatibility Advisory Committee in 2003 (Resolution 2003-058).
319. The Airport/Land Use Compatibility Advisory Committee issued final recommendations in 2004.
320. The County Council adopted Comprehensive Plan amendments relating to airport/land use compatibility in 2005 (Ordinance 2005-004). This ordinance included an “Airport Overlay Zones” map (relating to land use near an airport) in Appendix H for the Bellingham International Airport. It also included “Imaginary Surfaces” maps (relating to height of structures near an airport) in Appendix I for the Bellingham International Airport and the Blaine Municipal Airport.
321. The Blaine Municipal Airport closed in 2008. Therefore, the “Imaginary Surfaces” map for Blaine is deleted from Appendix I.

County-wide Planning Policies

322. The GMA requires counties to adopt county-wide planning policies in cooperation with cities. County-wide planning policies provide a framework from which county and city comprehensive plans are developed and facilitate consistency between comprehensive plans (RCW 36.70A.210). County-wide Planning Policies are contained in Appendix C of the Whatcom County Comprehensive Plan. The Comprehensive Plan amendments are consistent with the County-wide Planning Policies.

Interlocal Agreements

323. Inter-local agreements between Whatcom County and the cities were approved in 2012. These agreements, which are valid through 2022, address a number of growth management planning issues including inter-jurisdictional coordination, urban growth area review, land capacity analysis, population and employment projections, and capital facility planning.

Further Studies/Changed Conditions

324. The EIS and land capacity analysis are studies that indicate a need to amend the comprehensive plan in order to comply with the requirements of the GMA. Additionally, outdated information is eliminated and new policy direction is incorporated into the Comprehensive Plan.

Public Interest

325. The 2016 Comprehensive Plan Update and UGA Review establish new growth projections for the planning period through the year 2036 and plan UGAs that can accommodate projected urban growth, as required by with the GMA. Resource lands will be conserved and rural character protected, as required by the GMA.
326. Capital facility planning by cities, special purpose districts, and the County will support the land use plan with planned public facilities and services.
327. In considering the public interest, it is recognized that Agriculture is a critical industry in Whatcom County. According to the Census of Agriculture, the market value of agricultural production was over \$357 million in 2012.
328. Changes to Designated Agricultural Lands of Long-Term Commercial Significance must be reviewed in a county-wide review process.
329. Changes to Designated Agricultural Lands of Long-Term Commercial Significance are being undertaken as part of Whatcom County's 2016 Comprehensive Plan update, in which all elements of the Plan have been reviewed including the Comprehensive Plan land use designation map and the Resource Lands chapter. These changes are made in the context of this county-wide review process, and are not based solely on a parcel-by-parcel review process.
330. The Final EIS address Designated Agricultural Lands of Long-Term Commercial Significance.

331. Whatcom County Council approved Resolution 2009-040 on July 7, 2009 in which the Council confirmed that 100,000 acres of land available for agricultural use is the minimum goal for ensuring a land base necessary to support a viable agricultural industry in Whatcom County.
332. Whatcom County currently has more than 85,900 acres of Designated Agricultural Lands of Long-Term Commercial Significance. Additionally, there are other areas in the County used for agriculture. The Census of Agriculture indicates that Whatcom County had more than 115,800 acres of land in farms in 2012.
333. Two UGA proposals would change designated Agricultural lands to UGA.
334. The Lynden UGA proposal would de-designate approximately 38.4 acres of Agricultural lands on the southern edges of the City.
335. The Nooksack UGA proposal would de-designate approximately 35 acres of Agricultural lands, but would result in designation of 81 acres for Agriculture that is currently UGA Reserve. The Nooksack proposal would result in a net gain of 46 acres of designated Agricultural lands.
336. On a county-wide basis, the following changes are made to the designated Agricultural lands of long-term commercial significance.

UGA/UGA Reseve	Designated Agriculture Lands Changed to UGA (Acres)	UGA Reserve Changed to Designated Agriculture Lands (Acres)	Change in Designated Agriculture Lands (Acres)
Bellingham	0.0	0.0	0.0
Birch Bay	0.0	0.0	0.0
Blaine	0.0	0.0	0.0
Cherry Point	0.0	0.0	0.0
Columbia Valley	0.0	0.0	0.0
Everson	0.0	0.0	0.0
Ferndale	0.0	0.0	0.0
Lynden	38.4	0.0	-38.4
Nooksack	35.0	81.0	46.0
Sumas	0.0	0.0	0.0
Other Areas	0	0	0
TOTAL	73.4	81.0	7.6

337. In cumulative total, on a county-wide basis, there would not be a net loss of acreage designated as Agricultural lands of long-term commercial significance. In fact, Whatcom County's designated Agricultural lands of long-term commercial significance would increase slightly (by approximately 7.6 acres). Additionally, the amendments will not cause the County to breach the 100,000 acre goal needed to support a viable agricultural industry. When considered in the context of the County's designated Agricultural lands as a whole and the need to ensure the viability of resource-based industries, the amendments are consistent with GMA Planning Goal 8, which is to "Maintain and enhance natural resource-based industries . . ." (RCW 36.70A.020(8)) and Whatcom County Comprehensive Plan Goal 8A-3.
338. Whatcom County Charter Section 1.11 states, "The rights of the individual citizen shall be guaranteed under the Constitutions of the United States and the State of Washington. No regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened." The Whatcom County Council concludes that this ordinance will not unduly burden a property owner by leaving him or her without a reasonable use of his or her property, or otherwise deprive him or her of legally recognized rights.
339. The Growth Management Act requires the state attorney general to establish "an orderly, consistent process, including a checklist if appropriate, that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property" (RCW 36.70A.370). The Whatcom County Council has been briefed by legal counsel on the Attorney General's *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (December 2015) and concludes that this ordinance will not result in unconstitutional taking of private property.
340. The goal of the 2016 Comprehensive Plan Update and UGA Review is to engage in growth management planning to serve the people of Whatcom County and comply with the GMA. Such planning in the public interest.

Spot Zoning

341. "Illegal spot zoning" means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.187).
342. The subject proposal does not involve nor facilitate illegal spot zoning.

Completion of Periodic Review

343. With adoption of this ordinance, Whatcom County has completed the periodic update of the Comprehensive Plan and the UGA review required under the GMA.

CONCLUSIONS

1. The subject amendments are consistent with and implement the GMA planning goals. The amendments conform to applicable requirements of the GMA.
2. The subject amendments satisfy the approval criteria of WCC 2.160.080.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. Amendments to the Whatcom County Comprehensive Plan are hereby adopted as shown on Exhibit A.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this _____ day of _____, 2016.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chairperson

APPROVED as to form:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: _____