

Chapter Eight

Resource Lands

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Introduction

The growth and harvest of farm products, re-generation and harvesting of timber, and excavation of minerals all shape Whatcom County's landscape and strongly influence the economy. Resource lands, which include agriculture, forestry, and mineral resource lands, also largely represent Whatcom County's cultural heritage. These natural resource activities have been major industries since settlement began in the area.

Chapter Organization

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

Reason for Change: The action plans at the end of this chapter have already been completed or have been consolidated into goals/policies.

Purpose

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

Process

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

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

- The following goals and policies in this chapter have been developed:
- to be consistent with and help achieve the state-wide GMA goals to "maintain and enhance" natural resource based industries
 - to implement County-Wide Planning Policies ~~which that~~ express the desire for the county to become a government of rural lands and sustainable resource based industries

- 1 • to fulfill the citizens' vision of Whatcom County where resource based
2 industries are widely practiced and encouraged

3 The Agricultural Lands, Forest Resource Lands, and Mineral Resources sections of
4 this chapter address Goal 8 of the GMA, which reads:

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

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

14 Identifying and designating productive resource lands also helps implement the
15 County-Wide Planning Policies ~~which~~ that state that Whatcom County shall "become
16 a government of rural areas in land use matters directed towards agriculture,
17 forestry and other natural resources." [CWPP B(1)]. In addition, land use policies
18 ~~which~~ that encourage best management practices are included within this chapter
19 to support the County-Wide Planning Policies regarding economic development:

20 As part of a broad based economy, productive timber, agriculture and
21 fisheries industries should be maintained in a sustainable manner.
22 (CWPP I-9)

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

32 Reason for Change: Removing references to older processes.

33 **Agricultural Lands – Introduction**

34 **Purpose**

35 The purpose of this section is to provide a clear set of guidelines that both preserve
36 the agricultural base in Whatcom County and ensure that both the agricultural
37 industry and the cultural heritage thrive in the years to come.

38 **Process**

39 In 1991 an Agricultural Resource Land Advisory Committee was formed to adopt
40 ~~Interim~~ Agricultural Resource Land Designations under the GMA. After 13
41 committee meetings and three public information meetings, the committee

1 ~~recommended adoption of refined goals and objectives and re-adoption of the~~
2 ~~existing Agriculture zoning and plan designations. Their recommendation was~~
3 ~~adopted by Council through Ordinance 92-013. Exhibit A to Ordinance 92-013~~
4 ~~explains the locational criteria that were used to designate agricultural lands. These~~
5 ~~criteria are found in Policy 8A-3.~~

6 ~~Currently, approximately 88,000 acres are designated as agricultural lands of long-~~
7 ~~term commercial significance.~~

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

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

23 Reason for Change: Outdated narrative and shortened for brevity.

24 **GMA Requirements**

25 The Growth Management Act requires the ~~Whatcom County Comprehensive Plan to~~
26 ~~identif~~icationy of the "general distribution and general location and extent of the
27 uses of land... for agriculture..." **Map 18** and **Map 19** show agricultural soils and
28 existing agricultural zoning boundaries.

29 **Map 18** shows prime agricultural soils, and the Agricultural Comprehensive Plan
30 designation. Those lands designated as Agriculture in the comprehensive plan are
31 Designated Agricultural Lands of Long-Term Commercial Significance as defined by
32 GMA: "includes the growing capacity, productivity, and soil composition of the land
33 for long-term commercial production, in consideration with the land's proximity to
34 population areas, and the possibility of more intense uses of the land." (RCW
35 36.70A.030(10). ~~for GMA planning purposes.~~

36 Reason for Change: Added the GMA definition.

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

- 40 • Category I: All areas are prime farmland.
- 41 • Category II: Prime farmland if when drained.
- 42 • Category IV: Prime farmland if irrigated~~when protected from flooding.~~

- 1 • Category V: Prime if drained and protected from flooding or not frequently
2 flooded during the growing season. Prime farmland when irrigated.
- 3 • Category VII: Prime if irrigated and either protected from flooding or not
4 frequently flooded during the growing season. Prime when drained and
5 protected from flooding.
- 6 • Category VII: Prime if subsoiled, completely removing the root inhibiting soil
7 layer.

8 These prime soil categories are taken directly from the NRCS National Soil Survey
9 Handbook Part 622. Whatcom County does not contain all NRCS categories of prime
10 soils.

11 Reason for Change: The NRCS has altered its prime soils classifications since the
12 last update.

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

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

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

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

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

41 GMA also specifies the need for regulatory protection relative to agriculture. It
42 requires that the county "shall adopt development regulations on or before
43 September 1, 1991, to assure the conservation of agricultural, forest, and mineral

1 resource lands . . .” Whatcom County has enacted a Right-To-Farm ordinance that
2 meets this requirement.

3 **Agricultural Lands – Background Summary**

4 ~~Agriculture has been practiced continuously in Whatcom County since long before~~
5 ~~Euro-American settlers arrived. Native American peoples had developed and~~
6 ~~cultivated root crops in the natural prairies along the Nooksack Valley, where sub-~~
7 ~~irrigated meadows were ideal sites for such plants as camas and “Indian carrot.”~~
8 ~~Euro-American settlers expanded the area under cultivation, logging and planting~~
9 ~~crops on thousands of acres of forest land.~~

10 ~~Today agriculture plays an important role in both Whatcom County's economy and~~
11 ~~its identity.~~

12 ~~Agricultural activity is generally considered to be a condition or activity which~~
13 ~~occurs on agricultural land in connection with the commercial production of~~
14 ~~agricultural products. Agricultural land can be described as the land, buildings,~~
15 ~~freshwater ponds, including the buildings and machinery used in the commercial~~
16 ~~production of agricultural products. Agricultural products are those plants and~~
17 ~~animals useful to humans. Commercially viable agricultural products require~~
18 ~~generally rich and fertile soil with appropriate amounts of water to bring them to a~~
19 ~~harvestable stage.~~

20 Reason for Change: Shortened for brevity.

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

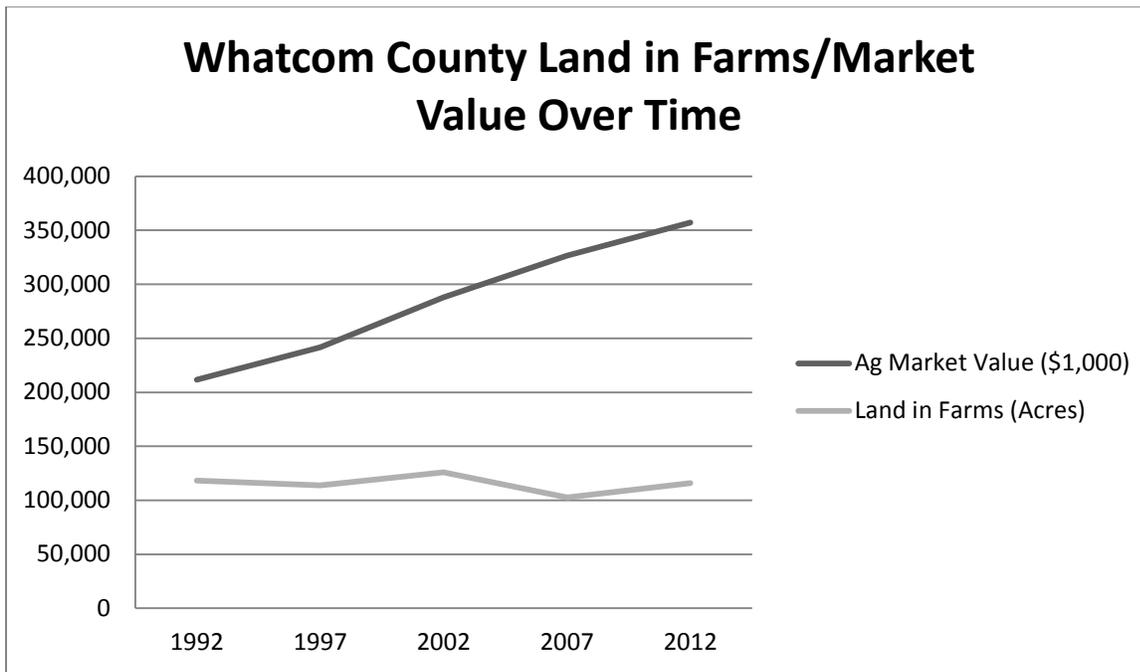
29 Reason for Change: Clarification of the meaning of the first sentence.

30 The viability of an agricultural resource economy is dependent upon the presence of
31 certain agriculture related industries and activities. These include processors (for
32 example, fruit and vegetable packers and milk processors in Whatcom County),
33 farm implement sales and repair, fertilizer and pesticide suppliers, trucking firms,
34 certified meat inspectors and processors, a pool of farm labor, etc. These activities,
35 in turn depend on a stable (or expanding) agricultural products economy ~~which that~~
36 is in turn dependent on maintaining a stable agricultural resource land base. If
37 agricultural production is reduced below a certain level in a given geographical
38 area, then it becomes no longer economical for the agriculture related activities to
39 remain in that area. Loss of these support industries results in further reduction and
40 conversion of the agricultural land base and an accelerating downward spiral for the
41 local agricultural economy.

42 Another important consideration is maintaining a large contiguous land base—
43 ~~without a significant potential for conversion to non-agricultural residential uses—~~

1 for agriculture. Smaller, discontinuous agricultural areas are more vulnerable to
2 conversion pressures resulting from longer hauling routes, difficulty in transporting
3 farm equipment and supplies on roads dedicated to residential traffic, conflicts with
4 neighboring non-agricultural land uses, and the reduced importance of agriculture
5 in the local economy. Maintaining such a large contiguous land base sometimes
6 requires preserving within the agricultural resource land area some lands that are
7 not well suited to actual production of crops. Such inclusions may best be used for
8 building sites, windbreaks, specialty crops, livestock wintering, forestry, etc. Thus it
9 is important to consider both the size and the configuration of the agricultural
10 resource area to provide long term stability of the agricultural resource and support
11 industry economy.

12 In 1949, 200,000 acres of land were reported to be in farm production in Whatcom
13 County. ~~Between 1949 and 1992, land in farm production declined. Since that time,~~
14 ~~land in farm production has declined. In 1994, agriculture accounted for 139,680~~
15 ~~acres, a decline of over 60,000 acres. The number of farms in Whatcom County~~
16 ~~declined from 1,463 in 1987 to 1,367 in 1992. Although farm size remained about~~
17 ~~the same over this period, averaging 86 acres, the total number of acres in farm~~
18 ~~production declined by 6,539 acres between 1987 and 1992. In 2012, agriculture~~
19 ~~accounted for 115,831 acres, nearly 85,000 fewer acres than 1949. However, since~~
20 ~~1992, the amount of land in farms has remained relatively stable (between 100,000~~
21 ~~and 125,000 acres). But at the same time, both the number and diversity of farms~~
22 ~~in the County has been increasing. Even while the amount of land in agricultural~~
23 ~~use has remained relatively stable over the past two decades, the economic value~~
24 ~~of the products produced on those farms has increased by more than \$100 million~~
25 ~~in the same time period. These figures illustrate how the amount of land in farm~~
26 ~~production has been steadily shrinking over time.~~



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Reason for Change: Updating figures to the most recent ag census data.

Agricultural Lands—Issues, Goals, and Policies

Agricultural Land Base

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

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

Whatcom County passed Resolution 2009-040 on July 7, 2009 in which the County 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. The resolution also stated the need to strengthen agricultural land protection in the County’s Rural Study Areas as defined in the 2007 Rural Land Study by the Agricultural Advisory Committee (AAC). The AAC assisted in the creation of the County’s Agricultural Strategic Plan in 2011, which included the task of reviewing rural study areas and identifying any new agricultural zoning designations or where agricultural land protection efforts should be strengthened.

Reason for Change: Resolution 2009-040 is new since the last Comp Plan update, and directly relates to maintaining the agricultural land base of Whatcom County.

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

Policy 8A-1: Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils ~~which-that~~ are not now zoned agriculture, by developing and implementing a long range strategy. ~~The planning horizon should be twenty years in the short-term and 250 years in the long-term.~~

Reason for Change: 250 year planning horizon is unreasonable.

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

- Maintaining aA Purchase of Development Rights (PDR) program which-that facilitates the removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.

- 1 • Implementing a Transfer of Development Rights (TDR) Pro-
2 gram in which the development potential of a site could be
3 transferred to another location where development is more
4 favorable.

5 Reason for Change: Council and the Agricultural Advisory Committee have recently
6 expressed interest in a Transfer of Development Rights Program.

- 7 • ~~Maintenance of a sufficient quantity of agricultural land to~~
8 ~~support a healthy agricultural industry.~~
- 9 • ~~Required mitigation in the event that designated agricultural~~
10 ~~land is converted to another use.~~
- 11 • ~~Required buffers on all new non-agricultural uses located~~
12 ~~adjacent to agricultural activities.~~
- 13 • ~~Development assistance to agricultural-related enterprises.~~
- 14 • ~~Farm friendly regulations.~~
- 15 • Incentives and cooperation between landowners and public
16 agencies such as the ~~utilization~~ use of the current use tax
17 assessment provisions.
- 18 • Implementing land use policies that encourage farming on
19 Rural lands of high agricultural productivity and potential.
- 20 • Discouraging conversion of designated agricultural lands to
21 non-agricultural uses.
- 22 • Mitigation for loss of productive agricultural lands.
- 23 • Education and marketing of programs that emphasize
24 recognition of the local and regional significance of
25 agricultural land as a natural resource and the economic,
26 social and ecological benefits it provides.
- 27 • Working cooperatively with local farmers and coordinating
28 with local and state agencies to address water quality
29 impacts of agricultural activities on local streams and
30 groundwater.
- 31 • Developing a marketplace approach to strengthening
32 agricultural practices while enhancing larger-scale watershed
33 processes and functions by identifying feasible opportunities
34 on agricultural land to improve both watershed health and
35 agricultural viability and developing incentives and tools to
36 compensate farmers for actions that exceed minimum
37 regulatory standards.
- 38 • Securing an adequate, sustainable and legal supply of
39 irrigation water sufficient to support the long-term viability of
40 the local agricultural industry.

1 Reason for Change: Addresses the No Net-Loss of Ag Lands issue and identifies the
2 range of actions the County could take to protect the agricultural land base while
3 preserving discretion for the County Council in their legislative decision-making
4 processes.

- 5 Policy 8A-3: The criteria for designating or de-designating lands under the
6 Agriculture land use designation are:
- 7 1. The majority of the area contains Prime Farmland Soils as
8 determined by the Soil Conservation Service Natural
9 Resource Conservation Service (NRCS).
 - 10 2. The area may contain 100-year floodplains as delineated by
11 the NRCS Soil Conservation Service and the U.S. Army Corps
12 of Engineers.
 - 13 3. Existing land uses are primarily full-time agriculture
14 intermixed with part-time agriculture and woodlots; and
15 minimal commitment to non-farm uses has been made.
 - 16 4. The area is composed of agricultural operations that have
17 historically been and continue to be economically viable.
 - 18 5. Parcel sizes are generally greater than forty acres.
 - 19 6. Urban utility services including public sewer and water are
20 not planned.
 - 21 7. Special purpose districts that are oriented to enhancing
22 agricultural operations exist, including drainage
23 improvement, watershed improvement, and flood control.
 - 24 8. Areas have a pattern of landowner capital investment in
25 agricultural operations improvements including irrigation,
26 drainage, manure storage, barn refurbishing, enhanced
27 livestock feeding techniques, livestock upgrading, agricultural
28 worker housing, etc.
 - 29 4.9. Areas contain a predominance of parcels that have
30 current use tax assessment derived from the Open Space
31 Taxation Act.

32 Reason for Change: These are the Agriculture designation criteria Council adopted
33 via Ordinance 92-013.

34 Policy 8A-~~34~~: Support conservation of productive agricultural land by requiring
35 the use of best management practices including soil and water
36 conservation, livestock ~~waste~~ nutrient management, etc.

37 Policy 8A-~~45~~: Discourage conversion of productive agricultural land to
38 incompatible non-agricultural uses.

39 Policy 8A-~~56~~: Require all requests for re-designation from agriculture to
40 demonstrate that changed site conditions or circumstances have
41 occurred since the original designation to such an extent that

1 the site no longer satisfies the designation criteria for
2 agricultural lands.

3 | Policy 8A-~~67~~: Prioritize agricultural activity in land use decisions when land is
4 composed of prime and/or productive agricultural soils and
5 agriculture is the highest value resource use.

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

9 ~~Policy 8A-8: Maintain NRCS Soil Survey as basic guideline for designating~~
10 ~~agricultural resource lands.~~

11 Reason for Change: Designation criteria are now listed in Policy 8A-3.

12 ~~Policy 8A-9: Conserve water resources from both a quantity and a quality~~
13 ~~perspective to ensure and possibly enhance continued~~
14 ~~agricultural viability.~~

15 ~~Policy 8A-10: Work to ensure water rights are available for agricultural uses.~~

16 Reason for Change: These policies were moved and became Policies 8F-2 and -3.

17 | Policy 8A-~~119~~: Use an "Agriculture Protection Overlay" (APO) designation in
18 certain Rural zoned areas as one way to ~~achieve this goal~~
19 increase agricultural production in areas outside of designated
20 agricultural land of long-term commercial significance.

21 Reason for Change: Clarity as to what goal the APO is supporting.

22 | Policy 8A-~~1210~~: The Agricultural Advisory Committee shall advise the Whatcom
23 County Executive and Council on agricultural issues and
24 agricultural land use. Whatcom County shall support the
25 Agricultural Advisory Committee with staff and other resources.

26 **Agricultural Products Industry**

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

31 **Goal 8B: Maintain and enhance Whatcom County's agricultural**
32 **products industry as a long-term and sustainable**
33 **industry.**

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

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

- 1 Policy 8B-3: Support agricultural product processing facilities through
- 2 appropriate planning, zoning, and land use regulations.
- 3 Policy 8B-4: Support methods and strategies to market Whatcom County
- 4 agriculture in ways ~~which~~ that ensure that agricultural activities
- 5 (such as dairying) and entities (such as processors) will remain
- 6 here in the long term.
- 7 Policy 8B-5: Support improving the efficiency and flexibility of state and local
- 8 environmental regulations affecting the agricultural products
- 9 industry.
- 10 Policy 8B-6: Develop a range of non-regulatory programs, options, and
- 11 incentives ~~which~~ that agricultural landowners can employ to
- 12 meet or exceed county environmental goals.

13 Agriculture Related Cultural Heritage

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

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

24 Reason for Change: The AAC didn't think this was always true; depends on
25 economic environment.

26 Goal 8C: Preserve and enhance the cultural heritage that is related 27 to agriculture.

- 28 Policy 8C-1: ~~Find ways for~~ Encourage retiring farmers to pass their farms on
- 29 to their children and for young farmers to be able to afford to
- 30 buy productive farmland.
- 31 Policy 8C-2: Identify, preserve, and enhance community character,
- 32 landscape, and buildings associated with agricultural activity.
- 33 Policy 8C-3: Involve those who actually are engaged in agricultural activities
- 34 in the planning process. Utilize Use groups working effectively
- 35 with the agricultural community to help preserve and/or create
- 36 a sustainable economic agricultural base.
- 37 Policy 8C-4: Support the continuation of owner occupied/family owned
- 38 farms.

39 Land Use Conflicts

40 Agriculture may conflict with other land uses. Residents of non-farm housing
41 adjacent to farms, and owners and patrons of nearby commercial uses, have

1 complained of nuisances such as odors, dust, chemical sprays, and noise from
2 machinery. Farm equipment, crops, and livestock may suffer from increased
3 vandalism. In addition, non-farm residential development, particularly residential
4 subdivisions, can raise assessed valuation or lead to special assessments on
5 adjacent farmlands, resulting in higher property taxes for farmers. The same is true
6 of commercial uses. On the other hand, the open space value of farmland can be
7 diminished or destroyed by the location of commercial uses such as junk yard, auto
8 wrecking yards, etc.

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

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

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

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

26 Policy 8D-1: ~~Strive to Work to~~ reduce potential conflicts between
27 incompatible agricultural activities by ~~establishing~~ maintaining
28 zoning regulations ~~which that~~ protect productive agricultural
29 lands of long-term commercial significance from conversion to
30 non-compatible uses. ~~This zoning should recognize the diversity~~
31 ~~of agricultural landowners and agricultural land uses. This~~
32 ~~zoning should provide flexible regulations, which encourage all~~
33 ~~agricultural landowners to maintain the productive agricultural~~
34 ~~land base while protecting them from conflicting uses.~~

35 Reason for Change: Such zoning regulations have been adopted.

36 Policy 8D-2: ~~Affirm and build upon~~ Maintain the Right-To-Farm ordinance, ~~in~~
37 ~~order to help curb pressures to convert farms to non-farm uses.~~

38 Reason for Change: This ordinance has been adopted.

39 Policy 8D-3: Support improved communication and understanding between
40 agricultural landowners and the public through such
41 mechanisms as ~~voluntary agricultural management plans,~~
42 community forums, and educational programs.

Reason for Change: Given that farm plans are non-disclosable, the AAC didn't see how these are a way to improve public communication.

Policy 8D-4: Recognize the importance of surface mining as an agricultural practice when the activity contributes to enhancing subsequent agricultural uses on the property.

Policy 8D-5: Accommodate the location of designated mineral resource lands in or near agriculture zones when determined by Whatcom County to be in the best interests of the community.

Policy 8D-6: Support agricultural activity in mixed farm/rural residential areas, with the understanding that certain farm practices may conflict with other neighboring rural land uses.

Policy 8D-7: ~~Help resolve conflicts associated with m~~Maintaining and enhancing quality fish habitat and the necessary drainage work that is annually done by agricultural drainage districts, watershed improvement districts and landowners.

Reason for Change: Added by AAC to include the newly formed WIDs and to move away from language emphasizing conflict in this arena.

~~Policy 8D-8: Encourage the fencing of livestock away from fish-bearing streams.~~

Reason for Change: This is a duplicate of Policy 8E-2.

Policy 8D-~~98~~: Encourage low intensity recreational activities ~~that which help~~ sustain and are compatible with agricultural uses.

Policy 8D-~~109~~: In the "Agricultural Protection Overlay" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered on 20 or up to 30 percent of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.

Fish and Wildlife

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

Goal 8E: Encourage agricultural land uses to voluntarily protect and restore habitat of threatened and endangered species through education and incentive programs.

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

Policy 8E-2: Encourage fencing along rivers and streams to prevent livestock from degrading riparian and instream habitat.

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

4 | Policy 8E-4: Encourage proper storage and application of compounds that
5 can pollute our waterways such as manure and other fertilizers,
6 pesticides and herbicides. ~~and other compounds that can pollute~~
7 ~~our waterways.~~

8 Reason for Change: Manure isn't the only ag by-product that pollutes our
9 waterways.

10 Policy 8E-5: Encourage voluntary restoration to properly functioning habitat
11 conditions for those riparian areas and stream reaches that do
12 not currently provide such habitat conditions.

13 Policy 8E-6: Encourage the maintenance and operation of drainage systems
14 such that the habitat impacts from such systems are minimized
15 and agricultural uses remain viable.

16 Policy 8E-7: Work with the watershed improvement districts, drainage
17 districts, and the Washington State Department of Fish and
18 Wildlife to resolve conflicting intereststradeoffs associated with
19 fish and wildlife habitat on agricultural lands.

20 Reason for Change: Moved from action item list to incorporate as policy; add
21 reference to the newly formed WIDs.

22 Policy 8E-8: Continue to work with farmers on improving water quality
23 practices.

24 Policy 8DE-9: Provide outreach and education to farmers pertaining toon using
25 Best Management Practices to protect water quality.

26 Reason for Change: Due to increased concern with water resources in the County.

27 **Water for Agriculture**

28 Agriculture uses a significant amount of water, most of which is pumped from wells
29 or surface waters. Given the competition for scarce water supplies (addressed in
30 Chapter 11, Environment, Water Resources), ways must be found to secure an
31 adequate long-term water supply while reducing water usage and improving water
32 quality prior to it entering the waterways.

33 **Goal 8F: Strive to ensure adequate water supplies to support a**
34 **thriving agricultural sector.**

35 Policy 8F-1: Actively participate in the WRIA 1 Watershed and Salmon
36 Recovery Programs to ensure that the agricultural sector's
37 needs are addressed.

38 Policy 8AF-92: Conserve water resources from both a quantity and a quality
39 perspective to ensure and possibly enhance continued
40 agricultural viability.

1 Policy 8AF-103: Support the agricultural community in ~~Work to ensure ensuring~~
2 that legal water rights are available for agricultural uses.

3 Reason for Change: Water is an important agricultural issue. Staff thought it best to
4 have an actual goal about it, moved existing agricultural water policies, and created
5 a policy (8F-1) describing the mechanism through which water issues are to be
6 resolved.

7 **Forest Resource Lands – Introduction**

8 **Purpose**

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

13 **GMA Requirements**

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

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

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

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

35 **Process**

36 Whatcom County has implemented zoning regulations for forest land since the
37 1970s. With the passage of the Growth Management Act, the county began to
38 review the zoning classifications ~~which had been previously in place. The county's~~
39 ~~Forest Resource Lands Program was established to review the current forest~~
40 ~~designations and zoning regulations for compliance with the Growth Management~~
41 ~~Act. The Planning Division began preliminary project work in early 1991. At that~~

1 ~~time, a citizens' advisory committee was formed to review draft forest land~~
2 ~~definitions, criteria, and designations.~~

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

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

34 Reason for Change: These changes were made for brevity while still clarifying the
35 process used for designating resources lands.

36 **GMA Requirements**

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

40 "Forest land" means lands primarily devoted to growing trees for long-
41 term commercial timber production on land that can be economically
42 and practically managed for such production, including Christmas trees
43 subject to the excise tax imposed under RCW 84.33.100 through
44 84.33.140, and that has long-term commercial significance. In
45 determining whether forest land is primarily devoted to growing trees

~~for long-term commercial timber production on land that can be economical and practically managed for such production, the following factors shall be considered: (a) the proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; long-term economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses. The Washington State Office of Community Development recommends (WAC 365-190-060) that the following factors be considered, when classifying forest lands, in addition to those found in RCW 36.70A.030: (e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW; (f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production and (g) History of land development permits issued nearby.~~

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

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

Reason for Change: GMA Requirements portion of the Comprehensive Plan was moved ahead of the Process portion of the Comprehensive Plan.

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

~~Forest Resource Lands~~ — Background Summary

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

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

1 The majority of the county's non-federal forest resource lands (about 268,597
2 acres) are located in the foothills of western Whatcom County. Most of this land
3 (223,613 acres) is zoned for forest production uses, ~~and is: The majority of the land~~
4 ~~currently zoned for forest production is~~ owned and managed by a few large
5 institutions, including natural resource based corporations, insurance companies,
6 the State of Washington, and small private forest management companies. These
7 landowners manage their lands primarily for the production of timber resources.
8 ~~The State of Washington manages about 94,000 acres of timber land in Whatcom~~
9 ~~County for a variety of public trusts, including state schools and universities, capital~~
10 ~~buildings, state and local governments. Forest Board Lands provide revenue from~~
11 ~~timber sales to the State general fund, Whatcom County government, and other~~
12 ~~junior taxing districts in Whatcom County.~~

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

24 ~~Based on data collected from forest practice applications, the average standing~~
25 ~~volume of a second growth stand of timber in Whatcom County today is about~~
26 ~~30,000 to 40,000 board feet per acre. Today, most timber is harvested between 40~~
27 ~~and 90 years of age. The harvested areas are replanted with seedlings specifically~~
28 ~~selected for desired growing characteristics, collected from seed trees in the same~~
29 ~~elevation and climatic zone as the harvested area.~~

30 Traditionally, forest land use has been seen as a lower economic value compared to
31 agriculture, rural, suburban, urban, commercial, or industrial uses. As a result,
32 some forest landowners have held forest land in reserve at low cost (current use
33 tax status) while managing for forest products and waiting for the growth of more
34 intense land uses in the vicinity of their property. Many landowners in Whatcom
35 County have taken advantage of the current use taxation programs in order to
36 make forest management on their land more economical. These programs greatly
37 benefit community interests by helping forest landowners keep land in open space
38 and forest use.

39 With a growing population, there is a genuine need to promote conservation of
40 productive forest land and associated public resources through a balanced
41 combination of regulatory protection as mandated by the Growth Management Act,
42 and the provision of incentives for maintaining lands in long-term commercial
43 timber production. It is state and county policy to provide forest landowners with
44 long-term land use predictability, for both productive forest lands and adjacent
45 non-forest use lands. Premature conversion of those productive forest lands to
46 other land uses ~~which that~~ are incompatible with the management of forest

1 resources is recognized as a threat to the forest industry. Such conversions include
2 changing the use of forest land from commercial timber production to incompatible
3 residential, commercial, industrial, ~~or~~ and agricultural land uses, or parks and
4 preserves that exclude intense forest management. Once forest land has been
5 converted and roads, utilities and other infrastructure have been constructed, the
6 land is not as useful for long-term commercial forest production. In addition, the
7 encroachment of land uses such as non-forestry related residential into areas
8 devoted to forest production can create conflicts between residents and forest
9 landowners.

10 **~~Forest Resource Lands~~—Issues, Goals, and Policies**

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

14 **Forest Land Base**

15 The commercial forest land base in Washington State and in Whatcom County has
16 been steadily ~~fluctuating-decreasing~~ over time. Most of the forest land base change
17 has been attributed to conversion of forest land to parks, preserves, and set-asides,
18 or environmental regulations. A minor amount of land has been converted to rights-
19 of-way and urban and suburban uses. With the additional population growth
20 forecast for Whatcom County ~~(coming mostly from in-migration)~~, there will be
21 continued pressure to convert all types of lands to residential uses. The greatest
22 pressure to convert forest land will likely occur along the margins of traditional
23 forest land where a spectrum of possible land uses may exist, in areas near
24 infrastructure, and on forest sites with commanding views.

25 Complicating the issue of maintaining and protecting the forest land base from
26 conversion is the existing diverse character of forest resource ownerships and forest
27 management goals among Whatcom County's timber landowners. While the larger
28 forest landowners manage their lands primarily for timber production, the smaller
29 forest landowners tend to have diverse forest management goals ~~ranging from~~
30 ~~small scale timber and woodlot uses to preservation of forests for wildlife habitat.~~
31 Zoning and land use regulations to conserve forest land in Whatcom County need to
32 recognize the range of diverse ownership goals and provide for a range of allowed
33 land uses to ensure the viability of both large and small scale forest management
34 goals while achieving the broader comprehensive goal of conserving the forest land
35 base of the county.

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

40 Reason or change: The recommendation attempts to recognize the limitations of
41 the county's ability to increase the forest land base. The following policies would
42 support increasing the forest land base, while shielding the county from litigation
43 should increases not be achieved. Staff also recommends using the term "working

1 forest" rather than "commercial forest" to differentiate them from "Designated
2 Forest Lands" as defined and required by the Growth Management Act.

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

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

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

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

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

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

28 Policy 8F-5: Support conservation of the working forest land base through
29 cooperation between landowners, private organizations and
30 public agencies, and through a broad range of incentives and
31 ~~cooperation between landowners and public agencies~~ such as
32 ~~the utilization of~~ the current use tax assessment provisions of
33 ~~RCW 84.28~~, RCW 84.33, and RCW 84.34.

34 Reason for Change: Private land trusts were identified in Action Item #5, which is
35 similar to this policy and proposed for deletion from Action Items section of comp
36 plan. Changed from "land trusts" to "organizations" to include a larger group of
37 stakeholders who may share this vision. RCW 84.28 no longer exists. Rewording
38 clarifies that the RCWs are incentives, and not necessarily tied to cooperation
39 between landowners/organizations/public.

40 Policy 8F-6 Encourage and support the utilization-use of the Small fForest
41 Landowner Forestry Riparian Easement Program to help small
42 landowner's economic viability and willingness to keep the land
43 in forestry use (WAC 222-21-005).

1 Policy 8F-7: Establish flexibility in land use plans and regulations to
2 encourage maintenance of the productive forest land base.

3 Policy 8F-8: Review Title 20.42 (Rural Forestry) and 20.43 (Commercial
4 Forestry) for opportunities to provide for compatible non-forest
5 uses that encourage forest landowners to keep their land in
6 productive forest uses.

7 Reason for Change: Action Item #2 proposed as a policy to maintain and enhance
8 forest land base.

9 ~~Policy 8F-8: Discourage inappropriate conversion of productive forest land to~~
10 ~~incompatible non-forest uses. It is the intent of this policy not to~~
11 ~~allow conversion of forest land if the proposed use is~~
12 ~~incompatible with the maintenance of long-term forest~~
13 ~~management. Incompatible uses include those which:~~

14 Reason for Change: This is an incomplete version of Policy 8F-9 and was added as a
15 mistake.

16 Policy 8F-9: Discourage inappropriate conversion of ~~productive-designated~~
17 forest land to incompatible non-forest uses. It is the intent of
18 this policy not to allow conversion of GMA designated forest
19 lands of long-term commercial significance if the proposed use
20 is incompatible with the maintenance of long-term forest
21 management. Incompatible uses include those ~~which~~ that:

- 22
- create fire or safety hazards to adjacent forest land;
 - 23 • permanently alter or remove a significant portion of a parcel
24 from production or of forest ~~products~~ use; A significant
25 portion would be greater than 20% of the lot;
 - 26 • create significant financial hardships for adjacent forest
27 landowners; or
 - 28 • can lead to land use conflicts with adjacent forest
29 landowners.

30 Reason for Change: Language clarifies that this policy addresses designated forest
31 lands, as opposed to other lands that are forested (ex: Rural or Agriculture).
32 Clarifying the amount of a lot that can be removed from production of forest
33 products before it is considered significant is consistent with the standard lot
34 coverage requirements of the zoning code for the Rural Forestry zone. The
35 Commercial Forestry lot coverage standards would need to be amended from 25%
36 to 20%. The Forestry Advisory Committee supports this amendment, as it is
37 unclear why the zoning code would allow a greater portion of a lot to be removed
38 from active forestry within the Commercial Forestry zone as opposed to the Rural
39 Forestry zone where residential uses are allowed.

40 Policy 8F-10: Special districts should review their boundaries (e.g. fire
41 districts, water districts) for conformance with forestry
42 designations and consider making appropriate adjustments.

Reason for Change: Similar to Action Item #4. Special districts are best suited to review their service boundaries and ability to serve within the boundaries.

Policy 8F-11: Recognize the difference between designated (mapped) forest lands and working forests. Designated forest lands may include public or private forest lands not actively managed for timber production, such as for parks, open space or habitat preservation purposes. Working forests are actively managed for timber production and to provide a balance of social, economic, and ecological benefits, products, and values.

Policy 8F-12: 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. Measures that can be taken to support working forests may include:

- Land use policies that encourage active management plans on Rural Forest lands;
- Mitigation for loss of forest lands from productivity;
- Land use policies that recognize the multiple values of working forests and respect the rights and responsibilities of private and public forest landowners;
- Education programs that emphasize recognition that wood is a renewable natural resources;
- Public and institutional education programs that promote the benefits of working forests;
- Championing the implementation of the Northwest Forest Plan and completion of individual forest plans in order to re-balance the social, economic, and ecological benefits and products on a national forest specific basis;
- Ensuring that timber management plans submitted as part of the Designated Forest Land Current Use Tax program are implemented, or remove the property from the program; and
- Discouraging conversion of designated forest lands to non-forest uses.

Reason for Change: Policy 8F-11 and 12 support forestry and are similar to language within the Forestry Advisory Committee No Net-Loss memo to the County Council dated July 22, 2014.

Forest Products Industry

Investment in forest land is complicated by the long time it takes to realize any financial return from growing trees. Once a forest is harvested and a new forest plantation is established, it can take from 40 to 60 years at a minimum before another harvest can occur. Due to the fact that investments in forest land and

1 timber growing are long term in nature, it is necessary to provide forest landowners
2 with assurance that their investments will be realized.

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

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

18 Reason for Change: This study by UW was referenced in the 1994 DRAFT
19 Comprehensive Plan. It is no longer a recent study and was not cited in the
20 Bibliography of the 1994 draft, therefore there is no knowledge about this study.

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

23 Policy 8G-1: Support improving the efficiency and flexibility of state and local
24 environmental regulations affecting the forest products industry,
25 in order to assure environmental protection and improve
26 predictability for the forest products industry while minimizing
27 the regulatory costs to forest landowners.

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

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

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

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

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

Reason for Change: Removal of language clarifies support for all forest product production facilities, not just primary and secondary.

Policy 8G-7: Encourage the United States Forest Service and the Department of Natural Resources to implement harvest practices that maximize the use of forest lands.

Land Use Conflicts

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

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

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

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

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

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

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

1 **Fish and Wildlife**

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

4 **Goal 8I:** Support the Department of Natural Resources in
5 Eensuring that forest practices avoid adverse impacts to
6 the habitat of threatened and endangered fish and
7 wildlife species and to marine waters that support
8 shellfish resources.

9 Policy 8I-1: Ensure that adequate riparian buffers are maintained along
10 rivers and streams.

11 Policy 8I-2: Minimize, to the greatest extent feasible, using BMPs,
12 sedimentation to rivers and streams.

13 Policy 8I-3: Ensure that riparian and stream functions are protected when
14 forestlands are converted to non-forestry uses.

15 **Mineral Resources – Introduction**

16 **Purpose**

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

22 **Process**

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

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

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

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

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

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

9 **GMA Requirements**

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

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

22 Classification is first step in implementing natural resource lands designations, as
23 required in RCW 36.70A.170, and requires defining categories to which natural
24 resource lands and critical areas will be assigned. Designation is the second step in
25 implementation, in which natural resource lands must be designated based on their
26 defined classifications.

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

30 ~~**Mineral Resources**~~ — **Background Summary**

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

39 ~~In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the~~
40 ~~County, covering 4,204 acres. For planning purposes, the Surface Mining Advisory~~
41 ~~Committee recommended using an annual demand for sand and gravel of 12.2~~
42 ~~cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita~~
43 ~~in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997~~

1 ~~Comprehensive Plan. There were approximately 108 people directly employed by~~
2 ~~the mining industry in 2000 (Greater Whatcom Comprehensive Economic~~
3 ~~Development Strategy, p. III-16).~~

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

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

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

29 In the past extraction of river gravel occurred primarily within the banks of the
30 Nooksack River between Deming and Lynden, ~~as determined by aggregate size and~~
31 ~~composition.~~ As of March, 1993, 34 gravel bars had approved status for extraction.
32 ~~Between 1990 and 1993, an average of 170,000 cubic yards per year of river gravel~~
33 ~~were removed from the Nooksack River. Between 1960 and 1987, removal rates~~
34 ~~averaged about 50,000 cubic yards per year.~~ However, because of federal
35 regulations and decreasing seasonal windows in which gravel could be removed
36 from the river due to impacts to riparian habitat and endangered salmon spawning
37 and habitat, there has not been any river bar scalping on the Nooksack River since
38 1995.

39 **~~Mineral Resources~~—Issues, Goals and Policies**

40 **General Issues**

41 While urbanization-development creates demand for sand and gravel resources, it
42 may also encroach upon or build over those same resources, rendering them
43 inaccessible. Strong community opposition to mining near residential, agricultural,
44 or sensitive environmental areas may also limit extractive opportunities. Adequate

1 | resource protection could ~~help to assure the long-term conservation of resource~~
2 | ~~lands for future use. It would also~~ help to ensure a competitive market and to
3 | guard against inflated land prices by allowing the supply of minerals to respond to
4 | the demand of a free market. Helping the aggregate industry and the associated
5 | businesses, trades, and export markets also creates jobs and stimulates the
6 | economy, to the benefit of the county.

7 | Surface mining can create Potential conflicts with other land uses. Those impacts,
8 | however, may include increased noise, dust, scenic impactsvisual blight, traffic,
9 | road wear, and neighboring property devaluation. Un-reclaimed mines can affect
10 | property values while at the same time nearby residents may use the area for
11 | shooting, dirt bike riding, and other activities. Controlling trespassing to surface
12 | mining can be a significant safety issue for mine operators. Property rights issues
13 | range from the right to mine and use the value of mineral resource land to the right
14 | to live in an area with a high quality of life and retain home values. Citizens may be
15 | generally unaware of the county zoning of surrounding property and the mining
16 | uses that are allowed. These and other factors may contribute to a climate of
17 | distrust and hostility between the aggregate industry and property owners in the
18 | vicinity.

19 | Environmental issues associated with surface mining may include groundwater or
20 | aquifer impacts contamination and disruption of fish and wildlife habitat. Surface
21 | mines ~~do have the potential, however, if reclaimed properly, to reclamation can~~
22 | create wetlands and fish and wildlife habitat, ~~possible productive agricultural land~~
23 | ~~for a limited number of crops,~~ or provide land for parks, housing, industrial or and
24 | other uses.

25 | As a natural result of geologic forces, it is not uncommon in Whatcom County to
26 | have excellent mineral deposits located under prime farmland soil and above an
27 | aquifer recharge area. Mining in these areas can substantially ~~reduce impact~~ the
28 | productive capacity of the soil and make the underlying aquifer more susceptible to
29 | contamination. Removing the soil overburden eliminates the natural filtration
30 | system, exposing the aquifer to direct contamination from turbidity, industrial spills,
31 | illegal dumping and agriculture products. Removing, stockpiling and spreading soil
32 | may creates an unacceptable risk of compromising the productive capacity of the
33 | most productive and versatile farmland in the County. Another potential problem is
34 | that digging out a side hill and/or through a clay barrier could tap the groundwater
35 | and suddenly drain an aquifer. This creates a conflict between competing natural
36 | resource industries; agriculture and mining. While agriculture is a sustainable
37 | industry, mining is an industry that relies on a fixed, nonrenewable resource.

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

43 | **Goal 8J:** **Sustain and enhance, when and where appropriate,**
44 | **Whatcom County's mineral resource industries, support**
45 | **the conservation of productive mineral lands, and**

1 **discourage incompatible uses upon or adjacent to these**
2 **lands.**

3 Policy 8J-1: Conserve for mineral extraction designated mineral resource
4 lands of long-term commercial significance. The use of adjacent
5 lands should not interfere with the continued use of designated
6 mining sites that are being operated in accordance with
7 applicable best management practices and other laws and
8 regulations.

9 Policy 8J-2: Support the use of new technology and innovative techniques
10 for extraction, processing, recycling and reclamation. Support
11 recycling of concrete and other aggregate materials. Support
12 the efficient use of existing materials and explore the use of
13 other materials ~~which-that~~ are acceptable substitutes for mineral
14 resources.

15 Policy 8J-3: Minimize the duplication of authority in the regulation of surface
16 mining.

17 **Goal 8K: Ensure that mineral extraction industries do not**
18 **adversely affect the quality of life in Whatcom County, by**
19 **establishing appropriate and beneficial designation and**
20 **resource conservation policies, while recognizing the**
21 **rights of all property owners.**

22 Policy 8K-1: Avoid significant ~~mineral-extraction~~ impacts on adjacent or
23 nearby land uses, public health and safety, or natural resources
24 from mineral extraction.

25 Policy 8K-2: Consider the maintenance and upgrade of public roads before
26 approving mineral extraction. Address all traffic on county roads
27 in a fair and equitable fashion.

28 Policy 8K-2 represents current comprehensive plan language as of 4/14/2015, as
29 amended by Whatcom County Ordinance #2015-016.

30 Policy 8K-3: Avoid adversely impacting ground and surface water quality.
31 The protection of aquifers and recharge zones should have
32 precedence over surface mining in the event it is determined by
33 the county that adverse impacts cannot be avoided through the
34 standard use of best management practices. Avoid
35 contamination of aquifers by using ~~uncontaminated and inert~~
36 ~~materials-best management practices~~ for reclamation or on-site
37 storage.

38 Policy 8K-4: ~~Require, wW~~here there ~~exists-C~~county has jurisdiction, ~~the~~
39 require reclamation of mineral resource lands to other
40 compatible uses on an ongoing basis as mineral deposits are
41 depleted. Best Management Practices should be used to achieve
42 this.

- 1 | Policy 8K-5: As part of the mining permit process, Have an plan for an
2 | ultimate end use for land used for mineral extraction ~~which that~~
3 | will complement and preserve the value of adjoining land.
- 4 | Policy 8K-6: Where not subject to the Surface Mining Act, Rrequire security
5 | to cover the costs of reclamation prior to extraction activity, and
6 | insurance policies or a similar type of protection as appropriate
7 | to cover other potential liabilities associated with the proposed
8 | activity.
- 9 | Policy 8K-7: Designate site-specific mineral resource lands only after mineral
10 | extraction impacts have been anticipated and evaluated, and
11 | potential adverse environmental impacts have been addressed
12 | through appropriate mitigation and/or reasonable alternatives.
- 13 | Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and
14 | held by more than 1% common beneficial ownership or
15 | beneficial interest with an existing mine, shall require that the
16 | existing mine is substantially in compliance with all operating
17 | permits and regulations before expansion of the designation will
18 | be approved and must be in complete compliance before
19 | extraction of the additional area may commence.

20 | Policies 8K-7 and 8K-8 represent current comprehensive plan language as of
21 | 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

22 | Rural and Urban Areas

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

31 | **Goal 8L: Achieve a balance between the conservation of**
32 | **productive mineral lands and the quality of life expected**
33 | **by residents within and near the rural and urban zones of**
34 | **Whatcom County.**

35 | Policy 8L-1: Discourage new residential uses from locating near designated
36 | mineral deposit sites until mineral extraction is completed
37 | unless adequate buffering is provided by the residential
38 | developer.

39 | Policy 8L-2: Protect areas where existing residential uses predominate
40 | against intrusion by mineral extraction and processing
41 | operations, unless adequate buffering is provided by the mine
42 | operator.

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

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

12 Policy 8L-5: Encourage mineral extraction operators in the county to
13 voluntarily provide resource use information to nearby
14 landowners, and to develop a good neighbor policy.

15 Reason for Change: Similar to Action Item #2

16 **Agricultural Areas**

17 There is considerable overlap between high quality aggregate lands and high quality
18 agriculture lands. Several deposits represent a primary source for sand and gravel
19 and, as well, form the parent material for prime agricultural soils. Both large, deep,
20 open pit mines and smaller projects removing ridges and high ground have been
21 operating in these overlap areas in the agricultural district. The smaller projects
22 usually occur on dairy farms where corn or grass is cultivated. Potential drawbacks
23 from commercial mining in agricultural areas may include reclamation problems,
24 the loss of scenic terrain, an increased risk of groundwater contamination from
25 future agricultural practices, soil rehabilitation difficulties, negative cost-benefit
26 balance, and drainage may also be adversely affected.

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

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

35 **Goal 8M: Recognize the importance of conserving productive**
36 **mineral lands and conserving productive agricultural**
37 **lands within or near the agricultural zones of Whatcom**
38 **County without jeopardizing the critical land base that is**
39 **necessary for a viable agricultural industry.**

40 Policy 8M-1: Allow mining in the agriculture zone that would enhance farming
41 by leveling knolls and ridges when appropriate. In these areas,
42 reclamation of mineral extraction sites should occur in a timely
43 fashion. The site should also be restored for uses allowed in an

1 agricultural zone and blend with the adjacent landscape and
2 contours.

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

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

11 Policy 8M-4: Recognize the role of commercial surface mining as part of farm
12 enhancement.

13 **Forestry Areas**

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

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

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

30 **Goal 8N: Maintain the conservation of productive mineral lands**
31 **and of productive forestry lands within or near the**
32 **forestry zones of Whatcom County.**

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

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

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

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

3 Riverine Areas

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

9 However, ~~Although~~ the public believes river bar scalping will significantly reduce
10 flooding along the entire river, ~~in fact~~ its benefits are local and it may have negative
11 effects in areas surrounding the mining site. Adverse impacts may include ~~For~~
12 ~~example, if done improperly gravel removal can de-stabilize the river channel~~
13 ~~locally and increase~~, rather than decrease, flooding damage further downstream.
14 ~~After intensive bar scalping, floodwater that is normally stored on the floodplain of~~
15 ~~the mined reach can be concentrated and dumped on the reach immediately~~
16 ~~downstream. If gravel mining exceeds the rate of replenishment from upstream,~~
17 ~~the river bed may lower both upstream and downstream; this bed degradation,~~
18 ~~infrastructure damage, can undermine bridge supports and other structures, cause~~
19 ~~adjacent banks to erosion, de~~ (or stabilize, depending on how much and where
20 gravel is removed), lowered groundwater tables adjacent to the river, and damage
21 to critical instream and riparian vegetation habitat. Finally, petroleum spills from
22 mining equipment can degrade local surface water quality if not responded to
23 properly.

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

30 While river gravel is a ~~renewable~~ resource that could extend the life of other
31 Whatcom County gravel resources, seasonal and yearly environmental factors make
32 it riverso river bars are not a reliable source from year to year. These factors
33 include ~~The amount of gravel that can be mined varies with seasonal and yearly~~
34 ~~rates of gravel deposition rates; high and low water levels and timing; and fish~~
35 ~~lifecyclesmigration, spawning and out-migration timing.~~

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

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

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

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

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

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

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

Policy 8P-5: Plan and conduct operations on rivers and streams so that short- and long-term impacts and hazardous conditions are either prevented or held to minimum levels ~~which~~that are not harmful to the general public. Create as little adverse impact on the environment and surrounding uses as possible.

Policy 8P-6: Fully consider the recommendations of the Flood Hazard Management Committee to encourage gravel bar scalping that decreases the likelihood of flooding and lowers the costs of flood damage and repair, flood management, and emergency services.

Policy 8P-7: Support the use of gravel from tributary streams for flood hazard control, provided environmental impacts are fully addressed.

Policy 8P-8: Support the use of existing public access easements ~~that exist~~ to allow gravel removal.

Policy 8P-9: Work with other jurisdictions and related agencies to reduce or eliminate redundant regulations, streamline the permitting process, and provide greater opportunities for appropriate river

1 gravel extraction to enhance other important resources,
2 specifically agricultural.

3 **Mineral Designations**

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

6 ~~"On or before September 1, 1991, each county [required to plan under~~
7 ~~the Act] shall designate where appropriate: ... Mineral resource lands~~
8 ~~that are not already characterized by urban growth and that have~~
9 ~~long-term significance for the extraction of minerals ..."~~ (RCW
10 ~~36.70A.170).~~

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

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

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

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

- 17 ~~• By adopting interim Mineral Resource Lands (MRL) designations covering~~
18 ~~1,250 acres of lowland sand and gravel deposits. All of these areas had~~
19 ~~existing reclamation permits from the Washington State DNR covering at~~
20 ~~least twenty acres.~~
- 21 ~~• By restricting density to one unit per twenty acres within MRL~~
22 ~~designations and, more recently, by requiring disclosure notices on~~
23 ~~property and development within three five feet of the MRLs.~~

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

25 ~~"shall review these designations...when adopting their comprehensive~~
26 ~~plans ...and may alter such designations...to insure consistency"~~
27 ~~[36.70A.060(3)].~~

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

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

35 ~~Prior to the development of comprehensive plans, cities and counties~~
36 ~~planning under the Act ought to have designated natural resource~~
37 ~~lands of long-term commercial significance and adopted development~~
38 ~~regulations to assure their conservation. Such lands include~~
39 ~~agricultural lands, forest lands and mineral resource lands. The~~
40 ~~previous designations and development regulations shall be reviewed~~

1 ~~in connection with the comprehensive plan adoption process and~~
2 ~~where necessary be altered to ensure consistency.~~

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

6 ~~The review of existing designations should, in most cases, be limited to~~
7 ~~the question of consistency with the comprehensive plan, rather than~~
8 ~~revisiting the entire prior designation and regulation process. However,~~
9 ~~to the extent that new information is available or errors have been~~
10 ~~discovered, the review process should take this information into~~
11 ~~account.~~

12 ~~Review for consistency in this context should include whether the~~
13 ~~planned use of lands adjacent to agriculture, forest or mineral resource~~
14 ~~lands will interfere with the continued use in an accustomed manner~~
15 ~~and in accordance with the best management practices of the~~
16 ~~designated lands for the production of food, agricultural products,~~
17 ~~timber, or for the extraction of minerals.~~

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

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

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

43 ~~Additional MRLs were, in fact, designated when the Comprehensive Plan was~~
44 ~~adopted in 1997 in an attempt to plan for a fifty-year supply of mineral resources.~~
45 ~~The fifty year demand for minerals in Whatcom County is difficult to project and~~

1 | ~~requires many assumptions. However, in 2004, after review of multiple studies,~~
 2 | ~~the Surface Mining Advisory Committee concluded that the existing MRLs do not~~
 3 | ~~contain a fifty-year supply of mineral resources, and that meeting the demand for~~
 4 | ~~construction aggregate in Whatcom County will require expansion of the mineral~~
 5 | ~~resource land designations and the consideration of importing aggregate. The~~
 6 | ~~policies and criteria below are meant to guide meeting the demand for construction~~
 7 | ~~aggregate. The Surface Mining Advisory Committee estimated that, as of 2005,~~
 8 | ~~there will be a supply of approximately 60.7 million cubic yards of sand and gravel~~
 9 | ~~and 8.7 million cubic yards of bedrock in existing MRLs that will be available for~~
 10 | ~~future use.~~

11 | ~~The fifty year demand for minerals in Whatcom County is difficult to project and~~
 12 | ~~requires many assumptions. Based upon Whatcom County's per capita rate of~~
 13 | ~~consumption of 12.2 cubic yards of sand & gravel and 1.3 cubic yards of bedrock~~
 14 | ~~that is being utilized for official planning purposes, approximately 174.4 million~~
 15 | ~~cubic yards would be required over the fifty year planning period from 2005-2054.~~
 16 | ~~The Washington State Department of Natural Resources, however, has~~
 17 | ~~recommended a per capita rate that would result in a fifty year demand of~~
 18 | ~~approximately 129 million cubic yards in Whatcom County. This estimate assumes~~
 19 | ~~that conservation, recycling, increased cost, high density development (which~~
 20 | ~~requires less rock per person), and political decisions will result in reduced demand~~
 21 | ~~despite continued population growth. Conversely, some factors may increase~~
 22 | ~~demand for aggregate such as the construction of mass transportation systems, the~~
 23 | ~~possible substitution of masonry materials for wood products, and increased~~
 24 | ~~exports to Canada or other United States counties.~~

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

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

36 | Goal 8Q represents current comprehensive plan language as of 4/14/2015, as
 37 | amended by Whatcom County Ordinance #2015-016.

38 |
 39 | Policy 8Q-1: Seek to identify and protect all ~~designate a 50 year supply of~~
 40 | ~~potential~~ commercially significant construction aggregate
 41 | ~~supply, to meet future demand, to the extent~~ compatible with
 42 | ~~protection of~~ water resources, agricultural lands, ~~and~~ forest
 43 | ~~lands~~ and other GMA goals.

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

4 | Reason for Change: May not be possible. Resources are located based on geologic
5 | history, not human development patterns.

6 | Policy 8Q-~~32~~: Ensure that designations of urban growth boundaries are
7 | consistent with mineral designations by considering existing and
8 | planned uses for the designated areas and adjacent properties.
9 | Intergovernmental agreements should demonstrate how future
10 | land uses of mined areas will protect underlying aquifers, given
11 | the increased groundwater vulnerability to contamination.

12 | Policy 8Q-~~43~~: Allow mining within designated MRLs through a conditional use
13 | permit process requiring:
14 | (1) on-site environmental review, with county as lead
15 | agency, and
16 | (2) application of appropriate site specific conditions, and
17 | (3) notification to neighboring property owners within 2,000
18 | feet to insure opportunity for written and oral input.

20 | Policy 8Q-~~43~~ represents current comprehensive plan language as of 4/14/2015, as
21 | amended by Whatcom County Ordinance #2015-016.

22 | Policy 8Q-~~54~~: Consider potential resource areas (PRA) identified in the Report
23 | Engineering Geology Evaluation Aggregate Resource Inventory
24 | Study Whatcom County, Washington (GeoEngineers, Inc., Sept.
25 | 30, 2003) and updated in the Aggregate Resource Inventory
26 | 2014 Study Update Whatcom County, Washington (Element
27 | Solutions, December 22, 2014) for MRL designation and during
28 | county review of land development projects in order to avoid
29 | development incompatible with mineral resource extraction.

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

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

36 | Reason for Change: Similar to language in Action Item #8.

37 | Fish and Wildlife

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

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

- 1 Policy 8R-1: Ensure that adequate riparian buffers are maintained along
 2 rivers and streams.
- 3 Policy 8R-2: Ensure proper treatment of wastewater prior to discharge.
- 4 Policy 8R-3: Provide and maintain best management practices for erosion
 5 control to prevent sedimentation.
- 6 Policy 8R-4: Provide proper storage ~~and containment~~ of hazardous materials,
 7 ~~and provide for appropriate on-site spill response and clean-up~~
 8 ~~materials and personnel.~~
- 9 ~~Policy 8R-5: Provide for appropriate on-site spill response, containment and~~
 10 ~~clean-up materials and personnel.~~
- 11 ~~Policy 8R-5: Avoid surface mining in the floodplain.~~
- 12 ~~Policy 8R-6: Allow river bar scalping, except where it would adversely affect~~
 13 ~~spawning or critical habitat areas.~~
- 14 Policy 8R-~~6~~7: Work with state and federal agencies to develop policies and
 15 regulations regarding in-stream gravel extraction to ensure that
 16 ~~spawning protected species, essential fish habitat, or other~~
 17 ~~critical habitat is areas are~~ not adversely impacted and that
 18 flooding or erosion in surrounding areas is not increased.

19 Reason for Change: Expand the language in proposed Policy 8R-6 to include critical
 20 areas and protected species with the intent to incorporate Policies 8R-5 & 6, as
 21 frequently flooded areas and protected species are regulated through the Critical
 22 Areas Ordinance.

23 **Mineral Resource Lands (MRL) – Designation Criteria**

24 **Non-Metallic Mineral Deposits**

25 *General Criteria*

- 26 | 1. Non-metallic deposits must contain at least ~~one million~~ 250,000 cubic yards
 27 of proven and extractable sand, gravel, or rock material per new MRL
 28 Designation.
- 29 2. Minimum MRL Designation size is twenty acres.
- 30 3. Expansion of an existing MRL does not need to meet criteria 1 or 2.
- 31 4. MRL Designation status does not apply to surface mines permitted as an
 32 accessory or conditional use for the purpose of enhancing agriculture or
 33 facilitating forestry resource operations.
- 34 5. All pre-existing legal permitted sites meeting the above criteria will be
 35 designated.
- 36 6. The site shall have a proven resource that meets the following criteria:
- 37 | • Construction material must meet current WSDOT Standard Specifications
 38 for common borrow criteria for road, bridge and municipal construction, or
 39 Whatcom County standards for other uses.

- 1 • Sand and gravel deposits must have a net to gross ratio greater than
2 80% (1290 cy/acre/foot).
- 3 7. MRL Designations must not be within nor abut developed residential zones or
4 subdivisions platted at urban densities.
- 5 8. MRL Designations must not occur within the 10 year zone of contribution for
6 designated wellhead protection areas, as approved by the State Department
7 of Health for Group A systems, and by the Whatcom County Health
8 Department for Group B systems, in accordance with source control
9 provisions of the regulations on water system comprehensive planning. MRL
10 designations may be modified if a wellhead protection area delineated
11 subsequent to MRL designation encompasses areas within a designated MRL.
12 If a fixed radii method is used to delineate a wellhead protection area, the
13 applicant may elect to more precisely delineate the wellhead protection
14 boundary using an analytical model; provided, that the delineated boundary
15 proposed by the applicant is prepared by a professional hydrogeologist; and
16 further provided, that the delineated boundary has been reviewed and
17 approved by the Washington State Department of Health for Group A
18 systems, and by the Whatcom County Health Department for Group B
19 systems. The hydrogeologist shall be selected by mutual agreement of the
20 county, water purveyor, and applicant; provided, if agreement cannot be
21 reached the applicant shall select a consultant from a list of no less than
22 three qualified consultants supplied by the county and water purveyor.
- 23 9. MRL Designation should not enclose by more than 50% non-designated
24 parcels.
- 25 10. Site-specific MRL designations shall only be approved after mineral extraction
26 impacts have been anticipated and evaluated, and potential adverse
27 environmental impacts have been addressed through appropriate mitigation
28 and/or reasonable alternatives.
- 29 11. MRL Designations must be reviewed for internal consistency with other parts
30 of the comprehensive plan so that the MRL designation does not preclude
31 achievement of other parts of the comprehensive plan.
- 32 12. Expansion of MRL Designations to parcels contiguous to, and held by more
33 than 1% common beneficial ownership or beneficial interest with an existing
34 mine, shall require that the existing mine is substantially in compliance with
35 all operating permits and regulations before expansion of the designation will
36 be approved.

37 Designation Criteria #10-12 represent the current comprehensive plan language as
38 of 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

39 *Additional Criteria for Designated Urban and Rural Areas*

- 40 13. Abutting parcel size density must not exceed one unit per nominal five acres
41 for more than 25% of the perimeter of the site unless project specific
42 mitigation is created.

43 | *Additional Criteria for Designated Forestry Areas*

- 1 14. Must demonstrate higher value as mineral resource than forestry resource
2 based upon:
3 • soil conditions.
4 • quality of mineral resource.
5 • sustainable productivity of forest resource.

6 Designation Criteria #14 represents the current comprehensive plan language as of
7 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

8 *Additional Criteria for Designated Agricultural Areas*

- 9 15. Prohibit MRL designations in areas designated Agriculture by the Whatcom
10 County Comprehensive Plan that contain “Prime Farmland Soils” as listed in
11 Table 5, Soil Survey of Whatcom County Area, Washington, U.S. Department
12 of Agriculture Soil Conservation Service. A Goldin (1983).

13 **River and Stream Gravel**

- 14 16. MRL Designation status applies to river gravel bars possessing necessary
15 permits and containing significant quality reserves.
16 17. MRL Designation status may apply to those upland sites located in proximity
17 to river gravel sources and used primarily for handling and processing
18 significant amounts of river gravel.

19 **Metallic and Industrial Mineral Deposits**

- 20 18. For metallic and rare minerals, mineral designation status extends to all
21 patented mining claims.
22 19. Mineral Resource Designation status extends to all currently permitted
23 industrial mineral deposits of long-term commercial significance.
24 20. All other non-patented mineral deposits must meet the non-metallic MRL
25 Designation criteria, numbers 6 through 15, as applicable.

26 Designation Criteria #20 represents the current comprehensive plan language as of
27 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

28 **Mineral Resources – Site Selection Method**

- 29 1. Sites meeting Mineral Resources Designation Criteria 1-5 (and areas enclosed
30 by these sites greater than 50%).
31 2. Sites requested by owner or operator meeting designation criteria.
32 3. Sites that are regionally significant meeting designation criteria.
33 4. Sites adjacent to both roads and other proposed MRL sites meeting
34 designation criteria.

1 **Resource Lands – Action Plan**

2 **Agricultural Lands**

3 ~~1. Direct the Advisory Committee to review the existing Comprehensive Plan~~
4 ~~and zoning designations for Agriculture during subarea review to determine~~
5 ~~whether any adjustments in these boundaries are warranted. The review~~
6 ~~should include parcels within the Agriculture designation to determine if they~~
7 ~~should no longer be designated Agriculture, and should include parcels in the~~
8 ~~Rural designation (and possibly other designations) to determine if they~~
9 ~~should be designated Agriculture. The review should also include areas~~
10 ~~outside the immediate Agriculture boundary as available research and data~~
11 ~~indicate. Designation as "Agriculture Protection Overlay" may be one tool to~~
12 ~~implement this recommendation.~~

13 Reason for Change: APO has been implemented.

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

16 Reason for Change: Agricultural Strategic Plan in place. See Policy 8A-1.

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

- 23 ~~• Evaluating requests for agricultural land divisions pursuant to the~~
24 ~~exceptions to the 40-acre minimum parcel size in the Agriculture zone~~
25 ~~district of Title 20.~~
- 26 ~~• Evaluating applications for Conditional Use Permits for non-agricultural~~
27 ~~production uses in the Agriculture zone district of Title 20.~~

28 Reason for Change: These have been done.

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

32 Reason for Change: This is accomplished now, either through code or Inter-local
33 agreements (ILAs) with cities.

34 ~~5. Implement strategies that reduce negative impacts by agricultural uses on~~
35 ~~natural systems.~~

36 Reason for Change: Policies that support this are present under Goal 8E.

37 ~~6. Coordinate with the members of the agricultural community when addressing~~
38 ~~issues that affect agriculture in Whatcom County. Representative entities~~
39 ~~such as the Whatcom Conservation District, the Natural Resource~~
40 ~~Conservation Service, the Whatcom County Agricultural Preservation~~

~~Committee, the Whatcom County Farm Bureau, the Whatcom County Dairy Federation, the Whatcom County Cooperative Extension Service and other agriculture related organizations should be included.~~

Reason for Change: The Agricultural Advisory Committee contains representatives from agricultural community as listed above, and they are consulted on issues that affect agriculture. Also addressed in policy 8C-3.

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

Reason for Change: See Policy 8C-1.

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

Reason for Change: Created Policy 8E-7 to address this action item.

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

Reason for Change: Incorporated in current use tax assessment procedures.

Forest Resource Lands

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

Reason for Change: Statutorily required. No need to have as an action item.

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

Reason for Change: Moved to Policy 8F-8.

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

Reason for Change: See Policy 8F-6.

~~4. Review special district boundaries (e.g. fire districts, water districts) for conformance with forestry designations and make recommendations to appropriate agencies for adjustments.~~

Reason for Change: Moved to Policy 8F-10.

~~5. Establish a comprehensive program of forest land conservation incentives to offer to landowners who wish to keep their land in long-term productive~~

1 ~~forest use. Coordinate this program with private land trusts, state agencies,~~
2 ~~and federal programs.~~

3 Reason for Change: See Policy 8F-5.

4 ~~6. Adopt a memorandum of agreement with the Washington State Department~~
5 ~~of Natural Resources outlining the roles and responsibilities of Whatcom~~
6 ~~County and the Department of Natural Resources with regard to regulating~~
7 ~~forest practice activities in Whatcom County.~~

8 Reason for Change: Statutory requirement upon compliance with GMA.

9 ~~7. The County shall adopt standards, by December 31, 2005, for the~~
10 ~~administration and enforcement of regulations related to Class IV Forest~~
11 ~~Practice conversion activities in Whatcom County as specified in RCW~~
12 ~~76.09.240.~~

13 Reason for Change: Statutory requirement upon compliance with GMA.

14 ~~8. Develop criteria and best management practices for establishing minimum~~
15 ~~fire prevention measures for development that takes place outside of a fire~~
16 ~~district boundary.~~

17 Reason for Change: Done through 2012 International Wildland-Urban Interface
18 Code.

19 ~~9. Formally review designations of productive forest land to determine if~~
20 ~~changes are necessary to meet forest land designation criteria.~~

21 Reason for Change: Statutory requirement, reviewed as part of regular update to
22 comprehensive plan.

23 Mineral Resources

24 ~~1. Investigate the problems associated with inactive and non-permitted mining~~
25 ~~sites and work with the appropriate government agencies to resolve such~~
26 ~~problems.~~

27 Reason for Change: No indications there are problems, either identifiable by staff or
28 the SMAC.

29 ~~2. Encourage mineral extraction operators in the county to voluntarily provide~~
30 ~~resource use information to nearby landowners, and to develop a good~~
31 ~~neighbor policy.~~

32 Reason for Change: Moved to Policy 8L-5.

33 ~~3. Make regulatory processes more efficient and timely, while protecting the~~
34 ~~land use rights of those affected.~~

35 Reason for Change: See Policy 2D-3, which reads "Streamline development
36 regulations to eliminate unnecessary time delays".

37 ~~4. Implement a surface mining regulatory program, consistent with the~~
38 ~~comprehensive plan that addresses those areas where there is a conflict~~

~~between land uses. Maintain an ongoing advisory committee consisting of representatives of diverse interests.~~

Reason for Change: See WCC 20.73 MRL regulations that implement MRL designations.

~~5. Develop and/or implement standards that optimize the life cycles of roads, bridges, and buildings, favoring durability over low, initial cost. Such standards can include improved road sub-base preparation (better compaction), thicker road bases, reinforcement, alternative materials, and concrete surfaces for some applications.~~

Reason for Change: Delete. Road standards are tied to WSDOT specifications and sometimes Federal grant requirements.

~~6. Encourage the use of alternative materials through educational programs.~~

Reason for Change: See Policy 8J-2, which reads "Support the use of new technology and innovative techniques for extraction, processing, recycling and reclamation. Support recycling of concrete and other aggregate materials. Support the efficient use of existing materials and explore the use of other materials which are acceptable substitutes for mineral resources.

~~7. Develop a program for use of alternative methods and materials in County projects.~~

Reason for Change: See Policy 8J-2 (referenced above in Action Item #6)

~~8. The Mineral Resource Land map designations and/or designation criteria should be reviewed at least once every seven years to determine if changes are necessary to meet mineral resource goals and policies. Such review should include consideration of the removal of land from Mineral Resource Designation after mining activity is completed and the addition of new designations in order to maintain a 50-year supply of mineral resources. Review may occur through subarea plan updates provided a complete review will occur within the seven year time frame.~~

Reason for Change: Statutory requirement, reviewed as part of regular update to comprehensive plan. See Policy 8Q-6.

~~9. Investigate and implement methods to reduce inefficient uses of high quality gravel deposits.~~

Reason for Change: See Policy 8J-2 (referenced above in Action Item #6).

~~10. Budget for and update the Aggregate Resource Inventory study to document the short and long range availability and location of quality mineral resources, to be completed by 2010.~~

Reason for Change: In process and to be completed by December 31, 2014.

~~11. Support and encourage legislation streamlining regulatory processes and other actions to encourage appropriate utilization of gravel from the Nooksack drainage as a resource where appropriate and a method to~~

1 ~~stabilize and/or reduce flooding events and/or reduce the loss of agricultural~~
2 ~~land to erosion.~~

3 Reason for Change: See Policy 8P-7 (Support the use of gravel from tributary
4 streams for flood hazard control, provided environmental impacts are fully
5 addressed.) and 8P-9 (Work with other jurisdictions and related agencies to reduce
6 or eliminate redundant regulations, streamline the permitting process, and provide
7 greater opportunities for appropriate river gravel extraction to enhance other
8 important resources, specifically agricultural).