

WHATCOM COUNTY PLANNING COMMISSION

2016 Comprehensive Plan Periodic Update and Urban Growth Area (UGA) Review

FINDINGS OF FACT AND REASONS FOR ACTION

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's deadline to complete the update is June 30, 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's deadline to complete the UGA review is June 30, 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 outside 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 - c. Remove outdated narrative language regarding process and history of previous planning efforts;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. Edit narrative or policies to correct grammar;
 - h. Update narrative and policies to achieve internal consistency; and
 - i. Provide for amendments to 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. Public comments were provided during these meetings. The Planning Commission considered input from a variety of sources including staff recommendations, city recommendations, Tribal government comments, public comments and agency comments.
8. Notice of the subject amendments will be submitted to the Washington State Department of Commerce in 2016 pursuant to RCW 36.70A.106.

9. The proposed Comprehensive Plan amendments have been posted on the County website.
10. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media, cities, Tribal governments and other groups on the County's e-mail list on November 25, 2015.
11. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on November 25, 2015.
12. The Planning Commission held a public hearing on the subject amendments on December 10, 2015.

Approval Criteria

Whatcom County Code

13. Pursuant to Whatcom County Code 2.160.080, in order to approve the proposed 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 TDR sending area, with certain exceptions including UGA expansions initiated by a government agency.

Re-Designating UGA Reserves to UGAs

- 14. 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. . . .
- 15. 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.
- 16. Additional issues are set forth in the Comprehensive Plan (Chapter 2) to re-designate specific UGA Reserves to UGAs.
- 17. Bellingham, Birch Bay, Ferndale and Lynden UGA Reserves are being re-designated to UGAs.

Re-Designating Agricultural Lands to UGAs

18. The GMA required Whatcom County to designate agricultural lands of long-term commercial significance (hereinafter "designated Agricultural lands"), which the County accomplished in the 1990s.
19. Those lands designated as Agriculture in the Whatcom County Comprehensive Plan are designated Agricultural lands under the GMA.
20. 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.
21. 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.
 - 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 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.
22. New Whatcom County Comprehensive Plan Policy 8A-3 sets forth the criteria for designating or de-designating Agriculture lands, as follows:
- a. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
 - b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
 - c. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non-farm uses has been made.
 - d. The area is composed of agricultural operations that have historically been and continue to be economically viable.
 - e. Parcel sizes are generally greater than forty acres.
 - f. Urban utility services including public sewer and water are not planned.
 - g. Special purpose districts that are oriented to enhancing agricultural operations exist, including drainage improvement, watershed improvement, and flood control.
 - h. Areas have 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.
 - i. Areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.

23. 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."
24. Land is being re-designated from Agriculture to Lynden UGA and Nooksack UGA.

Growth Management Act

25. The GMA establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plans.
26. The GMA requires that a comprehensive plan must be an internally consistent document (RCW 36.70A.070).
27. 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

28. Chapter 1 of the Whatcom County Comprehensive Plan contains GMA goals, background information, population projections and employment projections.
29. 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. BERK issued another report entitled *Background Research on Selected Economic, Demographic, and Housing Trends* in November 2013.
30. The county and the cities developed preliminary population and employment allocation recommendations based upon 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.

31. 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.
32. 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.
33. The County Planning Commission considered the County and city UGA proposals prior to issuing recommendations on the population and employment growth projections.
34. Whatcom County's estimated 2013 population was 205,800. The County Planning Commission projects that the County as a whole will grow by 74,736 people over the planning period. Therefore, total Whatcom County population is projected to be 280,536 in the year 2036.
35. The county-wide total population projection of 280,536 for the year 2036 is within the range of State Office of Financial Management projections.
36. The County Planning Commission's recommended population growth allocations to the UGAs total 63,519 additional people over the planning period (which equates to approximately 85% 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 15% of the countywide population growth).

Chapter 2 – Land Use

37. 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."
38. GMA Planning Goal 2, relating to reducing sprawl, is to "Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development."

39. 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)

40. The GMA, at RCW 36.70A.110, 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.
41. 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."
42. City and County staff presented UGA proposals to the Whatcom County Planning Commission in July - September 2015, including population growth allocations, employment growth allocations, and any UGA boundary changes. These proposals were informed by local policies and preferences. The cities, special purpose districts, and the County are in the process of updating capital facility plans.
43. 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. . ."

44. 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.

Bellingham UGA

45. 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.
46. The Bellingham UGA had an estimated 2013 population of 92,660.
47. 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).
48. 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).
49. City of Bellingham Resolution 2015-14 recommended no changes to the UGA boundary.
50. City of Bellingham Resolution 2015-14 recommended that the south Yew Street area should remain in the UGA Reserve.
51. City of Bellingham Resolution 2015-14 recommended that the south Caitac area should be designated as a UGA Reserve.
52. The Whatcom County Planning Commission finds that Bellingham's recommendations for the medium population allocation coupled with the high employment allocation will cause more people, who cannot find single family housing in their price range in Bellingham, to live in the small cities, unincorporated UGAs, and rural areas while commuting to Bellingham for work.
53. Therefore, the Whatcom County Planning Commission recommends increasing the population growth allocation for the Bellingham UGA to 35,918 people over the planning period. This will 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).

54. The land capacity analysis estimates that the existing Bellingham UGA can accommodate approximately 33,006 more people. The land capacity of the existing UGA falls short of accommodating the Whatcom County Planning Commission's recommended population allocation of 35,918.
55. In order to accommodate the Bellingham UGA population allocation of 35,918 more people, and provide additional land capacity for single family housing closer to a major employment center, the Whatcom County Planning Commission recommends adding the south Yew Street area (approximately 522 acres) and the south Caitac area (approximately 339 acres) to the Bellingham UGA.
56. The land capacity analysis estimates the proposed UGA, with the addition of the south Yew Street area and south Caitac area, can accommodate 36,200 more people over the planning period. Therefore, the residential land capacity would be sufficient to accommodate population growth over the planning period, if these areas were added to the UGA.
57. The Whatcom County Planning Commission recommends that the south Caitac area be re-designated from Rural and Rural Tourism to UGA.
 - a. Need for Land Capacity – As indicated above, the existing lands in the City and UGA fall short of accommodating the population growth allocation. Additional land capacity for single family housing closer to jobs in Bellingham could reduce the length of trips to work. Therefore, adding land to the UGA is appropriate.
 - b. Adequate Public Facilities and Services – At the current time, the City of Bellingham does not have capital facility plans for this area. Such plans would have to be formulated in association with the 2016 UGA review.
 - c. Land Use Plans – The County comprehensive plan designation will be UGA. The City of Bellingham would likely designate the area for residential and some commercial use.

- d. Natural Resource Lands – There are no resource lands within or directly abutting this area.
 - e. Environment – Both the City of Bellingham and Whatcom County have critical areas ordinances and stormwater rules in place.
 - f. Open Space Corridors – The City of Bellingham has a Park, Recreation and Open Space Plan that guides City decisions relating to open space.
58. The Whatcom County Planning Commission recommends that the south Yew Street area be 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 existing lands in the City and UGA fall short of accommodating the population growth allocation. Additional land capacity for single family housing closer to jobs in Bellingham could reduce the length of trips to work. Therefore, adding land to the UGA is appropriate.
 - b. Adequate Public Facilities and Services – At the current time, the City of Bellingham does not have capital facility plans for this area. Such plans would have to be formulated in association with the 2016 UGA review.
 - c. Land Use Plans – The County comprehensive plan designation will be UGA. The City of Bellingham would likely designate the area for residential use.
 - d. Natural Resource Lands – There are no resource lands within or directly abutting this area. There are designated forestry lands approximately 1/8 of a mile to the east.
 - e. Environment – Both the City of Bellingham and Whatcom County have critical areas ordinances and stormwater rules in place.
 - f. Open Space Corridors – The City of Bellingham has a Park, Recreation and Open Space Plan that guides City decisions relating to open space.
59. The proposed employment allocation for the Bellingham UGA over the planning period is an additional 22,641 jobs. The proposed UGA can accommodate approximately 28,017 more jobs.

60. The City of Bellingham draws water from Lake Whatcom. The City's Water Comprehensive Plan was completed in 2009 and is being updated.
61. The City of Bellingham's Sanitary Sewer Comprehensive Plan was completed in 2009 and is currently being updated.
62. The City of Bellingham's Stormwater Comprehensive Plan was completed in 2007 and is currently being updated.
63. The Bellingham Fire Department serves the city. The capital facilities chapter of the Bellingham Comprehensive Plan is currently being updated to address fire protection.
64. The Bellingham School District Capital Facilities Plan was updated in August 2015. State figures show that, between 2007 and 2014, the student enrollment increased by a total of 3.4%.
65. 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.
66. The proposed Bellingham UGA is sufficient to accommodate the County Planning Commission's projected population and employment growth over the planning period, if the UGA is expanded to include the south Caitac and south Yew St. areas.

Birch Bay UGA

67. 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.
68. The Birch Bay UGA had an estimated 2013 population of 7,540.
69. The population allocation for the Birch Bay UGA over the planning period is an additional 5,500 people. The land capacity analysis estimates that the existing UGA can accommodate 5,250 more people. The land in the existing UGA can accommodate 250 fewer people than the proposed allocation over the planning period.
70. Therefore, the County is proposing to expand the UGA into the UGA Reserve in order to provide sufficient land capacity to accommodate projected population growth. The land in the proposed UGA, with the

addition of the UGA Reserve, can accommodate 5,627 more people over the planning period. 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.

71. The proposed employment 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 556 more jobs. Therefore, the commercial land capacity of the existing UGA is sufficient to accommodate job growth over the planning period.
72. The Planning Commission recommends that approximately 201 acres adjacent to the Birch Bay UGA be 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 existing lands in the 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 special districts are in the process of updating capital facility plans.
 - c. Land Use Plans – The County comprehensive plan designation will be UGA. A portion of the UGA Reserve west of Blaine Rd. (SR 548) is currently zoned Rural one dwelling/10 acres (R10A), as most of this area is within the 100-year floodplain and appears to contain wetlands. The GMA requires identification of open space within and between UGAs, and this area is appropriate for low density zoning, even if added to the UGA. Therefore, the R10A zoning would be maintained in this area. The remainder of the UGA Reserve west of Blaine Rd. has a vested plat. This area would be rezoned to Urban Residential Medium Density, six dwellings/acre (URM-6), which is consistent with the zoning to the west. Finally, the land in the UGA Reserve east of Blaine Rd. would be rezoned to Urban Residential four dwellings/acre (UR-4), which is consistent with the zoning to the north.
 - d. Natural Resource Lands – There are no resource lands within or adjacent to the subject site.
 - e. Environment – The Birch Bay watershed is a “stormwater special district” (WCC 20.80.635) and a “water resource special management area” (WCC 20.80.735, relating to land clearing regulations). Additionally, the Birch Bay UGA is now covered under the “Western Washington Phase II Municipal Stormwater Permit” (as an NPDES Phase II area). County regulations provide special

rules for stormwater (WCC 20.80.630) and land clearing (WCC 20.80.730) for the Birch Bay area. Whatcom County Critical Areas regulations (WCC 16.16) and Flood Damage Prevention regulations (WCC 17) would, as applicable, also protect the environment.

- f. Open Space Corridors – As mentioned above, a portion of the UGA Reserve west of Blaine Rd. (SR 548) is currently zoned R10A, as most of this area is within the 100-year floodplain and appears to contain wetlands. This area is appropriate for low density zoning. Therefore, zoning with a maximum density of one dwelling/ten acres will be maintained in this area.
73. 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.
74. 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.
75. 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.
76. North Whatcom Fire and Rescue (Fire District 21) provides fire protection and emergency medical services to the UGA. The *North Whatcom Fire and Rescue Capital Facilities Plan* was adopted in 2009. The District is currently working with the County to update the plan.
77. The Blaine School District serves the majority of the 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 School District is in the process of developing a capital facilities plan.

78. 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 would include 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 will, as appropriate, be set forth in the Whatcom County Comprehensive Plan.
79. The Whatcom County Planning Commission recommends the Birch Bay UGA be expanded into the UGA Reserve to provide additional population growth capacity. With this expansion, the UGA will be sufficient to accommodate projected population and employment growth over the planning period.

Blaine UGA

80. The Blaine UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review.
81. The Blaine UGA had an estimated 2013 population of 5,171.
82. The population 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.
83. The proposed employment 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.
84. 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 including 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. Unfortunately, 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.

85. 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. The 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.
86. The City of Blaine's current Comprehensive Water System Plan was adopted in 2009. The City is engaged with a consultant to update the plan.
87. The City of Blaine's current General Sewer Plan was drafted in 2004. The City is budgeting for updating the sewer plan in 2016. 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. The inflow to the bay is essentially as clean as tap water. In the last 12 months, Blaine diverted 24.6 million gallons of reclaimed water to paying customers, thereby avoiding an equivalent consumption of potable groundwater and reducing discharge to Semiahmoo Bay.
88. The City of Blaine has not updated the Stormwater Management Plan since 1995. The City addresses stormwater on a project-by-project basis and coordinates upgrades to the municipal system with road improvement projects. Budgeting does not allow updating the Stormwater Management Plan prior to the 2016 comprehensive plan update. It is projected to occur in the next 2-3 years. The City voluntarily utilizes the state's 2012 Stormwater Manual which is the

- highest standard for stormwater management. This coupled with a project level review ensures effective stormwater management.
89. North Whatcom Fire and Rescue (Fire District 21) provides fire protection and emergency medical services to the UGA. The *North Whatcom Fire and Rescue Capital Facilities Plan* was adopted in 2009. The District is currently working with the County to update the plan.
 90. The Blaine School District serves the 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 School District is in the process of developing a capital facilities plan.
 91. The City contracted with a consultant to update the City's transportation element, which will be adopted as part of the Comprehensive Plan in 2016.
 92. The existing Blaine UGA can accommodate projected population and employment growth over the planning period. In light of the issues of servicing land in East Blaine, the Whatcom County Planning Commission recommends retaining the existing UGA (which was significantly reduced in size in the 2009 UGA review).

Cherry Point UGA

93. 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.
94. 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.
95. The Cherry Point UGA zoning generally does not allow residential development.
96. The proposed employment 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.
97. 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. . .”

98. 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 the County-wide Planning Policy and in the context of maintaining a UGA boundary that has existed for almost two decades (rather than expanding the UGA).
99. 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).
100. 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.

101. 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. . .”
102. Whatcom County Fire District # 7 provides fire protection and emergency medical services to the UGA. The Fire District adopted a Capital Facilities Plan in 2011.
103. The Cherry Point UGA is within the Blaine and Ferndale School Districts. However, this is an industrial UGA that does not include residential zoning.
104. Grandview (SR 548) and Slater roads, which are major east-west connectors between Cherry Point and Interstate-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 2016 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.
105. The existing Cherry Point UGA is sufficient to accommodate projected employment growth over the planning period. Therefore, the Whatcom County Planning Commission recommends retaining the existing UGA boundary.

Columbia Valley UGA

106. 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.
107. The Columbia Valley UGA had an estimated 2013 population of 3,103.
108. The population 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.

109. The employment 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 367 more jobs. Therefore, the commercial and planned industrial land capacity is sufficient to accommodate the job growth allocation over the planning period.
110. 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.
111. 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.
112. 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).

113. Fire District 14 provides fire protection and emergency medical services to the UGA. The *Whatcom County Fire District # 14 Capital Facilities Plan* was approved by the District Commissioners in 2015.
114. The Mount Baker School District serves the UGA. 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 between 2012 and 2014. The *Mount Baker School District Capital Facilities Plan* was approved by the District in 2013.
115. 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.
116. The existing Columbia Valley UGA is sufficient to accommodate projected population and employment growth over the planning period. Therefore, the Whatcom County Planning Commission recommends retaining the existing UGA boundary.

Everson UGA

117. The Everson UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review.
118. The Everson UGA had an estimated 2013 population of 2,665.
119. 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.
120. The population 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.
121. The proposed employment 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 765 more jobs.

122. The City of Everson prepared a Water System Comprehensive Plan that was approved by the Washington Department of Health in 2013. That plan showed that Everson had sufficient water system capacity to accommodate projected growth through 2036. The City is currently preparing a water system plan update that incorporates the City's population and employment growth allocations. Preliminary information from the water system plan update confirms that the capital facilities related to the City's water system will be adequate to meet anticipated needs through 2036.
123. The City of Everson prepared a General Sewer Plan that was approved by the Washington Department of Ecology in 2012. That plan showed that the City had capacity to accommodate planned growth through 2036. Information from the General Sewer Plan will be incorporated into the 2016 update of the City's Comprehensive Plan.
124. Capital facilities related to stormwater are addressed in the City of Everson's Comprehensive Plan. This information will be updated as part of the update of the City's Comprehensive Plan.
125. Fire District 1 provides fire protection and emergency medical services to the UGA. The *Whatcom County Fire District # 1 Capital Facilities Plan* was approved by the District Commissioners in 2015.
126. The Nooksack Valley School District serves the Everson UGA. 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.
127. Capital facilities related to the City of Everson's transportation system are addressed in the City's comprehensive plan. The City will update this information as part of its 2016 comprehensive plan update process.
128. The Whatcom County Planning Commission recommends that the Everson UGA be reduced in size as proposed by the City of Everson. The land capacity of the modified UGA is sufficient to accommodate population and employment growth over the planning period.

Ferndale UGA

129. The Ferndale UGA was established in 1997. The Ferndale UGA was reduced in size in the 2009 UGA review.
130. The Ferndale UGA had an estimated 2013 population of 12,758.

131. The population 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 6,548 more people.
132. The employment 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.
133. 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.
134. The County Planning Commission recommends that approximately 117 acres located southeast of the City be 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 are in the process of updating capital facility plans.
 - c. Land Use Plans – The County comprehensive plan designation will be UGA. The City of Ferndale’s proposed comprehensive plan designation will be Commercial. The City of Ferndale’s proposed zoning will be either Regional Retail Zone or Mixed Use 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 . . .

135. The City of Ferndale has recently changed its water source from surface water to well water and has acquired, or is in the process of acquiring, water rights sufficient for growth throughout the planning period. Water rights already exist for projected development through approximately 2030. The City's water system plan is being updated as part of the 2016 process. 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.
136. 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. The City's Sewer Plan (2011) will be updated as part of the 2016 comprehensive plan update. 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.
137. The City has established several regional stormwater master plans and anticipates consolidating these and other plans into the City's first stormwater plan to be incorporated as part of the Ferndale Comprehensive Plan. Upon annexation to the City of Ferndale, all development within the UGA expansion area will be required to meet the City's stormwater standards and the 2012 Department of Ecology Stormwater Manual.

138. Whatcom County Fire District 7 serves the City of Ferndale. The City of Ferndale is working with the District to update the District's Capital Facilities Plan as part of the 2016 process.
139. The Ferndale School District serves the UGA. 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 School District anticipates updating its capital facilities plan as part of the 2016 process.
140. The City of Ferndale is working with a consultant to update the City's Transportation Plan as part of the 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. An ongoing Interchange Justification Report initiated by the Lummi Nation is analyzing transportation improvement options at and around this interchange. A corridor study initiated by the Washington State Department of Transportation is also underway and is in the process of analyzing impacts of growth on the interstate system. In July 2015, Washington State earmarked over \$20 million for improvements to the interchange – improvements that become necessary as growth occurs.
141. The Whatcom County Planning Commission recommends that the Ferndale UGA be expanded into the UGA Reserve southeast of the City to provide additional employment growth capacity. With this expansion, the UGA will be sufficient to accommodate projected population and employment growth over the planning period.

Lynden UGA

142. The Lynden UGA was established in 1997. The Lynden UGA was expanded, and a UGA Reserve added, in the 2009 UGA review.
143. The Lynden UGA had an estimated 2013 population of 12,872.
144. The population 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 proposed population growth allocation.
145. 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.

146. 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 need to be extinguished and uses on this portion of the property will need to be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances.
 - c. Re-designating a 38 acre parcel, 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 need to be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances.
147. The County Planning Commission recommends that the 155 acres located northwest of the City be 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 are in the process of updating capital facility plans.
 - c. Land Use Plans – The County comprehensive plan designation will be 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 of Lynden has worked proactively with Whatcom County to minimize the impact of the City’s growth on agricultural lands. The City is planning for average densities of five to seven units per acre, 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. . .

148. The County Planning Commission recommends that the 0.4 acre site located south of the City be 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 was 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. 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. 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.

149. The County Planning Commission recommends that the 38 acre parcel located southwest of the City be 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. 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 existing to the northeast in the City of Lynden. Based upon these factors, the subject site is no longer of long-term commercial significance for agriculture.
150. The proposed employment 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 1,667 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.
151. The City of Lynden has a contract with a consultant to update the Water Comprehensive Plan and the work on this plan will be completed in 2016. This plan will include the proposed UGA and will reflect all infrastructure needs and a financing plan to complete those projects. In 2015, the new water treatment plant, the primary water infrastructure needed to serve the City over the next 50 or more years, was completed. The City of Lynden and the Department of Ecology have different interpretations of Lynden's water rights. However, Lynden and Ecology entered into a Memorandum of Agreement in 2004 and agreed to work cooperatively toward water right solutions for the City.
152. The City of Lynden has a contract with a consultant to update the Sanitary Sewer Comprehensive Plan and the work on this plan will be completed in 2016. This plan will include the proposed UGA and will reflect all infrastructure needs and a financing plan to complete those projects.

153. The City of Lynden has a contract with a consultant to update the City's Stormwater Comprehensive Plan and the work on this plan will be completed in 2016. This plan will include the proposed UGA and will reflect all infrastructure needs and a financing plan to complete those projects.
154. The City of Lynden Fire Department will update their capital facilities plan as part of the City's effort to update the Comprehensive Plan.
155. The Lynden School District serves the UGA. 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 County met with the Lynden School District to start the process of developing a capital facilities plan.
156. 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 proposed UGA and will reflect all infrastructure needs and a financing plan to complete those projects.
157. The Whatcom County Planning Commission recommends that the Lynden UGA be expanded 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 population and employment growth over the planning period.

Nooksack UGA

158. 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.
159. The Nooksack UGA had an estimated 2013 population of 1,435.
160. The population 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.
161. The proposed employment 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 falls short of accommodating the proposed employment growth allocation.

162. 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.
163. 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 flood-plain of the Nooksack River. Therefore, pursuant to RCW 36.70A.110(8)(b)(iii)(C), development rights will need to be extinguished and uses of the property will need to be limited to outdoor recreation, environmentally beneficial projects, storm water facilities, flood control facilities or underground conveyances.
 - 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.
 - d. Re-designating approximately 81 acres from UGA Reserve to Agriculture north of S. Pass Road. 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 noted 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).

164. The County Planning Commission recommends re-designating approximately 20-acres 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.
165. The County Planning Commission recommends that the 6-acre parcel owned by the School District be 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. Urban growth is located adjacent to the subject site.
 - b. Commercial Production of Agricultural Products – 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. 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.
166. The County Planning Commission recommends that the 29-acre area north of the City be 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. Urban growth is located adjacent to the subject site.

- b. Commercial Production of Agricultural Products – 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. A state highway, 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. 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.

167. The County Planning Commission recommends that 81 acres be re-designated from UGA Reserve to Agriculture, north of S. Pass Road. 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. The subject area is not characterized by urban growth.
- b. Commercial Production of Agricultural Products – The subject site contains prime farmland soils. Much of the subject site is currently used for agricultural production.
- c. Long Term Commercial Significance for Agriculture – 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 been zoned for Agriculture for more than three decades (*Lynden Nooksack Valley Subarea Background*

Document, 1983). Based upon these factors, the subject site has long-term commercial significance for agriculture.

168. 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.
169. The City of Nooksack prepared a Water System Plan that was approved by the Washington Department of Health in 2013. The City is currently preparing a Water System Plan update that addresses anticipated growth through 2036. Preliminary analysis indicates that the City has sufficient capacity to supply planned growth through 2036. Information from the Water System Plan update will be incorporated into the 2016 City Comprehensive Plan.
170. The City of Nooksack prepared a General Sewer Plan that was approved by the Washington Department of Ecology in 2012. That plan showed that the City had capacity to accommodate planned growth through 2036. The City is currently preparing an addendum to the General Sewer Plan to address all elements related to capital facilities planning required under the GMA. Information from the General Sewer Plan and Addendum will be incorporated into the 2016 City Comprehensive Plan.
171. The City of Nooksack will address capital facilities related to stormwater as part of the 2016 update of the comprehensive plan.
172. Fire District 1 provides fire protection and emergency medical services to the UGA. The *Whatcom County Fire District # 1 Capital Facilities Plan* was approved by the District Commissioners in 2015.
173. The Nooksack Valley School District serves the UGA. 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.
174. Capital facilities related to the City's transportation system are addressed in the City's Comprehensive Plan. The City will update this information as part of its 2016 comprehensive plan update process.
175. The Whatcom County Planning Commission recommends that the Nooksack UGA be modified as proposed by the City to provide sufficient population and employment growth capacity, and expansion of the Nooksack Valley School District ball fields. With these changes,

the UGA will be sufficient to accommodate projected population and employment growth over the planning period.

Sumas UGA

176. 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 Agriculture.
177. The Sumas UGA had an estimated 2013 population of 1,449.
178. The population 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 proposed population growth allocation over the planning period.
179. The proposed employment 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 proposed job growth allocation over the planning period.
180. The City of Sumas prepared a *Water System Comprehensive Plan* that was approved by the Washington Department of Health in 2012. Information from the 2012 Water System Plan will be updated through the 2016 comprehensive plan update process to address growth through 2036. Preliminary analysis indicates that the City has sufficient water rights to supply planned growth through 2036.
181. The City transmits wastewater to the City of Abbotsford, B.C. under a wastewater disposal contract. The sufficiency of this contract will be reviewed as part of the 2016 comprehensive plan update process.
182. Capital facilities related to stormwater are addressed in the City's Comprehensive Plan, which will be reviewed and updated as part of the City's 2016 update process.
183. Fire District 14 provides fire protection and emergency medical services to the UGA. The *Whatcom County Fire District # 14 Capital Facilities Plan* was approved by the District Commissioners in 2015.

184. The Nooksack Valley School District serves the UGA. 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.
185. Capital facilities related to the City's transportation system are addressed in the City's Comprehensive Plan, which will be reviewed and updated as part of the City's 2016 update process.
186. The existing Sumas UGA is sufficient to accommodate projected population and employment growth over the planning period. Therefore, the Whatcom County Planning Commission recommends retaining the existing UGA boundary.

Rural Element

187. 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.
188. 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. . ."
189. County-wide Planning Policy B.2 states "The county shall discourage urban level development outside Urban Growth Areas. . ."
190. 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).
191. 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 on all but three issues, two of which are currently the subject of a settlement agreement that is pending Growth Management Hearings Board action. The remaining issue includes rural water resources and is pending before the Washington State Supreme Court (GMHB Case No. 12-3-0013 / Supreme Court Case No. 91475-3).

Property Rights and Permits

192. 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.
193. 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

194. 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

195. 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)).
196. 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.

197. 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."
198. 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.
199. 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.
200. The Housing Advisory Committee recommended adding a healthy housing goal with associated policies.
201. The Housing Advisory Committee recommended exploring various financial incentives and funds to support affordable housing.
202. The Whatcom County Planning Commission considered the staff proposal, recommendations from the Housing Advisory Committee, and public input on Chapter 3 – Housing.
203. The Whatcom County Planning Commission does not recommend including a healthy housing goal and associated policies. The Planning Commission agreed that healthy housing is already covered in the building code.
204. The Whatcom County Planning Commission does not recommend including a policy regarding the exploration of various financial incentives and funds to support affordable housing.
205. The Whatcom County Planning Commission recommends adding 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.

Chapter 4 – Capital Facilities

206. 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)).

207. 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.

208. 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 . . ."

209. 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 will contain an inventory of existing facilities, a forecast of future needs, proposed expanded or new capital facilities, costs and funding sources.

210. 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

211. 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.”
212. 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 . . .”
213. 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.
214. Review was sought by the major utility providers in Whatcom County, but no comments were received.

215. The Whatcom County Planning Commission considered staff recommendations and public comments on Chapter 5 – Utilities. The Whatcom County Planning Commission’s recommendations can be summarized as:
- a. Revise background text regarding population and water systems and the need for integration of land use and water resource planning;
 - b. Update policies ensuring utilities are designed appropriate to the land use designation and scaled for population growth;
 - c. Clarify policies on utility installation in urban areas;
 - d. Update policies on water supply, providers, and coordination. Amend text and narrative to reflect current water supply planning initiatives;
 - e. Add policy on application of state water regulations;
 - f. Strengthen renewable energy and sustainability policies; and
 - g. Revise solid waste text and policies.

Chapter 6 – Transportation

216. 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)).
217. 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.
218. 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.”
219. County-wide Planning Policy J-2 states that “Whatcom County jurisdictions shall encourage alternative modes of transportation . . .”

220. 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.
221. 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.
222. The CTAG reviewed Chapter 6 – Transportation in July 2014. CTAG made no specific recommendations.
223. 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.
224. The Whatcom County Planning Commission considered the staff proposal, recommendations from the BPAC and public input, prior to issuing recommendations on Chapter 6 – Transportation.

Chapter 7 – Economics

225. 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)).
226. 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.

227. 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. . ."
228. 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. . ."
229. The Economics Chapter of the Whatcom County Comprehensive Plan recognizes that a strong and diversified economy is essential to quality of life.
230. The Economics Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including 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, and geographic location of economic development.

Chapter 8 – Resource Lands

231. 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)).
232. 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).
233. 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.

234. 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. . ."
235. The Resource Lands Chapter of the Whatcom County Comprehensive Plan addresses designated Agricultural, Forestry and Mineral Resource Lands and related issues.

Agricultural Lands

236. 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.
237. 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.
238. 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 (proposed Policy 8A-3).
239. 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.

240. The Whatcom County Planning Commission considered the staff proposal, recommendations from the Agricultural Advisory Committee and public input on Chapter 8 – Resource Lands.
241. The Whatcom County Planning Commission recommends 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, and recommended editing the Agricultural mitigation bullet point to read “Mitigation for loss of productive agricultural lands, including loss due to policy implementation such as critical areas ordinance, etc.”
242. The Whatcom County Planning Commission recommends modifying proposed Policy 8A-3 #8 (relating to designation and de-designation of Agricultural lands) to read “Areas have a pattern of landowner capital investment in agricultural operations including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing etc.”
243. The Whatcom County Planning Commission recommends deleting Policy 8C-1 which states “Find ways for retiring farmers to pass their farms on to their children and for young farmers to be able to afford to buy productive farmland.” While the Planning Commission agreed with the intent of the policy, they didn’t think there was anything the County could do to implement the policy.

Forest Resource Lands

244. 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.
245. 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.

246. 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%.
247. The Forestry Advisory Committee recommended a new Policy 8F-11 to recognize the difference between designated (mapped) forest lands and working forests.
248. 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.
249. The Whatcom County Planning Commission considered the staff proposal, recommendations from the Forestry Advisory Committee, and public input on Chapter 8 – Resource Lands.
250. The Whatcom County Planning Commission recommends adding language to Policy 8F-12 to mitigate for loss of forest lands from productivity due to policy implementation of critical areas ordinance, etc.

Mineral Resource Lands

251. 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.
252. 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.
253. There are no new or modified model development regulations for mineral resource lands.
254. 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.

255. 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.
256. 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.
257. 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.
258. 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.
259. The Whatcom County Planning Commission considered the staff proposal, recommendations from the Surface Mining Advisory Committee and public input on Chapter 8 – Resource Lands.
260. The Whatcom County Planning Commission recommended the minimum Mineral Resource Land Designation size be reduced from twenty acres to 10 acres for new Mineral Resource Land Designations.
261. The Whatcom County Planning Commission recommended deleting Policy 8K-8 related to limiting expansion of Mineral Resource Land Designations to contiguous parcels of common beneficial ownership or beneficial interest with an existing mine, when the existing mine is out compliance with operating permits and regulations.

Chapter 9 – Recreation

262. 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))

263. 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.
264. 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.
265. 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.”
266. 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 such as land use, capital facilities, and transportation. It is responsive to, informs, and relies on the Whatcom County Parks, Recreation, and Open Space Plan.
267. The Recreation Chapter of the Whatcom County Comprehensive Plan recognizes that recreation is essential to quality of life.
268. 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.
269. 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.
270. 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 and visioning documents.

271. 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 or in other comprehensive plan elements.
272. The Whatcom County Planning Commission considered the staff proposal, recommendations from the Parks & Recreation Commission and public input on Chapter 9 – Recreation.
273. The Whatcom County Planning Commission recommends that 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 and visioning documents.
274. The Planning Commission also recommends removing the Recreation Resource Management Areas text, goals, policies and maps from Chapter 9.

Chapter 10 – Design

275. A design chapter is not a required element in a comprehensive plan.
276. When Chapter 10 - Design was adopted in 1997, the County Council elected not to adopt policies that the 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, neighborhood 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.

277. 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

278. 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))
279. 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."
280. The Environment Chapter of the Whatcom County Comprehensive Plan recognizes that the environment is essential to our well-being, health, safety, and economy.

281. 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.
282. 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 Planning Commission.
283. 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.
284. The Whatcom County Planning Commission considered the staff proposal, recommendations from the Marine Resources Advisory Committee and public input, prior to issuing recommendations on Chapter 11 – Environment.

County-wide Planning Policies

285. 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

286. 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

287. 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

288. The 2016 Comprehensive Plan Update and UGA Review will establish new growth projections for the planning period through the year 2036 and ensure that UGAs 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.
289. Capital facility planning by cities, special purpose districts, and the County will support the land use plan with planned public facilities and services.
290. 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.
291. 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.
292. 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 utilized for agriculture. The Census of Agriculture indicates that Whatcom County had more than 115,800 acres of land in farms in 2012.
293. Two UGA proposals would convert designated Agricultural lands to UGA.
294. The Lynden UGA proposal would de-designate approximately 38.4 acres of Agricultural Lands on the southern edges of the City.
295. The Nooksack UGA proposal would de-designate approximately 35 acres of Agricultural lands, but would result in designation of 81 acres that are currently UGA Reserve. The Nooksack proposal would result in a net gain of 46 acres of Agricultural lands.

296. 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. Additionally, the amendments will not cause the County to breach the 100,000 acre goal needed to support a viable agricultural industry. Therefore, 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)).
297. 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

298. "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).
299. The subject proposal does not involve nor facilitate illegal spot zoning.

CONCLUSIONS

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

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends:

1. Approval of Exhibit A, amendments to the Whatcom County Comprehensive Plan.

WHATCOM COUNTY PLANNING COMMISSION


Natalie McClendon, Chair


Becky Boxx, Secretary

1/15/16
Date

1-15-16
Date

Commissioners present at the January 14, 2016 meeting when the vote was taken:
Kelvin Barton, Gary Honcoop, David Hunter, Michael Knapp, Natalie McClendon, Nicole Oliver, Andy Rowson, Mary Beth Teigrob, Gerald Vekved.

Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.