

**Whatcom County Comprehensive Plan
Chapters 1-3 Notes & Recommendations**

Chapter 1: Introduction

The County Council has recommended adding language that recognizes Lummi Nation and Nooksack Indian Tribe as having ancestral homelands in the County (lands, forests, mountains, river, Salish Sea) and adds goals to facilitate tribal engagement on all county activities, regulations and policies; recognize tribal sovereignty, self-determination; honor and uphold treaty rights; work with tribes on mutually agreed upon coordination and engagement framework for collaborative decision-making; recognize and support tribal cultures, and to protect cultural and natural resources including watersheds, shorelines, forests and other culturally significant areas critical to tribal cultural practices and treaty-protected resources.

It would be good to review the Acknowledgement and Introduction sections more thoroughly with policy staff, and possibly Al Scott. Identify additions or edits that better describe us, who we are, our history here and important aspects of our way of life that others should know when considering developing or preserving certain lands and resources in preparation for population growth and changes in the next 20 years.

Chapter 2: LAND USE

Chapter, page	Title/Subject	Recommendation
2-3	GMA Requirements	Add a paragraph describing RCW on Tribal Participation in Growth Management/Comprehensive Planning (Summary of Requirements) Tribal Participation in Whatcom County Comprehensive Planning RCW <u>36.70A.040</u> (8) A federally-recognized Indian tribe may voluntarily choose to participate in the county planning process and coordinate with the county required to comply with the provisions of this chapter or voluntarily choose to comply with the provisions of this chapter pursuant

		<p>to subsection (2) of this section (<i>tribe may voluntarily opt in or out of the growth management comp. planning requirements</i>).</p> <p>(a) Upon receipt of notice in the form of a tribal resolution from a federally recognized Indian tribe whose reservation or ceded lands lie within the county, which indicates the tribe has a planning process or intends to initiate a parallel planning process, the county, cities, and other local governments conducting the planning under this chapter shall enter into good faith negotiations to develop a mutually agreeable memorandum of agreement with such tribes in regard to collaboration and participation in the planning process.</p> <p>(b) Nothing in this subsection, any other provision in this chapter, or a tribe's decision to become a participating tribe for planning purposes, shall affect, alter, or limit in any way a tribe's authority, jurisdiction, or any treaty or other rights it may have by virtue of its status as a sovereign Indian tribe.</p> <p>(c) Nothing in this subsection or any other provision in this chapter shall affect, alter, or limit in any way a local government legislative body's authority to adopt and amend comprehensive land use plans and development regulations in accordance with this chapter.</p>
2-7	<p>GOAL 2B Resort Communities and Master Planned Resorts (typically includes Pt. Roberts, Semiahmoo, Birch Bay, Mt. Baker)</p>	<p>Goal 2B: Encourage the continued viability of existing resort communities and allow the development of new Master Planned Resorts in the future. Recommendation.</p> <p>Master Planned Resort Communities have historically been located on sacred, historic and cultural sites that are significant to Tribes in Whatcom County. These resorts have caused irreversible damage to Tribes' sacred,</p>

		<p>culturally sensitive areas, cultural properties, and/or have made it difficult to practice treaty-protected rights, gather traditional foods and medicines, to protect and connect with sacred places.</p> <p>Policy 2B-9: Master Planned Resorts should not be located on designated agricultural lands. Master Planned Resorts should not be located on forestry resource lands designated under the Comprehensive Plan. Master Planned Resorts should not be located on a Tribe’s traditional cultural site and/or usual and accustomed treaty fishing, hunting and gathering sites.</p>
2-11	GOAL 2G Public Participation in Decision Making	<p>Add tribal notification regarding proposed land-use changes.</p> <p>Policy 2G-1: Examine and improve methods to notify affected property owners, and Tribes of proposed land use changes.</p>
2-12	GOAL 2K Flooding	<p>Add a goal:</p> <p>Policy 2K-6 Upgrade and strengthen infrastructure to protect against flooding.</p> <ol style="list-style-type: none"> 1. Continue the Floodplain Integrated Planning (FLIP) team process for floodplain management planning and prioritization of actions that protect against flooding. 2. Implement infrastructure improvements recommended by FLIP Team through partnerships with the Cities of Nooksack, Everson and Ferndale and the Lummi Nation. 3. Prioritize and implement transportation improvements that can help prevent flooding (i.e. Partner with the Lummi Nation on Slater Road Elevation).
2-17	Urban Growth Areas Issues, Goals, and Policies Overall	<p>Add RCW regarding tribal consultation and involvement in County UGA planning and/or revisions:</p> <p>RCW <u>36.70A.110</u> Comprehensive plans—Urban growth areas.</p>

		<p>(1) When a federally recognized Indian tribe whose reservation or ceded lands lie within the county or city has voluntarily chosen to participate in the planning process pursuant to RCW <u>36.70A.040</u>, the county or city and the tribe shall coordinate their planning efforts for any areas planned for urban growth consistent with the terms outlined in the memorandum of agreement provided for in RCW <u>36.70A.040(8)</u>.</p> <p>(9)(a) At the earliest possible date prior to the revision of the county's urban growth area authorized under subsection (8) of this section, the county must engage in meaningful consultation with any federally recognized Indian tribe that may be potentially affected by the proposed revision. Meaningful consultation must include discussion of the potential impacts to cultural resources and tribal treaty rights.</p> <p>(b) A county must notify the affected federally recognized Indian tribe of the proposed revision using at least two methods, including by mail. Upon receiving a notice, the federally recognized Indian tribe may request a consultation to determine whether an agreement can be reached related to the revision of the county's urban growth area. If an agreement is not reached, the parties must enter mediation pursuant to RCW <u>36.70A.040</u>.</p>
2-53	<p>Urban Growth Areas Major Industrial Urban Growth Area / Port Industrial <u>Cherry Point</u></p>	<p>*Tribal treaty rights currently mentioned in</p> <p>Policy 2CC-11: It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers, taking into account the need to recognize federal actions upholding treaty rights and protect traditional commercial and tribal fishing</p> <p>Tribal consultation should be required in relation to proposed changes at the property as a whole, not just regarding the Pier.</p>

		Require Tribal Consultation for any proposed changes to comprehensive plan growth management policies, regulations and approved activities in the Cherry Point Industrial UGA to protect treaty rights, usual and accustomed fishing areas, right to habitat protection, cultural properties and culturally sensitive areas.

Chapter 3: HOUSING

Overall comments: Would love to see more specificity in the goals included in the plan. How will Whatcom County ensure effective coordination with Tribes and other parties? Which departments are involved and which have decision making authority over housing decisions? What is the County committing to with this plan, over what timeframe? These may not be included in the plan but would be helpful to know.

Chapter, page	Title/Subject	Recommendation
3-1	Flooding, sea level rise, and wildfires as hazards, and rooftop solar, community gardens, and bicycle and pedestrian infrastructure	<p>Introduction: It appears that there are a number of issues listed in the introduction statement that do not appear elsewhere in the document. These include flooding, sea level rise, and wildfires as hazards, and rooftop solar, community gardens, and bicycle and pedestrian infrastructure as recommended interventions. Without incorporation into the document as a whole, or any specific goals listed, it is hard to see how these issues will be meaningfully addressed by this plan. Recommend adding a separate section detailing impacts of climate change on housing specifically, given the impacts to County residents already from recent floods, and likelihood of increasing hazards in upcoming years. What does sustainable housing realistically look like for Whatcom County, given predicted growth rates and the shrinking supply of safe coastal areas, and what will it cost?</p> <p>Note: Lummi Nation has completed a Coastal Resilience Plan with modeling on areas that will be impacted by coastal and riverine flooding in the</p>

		<p>next century, and is part of a cohort of Tribes looking at strategies for home and structure relocation, managed retreat, and protect-in place. Whatcom County has also completed significant modeling and vulnerability studies on shorelines and structures. Important to plan early on what the changing shorelines will look like for the various overlapping jurisdictions in this area, and to be ready with the plan when the next disaster strikes.</p> <p>Purpose: Does the Shoreline Management Act have any bearing on housing development?</p>
3-3	Population	<p>Demographic overview: The sentence “Whatcom County’s diverse population is growing steadily.” is unclear. Upon first read, it appears that only the portion of the population that is considered “diverse” is growing, but I think this sentence is intended to show that the population is growing overall. Is diversity (of race, age, ability, etc) also increasing in Whatcom County? Could be worth being specific about, if so.</p>
3-14		<p>Policy 3A-1: Can the plan provide any specifics about what it will mean to “simplify, modernize, and improve efficiencies” of codes and processes? What metrics will be used? Who will be consulted? Will climate change projections be incorporated?</p> <p>Policy 3B-4: Appreciate this inclusion.</p>
3-15	Alternative for Housing	<p>Policy 3C-11: Unclear how promoting off-grid housing will conserve forest land. Is it possible to include more details here? This is the only reference to energy usage I see in these updates, besides in the introduction.</p>
3-17	Affordability	<p>Incentives for Affordability: Does the plan include examples of incentives?</p>
3-19		<p>Policy 3G-4: What must change in order to allow for development of smaller lots, etc? Is it a codes or zoning issue? Which entity can make the change to allow this? Is more advocacy needed?</p>
3-24		<p>New Policy 3J-6: Appreciate the inclusion, but what does this mean? Is Whatcom County open to the idea of land transfer to Tribes, or is this a conversation about Tribes purchasing County lands? Could there be a</p>

		working group or committee with County and Tribal representation to discuss this further? Goal 3K: Sounds great—is this a funded goal? Where does it fall on the priority list?