June 5, 2026

PROPOSED BY:
INTRODUCED:

ORDINANCE NO.

ADOPTING AMENDMENTS TO THE WHATCOM COUNTY COMPREHENSIVE PLAN AND FOOTHILLS SUBAREA PLAN FOR THE GMA PERIODIC REVIEW AND UPDATE

WHEREAS, The Washington State Growth Management Act (GMA) requires Whatcom County to periodically review and update the Comprehensive Plan; and

WHEREAS, The GMA requires Whatcom County to periodically review and update urban growth areas (UGAs); and

WHEREAS, The Whatcom County Council reviewed and considered Growth Management Act requirements, Planning Commission recommendations, staff recommendations, city recommendations, comments from Tribal governments, consultant documents, advisory committee recommendations, and public comments; and

WHEREAS, The County Council held numerous public meetings and a public hearing on the Comprehensive Plan; and

WHEREAS, The County Council hereby adopts the following findings of fact relating to the Growth Management Act's periodic review and update of the Whatcom County Comprehensive Plan and UGAs:

FINDINGS OF FACT

1. The GMA requires Whatcom County to periodically review and revise its comprehensive plan under RCW 36.70A.130(1).

2. The GMA also requires Whatcom County to review UGAs under RCW 36.70A.130(3). The UGAs must be able to accommodate urban growth projected for the planning period, which extends through the year 2045.

3. The *Whatcom County Comprehensive Plan Update Draft Environmental Impact Statement (EIS)* was issued on April 30, 2025. A public hearing on the Draft EIS was held on May 21, 2025. A Final EIS was issued on August 22, 2025.

4. GMA Planning Goal 11, relating to citizen participation and coordination, is to "Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts" (RCW 36.70A.020(11)).

5. The GMA requires the County to establish and broadly disseminate a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans (RCW 36.70A.140). Whatcom County developed a Public Participation Plan to guide the planning process.

6. The Whatcom County Planning Commission held a series of public meetings from May 2024 through January 2026. Notices of Planning Commission hearings were posted on the County website, sent to citizens, media, cities, Tribal governments and other groups on the County's e-mail list and published in the Bellingham Herald. The County Council held a series of public meetings and a public hearing.

Approval Criteria

Whatcom County Code

7. Pursuant to Whatcom County Code 22.10.060(1), in order to approve Comprehensive Plan amendments, the County must find all of the following:

   a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

b. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.

c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

(i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

(ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

(iii) Anticipated impact upon designated agricultural, forest and mineral resource lands.

d. The amendment does not include or facilitate spot zoning.

Re-Designating UGA Reserves to UGAs

8. The Whatcom County Comprehensive Plan (Chapter 2) states that:

> . . . Urban Growth Area Reserves means a land use designation that may be applied to those areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which appear to be suitable for future inclusion in the respective Urban Growth Area. . . .

9. General criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area are set forth in the Comprehensive Plan (Chapter 2) and relate to:

a. Need for Land Capacity;

b. Adequate Public Facilities and Services;

c. Land Use Plans;

d. Natural Resource Lands;

e. Environment; and

f. Open Space Corridors.

10. Additional issues are set forth in the Comprehensive Plan (Chapter 2) to re-designate specific UGA Reserves to UGAs.

11. Bellingham and Nooksack UGA Reserves are being re-designated to UGAs in this Comprehensive Plan update process.

Re-Designating Agricultural Lands to UGAs

12. The GMA required Whatcom County to designate agricultural lands of long-term commercial significance (designated Agricultural lands) under the GMA (RCW 36.70A.170(1)), which the County accomplished in the 1990s.

13. Those lands designated as Agriculture on the Whatcom County Comprehensive Plan map are designated Agricultural lands under the GMA.

14. Certain lands in UGAs and UGA Reserves are currently zoned Agriculture. However, zoning does not determine which lands are designated Agricultural lands. Lands zoned Agriculture that are classified as UGA or UGA Reserve on the Comprehensive Plan map are not designated Agricultural lands under the GMA.

15. The GMA indicates that designated Agricultural lands have “long-term commercial significance for agricultural production” (RCW 36.70A.030(6)). The GMA states that "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land (RCW 36.70A.030(25)). The “GMA does not dictate how much weight to assign each factor in determining which farmlands have long-term commercial significance” (*Lewis County v. Western Washington Growth Management Hearings Board*, 157 Wn.2d 488 (2006)).

16. WAC 365-190-050 states that “In classifying, designating and de-designating agricultural resource lands, counties must conduct a comprehensive countywide analysis consistent with WAC 365-190-040(10).”

17. Whatcom County has completed a draft *Whatcom County Agricultural Land Assessment A Comprehensive County-wide Analysis of Agricultural Resource Lands* (June 2026), hereafter referenced as ALA.

18. Based upon the GMA, Washington courts have developed a three factor test for designating and de-designating Agricultural Lands of long term commercial significance (consideration of the same factors listed in WAC 365-190-050 for designating Agricultural lands, but evaluating whether these criteria are no longer met). Relevant court cases include the Washington Supreme Court decision in *Lewis County v. W. Wash. Growth Mgmt. Hearings Bd.*, 157 Wash. 2d 488, 139 P.3d 1096 (2006) and the Court of Appeals of Washington Division 2 decision in *Clark County v. W. Wash. Growth Mgmt. Hearings Rev. Bd.*, 161 Wn. App. 204, 254 P.3d 862 (2011), vacated in part on other grounds by *Clark County* v. *W. Wash. Growth Mgmt. Hearings Bd, 177 Wn.2d 136, 298 P.3d 704 (2013)*. In order to de-designate agricultural lands of long term commercial significance, it must be demonstrated that one of the three factors is no longer met. The three factors in WAC 365-190-050(3) are summarized as follows:

    a. The land is not already characterized by urban growth.

    b. The land is used or capable of being used for agricultural production.

    c. The land has long-term commercial significance for agriculture.

19. The Washington State Department of Commerce, in a letter dated March 30, 2026, stated ". . . the County's agricultural lands assessment should clearly demonstrate why the areas proposed for de-designation and added to a UGA no longer meet the designation criteria, or why no other option is available for UGA expansion. . ." under WAC 365-196-310(5)(e)(v).

20. Whatcom County Comprehensive Plan Policy 8A-3 sets forth the criteria for designating or de-designating Agriculture lands in more detail.

21. Whatcom County Comprehensive Plan Policy 8A-6 is to "Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands consistent with policy 8A-3 or, in the case of a request for UGA expansion into designated agricultural lands, that no other option is available consistent with WAC 365-196-310(5)(e)(v)." WAC 365-190-040(10)(c) also addresses a change in circumstances.

22. The GMA was originally adopted in 1990. A clause in the GMA that was adopted in 1990 (and has never been amended) required each county to designate where appropriate ". . . Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. . . " (RCW 36.70A.170(1)(a)). Whatcom County Ordinance 92-013, adopted by the County Council on March 10, 1992, designated Agricultural Resource Lands (on an interim basis) pursuant to this GMA requirement.

23. The GMA also required certain local governments, including Whatcom County, to adopt a comprehensive plan in the 1990s (RCW 36.70A.040(3)). Whatcom County Ordinance 97-023, approved by the County Council on May 20, 1997, adopted the Comprehensive Plan under the GMA. This ordinance included designated Agricultural Resource Lands on the Whatcom County Comprehensive Plan map (replacing the interim designations).

24. The ALA addresses changed circumstances for UGA expansion areas that would result in de-designation of Agricultural Lands, focusing on change in circumstances relating to whether the land is "characterized by urban growth" as defined in RCW 36.70A.030(49). The ALA also addresses the "no other option" criterion for the Sumas UGA expansion.

25. Whatcom County Comprehensive Plan Policy 8A-15 requires mitigation for certain de-designations of Agriculture Lands.

26. The Cities of Everson, Nooksack, and Sumas are proposing to re-designate land from Agriculture to UGA on the Whatcom County Comprehensive Plan map.

Growth Management Act

27. The GMA establishes planning goals in RCW 36.70A.020 to guide the development and adoption of comprehensive plans.

28. The GMA requires that a comprehensive plan must be an internally consistent document (RCW 36.70A.070).

29. The GMA establishes mandatory elements of a comprehensive plan in RCW 36.70A.070. Mandatory elements are: Land use, housing, capital facilities, utilities, rural, transportation, and climate change and resiliency. These mandatory elements, along with other optional elements of the Comprehensive Plan, are addressed below.

30. The GMA requires that the comprehensive plan contain projections of future population growth (RCW 36.70A.070(1)) and future employment growth (RCW 36.70A.115).

31. Countywide Planning Policy C.3a states:

> The County and Cities will work together to develop countywide population and housing need projections, and associated allocations to Urban Growth Areas, that are within the range of the Washington State Office of Financial Management projections. The County and Cities will also work together to develop countywide employment projections and associated allocations to Urban Growth Areas. These allocations will be used to determine whether Urban Growth Areas include sufficient land capacity to permit the urban growth that is projected to occur in the County for the succeeding twenty-year period.

32. Chapter 1 of the Whatcom County Comprehensive Plan contains GMA goals, County goals and associated policies, background information, population projections, and employment projections.

33. The *Whatcom County Comprehensive Plan Population and Employment: Growth Projections and Preliminary Allocations Technical Report* was issued by Leland Consulting Group on May 22, 2024. This report analyzed historical growth and developed preliminary allocations to UGAs and the area outside UGAs (Rural and Resource Lands) primarily based upon historic growth trends and shares. This report represented a starting point for public input and discussions by planning commissions and elected officials.

34. The County and cities adopted interlocal agreements in 2022 to, among other things, conduct coordinated growth management planning.

35. The County and the cities developed preliminary population and employment allocation recommendations, considering the OFM population projections, the Leland Consulting Group Technical Report (May 22, 2024), county goals, city goals, public input, infrastructure capacity, land capacity, etc. These preliminary recommendations were presented in several meetings of the Whatcom County Planning Commission in late 2024.

36. The Whatcom County Council approved nonbinding multi-jurisdictional Resolution No. 2025-011 regarding population, housing, and

employment allocations on March 11, 2025. Based upon the County and cities' preliminary recommendations, this resolution provided preliminary growth allocations for conducting environmental review, further analyzing land capacity, developing draft land use planning proposals, traffic modeling, and formulating draft capital facility plans.

37. Whatcom County and the cities issued UGA proposals in 2025. These proposals included population allocations, employment allocations, and any UGA and UGA Reserve boundary changes.

38. The County considered OFM population projections, the Technical Report (Leland Consulting Group, May 22, 2024), capital facility planning, land capacity, County and city proposals, and public input prior to adopting the Comprehensive Plan's population and employment growth projections.

39. Whatcom County's estimated 2023 population was 235,800. It is projected that the County as a whole will grow by 65,881 people over the planning period. Therefore, total Whatcom County population is projected to be 301,681 in the year 2045.

40. The county-wide total population projection of 301,681 for the year 2045 is within the range of State Office of Financial Management projections.

41. The population growth allocations to the UGAs total 58,638 additional people over the planning period (which equates to approximately 89% of countywide population growth). The population growth allocation to the remainder of the county, rural and resource lands located outside UGAs, totals 7,243 additional people (which equates to approximately 11% of the countywide population growth).

42. Whatcom County has reviewed the population projections, historical employment/population ratios, city recommendations and policy objectives, and selects a future county-wide employment growth projection of 32,349.

Chapter 2 – Land Use

43. GMA Planning Goal 1, relating to urban growth, is to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner" (RCW 36.70A.020(1)).

44. GMA Planning Goal 2, relating to reducing sprawl, is to "Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development" (RCW 36.70A.020(2)).

45. The GMA, at RCW 36.70A.070(1), requires that a comprehensive plan must include:

> A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and green spaces, urban and community forests within the urban growth area, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, adoption of portions or all of the wildland urban interface code developed by the international code council or developing building and maintenance standards consistent with the firewise USA program or similar program designed to reduce wildfire risk, reducing wildfire risks to residential development in high risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

Urban Growth Areas (UGAs)

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

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

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

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

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

49. The GMA, at RCW 36.70.110(10), prohibits expansion of UGAs into the 100-year floodplain of major rivers (such as the Nooksack River) unless certain criteria are met. One of the criteria for allowing expansion on UGAs into the floodplain includes that ". . . the rights to the development of the land have been permanently extinguished . . ." Whatcom County Comprehensive Plan Policy 2K-3 is to "Prohibit expansion of urban growth areas into floodplains, except where allowed under the GMA, and consider danger to individuals related to flooding when designating land use in other areas. . ."

50. The Floodplain Integrated Planning (FLIP) Steering Committee stated, in letter dated February 29, 2024:

> The FLIP Steering Committee, a technical group with membership representing the tribes, cities, agriculture, and County, requests your consideration of the best available science regarding Nooksack River floodplain designations in the County's Comprehensive Plan Update.
>
> The Steering Committee initiated detailed reach planning for the Nooksack River focusing on areas affected by the flow split at Everson shortly after the November 2021 floods. This work identified several critical actions needed to reduce future flood damages; one is to manage land use in floodplains to discourage development in known flood hazard areas. This is especially important in the area affected by the flow split, and

countywide, given the increasing flood risk with climate change.

The Steering Committee members understand that the individual jurisdictions have the discretion to determine which set of floodplain mapping to use for their land capacity analysis – either the current effective FEMA mapping or the latest draft mapping released by FEMA in 2023. The committee members strongly recommend that jurisdictions consider using the 2023 FEMA mapping for the Comprehensive Plan Update as it is considered the best available science and data for the Nooksack River floodplain, including the overflow corridor between Everson, Nooksack and Sumas. Some of the more significant differences in the data used to develop the two set of maps include:

- The current mapping was developed with river cross-sections that were surveyed in 1964 using a hydraulic model from the late 1970s before the advent of modern computing. The 2023 mapping uses state-of-the-art modeling software with river bathymetry collected in 2022.

- The 2023 mapping is based on lidar collected in 2013/15 and incorporates the changes to the landscape throughout the floodplain that have occurred over the past 45 – 50 years; the current effective FEMA mapping does not.

- The current effective FEMA mapping is based on a 100-year flow at Deming of 58,000 cfs. More recent studies revealed the unreliability of the Deming gage record and developed an updated 100-year peak flow of 75,000 cfs, which is the basis of the 2023 mapping. . .

51. Washington Administrative Code 365-196-310(2)(a) states, when designating urban growth areas:

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

52. There are a number of County-wide Planning Policies that apply to urban growth areas. County-wide Planning Policy C.2 states “The size and location of Urban Growth Areas shall be consistent with the Growth Management Act, adopted local policies and capital facilities plans.”

53. City and County staff presented UGA proposals to the Whatcom County Planning Commission in September through December 2025. The UGA proposals included population allocations, employment allocations, and any UGA and UGA Reserve boundary changes.

54. County-wide Planning Policy C.3b states:

> The County and Cities shall develop a Land Capacity Analysis Methodology, which is a consistent approach to calculating the land supply needed within an urban growth area. The Land Capacity Analysis Methodology will consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses, local market factors and the ability of the jurisdiction to provide services. It is recognized that the above limitations may vary by jurisdiction, but the method for applying them shall be consistent. Urban growth areas shall permit a range of densities and uses; however, these uses and densities may vary among jurisdictions.

55. The County and cities, with consultant assistance, jointly developed the *Whatcom County Land Capacity Analysis For Permanent Housing and Employment Needs Methodology* (November 14, 2025) to estimate the housing and employment capacity of each UGA. The County and cities used Geographic Information System software to inventory available lands and spreadsheets to calculate capacity in accordance with the Methodology. City and County UGA proposals were informed by the land capacity analysis.

56. On a county-wide basis, the 2026 Comprehensive Plan Update/UGA Review modifies UGA acres (including land within cities) as follows:

UGA	Pre-2026 Comp Plan Update Acres	Post-2026 UGA Comp Plan Update Acres	Change
Bellingham	24,453	23,159	-1,294
Birch Bay	3,560	3,560	0
Blaine	5,953	5,355	-598
Cherry Point	7,029	6,644	-385
Columbia Valley	1,153	1,153	0
Everson	1,254	1,242	-12
Ferndale	5,996	5,996	0
Lynden	4,164	4,164	0
Nooksack	610	669	59
Sumas	961	1,434	473
TOTAL	**55,133**	**53,376**	**-1,757**

57. The County's population is projected to grow by 27.9% over the planning period (2023-2045). Prior to the 2026 UGA review, there were a total 55,133 acres in UGAs (including land within cities). Land in UGAs is being reduced by 1,757 acres. This constitutes a 3.2% decrease in the land in UGAs on a county-wide basis. UGAs that are expanding in net area are Nooksack and Sumas.

Bellingham UGA

58. The Bellingham UGA was established in 1997. In 2008, the UGA was expanded in the King and Queen Mountain areas and reduced between the Yew Street and Geneva areas. The Bellingham UGA was reduced in size in the 2009 UGA review, when the south Yew St area was re-designated from UGA to UGA Reserve. The Bellingham UGA did not change in the 2016 UGA review.

59. The existing Bellingham UGA had an estimated 2023 population of 105,529.

60. The population growth allocation for the Bellingham UGA over the planning period is an additional 30,310 people (from 2023-2045). The housing need allocation for the Bellingham UGA over the planning period is an additional 18,390 units (from 2023-2045). The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Bellingham, can accommodate 18,892 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

61. While Bellingham has adequate land capacity to support the projected 2045 housing needs by income level, the current funding available to provide housing subsidies and services is inadequate to meet anticipated needs. In 2024 Bellingham was able to allocate about $15 million to production of permanently affordable rental housing and human services for households earning less than 80% of area median income. To fully satisfy current and anticipated needs Bellingham estimates it would need to allocate an additional $133 million per year between 2025 and 2045 to fund about 220 additional affordable housing units annually. The majority of these needs exist for households earning less than 50% of area median income. These funds would enable subsidy to make the anticipated surplus of capacity in the 50%-80% AMI housing category accessible to those households in the 0-50% AMI housing categories.

62. In addition to public funding and partnerships with non-profits, Bellingham offers a variety of incentives to encourage private developers to build mixed-income and affordable housing. These incentives include density and height bonuses, reduced fees, expedited project review, and tax exemptions.

63. The employment growth allocation for the Bellingham UGA over the planning period is an additional 19,384 jobs. The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Bellingham, can accommodate approximately 21,085 more jobs. Therefore, the commercial/industrial land capacity of the UGA is sufficient to accommodate job growth over the planning period.

64. The City of Bellingham UGA/UGA Reserve Proposal recommended the following changes to the UGA boundaries:

    a. Re-designate approximately 338 acres from UGA Reserve to UGA and approximately 19 acres from Rural to UGA north of the City (South Caitac and other properties). Therefore, a total of approximately 357 acres would be added to the UGA in this area.

    b. Re-designate approximately 846 acres from UGA to UGA Reserve between the City of Bellingham and City of Ferndale (northwest of the Bellingham International Airport).

    c. Re-designate approximately 218 acres from UGA to Rural east of the City of Bellingham in the Lake Whatcom Watershed (portion of Hillsdale UGA).

    d. Re-designate approximately 568 acres from UGA to Rural east of the City of Bellingham in the Lake Whatcom watershed (the Geneva UGA).

65. The City anticipates that the Bellingham Water System Comprehensive Plan update will be adopted in 2026

66. The City of Bellingham's 2016 wastewater conveyance plan is adopted by reference in Bellingham Plan (2025) and covers service needs for UGA including north UGA (Caitac). Bellingham's 2016 Wastewater Conveyance Plan identifies infrastructure elements necessary to provide sanitary sewer service to development anticipated in the North Bellingham UGA Reserve area proposed for inclusion in the Bellingham UGA as part of the 2025 periodic update. The Tremont Lift Station anticipated to be completed in 2026 is an important City-provided infrastructure element identified in this plan that will provide the conveyance capacity for this area. As identified in the 2016 plan, other

necessary wastewater conveyance facilities will be provided by private development as future development occurs.

67. The City updated its Surface and Stormwater Comprehensive Plan in 2020 to identify and plan for population growth and development, ongoing operations and maintenance requirements, safety and property damage issues related to flooding, and environmental concerns for water quality and aquatic resources. The City's Plan and rate study update provide a road map for the City's stormwater utility and Capital Improvement Plan (CIP) programs with implementation strategies to keep pace with new development.

68. Bellingham is developing a public safety strategic plan that will guide their future public safety operations. Bellingham's adopted Capital Facilities Plan includes a discussion of fire service facilities, equipment, and staffing needs, and level of service standards necessary to serve the community and anticipated growth during the planning period. The land added to the UGA, north of the City limits, is within the Fire District 7, Fire District 8, and North Whatcom Fire and Rescue service areas. The *Whatcom County Fire District No. 7 Updated Capital Facility Plan 2024-2045* was adopted by the District in September 2025. The *Whatcom County Fire District # 8 Capital Facilities Plan* was adopted in March 2026. The North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan was adopted by the District in May 2016.

69. The Bellingham School District is in the process of updating their capital facility plans to align with growth anticipated during the 2025-2045 planning period. The Bellingham School District does not serve the land in the UGA expansion area, north of the existing City limits. Most of the land added to the UGA, north of the existing City limits, is within the Meridian School District. The *Meridian School District No. 505 Capital Facilities Plan* was adopted by the District in September 2025. A smaller portion of the land added to the UGA, north of the existing City limits, is within the Ferndale School District. The *Ferndale School District Capital Facilities Plan* was adopted by the District in October 2025.

70. Bellingham's adopted Multimodal Transportation Plan includes a capital projects list that anticipates the transportation needs of the city's growth proposal.

71. The Bellingham UGA, as modified by the City of Bellingham Proposal, is sufficient to accommodate projected urban growth over the planning period.

Birch Bay UGA

72. The Birch Bay UGA was established in 1997. The Birch Point area and land south of Point Whitehorn were removed from the UGA when the Birch Bay Community Plan was adopted in 2004. The Birch Bay UGA was reduced further in the 2009 UGA review, when lands in the eastern part of the UGA were removed. The UGA boundaries were not changed in the 2016 Comprehensive Plan update.

73. The existing Birch Bay UGA had an estimated 2023 population of 8,908.

74. The population growth allocation for the Birch Bay UGA over the planning period is an additional 2,662 people (from 2023-2045). The housing need allocation for the Birch Bay UGA over the planning period is an additional 1,146 units (from 2023-2045). The land capacity analysis estimates that the existing UGA can accommodate 2,357 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

75. The employment growth allocation for the Birch Bay UGA over the planning period is an additional 450 jobs. The land capacity analysis estimates that the existing UGA can accommodate approximately 654 more jobs. Therefore, the commercial land capacity of the existing UGA is sufficient to accommodate job growth over the planning period.

76. The County's Birch Bay UGA Proposal does not include any UGA boundary changes.

77. The County's Birch Bay Proposal does not include any UGA Reserve boundary changes.

78. The Birch Bay Water and Sewer District provides water service to the Birch Bay UGA. The *Birch Bay Water and Sewer District Comprehensive Water System Plan* was approved by the District in 2019 and revised in 2020.

79. The Birch Bay Water and Sewer District provides sewer service to the UGA. The Birch Bay Water and Sewer District Comprehensive Sewer System Plan was approved by the District in 2019 and revised in 2020.

80. The *Birch Bay Comprehensive Stormwater Plan* was approved in 2006 (Resolution 2006-070). The following plans were subsequently completed:

- The *Birch Bay Central North Subwatershed Master Plan* in 2013;
- The *Birch Bay Central South Subwatershed Master Plan* in 2015;
- The *Birch Point, Terrell Creek Urban Area, and Point Whitehorn Subwatershed Master Plan* in 2016; and
- The Birch Point Subwatershed Drainage Study Report in 2023.

These subwatershed master plans were prepared for Whatcom County Public Works Department Stormwater Division and Birch Bay Watershed and Aquatic Resources Management District (BBWARM) and will function as updates to the 2006 Stormwater Plan. These plans include identification of stormwater problems and potential solutions.

81. North Whatcom Fire & Rescue serves the majority of the Birch Bay UGA. The *North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan* was approved by the District Commissioners in May 2016. Fire District 7 serves the portion of the UGA south of Bay Rd. The *Whatcom County Fire District No. 7 Capital Facilities Plan* was approved by the District Commissioners in September 2025.

82. The Blaine School District serves the majority of the UGA. The *Blaine School District Capital Facilities Plan* was approved by the District in December 2024. The Ferndale School District serves a relatively small area on the eastern edge of the UGA. The *Ferndale School District Capital Facilities Plan* was adopted by the District in October 2025.

83. Blaine Rd. (SR 548) runs from the City of Blaine south through the UGA and connects with Grandview Rd. (also SR 548), which provides access to I-5. Birch Bay-Lynden Rd. also provides access from Birch Bay to I-5. Birch Bay Dr. runs along the Bay and provides access to recreational opportunities, condos, RV parks and businesses located along the water. The Birch Bay Drive & Pedestrian Project (the berm) was completed in 2021. Projects over the 20-year planning period will, as appropriate, be set forth in the Whatcom County Comprehensive Plan (Appendix E, 20-Year Capital Facilities Plan).

84. The existing Birch Bay UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained (no expansions or changes to the UGA boundary).

Blaine UGA

85. The Blaine UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review. The Blaine UGA did not change in the 2016 UGA Review.

86. The existing Blaine UGA had an estimated 2023 population of 6,728.

87. The population growth allocation for the Blaine UGA over the planning period is an additional 3,500 people (from 2023-2045). The housing need allocation for the Blaine UGA over the planning period is an additional 1,774 units (from 2023-2045). The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Blaine and the County, can accommodate approximately 2,760 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

88. The employment growth allocation for the Blaine UGA over the planning period is an additional 1,092 jobs. The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Blaine, can accommodate approximately 1,237 more jobs. Therefore, the commercial/industrial land capacity of the UGA is sufficient to accommodate job growth over the planning period.

89. The City of Blaine UGA changes are as follows:

    a. De-annexing 573 acres of East Blaine and re-designating this area from UGA to Rural.

    b. Re-designating approximately 25 acres from UGA to Rural (Dakota Creek area). This leaves about 12 acres in the Dakota Creek UGA.

90. The City of Blaine's Proposal does not include any UGA Reserves.

91. The City of Blaine Water Comprehensive Plan was adopted by City Council on in January 2022. The City is planning to update its Water Comprehensive Plan in 2026, following its adoption of the Comprehensive Plan.

92. The City of Blaine General Sewer Plan is dated September 2004. The City has initiated a comprehensive update to its general sewer plan, anticipated for completion in 2027.

93. The City's current stormwater plan is from 1995. The City has initiated a comprehensive update to the stormwater plan, anticipated to be completed in 2026.

94. North Whatcom Fire & Rescue serves the Blaine UGA. The *North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan* was approved by the District Commissioners in May 2016.

95. The Blaine School District serves the UGA. The *Blaine School District Capital Facilities Plan* was approved by the District in 2024.

96. The City's current 20-Year Transportation Plan is included as part of the 2016 Comprehensive Plan, which has been updated and is ready for City Council adoption.

97. The Blaine UGA, as modified by the UGA Proposal, is sufficient to accommodate projected urban growth over the planning period.

Cherry Point UGA

98. The Cherry Point Major/Port Industrial UGA was established in 1997 when the Whatcom Comprehensive Plan was adopted. The Cherry Point UGA boundaries did not change in the 2009 or 2016 UGA review.

99. The Cherry Point area has historically been developed with heavy industrial uses, including two oil refineries and an aluminum smelter (which shutdown in 2020). The Cherry Point area was designated for industrial uses on the 1970 Comprehensive Plan map and the 1981 Cherry Point/Ferndale Subarea Plan.

100. The Cherry Point UGA zoning generally does not allow residential development.

101. The employment growth allocation for the Cherry Point UGA over the planning period is an additional 1,200 jobs. The land capacity analysis estimates the existing UGA can accommodate 2,563 more jobs.

102. The County's Cherry Point UGA Proposal recommends the following change to the UGA boundary:

    a. Re-designate lands north of Grandview Road that have a conservation easement or protective covenant, totaling approximately 385 acres, from UGA to Rural on the Whatcom County Comprehensive Plan map.

103. The County's Cherry Point Proposal does not include any UGA Reserves.

104. County-wide Planning Policy E-3 states:

> Cherry Point shall be designated as an unincorporated industrial urban growth area in recognition of existing large scale industrial land uses. Additional large scale development shall be encouraged consistent with the ability to provide needed services and consistent with protecting critical areas along with other environmental protection considerations. The Cherry Point industrial area is an important and appropriate area for industry

due to its access to deep water shipping, rail, all-weather roads, its location near the Canadian border, and its contribution to the County's goal of providing family wage jobs.

105. Public Utility District (PUD) No. 1 of Whatcom County delivers industrial-grade water supplies to existing major industrial facilities at Cherry Point. The PUD No. 1 Comprehensive Drinking Water System Plan was updated in 2021/2022 (this plan focuses on the PUD's potable water systems). The PUD's General Manager indicated, in an email of August 27, 2025, that the PUD will have adequate water to serve industrial growth in the Cherry Point UGA over the next 20 years. The Birch Bay Water and Sewer District provides potable water service to the BP Cherry Point Refinery by agreement. The Birch Bay Water and Sewer District Comprehensive Water System Plan was approved by the District in 2019 and revised in 2020. Phillips 66 has a water system to treat industrial-grade water received from PUD No. 1 to meet their potable water needs.

106. Birch Bay Water and Sewer District provides sewer service to the BP Cherry Point Refinery, in the northern portion of the UGA, by agreement. The Birch Bay Water and Sewer District Comprehensive Sewer System Plan was approved by the District in 2019 and revised in 2020. The Phillips 66 refinery has an on-site wastewater treatment system. New development in the UGA would either have to reach an agreement for extension of sewer or develop new on-site wastewater treatment systems.

107. The major industries at Cherry Point have "National Pollutant Discharge Elimination System" (NPDES) permits. According to the U.S. Environmental Protection Agency (EPA):

> The Clean Water Act prohibits anybody from discharging "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The permit will contain limits on what you can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. In essence, the permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each person discharging pollutants (EPA website).

NPDES permits are designed (among other things) to prevent stormwater runoff from washing harmful pollutants into surface waters such as streams, rivers, lakes and coastal waters. These permits are issued in compliance with both the Federal Clean Water Act and the State of Washington Water Pollution Control Law (RCW 90.48).

108. The Birch Bay Comprehensive Stormwater Plan was approved in 2006 (Resolution 2006-070). This plan states:

> . . . A portion of the Cherry Point Refinery facility operated by BP Corporation lies within the Upper Terrell Creek sub-basin. Portions of the Cherry Point Refinery, including on-site ponds, discharge through a permitted deep water outfall into the salt water and not to Terrell Creek...

109. Fire District 7 serves the Cherry Point UGA. The *Whatcom County Fire District No. 7 Updated Capital Facility Plan 2024-2045* was adopted by the District in September 2025. This Plan states:

> . . . with the projected population and employment growth and the proposed capital facility and staffing improvements, WCFD 7 will meet the level of service standards in the Whatcom County Comprehensive Plan (Chapter 4, Goal 4G-4) over the 20-year planning period for the City, its UGA (as it exists or hereafter may be modified), Cherry Point UGA, and the rural areas. . . (p. 23).

110. The Cherry Point UGA is within the Blaine and Ferndale School Districts. However, it an industrial UGA that does not include residential zoning.

111. Grandview (SR 548) and Slater roads, which are major east west connectors between Cherry Point and Interstate 5, provide all weather road access to Cherry Point. Transportation projects over the 20-year planning period will, as appropriate, be set forth in the Whatcom County Comprehensive Plan (Appendix E, 20-Year Capital Facilities Plan).

112. The existing Cherry Point UGA is sufficient to accommodate projected urban growth over the planning period. Lands north of Grandview Road that have a conservation easement or protective covenant, totaling approximately 385 acres, are being re-designated from UGA to Rural on the Whatcom County Comprehensive Plan map. There are no other changes to the existing UGA boundary (no expansions).

Columbia Valley UGA

113. The Columbia Valley UGA was established in 1999. The UGA was reduced in size in the 2009 UGA review, when properties in the Kendall area were removed from the UGA. The Columbia Valley UGA did not change in the 2016 UGA Review.

114. The existing Columbia Valley UGA had an estimated 2023 population of 3,577.

115. The population growth allocation for the Columbia Valley UGA over the planning period is an additional 1,137 people (from 2023-2045). The housing need allocation for the Columbia Valley UGA over the planning period is an additional 433 units (from 2023-2045). The land capacity analysis estimates that the existing UGA can accommodate 911 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

116. The employment growth allocation for the Columbia Valley UGA over the planning period is an additional 350 jobs. The land capacity analysis estimates the existing UGA can accommodate 404 more jobs. Therefore, the commercial and industrial land capacity is sufficient to accommodate the job growth allocation over the planning period.

117. The County's Columbia Valley UGA Proposal does not include any UGA boundary changes.

118. The County's Columbia Valley Proposal does not include any UGA Reserves.

119. The County's Columbia Valley Proposal includes re-designating the UGA Reserve to Rural Forestry.

120. Water District 13 and the Columbia Valley Water District provide water service to the UGA. Water District 13's service area encompasses the Peaceful Valley development, the East Whatcom Regional Resource Center and undeveloped land within the UGA. District 13 adopted a *Small Water System Plan* in 2021.The Columbia Valley Water District's service area includes the Paradise Lakes development, Campers' Paradise and the area north of Limestone Rd. The *Columbia Valley Water District Water System Plan Update* was approved by the District in 2013.

121. Water District 13 provides sewer service to a portion of the UGA. District 13's service area encompasses the Peaceful Valley development, the East Whatcom Regional Resource Center and undeveloped land within the UGA. The *Whatcom County Water District No. 13 Comprehensive Sewer Plan* was approved by the District in 2012.

122. A *Water Quantity and Quality Report – Foothills Subarea* was prepared in 2008 in association with the Foothills Subarea Plan update and environmental impact statement (EIS). Regarding public stormwater facilities, this report states:

In the Columbia Valley/Kendall UGA coarse soils allow for ready infiltration of stormwater and there are no existing public stormwater flow control facilities (e.g., detention/retention or infiltration ponds) or water quality treatment facilities. Limited conveyance features (e.g., culverts and ditches) are present in the county and state road rights-of-way. Since most, if not all, proposed development in the subarea will be private, additional pressure on these existing features should be minimal. It is not anticipated that any programs or capital facility improvements will be needed in the subarea over the 6- and 20-year planning periods (pages 2-3).

123. Fire District 14 provides fire protection and emergency medical services to the Columbia Valley UGA. The *Whatcom County Fire District # 14 Capital Facilities Plan* was approved by the District Commissioners in August 2015.

124. The Mount Baker School District serves the Columbia Valley UGA. Children in the UGA can attend the Kendall Elementary School, located south of the UGA. The Mount Baker Junior High School and High School are located in Deming. The *Mount Baker School District Capital Facilities Plan* was approved by the District in 2013. The Plan shows that, between 2002 and 2012, the total population of the District increased by about 17%. However, during this same time-frame, student enrollment dropped by about 24% (pages 4 and 5). The District's enrollment has continued to decline over the last decade.

125. Kendall Road (SR 547) bisects the UGA and connects with Sumas to the northwest and Mount Baker Highway (SR 542) to the south. Limestone Rd., a County road, is located in the northern portion of the UGA. A roundabout at the SR 542/SR547 intersection, south of the UGA, was constructed in 2015 to improve traffic flow and safety. Projects over the 20-year planning period will, as appropriate, be set forth in the Whatcom County Comprehensive Plan (Appendix E, 20-Year Capital Facilities Plan).

126. The existing Columbia Valley UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained (no expansions or changes to the UGA boundary).

127. The County's Proposal includes amending Foothills Subarea Plan Map 2.3 and Policy CV1-D.

128. The Urban Growth Area Reserve on the western side of the UGA contains steep slopes, landslide hazard areas, and alluvial fans. The Comprehensive Plan designation is being changed for the approximately 40 acre UGA Reserve to Rural Forestry. There are Rural Forestry designations to the west and south, a Commercial Forestry designation to the north, and UGA to the east. The Foothills Subarea Plan Map 2.3 is being amended consistent with this change.

129. Foothills Subarea Plan Map 2.3 is also be amended by expanding the existing "Planned Town Center" designation (zoned General Commercial) by about 5 acres in the existing UGA.

130. Foothills Subarea Plan Policy CV1-D recognizes the need for light impact industrial uses in the Columbia Valley UGA (Chapter 12, p. 12-10). However, it contains provisions that may hinder rezoning the site north of Limestone Rd. to Light Impact Industrial in the current Comprehensive Plan update process. Therefore, this policy will be amended. The rationale for amending Policy CV1-D is that a developer typically is required to address project-specific transportation improvements and public facility and service requirements through State Environmental Policy Act (SEPA) review at the time of proposed development. The County's transportation concurrency management program (WCC 20.78) and the County's other concurrency provisions (WCC 20.80.212) also apply when a development is proposed. The type and extent of mitigation is based on the specific proposed development project, which is not known at the current time. The proposed amendment would allow the approximately 40-acre site north of Limestone Rd. to be rezoned to Light Impact Industrial in the current Comprehensive Plan update process. Specific mitigation measures would be determined at a later date when actual site-specific development is proposed, consistent with how development impacts are addressed in the County.

<u>Everson UGA</u>

131. The Everson UGA was established in 1997. The UGA was reduced in size in the 2009 and 2016 UGA reviews.

132. The existing Everson UGA had an estimated 2023 population of 3,171.

133. The population growth allocation for the Everson UGA over the planning period is an additional 1,408 people (from 2023-2045). The housing need allocation for the Everson UGA over the planning period is an additional 610 units (from 2023-2045). The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Everson, can accommodate 640 more housing units, including enough housing units in the various income bands.

Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

134. The employment growth allocation for the Everson UGA over the planning period is an additional 602 jobs. The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Everson, can accommodate approximately 762 more jobs. Therefore, the commercial/industrial land capacity of the UGA is sufficient to accommodate job growth over the planning period.

135. The City of Everson UGA and UGA Reserve changes are as follows:

    a. Re-designate approximately 20 acres from Rural to UGA west of the City adjacent to Van Dyk Rd.

    b. Re-designate approximately 34 acres from Agriculture to UGA northwest of the City adjacent to State Route 544 (Everson Area 2 in the ALA).

    c. Re-designate approximately 18 acres from UGA to Agriculture in the western UGA north of State Route 544 (Everson Area 4 in the ALA).

    d. Re-designate approximately 17 acres from UGA to Agriculture in the western UGA west of State Route 544 (Everson Area 5 in the ALA).

    e. Re-designate approximately 19 acres from UGA to Agriculture in the northwestern UGA south of Stickney Island Rd. (Everson Area 6 in the ALA).

    f. Re-designate approximately 12 acres from UGA Reserve to Agriculture north of Stickney Island Rd. (Everson Area 1 in the ALA).

136. Approximately 20 acres are being re-designated from Rural to UGA west of the City adjacent to Van Dyk Rd. This area is immediately west of the Everson City limits, outside the effective floodplain, outside of FEMA's draft floodplain, and just west of the existing Everson elementary School. Directly east of the property, within City limits, there are currently plans for a future 100-lot subdivision and construction of a new sewer lift station. This area is suitable for urban growth.

137. Approximately 34 acres are being re-designated from Agriculture to UGA northwest of the City adjacent to State Route 544 (Everson Area

2 in the ALA). This area is outside the effective floodplain and outside of FEMA's draft floodplain. The Agriculture de-designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries, but does contain 2 residences. The site is adjacent to State Route 544. The City of Everson abuts the eastern and southern boundaries of the land. Within 1/2 mile of the site, there are 317 single family residences (including mobile homes), 6 duplexes, 3 triplexes, 4 fourplexes, and 4 commercial properties, and a school within the City of Everson (along with other homes in the adjacent Agriculture zone). Directly east of the property, in the City limits, is an approved 98-lot subdivision currently under construction. Water and sewer facilities are available across the highway.

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Everson 2") is USDA Land Capability Class 2 (p. 35). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is bounded by city limits on two sides. The ALA (p. 35) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (100%)
- WSDA Crop Data (69%)
- Agricultural Tax Status (85%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (85%)
- Parcels greater than 40 acres (85%)
- Preliminary FEMA Floodplain (0%)
- Agriculture is the primary land use within the proposal area

138. Whatcom County Comprehensive Plan Policy 8A-6 is to:

> Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have

occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands consistent with policy 8A-3 or, in the case of a request for UGA expansion into designated agricultural lands, that no other option is available consistent with WAC 365-196-310(5)(e)(v).

WAC 365-190-040(10)(c) also addresses a change in circumstances.

The table below from the ALA provides information relating to when structures within one half (½) mile of Everson Area 2, that are within city limits, were constructed (p. 42). There may be additional structures built in unincorporated Whatcom County, but these are not shown in the table below.

EVERSON AREA 2	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	114	23	180	**317**
Duplexes	1	0	5	**6**
Triplexes	0	0	3	**3**
Fourplexes	0	0	4	**4**
Commercial	2	1	1	**4**
Schools	0	1	0	**1**
Total	**117**	**25**	**193**	**335**

Since the original Agricultural lands of long-term commercial significance designation in 1992, approximately 218 structures have been constructed within ½ mile of Everson Area 2. This constitutes 65.07% of the total structures within ½ mile of the site. Structures constructed in 1992 or later include 203 single family residences, 5 duplexes, 3 triplexes, 4 fourplexes, 2 commercial structures, and a school.

Since adoption of the Comprehensive Plan in 1997 designated Agricultural Resource Lands on the Whatcom County Comprehensive Plan map, approximately 193 structures have been constructed within ½ mile of Everson Area 2. This constitutes 57.61% of the total structures within ½ mile of the site. Structures constructed in 1997 or later include 180 single family residences, 5 duplexes, 3 triplexes, 4 fourplexes, and 1 commercial structure.

139. Approximately 18 acres are being re-designated from UGA to Agriculture in the western UGA north of State Route 544 (Everson Area 4 in the ALA). This area is partially within the effective floodplain, partially within FEMA's draft floodplain, and partially within FEMA's

draft floodway. The Agriculture designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries.

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Everson 4") is USDA Land Capability Class 3 (p. 36). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture –The ALA (p. 36) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (98%)
- WSDA Crop Data (97%)
- Agricultural Tax Status (98%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (98%)
- Parcels greater than 40 acres (98%)
- Preliminary FEMA Floodplain (75%)
- Agriculture is the primary land use within the proposal area

140. Approximately 17 acres are being re-designated from UGA to Agriculture in the western UGA west of State Route 544 (Everson Area 5 in the ALA). This area is entirely within the effective floodplain, entirely within FEMA's draft floodplain, and partially within FEMA's draft floodway. The Agriculture designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries.

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Everson 5") is USDA Land Capability Class 3 (p. 36). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture –The ALA (p. 36) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (96%)
- WSDA Crop Data (93%)
- Agricultural Tax Status (76%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (0%)
- Parcels greater than 40 acres (0%)
- Preliminary FEMA Floodplain (100%)
- Agriculture is the primary land use within the proposal area

141. Approximately 19 acres are being re-designated from UGA to Agriculture in the northwestern UGA south of Stickney Island Rd. (Everson Area 6 in the ALA). This area is partially within the effective floodway, partially within FEMA's draft floodway, and largely within FEMA's draft floodplain. The Agriculture designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries.

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Everson 6") is USDA Land Capability Class 3 (p. 36). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture –The ALA (p. 36) indicates the land has the following attributes:

- USDA NRCS Prime Soils (68%)
- Agricultural Land Use (48%)
- WSDA Crop Data (23%)
- Agricultural Tax Status (33%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (42%)
- Parcels greater than 40 acres (25%)
- Preliminary FEMA Floodplain (99%)
- Agriculture and riparian habitat are the primary land uses within the proposal area

142. Approximately 12 acres are being re-designated from UGA Reserve to Agriculture north of Stickney Island Rd. (Everson Area 1 in the ALA). This area is partially within the effective floodplain. A larger portion of the parcel is in FEMA's draft floodplain. The Agriculture designation criteria are addressed as follows:

    a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries.

    b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Everson 1") is USDA Land Capability Class 3 (p. 37). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

    c. Long Term Commercial Significance for Agriculture –The ALA (p. 37) indicates the land has the following attributes:

        - USDA NRCS Prime Soils (100%)
        - Agricultural Land Use (93%)
        - WSDA Crop Data (91%)
        - Agricultural Tax Status (94%)
        - Special Purpose Districts (100%)
        - Parcels greater than 20 acres (94%)
        - Parcels greater than 40 acres (94%)
        - Preliminary FEMA Floodplain (90%)
        - Agriculture is the primary land use within the proposal area

143. A preliminary draft *City of Everson Water System Comprehensive Plan* was adopted by the Everson City Council in May 2026, pending review and approval by the Washington State Department of Health (DOH) and, if required, a subsequent a public hearing of the City Council following receipt of comments from DOH prior to adoption by ordinance (City of Everson Resolution 624-26).

144. The *City of Everson 2026 General Sewer Plan* was adopted by the Everson City Council in May 2026, pending review and approval by the Washington State Department of Ecology (DOE) and, if required, a subsequent a public hearing of the City Council following receipt of comments from DOE prior to adoption by ordinance (City of Everson Resolution 625-26).

145. Capital facilities related to stormwater are addressed in the Capital Facilities Element of the City's comprehensive plan. This information will be updated as part of the 2026 update of the City's comprehensive plan. City code requires developers to address stormwater requirements in compliance with stormwater manual.

146. Fire District 1 provides fire protection and emergency medical services to the Everson UGA and the surrounding area. The *Whatcom County Fire District # 1 Capital Facilities Plan* was approved by the District Commissioners in March 2026.

147. The Nooksack Valley School District serves the Everson UGA. The *Nooksack Valley School District Capital Facilities Plan* was approved by the School Board in March 2025.

148. Capital facilities related to the City's transportation system are addressed in the Transportation Element of the City's comprehensive plan. The City will update this information as part of its 2026 comprehensive plan update process.

149. The Everson UGA, as modified by the Everson UGA Proposal, is sufficient to accommodate projected urban growth over the planning period.

Ferndale UGA

150. The Ferndale UGA was established in 1997. The Ferndale UGA was reduced in size in the 2009 UGA review and expanded in the 2016 UGA review.

151. The existing Ferndale UGA had an estimated 2023 population of 16,762.

152. The population growth allocation for the Ferndale UGA over the planning period is an additional 10,961 people (from 2023-2045). The housing need allocation for the Ferndale UGA over the planning period is an additional 4,659 units (from 2023-2045). The land capacity analysis estimates that the existing UGA can accommodate 5,501 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

153. The employment growth allocation for the Ferndale UGA over the planning period is an additional 3,337 jobs. The land capacity analysis estimates that the existing UGA can accommodate approximately 3,359 more jobs. Therefore, the commercial/industrial land capacity of the UGA is sufficient to accommodate job growth over the planning period.

154. The City of Ferndale's UGA Proposal does not include any UGA boundary changes.

155. The City of Ferndale's UGA Proposal does not include any UGA Reserve boundary changes.

156. The *City of Ferndale Water System Plan* (2016) is in the process of being updated. The City of Ferndale indicated that the Water System Plan should be updated in 2026.

157. The *City of Ferndale Comprehensive Sewer Plan* (2016) is in the process of being updated. The City of Ferndale indicated that the Sewer System Plan should be updated in 2026.

158. In 2023 the City of Ferndale adopted the *Ferndale 2023 Stormwater Comprehensive Plan*. Since adopting this plan, the City has completed the following updates:
    - 2023 Stormwater Management Program Plan
    - 2024 Stormwater Management Program Plan
    - 2025 Stormwater Management Program Plan

    These plans identify potential problems as well as solutions and are intended to provide guidance for how stormwater quality and quantity is addressed within the community. The City owns and operates regional facilities that have capacity and can support subsequent development. Much of the future development is expected to address stormwater onsite as part of the development review process.

159. Whatcom County Fire District 7 serves the Ferndale UGA. The *Whatcom County Fire District No. 7 Updated Capital Facility Plan 2024-2045* was adopted by the District in September 2025.

160. The Ferndale School District serves the Ferndale UGA. The *Ferndale School District Capital Facilities Plan* was adopted by the District in October 2025.

161. The City completed an update to the City of Ferndale Transportation Element in 2023 and has revised the Transportation Element for adoption concurrently with the City's Comprehensive Plan.

162. The existing Ferndale UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained (no expansions or changes to the UGA boundary).

Lynden UGA

163. The Lynden UGA was established in 1997. The Lynden UGA was expanded, and a UGA Reserve added, in the 2009 UGA review. The Lynden UGA was also expanded in the 2016 UGA review.

164. The existing Lynden UGA had an estimated 2023 population of 16,696.

165. The population growth allocation for the Lynden UGA over the planning period is an additional 6,665 people (from 2023-2045). The housing need allocation for the Lynden UGA over the planning period is an additional 3,535 units (from 2023-2045). The land capacity analysis estimates that the existing UGA can accommodate 4,612 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

166. The employment growth allocation for the Lynden UGA over the planning period is an additional 1,799 jobs. The land capacity analysis estimates the existing UGA can accommodate 2,689 more jobs. Therefore, the commercial and planned industrial land capacity is sufficient to accommodate the job growth allocation over the planning period.

167. The City of Lynden's UGA Proposal does not include any UGA boundary changes.

168. The City of Lynden's Proposal does not include any UGA Reserves.

169. The Lynden's Water System Plan was updated in 2019 and concludes that the City has sufficient water supply and treatment capacity to satisfy projected demands. The city stated it remains committed to working toward water right solutions, securing new water rights, increasing water conservation, and exploring innovative methods to increase its water supply (condensate of whey project, managed aquifer recharge, pressure zone adjustments, future storage).

170. Lynden's General Sewer Plan was last updated in 2016. The City is planning several capital improvements over the planning period to meet projected demand. These include major Wastewater Treatment Plant renovations, upsizing collection mains, and pump station refurbishment.

171. The Lynden's public stormwater utility (ROW facilities and drainage easements) is operated, maintained, and upgraded by the City's Public Works Department. Private systems must meet regulations as determined by the DOE Stormwater Management Manual for Western Washington. Several projects have been planned to update existing drainage maps, address system capacity, improve treatment, and groundwater monitoring.

172. Lynden operates its own Fire Department and maintains mutual aid agreements with the 12 other Fire/EMS County agencies for fire, hazardous materials, and EMS related emergencies. It maintains County levels of service standards. The *City of Lynden Fire Department Capital Facilities Plan* was approved by the Lynden City Council in 2016. North Whatcom Fire & Rescue serves part of the Lynden UGA. The *North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan* was approved by the District Commissioners in May 2016.

173. The Lynden School District serves the UGA. The *Lynden School District Capital Facilities Plan* was approved by the District in March 2025.

174. The City of Lynden updated its Transportation Element as part of the City's 2025 Comprehensive Plan update. This update includes new multimodal levels of service and identifies transportation gaps, intersection improvements, and needed right of way improvements.

175. The existing Lynden UGA is sufficient to accommodate projected urban growth over the planning period. Therefore, the existing UGA boundary is retained (no expansions or changes to the UGA boundary).

Nooksack UGA

176. The Nooksack UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review and expanded in the 2016 UGA Review.

177. The existing Nooksack UGA had an estimated 2023 population of 1,573.

178. The population growth allocation for the Nooksack UGA over the planning period is an additional 995 people (from 2023-2045). The housing need allocation for the Nooksack UGA over the planning period is an additional 433 units (from 2023-2045). The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Nooksack, can accommodate 515 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

179. The employment growth allocation for the Nooksack UGA over the planning period is an additional 232 jobs. The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Nooksack, can accommodate approximately 233 more jobs. Therefore, the commercial/industrial land capacity of the UGA is sufficient to accommodate job growth over the planning period.

180. The City of Nooksack UGA/UGA Reserve Proposal recommended the following changes to the UGA boundaries:

    a. Re-designate approximately 30 acres from UGA Reserve to UGA east of the City and north of South Pass Road.

    b. Re-designate approximately 20 acres from Rural to UGA east of the City along Breckenridge Rd.

    c. Re-designate approximately 5 acres from Agriculture to UGA west of State Route 9 (Nooksack Area 6 in the ALA). This land is immediately north and west of the City limits. This land is part of two larger parcels.

    d. Re-designate approximately 2 acres from Agriculture to UGA west of State Route 9 (Nooksack Area 7 in the ALA). This land is immediately west of the City limits (and north of the 5 acre parcel described above).

e. Re-designate approximately 2 acres from Agriculture to UGA north of Tom Road immediately west of the City (Nooksack Area 8 in the ALA). This land is part of a larger parcel.

181. An approximately 30 acre parcel is being re-designated from UGA Reserve to UGA east of the City and north of South Pass Road. The 2016 Whatcom County Comprehensive Plan states:

> An area east of the Sumas River and south of Breckenridge Creek has been designated as an Urban Growth Area Reserve. This area is currently used primarily for agricultural uses, and includes lands that may be flooded and exposed to Naturally Occurring Asbestos (NOA) from a natural landslide adjacent to Swift Creek. This area will be kept in reserve status until the County has determined that development will not expose future residents and employees to unacceptable risk from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

The City of Nooksack's UGA/UGA Reserve Proposal Addendum (October 17, 2025) addresses this Whatcom County Comprehensive Plan language as follows:

> . . . the City is confident that the existing geographic, topographic and regulatory conditions already in place are sufficient to reduce risks from naturally occurring asbestos within the UGA Reserve to negligible or insignificant levels.
>
> First, the UGA is almost entirely situated on land that is elevated well above the surrounding territory to the east and west. While the surrounding areas sit at approximately 85-90 ft above mean sea level (MSL), the UGA Reserve is situated on land predominantly between 100 ft to 130 ft above MSL. See following Topographic Contour Map and Section Elevations. It is not conceivable how NOA sediments would be transported uphill from the surrounding low-lying agricultural fields to be deposited within Area 3.
>
> Second, the UGA Reserve is located almost entirely outside of (and above) the 100- year floodplain (90-95' above MSL). It is not clear how floodwaters would be able to transport NOA sediments above the elevation of the 100-year floodplain to be deposited in areas within Area 3. See Map 4, FEMA Floodplain Map.
>
> Third, the main portion of Area 3 that is within the 100-year floodplain is the northern-most band within the Breckenridge Creek corridor. This narrow stream corridor is bounded on both sides by steep slopes, and the stream itself falls significantly in elevation

from east to west. This steep gradient substantially reduces opportunities for deposition of sediment within Area 3.

The City is not aware of any instances where sediment from Swift Creek have been carried through the Breckenridge Creek corridor. It is important to note that Nooksack officials are very familiar with telltale changes to land and vegetation that result from the deposition of NOA sediments. The Breckenridge Creek corridor in Area 3 does not show signs of the grey sediment deposits where no vegetation is able to grow due to the presence of heavy metals. On the contrary, the Breckenridge Creek corridor is characterized by swift flowing waters, minimal sediment deposition and substantial riparian vegetation.

Fourth, the future zoning of the UGA Reserve is Light Industrial; therefore, following development, human use of Area 3 will be limited to workers that travel to the area during work hours. This area is not planned for residential development, which would have the potential to increase opportunities for human exposure to NOA sediments, such as where those living in the area might find their way down to the creek corridor.

Fifth, as can be seen from the Official Shore Map following, Map 5, the Breckenridge Creek corridor that runs along the northern edge of the UGA Reserve already has a “Natural” shoreline environment designation. This designation is consistent with the applicable stream buffer (Section 16.08.073 NMC, Critical Areas) that precludes development within 150 ft of the ordinary high water mark of Breckenridge Creek – a distance that extends significantly farther to the south of the creek then the mapped floodplain.

This “natural” shoreline designation and stream buffer ensure that no development would be allowed in proximity to the creek. Furthermore, the steep slopes and City shoreline regulations would preclude the establishment of trails with access to areas adjacent to the creek corridor.

Finally, the City has substantial direct experience with how to live and work safely in proximity to Swift Creek sediment deposition areas. City officials have worked closely with residents to ensure safe clean up and disposal of potentially hazardous sediments. This past experience would help ensure proper management of any areas around the perimeter of Area 3 if deposition of NOA sediments were to occur.

Based on all of the above factors, the City is confident that risks from NOA sediments would be reduced well below acceptable

levels; therefore, inclusion of the UGA Reserve in the UGA would not pose any substantial risks to those working in this proposed Light Industrial area.

182. Approximately 20 acres are being re-designated from Rural to UGA east of the City along Breckenridge Rd. This area is immediately east of the Nooksack City limits, outside the effective floodplain and outside of FEMA's draft floodplain, and just northeast of the existing Nooksack Elementary School. This area is suitable for future urban growth.

183. An approximately 5-acre parcel is being re-designated from Agriculture to UGA (Nooksack Area 6 in the ALA). This area is outside the effective floodplain and outside of FEMA's draft floodplain. The Agriculture de-designation criteria are addressed as follows:

    a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries. The site is adjacent to State Route 9. The City of Nooksack, developed with urban density residential development, is on the other side of this State Route. Within 1/2 mile of the site, there are 135 single family residences (including mobile homes), 7 duplexes, 2 fourplexes, and 1 commercial property within the City of Nooksack (along with other homes in the adjacent Agriculture zone). Public water and sanitary sewer services, as well as three-phase electrical power, are available within the adjacent public right-of-way.

    b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Nooksack 6") is USDA Land Capability Class 3 (p. 37). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

    c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is bounded by city limits on two sides. The ALA (p. 37) indicates the land has the following attributes:

        - USDA NRCS Prime Soils (100%)
        - Agricultural Land Use (86%)
        - WSDA Crop Data (80%)
        - Agricultural Tax Status (82%)

- Special Purpose Districts (100%)
- Parcels greater than 20 acres (49%)
- Parcels greater than 40 acres (0%)
- Preliminary FEMA Floodplain (0%)
- Agriculture is the primary land use within the proposal area

184. An approximately 2-acre area is being re-designated from Agriculture to UGA west of State Route 9 (Nooksack Area 7 in the ALA). This area is outside the effective floodplain and mostly outside of FEMA's draft floodplain. The Agriculture de-designation criteria are addressed as follows:

    a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land consists of two parcels each less than 1 acre is size. Both parcels have existing houses on them. The land is adjacent to State Route 9. The City of Nooksack, developed with urban density residential development, is on the other side of this State Route. Within 1/2 mile of the site, there are 73 single family residences (including mobile homes), 2 duplexes, and 1 fourplex within the City of Nooksack (along with other homes in the adjacent Agriculture zone). Urban growth is located adjacent to the subject site. The site is already served through the City's water distribution system, and public sanitary sewer service and three-phase power are available within the adjacent public right-of-way.

    b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Nooksack 7") is USDA Land Capability Class 3 (p. 38). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

    c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is adjacent to State Route 9 and the City of Nooksack. The ALA (p. 38) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (87%)
- WSDA Crop Data (4%)
- Agricultural Tax Status (8%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (0%)
- Parcels greater than 40 acres (0%)
- Located mostly outside the Draft FEMA Floodplain (2%)
- Residential development is the primary land use within the proposal area

185. An approximately 2-acre area is being re-designated from Agriculture to UGA north of Tom Rd. (Nooksack Area 8 in the ALA). This area is outside the effective floodplain and outside of FEMA's draft floodplain. The Agriculture de-designation criteria are addressed as follows:

    a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land contains an abandoned house, other structures, and paved areas. The site is adjacent to Tom Rd. and the City of Nooksack. Within 1/2 mile of the site, there are 181 single family residences (including mobile homes), 9 duplexes, 3 fourplexes, and 4 commercial properties within the City of Nooksack (along with other homes in the adjacent Agriculture zone). Public water service was provided to the site in the past, and the area is within the City's current water service area.

    b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Nooksack 8") is USDA Land Capability Class 3 (p. 38). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

    c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is adjacent to the City of Nooksack. The ALA (p. 38) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (100%)
- WSDA Crop Data (18%)
- Agricultural Tax Status (93%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (92%)
- Parcels greater than 40 acres (0%)
- Preliminary FEMA Floodplain (0%)
- Derelict farmstead is the primary land use within the proposal area

186. Whatcom County Comprehensive Plan Policy 8A-6 is to:

> Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands consistent with policy 8A-3 or, in the case of a request for UGA expansion into designated agricultural lands, that no other option is available consistent with WAC 365-196-310(5)(e)(v).

WAC 365-190-040(10)(c) also addresses a change in circumstances.

The tables below from the ALA provide information relating to when structures within one half (1/2) mile of Nooksack Area 6, Nooksack Area 7, and Nooksack Area 8, that are within city limits, were constructed (p. 45). There may be additional structures built in unincorporated Whatcom County, but these are not shown in the tables below.

NOOKSACK AREA 6	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	39	5	91	**135**
Duplexes	1	4	2	**7**
Triplexes	0	0	0	**0**
Fourplexes	1	0	1	**2**
Commercial	1	0	0	**1**
Schools	0	0	0	**0**
Total	**42**	**9**	**94**	**145**

NOOKSACK AREA 8	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	66	16	99	**181**
Duplexes	1	5	3	**9**
Triplexes	0	0	0	**0**
Fourplexes	1	0	2	**3**
Commercial	2	1	1	**4**
Schools	0	0	0	**0**
Total	**70**	**22**	**105**	**197**

Since the original Agricultural lands of long-term commercial significance designation in 1992, approximately:

- 103 structures have been constructed within ½ mile of Nooksack Area 6 (71.03% of the total structures within ½ mile of the site),
- 54 structures have been constructed within ½ mile of Nooksack Area 7 (71.05%), and
- 127 structures have been constructed within ½ mile of Nooksack Area 8 (64.47%).

Nooksack Area 6 has 96 single family residences, 6 duplexes, and 1 fourplex within ½ mile that were constructed in 1992 or later. Nooksack Area 7 has 51 single family residences, 2 duplexes, and 1 fourplex within ½ mile that were constructed in 1992 or later.

NOOKSACK AREA 7	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	22	3	48	**73**
Duplexes	0	2	0	**2**
Triplexes	0	0	0	**0**
Fourplexes	0	0	1	**1**
Commercial	0	0	0	**0**
Schools	0	0	0	**0**
Total	**22**	**5**	**49**	**76**

Nooksack Area 8 has 115 single family residences, 8 duplexes, 2 fourplexes, and 2 commercial properties within ½ mile that were constructed in 1992 or later.

Since adoption of the Comprehensive Plan in 1997 designated Agricultural Resource Lands on the Whatcom County Comprehensive Plan map, approximately:

- 94 structures have been constructed within ½ mile of Nooksack Area 6 (64.83% of the total structures within ½ mile of the site),
- 49 structures have been constructed within ½ mile of Nooksack Area 7 (64.47%), and
- 105 structures have been constructed within ½ mile of Nooksack Area 8 (53.30%).

Nooksack Area 6 has 91 single family residences, 2 duplexes, and 1 fourplex within ½ mile that were constructed in 1997 or later. Nooksack Area 7 has 48 single family residences and 1 fourplex within ½ mile that were constructed in 1997 or later. Nooksack Area 8 has 99 single family residences, 3 duplexes, 2 fourplexes, and 1 commercial property within ½ mile that were constructed in 1997 or later.

Additionally, the City of Nooksack's UGA/UGA Reserve Proposal Addendum (October 17, 2025) addresses Whatcom County Comprehensive Plan Policy 8A-6 as follows:

> The City's UGA Proposal identifies three areas (Areas 6, 7 and 8) where the City's UGA would be expanded into designated Agricultural Lands. These areas have been zoned Agriculture for many decades, including prior to the enactment of the Growth Management Act. Since their initial designation as Agricultural Lands, these areas (and the areas immediately surrounding them) have been subject to a number of important changed conditions and circumstances that have a direct bearing on the appropriateness or inappropriateness of their current designations.
>
> First, all three areas are now situated immediately adjacent to Nooksack City limits. In 2016, Whatcom County expanded the Nooksack UGA to the north of Tom Road to add an approximately 29-acre area that was subsequently annexed into the City in 2023. This area is referred to as the Sytsma Annexation. Areas 6 and 7 now lies immediately north of the Sytsma annexation where it fronts onto the state highway (SR 9). Area 8 now lies immediately to the west of the Sytsma Annexation with frontage on Tom Road.

Second, the owner of the three parcels that comprise the Sytsma Annexation is now actively pursuing development of this area that is zoned Light Industrial. This will most likely be pursued through submittal of an application for a Binding Site Plan.

Earlier this year [in 2025], the Nooksack City Council took action by ordinance to establish a new Chapter 18.36 of the Nooksack Municipal Code to allow development of commercial and industrial areas (including the Sytsma Annexation) through use of the Binding Site Plan process. This area was also identified in the Port of Bellingham's recently issued Industrial Land Report as having strong potential for development.

Third, since the time Areas 6 and 7 were designated, the area within Nooksack City limits that lies directly to the east of SR 9 (referred to as Nooksack North) has been fully developed at urban densities. Given that Area 7 only includes two 1-acre parcels with existing residences, Area 6 is now surrounded on three sides by non- resource-based uses.

Fourth, Area 8 includes a 2-acre portion of a larger Agriculturally zoned parcel. The portion of the parcel that is within Area 8 includes an abandoned house, other aging structures, and other impervious areas unavailable for agricultural production. This area is within the City's water system service area because the now-abandoned house was previously served by City water. Although this site still has a service connection to the City water system, the service meter has been removed. Area 8 no longer serves as an integral part of a functioning agricultural property. Rather, the presence of the deteriorating house and out-buildings and other impervious surfaces actually serve to remove this area from inclusion in the productive agricultural land base.

Finally, since the time these expansion areas were initially designated, SR-9 has seen substantial increases in traffic volumes, especially in relation to truck freight traffic. This state highway now serves as one of the main north-south corridors bringing goods to and from Canada through the Sumas and Lynden border crossings. Based on all of the above-described changed conditions and circumstances, these UGA expansion areas no longer meet the criteria for designation as agricultural lands of long-term commercial significance.

187. Draft Whatcom County Comprehensive Plan Policy 8A-15 requires mitigation when certain lands are re-designated from Agriculture to UGA on the Comprehensive Plan map. However, this requirement does not apply to re-designations of 5 acres or less when there is an existing house or other structural improvements on the property. Therefore, it would only apply to the re-designation of approximately 5 acres from Agriculture to UGA west of State Route 9, immediately north and west of the Nooksack City limits (ALA Nooksack Area 6). A mitigation agreement will be required for this land pursuant to Comprehensive Plan Policy 8A-15.

188. A preliminary draft City of Nooksack Comprehensive Water System Plan was adopted by the Nooksack City Council in June 2026, pending review and approval by the Washington State Department of Health (DOH) and, if required, a subsequent a public hearing of the City Council following receipt of comments from DOH prior to adoption by ordinance (City of Nooksack Resolution 342).

189. The City of Nooksack 2026 General Sewer Plan Amendment was adopted by the Nooksack City Council in June 2026, pending review by the Washington State Department of Ecology prior to adoption by ordinance (City of Nooksack Resolution 343).

190. The City of Nooksack is addressing capital facilities related to stormwater as part of the update of the City's comprehensive plan. Given that new developments are required to fully address associated needs for construction of stormwater management facilities, the City anticipates that adequate facilities will be available to serve planned growth.

191. Fire District 1 provides fire protection and emergency medical services to the Nooksack UGA and surrounding area. The *Whatcom County Fire District # 1 Capital Facilities Plan* was approved by the District Commissioners in March 2026.

192. The Nooksack Valley School District serves the UGA. The *Nooksack Valley School District Capital Facilities Plan* was approved by the District in March 2025.

193. Capital facilities related to the City's transportation system are addressed in the Transportation Element of the City's comprehensive plan. The City is in the process of updating this information as part of its comprehensive plan update process, including incorporating projects identified in the City's 6-year transportation improvement program (TIP) and establishing a multimodal level of service standard.

194. The Nooksack UGA, as modified by the City of Nooksack Proposal, is sufficient to accommodate projected urban growth over the planning period.

Sumas UGA

195. The Sumas UGA was established in 1997. The UGA was reduced in size in the 2009 UGA review. The UGA did not change in the 2016 UGA Review.

196. The existing Sumas UGA had an estimated 2023 population of 1,810.

197. The population growth allocation for the Sumas UGA over the planning period is an additional 1,000 people (from 2023-2045). The housing need allocation for the Sumas UGA over the planning period is an additional 643 units (from 2023-2045). The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Sumas, can accommodate 646 more housing units, including enough housing units in the various income bands. Therefore, the land capacity is sufficient to accommodate the population growth and housing need allocations over the planning period.

198. The employment growth allocation for the Sumas UGA over the planning period is an additional 500 jobs. The land capacity analysis estimates that the UGA, with the modifications proposed by the City of Sumas, can accommodate approximately 502 more jobs. Therefore, the commercial/industrial land capacity of the UGA is sufficient to accommodate job growth over the planning period.

199. The City of Sumas UGA/UGA Reserve changes are as follows:

    a. Re-designate approximately 508 acres west of the City from Agriculture to UGA (Sumas Areas 7, 8 and 9 in the ALA). These three areas are treated separately in the ALA and, therefore, will also be treated separately in these findings. The approximate size of these areas is shown below:

        - Area 7: 176 acres
        - Area 8: 224 acres
        - Area 9: 108 acres

    b. Re-designate approximately 36 acres southeast of the City from UGA Reserve to Agriculture (Sumas Area 5 in the ALA).

c. Re-designate approximately 1 acre, southeast of the City and east of Hovel Rd., from UGA Reserve to UGA.

200. Approximately 176 acres are being re-designated from Agriculture to UGA west of Sumas (Sumas Area 7 in the ALA). This area is partially within the effective floodplain and, therefore, the rights to develop the land in the floodplain will have to be permanently extinguished pursuant to RCW 36.70A.110(10)(b). This area is also partially within the Draft FEMA floodplain. The Agriculture de-designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries. However, the site is adjacent to the City of Sumas on its eastern boundary and a portion of its northern boundary. There are 29 single family homes and 4 commercial/manufacturing sites within ½ mile of the land, within the City of Sumas (along with other homes in the adjacent Agriculture zone).

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Sumas 7") is USDA Land Capability Class 3 (p. 39). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is bounded by city limits on the eastern and a portion of the northern boundaries. The ALA (p. 39) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (99%)
- WSDA Crop Data (66%)
- Agricultural Tax Status (85%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (85%)
- Parcels greater than 40 acres (66%)
- Preliminary FEMA Floodplain (68%)
- Agriculture is the primary land use within the proposal area

201. Approximately 224 acres are being re-designated from Agriculture to UGA west of Sumas (Sumas Area 8 in the ALA). This area is outside the effective floodplain and outside of FEMA's draft floodplain. The Agriculture de-designation criteria are addressed as follows:

    a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries. At the closest point, the land is about 1,000' west of the existing City limits of Sumas (immediately west of Area 7). There are 7 single family homes within ½ mile of the site, within the City of Sumas (along with other homes in the adjacent Agriculture zone).

    b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Sumas 8") is USDA Land Capability Class 2 & 3 (p. 40). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

    c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is about 1,000' west of the existing City limits of Sumas. The ALA (p. 40) indicates the land has the following attributes:

        - USDA NRCS Prime Soils (97%)
        - Agricultural Land Use (98%)
        - WSDA Crop Data (41%)
        - Agricultural Tax Status (52%)
        - Special Purpose Districts (99%)
        - Parcels greater than 20 acres (66%)
        - Parcels greater than 40 acres (22%)
        - Preliminary FEMA Floodplain (0%)
        - Agriculture and forestland are the primary land uses within the proposal area

202. Approximately 108 acres are being re-designated from Agriculture to UGA west of Sumas (Sumas Area 9 in the ALA). This area is outside the effective floodplain, but partially within the Draft FEMA floodplain. The Agriculture de-designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries. At the closest point, the land is about 750' west of the existing City limits of Sumas (immediately south of Areas 7 and 8). There is 1 single family residence and 2 commercial/industrial sites within ½ mile of the site, within the City of Sumas (there are homes in the adjacent Agriculture zone).

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Sumas 9") is USDA Land Capability Class 2 & 3 (p. 40). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture – As previously mentioned, the subject site is about 750' west of the existing City limits of Sumas. The ALA (p. 40) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (99%)
- WSDA Crop Data (54%)
- Agricultural Tax Status (92%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (59%)
- Parcels greater than 40 acres (2%)
- Preliminary FEMA Floodplain (17%)
- Agriculture and forestland are the primary land uses within the proposal area

203. Approximately 36 acres are being re-designated from UGA Reserve to Agriculture southeast of Sumas (Sumas Area 5 in the ALA). This area is partially within the effective floodplain and FEMA's draft floodplain. The Agriculture designation criteria are addressed as follows:

a. Characterized by Urban Growth – The GMA states that "characterized by urban growth" refers to ". . . land having urban growth located on it, or to land located in relationship to

an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(49)). The subject land does not contain urban growth within its boundaries. The land contains farm buildings and several homes.

b. Used or Capable of Being Used for Agricultural Production – The ALA indicates that the majority of this land ("Sumas 5") is USDA Land Capability Class 3 (p. 39). The ALA states ". . . The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land. . ." (p. 14).

c. Long Term Commercial Significance for Agriculture –The ALA (p. 39) indicates the land has the following attributes:

- USDA NRCS Prime Soils (100%)
- Agricultural Land Use (100%)
- WSDA Crop Data (70%)
- Agricultural Tax Status (73%)
- Special Purpose Districts (100%)
- Parcels greater than 20 acres (73%)
- Parcels greater than 40 acres (73%)
- Preliminary FEMA Floodplain (67%)
- Agriculture is the primary land use within the proposal area

204. Whatcom County Comprehensive Plan Policy 8A-6 is to:

Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands consistent with policy 8A-3 or, in the case of a request for UGA expansion into designated agricultural lands, that no other option is available consistent with WAC 365-196-310(5)(e)(v).

The tables below from the ALA provide information relating to when structures within one half (1/2) mile of Sumas Area 7, Sumas Area 8, and Sumas Area 9 that are within city limits, were constructed (p. 48). There may be additional structures built in unincorporated Whatcom County, but these are not shown in the tables below.

SUMAS AREA 7	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	3	2	24	**29**
Duplexes	0	0	0	**0**
Triplexes	0	0	0	**0**
Fourplexes	0	0	0	**0**
Commercial / Manufacturing	0	0	4	**4**
Schools	0	0	0	**0**
Total	**3**	**2**	**28**	**33**

SUMAS AREA 8	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	0	1	6	**7**
Duplexes	0	0	0	**0**
Triplexes	0	0	0	**0**
Fourplexes	0	0	0	**0**
Commercial	0	0	0	**0**
Schools	0	0	0	**0**
Total	**0**	**1**	**6**	**7**

SUMAS AREA 9	1991 or Earlier	1992 – 1996	1997 or later	Total
Single Family Residences	1	0	0	**1**
Duplexes	0	0	0	**0**
Triplexes	0	0	0	**0**
Fourplexes	0	0	0	**0**
Commercial / Industrial	0	0	2	**2**
Schools	0	0	0	**0**
Total	**1**	**0**	**2**	**3**

Since the original Agricultural lands of long-term commercial significance designation in 1992, approximately:

- 30 structures have been constructed within ½ mile of Sumas Area 7 (90.91% of the total structures within ½ mile of the site),

- 7 structures have been constructed within ½ miles of Sumas Area 8 (100.00%), and

- 2 structures have been constructed within ½ mile of Sumas Area 9 (66.67%).

Sumas Area 7 has 26 single family residences and 4 commercial/manufacturing structures within ½ mile that were constructed in 1992 or later. Sumas Area 8 has 7 single family residences within ½ mile that were constructed in 1992 or later. Sumas Area 9 has 2 commercial/industrial structures within ½ mile that were constructed in 1992 or later.

Since adoption of the Comprehensive Plan in 1997 designated Agricultural Resource Lands on the Whatcom County Comprehensive Plan map, approximately:

- 28 structures have been constructed within ½ mile of Sumas Area 7 (84.85% of the total structures within ½ mile of the site),

- 6 structures have been constructed within ½ miles of Sumas Area 8 (85.71%), and

- 2 structures have been constructed within ½ mile of Sumas Area 9 (66.67%).

Sumas Area 7 has 24 single family residences and 4 commercia/manufacturing structures within ½ mile that were constructed in 1997 or later. Sumas Area 8 has 6 single family residences within ½ mile that were constructed in 1997 or later. Sumas Area 9 has 2 commercial / industrial structures within ½ mile that were constructed in 1997 or later.

Additionally, the City of Sumas' UGA/UGA Reserve Proposal Addendum (October 20, 2025) addresses Whatcom County Comprehensive Plan Policy 8A-6 as follows:

> All areas of Sumas' UGA expansion proposal is designated as Agricultural lands. These areas have been zoned Agriculture for many decades, including prior to the enactment of the Growth Management Act. Since their initial designation as Agricultural Lands, these areas (and the areas immediately surrounding them) have been subject to a number of important changed conditions and circumstances that have a direct bearing on the appropriateness or inappropriateness of their current designations.

> The City of Sumas has expanded its city limits towards these UGA expansion areas. In 1997 and 1999, the City of Sumas annexed property to the west of town, expanding Sumas' Industrial District. In 2003, the Washington State Department of Transportation (WSDOT) re-aligned State Route 9, having the route use Easterbrook Road to approach Sumas, as opposed to Garrison Road farther west. In 2006 and 2009, the City of Sumas annexed property to the south of town, expanding Sumas' residential base and building a new community park and baseball fields along the re-aligned State Route 9. The City has not expanded its boundaries since that 2009 annexation. Prior to these annexations, the proposed UGA expansion areas were near Sumas but not directly adjacent. Now, they are adjacent, making them more suitable for Urban Development.

205. The ALA also addresses the "no other options" criterion for the Sumas UGA expansion into designated Agricultural lands (pp. 51-57) concluding that:

> . . . Given the risk and vulnerability to flooding within the existing UGA, the City of Sumas has proposed to expand its UGA to the west of its current location . . . Because Sumas is entirely surrounded by designated agricultural land and floodplain, expanding its UGA towards this elevated area, which is within designated agricultural areas, is the only option available to accommodate future growth. . . (pp. 55 and 56).

206. Whatcom County Comprehensive Plan Policy 8A-15 requires mitigation when certain lands are re-designated from Agriculture to UGA on the Comprehensive Plan map. A mitigation agreement will be required for Sumas Areas 7, 8 and 9 pursuant to Comprehensive Plan Policy 8A-15.

207. Approximately 1 acre is being re-designated from UGA Reserve to UGA southeast of the City of Sumas.

    a. The 1 acre parcel is entirely within both the effective floodplain and FEMA's draft floodplain.

    b. The rights to develop the land added to the UGA in the floodplain will have to be permanently extinguished pursuant to RCW 36.70A.110(10)(b).

208. The 2016 Whatcom County Comprehensive Plan stated, with regard to the Sumas UGA Reserve:

> Growth of Sumas is constrained by agricultural lands. Lands in agricultural use on the south end of Sumas along Hovel Road have been designated as an Urban Growth Area Reserve. While there is sufficient land within the city to accommodate projected growth, there is little surplus, and growth outward may become necessary. This area will be kept in reserve status until the County has determined that development will not expose future residents and employees to unacceptable risk from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

The Sumas UGA would be expanded by 1 acre along Hovel Rd. This one acre parcel is entirely located within the floodplain, so the rights to further develop the acre of land will have to be permanently extinguished pursuant to RCW 36.70A.110(10).The City of Sumas' UGA/UGA Reserve Proposal Addendum (October 20, 2025) addresses this Whatcom County Comprehensive Plan language follows:

> . . . the City is confident that the existing geographic, topographic, and regulatory conditions already in place are sufficient to reduce risks from naturally occurring asbestos within the UGA Reserve to negligible or insignificant levels.
>
> First, any naturally occurring asbestos that makes its way into the UGA Reserve would have to come by way of a flood from the Sumas River. In late 2021, the Sumas River did flood but was unable to reach the section of the UGA Reserve due to the presence of Hovel Road blocking the water from reaching that area. Because of this and other first-hand accounts, the City is confident that the area of UGA Reserve that we are proposing to give full UGA status is safe from exposure to naturally occurring asbestos.

209. A preliminary draft *City of Sumas Water System Comprehensive Plan* was adopted by the Sumas City Council in December 2025, pending review and approval by the Washington State Department of Health (DOH) and a public hearing of the City Council following receipt of comments from DOH (City of Sumas Resolution 852).

210. The City of Sumas owns and maintains a sewage collection and transmission system that includes gravity sewer lines, force mains, and a small number of sewer lift stations. The City of Sumas transmits wastewater to the City of Abbotsford, B.C. under a

wastewater disposal contract. The *City of Sumas Comprehensive Land Use Plan 2025-2045*, adopted by the Sumas City Council in December 2025, states:

> . . . With an existing surplus capacity of only 30,000 gpd, and with a growth component (under the existing contract) allowing an increase of 22,000 gpd over the coming 4 years, the contract with Abbotsford cannot accommodate future population growth. The City is attempting to find ways to maximize the amount of existing capacity, but it most likely will not be enough. In order to accommodate future growth, the Cities of Sumas and Abbotsford must begin discussions of upgrading the system servicing Sumas. In the spring of 2025, those discussions began. The City of Abbotsford will be updating their wastewater master plan in 2028. By that time, the two cities should have a plan to upgrade the Sumas system to accommodate our future growth for the next 20 years. . . (p. 4-4).

211. Stormwater is addressed in the *City of Sumas Comprehensive Land Use Plan 2025-2045*, which indicates the City has adopted an ordinance establishing minimum stormwater requirements for new developments and redevelopment projects and adopted a set of technical design standards for stormwater facilities (p. 4-10). The City Comprehensive Land Use Plan's Six-Year Financial Analysis ". . . shows a state of stagnation in the stormwater fund. The revenue generated from storm sewer user fees and interest roughly equal the projected cost of operations and maintenance. . ." (p. 4-26).

212. Fire District 14 provides fire protection and emergency medical services to the Sumas UGA. The *Whatcom County Fire District # 14 Capital Facilities Plan* was approved by the District Commissioners in 2015.

213. The Nooksack Valley School District serves the Sumas UGA. The *Nooksack Valley School District Capital Facilities Plan* was approved by the District in March 2025.

214. The City's transportation system are addressed in the transportation element of the *City of Sumas Comprehensive Land Use Plan 2025-2045*.

215. The Sumas UGA, as modified by the UGA Proposal, is sufficient to accommodate projected urban growth over the planning period.

Rural Element

216. The GMA, at RCW 36.70A.070(5), requires that a comprehensive plan must include a rural element that:

    a. Establishes patterns of rural densities and uses and provides for a variety of rural densities, uses, essential public facilities and rural governments services;

    b. Allows rural development, forestry and agriculture in rural areas;

    c. Includes measures that apply to rural development and protect the rural character of the area; and

    d. Establishes policies for Limited Areas of More Intensive Rural Development (LAMIRDs).

217. There are a number of Countywide Planning Policies that apply to rural areas. County-wide Planning Policy B.1 indicates ". . . The county may work with the public to further define or modify types of rural areas based on the characteristics and needs of different areas. . ."

218. Countywide Planning Policy B.2 states "The County shall discourage urban level or high intensity development outside Urban Growth Areas, limited areas of more intensive rural development (LAMIRDS), and vested plats."

219. Countywide Planning Policy B.3 states "Whatcom County shall promote appropriate land uses and allow for infill within LAMIRDs. These areas have been delineated, and will not be expanded beyond logical outer boundaries in accordance with RCW 36.70.070(5)."

220. Whatcom County Comprehensive Plan Chapter 2 contains the rural element.

221. Patterns of rural densities and uses are established on the Whatcom County Comprehensive Plan map and in associated Comprehensive Plan goals and policies. The Comprehensive Plan (and development regulations) allows a variety of rural densities, uses, essential public facilities and rural governmental services.

222. The Comprehensive Plan (and development regulations) allow rural development, forestry and agriculture in rural areas.

223. The Comprehensive Plan goals and policies protect rural character.

224. The Comprehensive Plan goals and polices address LAMIRDs. The LAMIRD provisions of RCW 36.70A.070(5) were amended by Second Engrossed Substitute Senate Bill 5275 (passed by the State Legislature in 2022) and Substitute Senate Bill 6140 (passed by the State Legislature in 2024). These bills modify the GMA requirements for development in LAMIRDs including retail and food service uses. The rural element in Comprehensive Plan Chapter 2 is being amended consistent with the provisions of Second Engrossed Substitute Senate Bill 5275 (2022) and Substitute Senate Bill 6140 (2024).

225. The rural element meets the requirements of the GMA and is consistent with the Countywide Planning Policies.

Property Rights and Permits

226. GMA Planning Goal 6, relating to property rights, states "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions" (RCW 36.70A.020(6)). Whatcom County Comprehensive Plan Goal 2H and associated policies address this GMA Planning Goal.

227. GMA Planning Goal 7, relating to permits, states "Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability" (RCW 36.70A.020(7)). Whatcom County Comprehensive Plan Policies 2D-3 and 2D-4 address this GMA Planning Goal.

Historical Preservation

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

Climate

229. Washington State Engrossed Second Substitute House Bill 1181, approved by the State Legislature in 2023, relates to integrating climate change strategies into the land use element. This includes designating green spaces and urban & community forests in UGAs, addressing environmental justice, wherever possible considering

utilizing urban planning approaches that reduce per capita vehicle miles travelled, and addressing the risk to lives and property posed by wildfires (RCW 36.70A.070(1)).

230. Goals, policies, and maps have been added to the Land Use Chapter to address the applicable requirements of House Bill 1181.

Chapter 3 – Housing

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

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

232. The GMA, at RCW 36.70A.070(2), requires that a comprehensive plan must include a housing element. Significant changes to the housing provisions in the GMA were made in Engrossed Second Substitute House Bill 1220 (passed by the State Legislature in 2021). GMA housing requirements include, but are not limited to, the items summarized below:

a. An inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including units for moderate, low, very low, and extremely low-income households; and emergency housing, emergency shelters, and permanent supportive housing;

b. Goals and policies for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

c. Identifying sufficient land capacity for a variety of housing types;

d. Making adequate provisions for existing and projected housing needs of all economic segments of the community;

e. Identifying local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing. Identifying policies to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions. Identifying areas

that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments. Establishing anti-displacement policies.

233. The Countywide Planning Policies Section G addresses Affordable Housing. These policies relate to a number of issues including those summarized below:

    a. Ensuring a balance of housing and economic growth;

    b. Identifying sufficient land capacity for a healthy mix of home types, sizes, and prices;

    c. Facilitating affordable housing that is convenient to major employment centers and public services or be designed to accommodate public transportation;

    d. Strategies to provide for affordable housing with design, density, lot sizes and development standards that provide for a variety of housing types;

    e. Reviewing existing regulations and policies that exclude or discourage multi-family, co-living housing, farmworker housing, low-income, and permanent supportive housing and emergency housing and shelter in their communities and identifying barriers to housing. Reviewing affordable housing alternatives;

    f. Working with others to plan for a regional distribution of housing for all income levels, including permanent supportive housing types and emergency housing and shelter for very low-income households;

    g. Low income, multi-family and diverse and supportive housing options shall not be concentrated in only a few communities or neighborhoods; and

    h. Considering reducing impact and/or mitigation fees for affordable housing provided in a proposed development.

234. Several documents were prepared, with consultant assistance, in support of updating Whatcom County Comprehensive Plan Chapter 3 – Housing. These include:

    a. *Whatcom County Housing Needs Analysis* (Whatcom County Comprehensive Plan Appendix I);

b. *Subsidized Housing Needs and Funding* (Whatcom County Comprehensive Plan Appendix J); and

c. *Whatcom County and City Comprehensive Plans Racially Disparate Impacts Analysis* (November 14, 2025).

235. Whatcom County Comprehensive Plan Chapter 3 – Housing (along with related Appendix I, Appendix J, and Appendix K) is being amended, as summarized below, to address House Bill 1220:

a. Updating GMA requirements.

b. Modifying language to reflect GMA Goal 4, as revised by House Bill 1220, to "Plan for and accommodate housing affordable to all economic segments of the population. . ." (RCW 36.70A.020(4)).

c. Providing background information on land capacity to accommodate housing needs.

d. Identifying the number of housing units necessary to manage projected growth including units for moderate, low, very low, and extremely low-income households, and emergency housing.

e. Within urban growth areas, addressing moderate density housing options including duplexes, triplexes, and townhomes.

f. Addressing adequate provisions for existing and projected housing needs of all economic segments of the community including:

- Low, very low, extremely low, and moderate-income households;
- Barriers such as development regulations;
- Housing locations in relation to employment location; and
- Accessory dwelling units.

g. Adding a new policy relating to affordable housing financial resources and programs.

h. Adding a new section relating to racially disparate impacts, displacement, and exclusion in housing.

236. Chapter 3 - Housing addresses the requirements of the GMA and the Countywide Planning Policies.

Chapter 4 – Capital Facilities

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

> Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards (RCW 36.70A.020(12)).

238. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

    a. An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities;

    b. A forecast of the future needs for such capital facilities;

    c. The proposed locations and capacities of expanded or new capital facilities;

    d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and

    e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

239. Countywide Planning Policy K.1 states: "As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors, human service facilities . . ."

240. The Whatcom County Comprehensive Plan's capital facilities element contains several components: Chapter 4 - Capital Facilities, the Whatcom County 20-Year Capital Facilities Plan (Appendix E), and the Seven-Year Capital Improvement Program for Whatcom County Facilities (Appendix F). Collectively, these components contain an inventory of existing facilities owned by public entities, a forecast of

future needs, proposed expanded or new capital facilities, costs and funding sources.

241. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.

Chapter 5 – Utilities

242. The GMA, at RCW 36.70A.070(4)(a), requires that a comprehensive plan must include "A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunications, and natural gas systems."

243. There are a number of Countywide Planning Policies that address utilities, with which the Comprehensive Plan policy amendments are found to be consistent. These Countywide Planning Policies include:

a. F.5 – "In the areas where utilities presently extend beyond city limits, but are within Urban Growth Areas, the city, County, and the existing water purveyors for the area should coordinate planning efforts."

b. F.6 – "Unless specifically provided for by state statutes, Cities shall not extend urban levels of water service to serve urban uses outside Urban Growth Areas. . ."

c. K.1 – "As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as . . . utility corridors . . ."

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

244. The Utilities Chapter of the Whatcom County Comprehensive Plan provides background information and addresses a number of issues including Locational Criteria for Siting Utilities, Trends in Utility Technology, Electric Power, Natural Gas, Petroleum, and Telecommunications, Permitting Process Efficiency, Impediments to the Provision of Utilities, Regulatory Controls Encouraging Energy Conservation and Efficiency, Utility Corridors, Natural Gas and Hazardous Liquid Transmission Pipelines, Water Supply, Sewage Treatment, and Solid Waste Management. Maps are also included in

the Utilities Chapter. The Utilities Chapter addresses utility coordination, shared corridors, and discouraging extension of urban levels of water and sewer service outside UGAs or Rural Communities (except in limited circumstances).

Chapter 6 – Transportation

245. GMA Planning Goal 3, relating to transportation, is to "Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans" (RCW 36.70A.020(3)). Whatcom County Comprehensive Plan Chapter 6 meets these requirements by:

    a. Acknowledging that land use is the primary determinant of travel demand and stating an intent to better integrate land use and transportation planning by concentrating new growth in cities and urban growth areas to reduce vehicle miles traveled (VMT) and associated greenhouse gas (GHG) emissions while increasing multimodal transportation opportunities for people to walk, bike, roll, and ride transit to nearby destinations.

    b. Adopting multiple goals and policies that address multimodal level of service (MMLOS) standards for pedestrian, bicycle, transit, and vehicle needs and establishing an Active Transportation Network connecting population centers in Whatcom County.

246. The GMA, at RCW 36.70A.070(6), sets forth the requirements for the transportation element of the Comprehensive Plan. Whatcom County Comprehensive Plan Chapter 6 meets these requirements by:

    a. Consistently referencing the land use element and the County's intent to concentrate new growth in cities and urban growth areas to help integrate land use and transportation planning.

    b. Documenting the status of air, water, and surface transportation facilities and services in the Final Environmental Impact Statement (FEIS) and based on interjurisdictional growth allocations:

        - Documenting the 20-year multimodal travel demand forecast on County roads and State highways.

        - Establishing a countywide Active Transportation Network connecting population centers based on Whatcom County's financial resources and consistent with plans for other cities, tribes, WSDOT's 2020 Active Transportation Plan and

Complete Street requirements, as well as Whatcom County's ADA Transition Plan.

- Establishing multimodal level of service (MMLOS) standards for pedestrian, bicycle, transit, and vehicle modes of travel that can all be reported in an Annual Concurrency Report.

- Providing policy, improvement, and mitigating options to maintain multimodal level of service (MMLOS) standards on County roads and State highways.

- Discussing opportunities for interjurisdictional coordination and funding partnerships, as well as transportation demand management strategies that can be used independently by the County or in coordination with other agencies.

c. Providing a multiyear plan based on the multimodal transportation needs identified in the plan in the Capital Facilities Plan Appendix E Chapter 9.

d. Providing an analysis of funding capability to judge needs against probable funding resources, and a discussion of additional funding sources or changes to the land use assumptions in the Capital Facilities Plan Appendix E Chapter 16.

247. Whatcom County Countywide Planning Policies J.1 through J.9 address Countywide Transportation Facilities and Strategies. Whatcom County Comprehensive Plan Chapter 6 is consistent with the Countywide Planning Policies, as follows:

a. Policy J.1. The Whatcom Council of Governments (WCOG) has issued an intent to certify the Whatcom County Transportation Element as compliant with regional plans and GMA.

b. Policy J.2. The Transportation Element establishes a countywide Active Transportation Network, documents the WSDOT Freight and Goods Transportation System (FGTS) network, establishes ADA-compliant MMLOS standards, includes a 20-year capital project list based on expected County financial resources, and encourages interjurisdictional coordination of multimodal transportation facilities.

c. Policy J.3. The Transportation Element adopts goals and policies supporting better integration of land use and transportation planning with growth focused in cities and urban growth areas to reduce vehicle travel demand, VMT, and GHG emissions, and to

increase opportunities for people to walk, bike, roll, and ride WTA transit.

d. Policy J.4. Capital Facilities Plan Appendix E Chapter 9 identifies more robust pedestrian and bicycle infrastructure in UGAs associated with cities and Transportation Element vehicle LOS standards allow higher levels of PM peak hour traffic congestion in UGAs associated with cities, as well as capacity credits for the presence of pedestrian and bicycle facilities and transit service. County UGA road standards are consistent with the multimodal street standards of the associated city.

e. Policy J.5. The FEIS documents that County vehicle LOS standards can be maintained under the highest intensity growth scenario except for one arterial corridor in the Bellingham UGA and one segment of State Route 542, both of which can be mitigated by County and WSDOT actions and/or funding.

f. Policy J.6. The FEIS documents a menu of transportation demand management strategies available to Whatcom County. Capital Facilities Plan Appendix E Chapter 16 identifies potential additional sources of transportation revenue to Whatcom County, including transportation impact fees. Chapter 6 includes a policy supporting Whatcom County's consideration of transportation impact fees.

g. Policy J.7. The FEIS, Transportation Element, and Capital Facilities Plan Appendix E Chapter 9 all establish a countywide Active Transportation Network connecting population centers, MMLOS standards based on ATN completeness reported on in an Annual Concurrency Report, a 20-year list of active transportation project improvements, planning level costs, and acknowledgement of coordination opportunities with cities, tribes, WTA, and WSDOT.

h. Policy J.8. The FEIS documents the status of air, water, and surface transportation systems, as well as international border issues. The Transportation Element includes goals and policies supporting inter-jurisdictional coordination and cooperation.

i. Policy J.9. The Capital Facilities Plan Appendix E Chapter 16 lists the adoption of a Complete Streets Ordinance as the first option for Whatcom County to generate additional transportation grant revenue to construct multimodal transportation improvements.

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

> Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities (RCW 36.70A.020(5)).

249. GMA amendments were adopted by the state legislature in 2002, now codified as RCW 36.70A.070(7) and (10), to require an economic development element in a comprehensive plan if ". . . funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans. . ." (Second Substitute House Bill 2697). In an e-mail of August 18, 2025, the Washington State Department of Commerce indicated that the economic development element is currently not required under GMA because the state still has not provided funding.

250. RCW 36.70A.080, entitled "Comprehensive Plans – Optional Elements," provides that jurisdictions planning under the GMA may include additional elements in comprehensive plans that relate to physical development within the jurisdiction. Whatcom County has elected to include an economic development element in the Comprehensive Plan (Chapter 7) as provided in RCW 36.70A.080(1). This element is coordinated and consistent with other Whatcom County Comprehensive Plan elements.

251. The Countywide Planning Policies in Section I addresses economic development and employment. These policies address a number of issues including a healthy economy, business development and expansion, land supply, workforce education and training, infrastructure, consistency with the Whatcom County Comprehensive Economic Development Strategy (CEDS), coordination with environmental concerns, cooperation with the Port of Bellingham and others, encouraging jobs in cities and other designated areas, and protection and utilization of natural resources.

252. The Economics Chapter of the Whatcom County Comprehensive Plan recognizes that a strong and diversified economy is essential to quality of life. The Economics Chapter provides background information and goals and policies relating to a variety of topics including but not limited to business development and expansion, land supply, the CEDs, the environment, working with the Port of Bellingham, natural resource based industries, housing that is affordable, economic security, water rights adjudication or settlement process, infrastructure, child care, a wetland mitigation bank, climate resilience, and the local food system.

Chapter 8 – Natural Resource Lands

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

> Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses (RCW 36.70A.020(8)).

254. The GMA requires counties to designate and assure conservation of agricultural, forest and mineral resource lands of long-term commercial significance (RCW 37.70A.060, .070, and 170).

255. The GMA also requires that, as part of the comprehensive plan update, the county must review its mineral resource lands designations taking into consideration: (a) New information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits; and (b) New or modified model development regulations for mineral resource lands prepared by the Department of Natural Resources, the Department of Commerce, or the Washington state association of counties (RCW 36.70A.131).

256. Countywide Planning Policy I-9 states that “The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture, fisheries, and mineral resource industries should be supported to operate in a sustainable manner.”

257. The Natural Resource Lands Chapter of the Whatcom County Comprehensive Plan addresses designated Agricultural, Forest, Mineral, and Marine Resource Lands.

Agricultural Lands

258. The Agricultural Lands section of the Natural Resource Lands Chapter provides background information and addresses a number of issues including the agricultural land base, agricultural economic viability, agriculture and food system investment, land use conflicts, fish & wildlife, and water for agriculture.

259. The Agricultural Lands section includes policy amendments to ensure at least a 100,000 acre land base for the production of agricultural products, update the criteria for designating or de-designating agricultural land, require mitigation when agricultural lands are de-designated and converted to UGAs or UGA Reserves, evaluate the potential for designating additional agricultural lands through creation of an agriculture zone that allows a maximum of one dwelling/20 acres within Rural Study Areas. The Agricultural Lands section also references the ALA and the water rights adjudication process.

Forest Resource Lands

260. The Forest Resource Lands section contains policies to guide Whatcom County in the conservation and restoration of forest resource land of long-term commercial significance, and to implement the provisions of the Growth Management Act and the adopted Countywide Planning Policies.

261. The Forest Resource Lands section includes policy amendments to increase Whatcom County's working forest land base, support the thriving local forest products industry and sustainable resource economy that provide living-wage jobs, encourage value-added production, encourage transition to climate-resilient forest harvest practices, and promote long-term ecological stewardship of forest lands.

Mineral Resource Lands

262. The Mineral Resource Lands section contains goals and policies to guide Whatcom County in the conservation of mineral resource lands of long-term commercial significance, in land use decisions involving lands where mineral resources are present, and to implement the provisions of the Growth Management Act and the adopted Countywide Planning Policies.

263. The Mineral Resource Lands section includes amendments expanding on Issues, Goals, and Policies. It includes amendments to goals and policies to minimize any adverse impacts of mineral extraction, amendments to remove the outdated processes section, additions and

refinements to existing goals and policies, and a new discussion of Mineral Resource Land Designations.

Marine Resource Lands

264. The Marine Resources Lands section addresses marine areas waterward of the ordinary high-water mark, together with their underlying lands and their water column, within the jurisdiction of the Whatcom County Shoreline Management Program. Marine resource lands have the physical conditions and habitat required to generate and maintain fisheries of all types, including the commercial and recreational harvest of finfish, shellfish, algae, and other invertebrates including but not limited to mollusks, crab, and shrimp, etc. This section is intended to guide Whatcom County in the conservation of functioning marine resource lands of long-term commercial, ecological, cultural, and recreational significance, and to ensure that all water-dependent, water-related, and water-enjoyment uses requiring use or access to marine resource lands thrive in the years to come.

265. The Marine Resources Lands section provides background information and addresses a number of issues including conserving and enhancing Whatcom County's marine land base for the long-term and sustainable use and operation of water-dependent, water-related and water-enjoyment activities, supporting measures to increase the viability and sustainability of Whatcom County's aquatic biodiversity and production, reducing land use impacts, avoid adverse impacts to the survival and habitat of aquatic species, particularly to threatened and endangered fish and wildlife species and shellfish resources.

266. While the GMA does not specifically require the designation of marine resource lands that support aquatic-based uses and industries, functioning marine resource lands are intrinsically necessary for the creation and sustainability of historical fish and wildlife production that Whatcom County acknowledge them in this section of the Comprehensive Plan.

267. The Marine Resource Lands section includes a new Climate section with goals and policies that address Washington State House Bill 1181, which requires local governments to integrate climate change strategies into their comprehensive plans to increase resilience to climate impacts. It includes policies to increase climate resilience, such as promoting climate-resilient agricultural and forestry practices, increasing carbon sequestration by protecting resource lands from development pressures, and protecting water resources.

268. GMA Planning Goal 9, relating to open space and recreation, is to: "Retain open space and green space, enhance recreational opportunities, enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities" (RCW 36.70A.020(9)).

269. GMA amendments were adopted by the state legislature in 2002, now codified as RCW 36.70A.070(8) and (10), to require a park and recreation element in a comprehensive plan if ". . . funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans. . ." (Second Substitute House Bill 2697). In an e-mail of August 18, 2025, the Washington State Department of Commerce indicated that the park and recreation element is currently not required under GMA because the state still has not provided funding.

270. RCW 36.70A.080, entitled "Comprehensive Plans – Optional Elements," provides that jurisdictions planning under the GMA may include additional elements in comprehensive plans that relate to physical development within the jurisdiction. Such optional elements may include a recreation element. Whatcom County has elected to include a recreation element in the Comprehensive Plan (Chapter 9) as provided in RCW 36.70A.080(1). This element is coordinated and consistent with other Whatcom County Comprehensive Plan elements.

271. Countywide Planning Policy H.1 states:

> Adequate open space is vital to the quality of life and sense of place in Whatcom County. The County, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors, provide flood resilience, support infiltration of water, and to enhance recreational opportunities, public access and trail development.

272. Whatcom County Comprehensive Plan Chapter 9 (Parks and Recreation) generally includes:

    a. Background information on the County's park and recreational planning processes and types of recreational services and facilities provided in the County;

b. Goals and policies relating to planning, establishing and managing a wide range of recreational facilities in the County; and

c. Goals and policies addressing consistency between this chapter of the Comprehensive Plan, the Capital Facilities and Climate chapters of the Comprehensive Plan, the Comprehensive Park, Recreation and Open Space Plan (CPROS) and the County's Six-Year Capital Improvement Program (CIP).

273. Changes to Chapter 9 include:

a. Identifying regional park improvement needs such as siting and design standards for the location and user needs of regional park facilities and planning for potential future park expansion and improvements;

b. Expanding and improving the regional trails network to explore opportunities to improve connectivity and expand recreational trails for walking, hiking, bicycling and horseback riding;

c. Increasing inter-governmental and non-governmental coordination including regional opportunities for inter-governmental and public-private partnership approaches to meeting park and recreational demand countywide;

d. Focusing on financial feasibility to explore opportunities to strengthen the County's financial ability to fund future park and recreational needs; and

e. Addressing new requirements of House Bill 1181, passed in the 2023 legislative session, relating to climate change and resiliency.

Chapter 10 – Environment

274. GMA Planning Goal 10, relating to the environment, is to "Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water" (RCW 36.70A.020(10)).

275. Whatcom County Comprehensive Plan Chapter 10 (Environment) generally includes:

a. Background information, including GMA goals (RCW 36.70A.020), and Countywide Planning Policy goals;

b. Four major sections, including environmental management, natural hazards, water resources and ecosystems;

c. Maps that illustrate water resources, fish and wildlife habitat conservation areas and natural hazards;

d. Issues, goals, and policies that relate to protecting critical areas, including wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas;

e. Issues, goals, and policies that relate to the overall environmental management and regulation of the county, including protecting ecosystem functions and values, as well as human life and property from natural hazards; and

f. Issues, goals, and policies that relate to surface and groundwater resources, salmon recovery, the Lake Whatcom watershed, flood hazard management, stormwater management and marine resources.

276. Changes to Chapter 10 include:

a. Updating background information regarding the environmental setting of the county, programs and processes in place to protect the environment and fish and wildlife as well as people and property from natural hazards;

b. Updating goals and policies relating to the variety of topics;

c. Map 10-1 Water Resources - Updates to the Surficial Aquifer boundaries (Ecology), Wetlands (WDFW, projects digitized by NR, City of Bellingham), and Hydrologic soils groups displayed using current NRCS data;

d. Map 10-2 Fish Habitat Conservation Areas – Updates to Fish Distribution (WDFW 2024) and Streams (NHD 2024);

e. Map 10-3 Wildlife Habitat - All wildlife data updated (WDFW 2024); and

f. Map 10-4 Natural Hazards - Landslide hazards, Alluvial Fan hazards (DNR, USGS, Whatcom County), Tsunami, and Floodplain (FEMA 2024) updated.

Chapter 11 - Shorelines

277. GMA Planning Goal 15, relating to Shorelines of the state, indicates "for shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's comprehensive plan."

278. The Shorelines Chapter was approved by the State Department of Ecology in 2025 after previous Planning Commission review and County Council approval. Therefore, it will not be reviewed again in this update cycle.

Chapter 12 - Climate

279. The Washington State Legislature adopted House Bill 1181 in the 2023 session. This bill amended the GMA to require local governments address climate change in their comprehensive plans. Among other things, this bill requires Whatcom County to adopt a new climate change and resilience element in the Comprehensive Plan.

280. GMA Planning Goal 14, relating to climate change and resiliency, is to:

> Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

281. The GMA, at RCW 36.70A.070(9), sets forth the requirements for the climate change and resiliency element of the Comprehensive Plan. The climate change and resiliency element must include two sub-elements: A greenhouse gas (GHG) emissions reduction sub-element and a resiliency sub-element.

282. The new Whatcom County Comprehensive Plan Climate Element (Chapter 12) was developed for compliance with Growth Management Act requirements under HB 1181 following the 2023 Department of Commerce Climate Element Planning Guidance- Intermediate Guidance. To support development of the climate element, Whatcom County developed a set of technical reports, including greenhouse gas inventories and climate vulnerability assessments. The element was also developed to be compatible with Council adopted plans, including, but not limited to the 2021 Whatcom County Climate Action Plan and

the 2021 Multi-Jurisdictional Whatcom County Natural Hazard Mitigation Plans.

283. County staff presented the advisory committee draft climate element to the Climate Impact Advisory Committee on January 16, 2025. The Climate Impact Advisory Committee issued its recommendation for revisions on March 20, 2025. County staff presented the draft climate element for Planning Commission work session on May 8, 2025 and supporting technical documentation to County Council on June 10, 2025 and at a joint Planning Commission-Council meeting on August 6, 2025.

284. County staff presented the Whatcom County Planning Commission with the draft climate element for public hearing on August 14, 2025. Supporting documentation included a Summary of Public Comments, WA Department of Commerce Whatcom County 2022 Greenhouse Gas Emissions Analysis, Whatcom County Greenhouse Gas Emissions Trends and Projections Reports, and Whatcom County Climate Hazard and Impact Reports.

285. The Whatcom County Planning Commission issued a preliminary recommendation for the draft climate element on September 30, 2025 with eighteen recommended amendments and held a public hearing on the draft Comprehensive Plan on January 22, 2026.

286. The Whatcom County Council Committee of the Whole began review of the draft climate element on April 7, 2026 using the Preliminary Council draft dated April 7, 2026, which was the Planning Commission version from January 22, 2026 and additional edits proposed by councilmembers as listed in the Chart of Proposed Council Changes for April 7, 2026.

287. The Whatcom County Council Committee of the Whole completed review of the draft climate element on May 19, 2026 with 34 recommended amendments and approved a motion to request staff prepare Chapter 12- Preliminary Council Draft dated April 28, 2026 as amended for inclusion in a future agenda bill file for Council introduction and public hearing.

288. The GMA sets forth the GHG reduction sub-element requirements in RCW 36.70A.070(9)(d). New Whatcom County Comprehensive Plan Chapter 12 meets these requirements by identifying goals and policies designed to result in reductions in overall greenhouse gas emissions. Specific goals and policies are consistent with WA Department of Commerce Climate Element Planning Guidance- December 2023 Intermediate Version and are projected to:

a. Reduce overall greenhouse gas emissions generated by transportation and land use within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state.

b. Reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state.

c. Prioritize reductions in greenhouse gas emissions that benefit overburdened communities to maximize the co-benefits of reduced air pollution and environmental justice.

Policies as proposed in the draft greenhouse gas sub-element provide a comprehensive vision to reduce greenhouse gas emissions by:

- Incentivizing emissions reduction associated with production and distribution of agricultural products;
- Facilitating adoptions of renewable energy sources, distributed renewables, and increased building efficiency;
- Consulting with Tribes regarding projects funded by Climate Commitment Act revenue;
- Supporting economic development opportunities that advance climate action;
- Protecting and restoring open space, green space and tree canopy;
- Promoting public health benefits associated with sustainable transportation, renewable energy, and locally produced food;
- Planning for transportation infrastructure improvements, multi-modal system connectivity, and transit access;
- Monitoring waste management, sewage disposal and wastewater treatment operations;
- Coordinating with water utilities for water conservation and efficiency and wastewater treatment efficiency practices; and
- Cooperative land use planning for dense, mixed-use transit-oriented development in UGAs and land preservation in rural areas.

289. Consistent with the submittal procedure for voluntary review of the Greenhouse Gas Reduction sub-element in WAC 365-196-443, Whatcom County submitted a Notice of Intent to the Washington State Department of Commerce on June 23, 2025.

290. The Whatcom County Council approved Resolution 2026-022 in support of submitting the Greenhouse Gas Reduction sub-element for Washington State Department of Commerce review and approval on May 26, 2026.

291. The GMA sets forth the resilience sub-element requirements in RCW 36.70A.070(9)(e). New Whatcom County Comprehensive Plan Chapter 12 meets these requirements by developing goals and policies consistent with best available science and scientifically credible climate projections and impact scenarios. Specific goals and policies in the resilience sub-element are consistent with WA Department of Commerce Climate Element Planning Guidance- December 2023 Intermediate Version and are designed to:

    a. Identify, protect and enhance natural areas to foster resilience to climate impacts, as well as areas of vital habitat for safe passage and species migration;

    b. Identify, protect and enhance community resilience to climate change impacts, including social, economic, and built environment factors, that support adaptation to climate impacts consistent with environmental justice; and

    c. Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

    Policies as proposed in the draft resilience sub-element provide a comprehensive vision to increase resilience to climate change by:

    - Supporting agricultural producers' adaptation to climate risks;
    - Designing building and energy infrastructure for increased reliability during extreme weather events;
    - Evaluating vulnerability and sensitivity of cultural resources and practices to climate-exacerbated hazards;
    - Partnering to increase resilience of key economic sectors against climate risks;
    - Restoring priority critical areas and natural habitats at high-risk to flooding, sea level rise, landslides, wildfires, drought, and changes in temperature and precipitation;
    - Incorporating climate risks and impacts into critical infrastructure siting, emergency operations planning, and coordination of emergency preparedness;
    - Prioritizing access to resources and services for communities experiencing adverse health impacts due to climate change;
    - Considering climate risks as part of transportation planning processes;
    - Encouraging solid waste operators to site and plan for the impacts of climate hazards;
    - Enhancing watershed protection, stabilize water supplies, and improve water infrastructure; and

- Updating zoning and development regulations to incorporate best practices to reduce risks associated with extreme heat, sea level rise, water availability, flooding, and wildfire.

292. Whatcom County Countywide Planning Policies T.1 through T.5 address Climate Change / Community Resilience. New Whatcom County Comprehensive Plan Chapter 12 is consistent with the Countywide Planning Policies by incorporating comprehensive plan policies to support the Washington statewide net zero greenhouse gas emissions target by 2050, foster resilience to climate impacts and natural hazards, and identify exposure of vulnerable populations and overburdened communities to climate impacts.

293. Consistent with the State Legislature's GMA revisions to the mandatory elements of Comprehensive Plan, amendments are proposed in the following elements to address requirements and state guidance to address climate planning requirements, including, but not limited to:

a. Land Use Element

1. Mapping of the general location and extent of green spaces and urban and community forests in urban growth areas in the Land Use chapter;

2. Coordinating land use and transportation planning approaches, including urban growth area reconfigurations, zoning changes, and countywide population allocation changes to reduce countywide per capita vehicle miles travelled;

3. Reducing wildfire risks to residential development in high risk areas through code revisions subject to completion of the Department of Natural Resources' Wildfire Hazard and Risk Mapping project, as directed by SB 6120; and

4. Adopting community wildfire preparedness and fire adaptation measures.

b. Capital Facilities Element

1. Mapping of green infrastructure at existing capital facilities owned by public entities.

c. Transportation Element

1. Developing multimodal level of service standards for all

locally owned arterials to balance transportation system safety to accommodate all users of the transportation system reflecting regional transportation system goals; and

2. Coordinating regarding locally and regionally operated transit routes that serve urban areas.

294. To meet Council resolution objectives outlined in Resolution 2022-036, policies are proposed in the following elements, including, but not limited to:

a. Land Use Element

1. Coordinated growth scenarios consistent with emissions reduction and adaptation to climate impacts; and

2. Coordinated land use planning with regional water supply goals.

b. Capital Facilities Element

1. Evaluating climate impacts to Whatcom County facilities and County owned infrastructure; and

2. Retrofitting public facilities to meet Clean Buildings Act requirements and implementing Washington State energy code requirements for new construction.

c. Utilities Element

1. Convening private and publicly owned utilities to modernize transmission infrastructure and increase renewable energy; and

2. Facilitating implementation of organics management requirements due to Washington State Organics Management Law.

d. Recreation Element

1. Retaining open and green space and fish and wildfire habitat;

2. Evaluating tree canopy in Urban Growth Areas; and

3. Developing parks and recreation facilities, including

collaborative efforts to identify planned improvements for facilities and corridors

295. Following adoption of the Comprehensive Plan, additional multi-jurisdictional coordination consistent with new Growth Management Act requirements will include, but is not limited to:

    a. Update to the Whatcom County Multi-Jurisdictional Natural Hazard Mitigation Plan update that prioritizes actions that benefit overburdened communities;

    b. Adopt ordinances, code revisions, amendments to development regulations, and other non-project actions to implement policies in the climate element, including, but not limited to changes in the Shoreline Management Act to address sea level rise, zoning for electric vehicle infrastructure, and siting of organic materials management facilities;

    c. Update to the 2021 Whatcom County Climate Action Plan, including work plans and implementation progress reporting consistent with state Growth Management Act guidance;

    d. Update to the Comprehensive Flood Hazard Management Plan consistent with requirements to address the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment;

    e. Coordinate with group A community public water systems required to update water systems plan to include a resilience sub-element; and

    f. Develop a review and evaluation program for the climate element, including indicators, measures and milestones to communicate progress towards implementation.

Appendix A – Glossary

296. The amendments to Appendix A are primarily intended to ensure the definitions are consistent with applicable state law, state administrative code, and County code.

Appendix B – List of Acronyms

297. The amendments to Appendix B add a number of acronyms that are used in the Comprehensive Plan.

Appendix C – Countywide Planning Policies

298. The Countywide Planning Policies reside in Appendix C. The County Council amended these Policies on October 21, 2025 (Ordinance 2025-049). These Policies are not being amended in the Comprehensive Plan update process.

Appendix D – Bibliography

299. The amendments to Appendix D add and delete references to various documents.

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

300. GMA planning goal # 12 is to "Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards" (RCW 36.70A.020(12)).

301. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

    a. An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities;

    b. A forecast of the future needs for such capital facilities;

    c. The proposed locations and capacities of expanded or new capital facilities;

    d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and

    e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

302. The updated Whatcom County 20-Year Capital Facilities Plan (CFP) and the existing Seven-Year Capital Improvement Program (CIP) for Whatcom County Facilities contain inventories of existing facilities owned by public entities, forecasts of future needs, proposed

expanded or new capital facilities, costs and funding sources. The existing 20-year CFP will be repealed.

Appendix G – Airport Overlay and Appendix H – Airport Imaginary Surfaces

303. In 2019 the Port of Bellingham published an updated Master Plan for the Bellingham International Airport, which included new diagrams for "FAR Part – 77 Imaginary Surfaces" and "Airport Overlay Zones". These updated diagrams are recommended for adoption as part of the Comprehensive Plan update as Appendix G (Airport Overlay Zones) and Appendix H (FAR Part – 77 Imaginary Surfaces).

304. Appendix G is an overlay of Whatcom County's zoning districts and the Bellingham International Airport's associated noise contours, and shows the shows the potential noise impact on surroundings areas.

305. Appendix H depicts a Federal Aviation Regulation (FAR) standard addressing obstructions in navigable airspace. The Master Plan notes that "The objective is to maintain the surrounding airspace and keep it free of obstacles that impede aircraft operation. These regulations dictate the type of infrastructure and development allowed adjacent to and near the airport as well as the height of these objects" (pages 29-30).

Appendix I – Housing Needs Analysis and Appendix J – Subsidized Housing Needs and Funding

306. The GMA, at RCW 36.70A.070(2), requires local governments to include a housing element in their comprehensive plans that identifies current and future housing needs to serve all economic segments of the community and analyzes potential gaps in housing supply, type, and affordability.

307. Appendix I, the *Whatcom County Housing Needs Analysis* (Leland Consulting Group), provides analysis and information required by the GMA. This report includes a description of population and household characteristics, a profile of the local workforce, employment projections, an inventory of the housing supply, an overview of local housing market conditions, and gap and land capacity analyses.

308. Appendix J, Subsidized Housing Needs and Funding (also developed by Leland Consulting Group), provides additional analysis of funding gaps and quantifies potential needed subsidies for the Birch Bay UGA and Columbia Valley UGA to meet their affordable/subsidized unit targets as part of the Adequate Provisions analyses required by RCW 36.70A.070(2).

Appendix K – Adequate Provisions Checklists

309. The Growth Management Act (GMA), codified under RCW 36.70A.070(2), requires local governments to include a housing element in their comprehensive plans that makes adequate provisions for existing and projected housing needs of all economic segments of the community.

310. The State Department of Commerce's "Guidance for Updating Your Housing Element" handbook (updated January 2026) includes an "Adequate Provisions Checklist" to help local governments meet housing element requirements under the GMA, as set forth in RCW 36.70A.070(2).

311. Appendix K (Adequate Provisions Checklist) identifies barriers and actions to achieve housing availability for moderate-density, low-rise, and mid-rise housing, permanent supportive and emergency housing, and accessory dwelling units.

Countywide Planning Policies

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

Interlocal Agreements

313. Inter-local agreements between Whatcom County and the cities were approved in 2022. These agreements, which are valid through 2032, address a number of growth management planning issues including inter-jurisdictional coordination, urban growth area review, land capacity analysis, population and employment projections, and capital facility planning.

Further Studies/Changed Conditions

314. The Washington State Legislature changed various GMA planning goals and requirements since the last periodic update of the Comprehensive Plan in 2016. The EIS and land capacity analyses are studies that indicate a need to update the Comprehensive Plan in 2026. Additionally, outdated information is eliminated and new policy

direction is incorporated into the Comprehensive Plan.

Public Interest

315. The Comprehensive Plan Update and UGA Review establish new growth projections for the planning period through the year 2045 and plan UGAs that can accommodate projected urban growth, as required by with the GMA. Rural character will be protected, as required by the GMA.

316. In considering the public interest, it is recognized that Agriculture is a critical industry in Whatcom County.

317. Changes to designated Agricultural lands must be reviewed in a countywide process (WAC 365-190-050).

318. Changes to designated Agricultural lands were undertaken as part of Whatcom County's Comprehensive Plan update, in which the elements of the Plan have been reviewed including the Comprehensive Plan land use designation map and the Natural Resource Lands chapter. These changes are made in the context of this county-wide review process, and are not based solely on a parcel-by-parcel review process.

319. The Final EIS address designated Agricultural lands.

320. Whatcom County Comprehensive Plan Goal 8A is to "Conserve and enhance Whatcom County's food production and agricultural land base to ensure at least 100,000 acres land base for the continued production of food, fiber and other agricultural products."

321. The ALA includes the following table on p. 2 (ARL in the table below refers to designated Agricultural Resource Lands):

Description	Acres
Land in Farms according to the 2022 USDA Agricultural Census	102,886
Land currently designated as ARLs in the Comprehensive Plan map	85,784
Land currently zoned as Agriculture	86,836
Land mapped as available for crops in the current Agriculture Designation and Rural Study Areas	92,025
Land identified as cropland through 2024 WSDA Crop Maps	82,172
Agricultural land protected through the Conservation Easement Program	1,686

322. Agricultural Lands are re-designated to Everson UGA, Nooksack UGA, and Sumas UGA.

323. Adoption of the Everson UGA proposal de-designates approximately 34 acres of Agricultural lands, but results in designation of 66 acres for Agriculture that is currently UGA and UGA Reserve. Therefore, the Everson proposal results in a net gain of about 32 acres of designated Agricultural lands.

324. Adoption of the Nooksack UGA proposal de-designates approximately 9 acres of Agricultural lands.

325. Adoption of the Sumas UGA proposal de-designates approximately 508 acres of Agricultural lands, but results in designation of 36 acres for Agriculture that is currently UGA Reserve. Therefore, the Sumas proposal results in a net loss of about 472 acres of designated Agricultural lands.

326. On a county-wide basis, the following changes are made to the designated Agricultural lands:

UGA / UGA Reserve	Designated Agriculture Lands Changed to UGA (Acres)	UGA and UGA Reserve Changed to Designated Agriculture Lands (Acres)	Change in Designated Agriculture Lands (Acres)
Bellingham	0	0	0
Birch Bay	0	0	0
Blaine	0	0	0
Cherry Point	0	0	0
Columbia Valley	0	0	0
Everson	34	66	32
Ferndale	0	0	0
Lynden	0	0	0
Nooksack	9	0	-9
Sumas	508	36	-472
TOTAL	**551**	**102**	**-449**

327. In cumulative total, on a countywide basis, there would be a net loss of approximately 449 acres of designated Agricultural lands. However, mitigation for loss of designated Agricultural lands is required under Whatcom County Comprehensive Plan Policy 8A-15.

328. Whatcom County Charter Section 1.11 states, "The rights of the individual citizen shall be guaranteed under the Constitutions of the United States and the State of Washington. No regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened." The comprehensive amendments do not result in an unconstitutional taking of private property.

Spot Zoning

329. "Illegal spot zoning" means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.090).

330. The subject proposal does not involve nor facilitate illegal spot zoning.

Completion of Periodic Review

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

CONCLUSIONS

1. The subject amendments are consistent with and implement the GMA planning goals. The amendments conform to applicable requirements of the GMA.

2. The subject amendments satisfy the approval criteria of WCC 22.10.060.

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

Section 1. The Whatcom County Comprehensive Plan amendments are hereby adopted as shown on Exhibit A.

Section 2. The Whatcom County Foothills Subarea Plan amendments are hereby adopted as shown on Exhibit B.

Section 3. Whatcom County Comprehensive Plan Policy 8A-15 requires mitigation when certain lands are re-designated from Agriculture to UGA on the Comprehensive Plan map. This policy applies to the following areas set forth in the *Agricultural Land Assessment A Comprehensive County-wide Analysis of Agricultural Resource Lands* (ALA): (1) the re-designation of approximately 5 acres from Agriculture to UGA west of State Route 9, immediately north and west of the Nooksack City limits (Nooksack Area 6 in the ALA); and (2) the re-designation of approximately 366 acres west of Sumas (portion of Sumas Areas 7, 8, and 9 in the ALA that are located outside the floodplain).The following conditions apply to these lands:

A. The subject de-designated agricultural lands shall remain in the County Agriculture Zoning District designation, allowing one dwelling unit/40 acres, until the time of annexation.

B. For each property that is subject to the requirements set forth in this policy, a mitigation agreement memorialized by covenant between the affected property owner(s), city and the county shall be executed and filed with the County Auditor within:

- Ninety (90) days of the date the County Council officially approves de-designation of such lands; or, if a petition for review to the Growth Management Hearings Board ("Board") or any appeal to a court of law is timely filed,

- Forty-five (45) days of issuance of the Board's final order or the court's decision or, if applicable, mandate on appeal.

In the event that covenants for all properties within a contiguous UGA Expansion Area are not timely recorded, the County Council shall review the UGA designation and, if determined to be necessary, shall take action to eliminate or modify the UGA Expansion Area to ensure that logical boundaries are maintained. All such agreements shall be appurtenant to and run with the land. This requirement does not apply to de-designations of five (5) acres or less when there is an existing house or other structural improvements on the property.

C. The mitigation agreement shall require a fee-in-lieu payment to Whatcom County for use in the Whatcom County Conservation Easement Program (Chapter 3.25A WCC) to purchase voluntary conservation easements that remove development rights from agricultural properties. The fee shall be determined at the time of annexation, and shall be based upon the average value, per acre, of agriculture conservation easements that have been finalized through the Whatcom Conservation Easement Program in the five-year period prior to annexation, excluding City owned property in use for public purposes and lands in the one-hundred year floodplain for which the development rights have been permanently extinguished pursuant to RCW 36.70A.110(10).

D. Assurance, acceptable to the County, regarding payment of the fee-in-lieu shall be required as a condition of annexation by the city. Assurance may be an amendment to the interlocal agreement between the city and Whatcom County concerning planning, annexation and development within the UGA stating that the fee-in-lieu shall be paid prior to issuance of the first city development permit for the subject property.

Section 4. The following conditions apply to the Nooksack UGA expansion Areas 6, 7, and 8 shown in the City of Nooksack's UGA/UGA Reserve Proposal Supplement (February 20, 2026):

(A) Areas 6, 7, and 8. The City of Nooksack shall require all new construction within these Areas to be elevated so that the lowest floor shall be constructed at least two (2) feet above the nearest FEMA base flood elevation. This requirement applies even to areas outside the mapped floodplain in the City of Nooksack.

(B) Area #6. Area #6 along the state highway is planned to accommodate commercial or light industrial development. The Nooksack City Council has discussed increasing opportunities for housing in the downtown commercial area south of Madison Street, which is outside the floodplain. The City shall require that residential development within Area #6 (if any) within the City of Nooksack be prohibited on the ground floor and be limited to upper floors above ground floor commercial developments.

(C) Area #8. Given that Area #8 is the closest of these areas to the Nooksack River floodplain, the City shall require the following additional conditions:

(i) Annexation and development of Area #8 shall be limited to development of a church;

(ii) If the Area is annexed into the City, the City of Nooksack shall require the ground elevation of the property to be elevated during construction through the placement of fill to be at least one (1) foot above the nearest base flood elevation; and

(iii) If the Area is not annexed into the City within the next ten (10) years, then the County may remove Area #8 from the Nooksack UGA.

Prior to annexation of Nooksack Areas 6, 7 and 8, the City and County shall amend their Interlocal Agreement concerning planning, annexation and development within the UGA to address the above conditions to ensure said conditions will be met at the time of development. In the event that Interlocal Agreement is not amended prior to the City submitting a Notice of Intention to annex the property to the Boundary Review Board, the County Council shall review the UGA designations and, if determined to be necessary, may eliminate the UGA expansion areas.

Section 5. The Comprehensive Plan map amendment for the pending Blaine de-annexed area, approximately 573 acres, shall only take effect upon finalization of de-annexation and returning the land to the unincorporated Whatcom County land base. The Whatcom County Council authorizes Whatcom County Planning and Development Services to administratively update the Comprehensive Plan map when the de-annexation takes effect.

Section 6. In accordance with RCW 36.70A.067, the initial effective date of actions in this ordinance that expand urban growth areas or remove the Comprehensive Plan designation of Agriculture is after the latest of the following dates:

(A) 60 days after the date of publication of notice of adoption of the comprehensive plan, development regulation, or amendment to the plan or regulation, implementing the action, as provided in RCW 36.70A.290(2); or

(B) If a petition for review to the growth management hearings board is timely filed, upon issuance of the board's final order.

Section 7. The Whatcom County Council approved Resolution 2026-022 on May 26, 2026 Regarding Greenhouse Gas Reduction Sub-element Voluntary Review relating to the Whatcom County Comprehensive Plan Periodic Update Under the Washington State Growth Management Act (RCW 36.70A.096). The County Council requests the Whatcom County Climate Action Manager to submit the greenhouse gas reduction sub-element application for Washington State Department of Commerce review, following the requirements listed in RCW

36.70A.096(3)(b), within 10 days of adoption of the Comprehensive Plan. The State approval decision becomes final and the Greenhouse gas reduction sub-element of Chapter 12 becomes effective upon publication by the State in the Washington State Register.

Section 8. An adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this day of , 2026

WHATCOM COUNTY COUNCIL

ATTEST: WHATCOM COUNTY, WASHINGTON

_____ _____

Cathy Halka, Clerk of the Council Kaylee Galloway, Council Chair

WHATCOM COUNTY EXECUTIVE

APPROVED AS TO FORM: WHATCOM COUNTY, WASHINGTON

_____ _____

Civil Deputy Prosecutor Satpal Sidhu, County Executive

( ) Approved ( ) Denied

Date Signed: