



SUGGESTED REVISED POLICY LANGUAGE (Chapter 8—Resource Lands)

Policy 8A-2 (See #104): Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers, farmworkers and other food chain workers and agricultural lands as part of the legislative decision-making process. Measures that can be taken ~~Measures that can be taken to~~ support working farms and maintain the agricultural land base should include, ~~should include~~ the County may:

- Maintain a minimum 100,000 acres of agricultural land to support a healthy agricultural industry.
- Maintain a voluntary density credit program where development incentives are offered in cities and/or UGAs if density credits are purchased by the developer. Funds from the density credit program shall supplement the Conservation Easement Program.
- Incentivize agricultural best practices while that enhance larger-scale watershed processes and functions through identifying feasible opportunities on agricultural land to improve both watershed health and food system viability. Compensate producers for actions that exceed minimum regulatory standards and enhance larger-scale watershed processes and functions through a Natural Resource Marketplace.
- Prioritize funding for a Conservation Easement Program that compensates farmers for the voluntary removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.
- Fund and collaborate with land trusts and other land-tenure and stewardship community organizations to facilitate access to land for food production that is distributed in the local market.
- Create incentives and cooperation between landowners and public agencies such as the use of the current use tax assessment provisions.
- Implement land use policies that encourage farming on Rural lands of high agricultural productivity and potential.
- Discourage conversion of designated agricultural lands to non-agricultural uses.
- Ensure adequate staffing to track acres lost due to conversion, development, or policy implementation (such as critical areas regulations), and implement mitigation to offset the acres lost.

Commented [P1]: PDS does not recommend this change. PDS recommends retaining the existing language in this sentence as shown.

Commented [P2]: PDS has no concerns with the addition of the word "voluntary".

- Educate the public about the local and regional significance of agricultural land as a natural resource and the economic, social, and ecological benefits it provides.
- Work cooperatively with local farmers and coordinate with local, state, federal and tribal agencies to address water quality and quantity impacts of agricultural activities on local streams and groundwater.
- Secure an adequate, sustainable, and legal supply of irrigation water sufficient to support the long-term viability of the local agricultural industry.
- Identify and evaluate any new or changed zoning or comprehensive plan agricultural lands of long-term commercial significance designations as needed or warranted for the Rural Study Areas.
- Provide economic development assistance to agriculture-related enterprises.
- Recognize regulatory impacts on local food production and encourage producer-friendly regulations.
- Design conservation easements and Transfer of Development Rights programs on agricultural lands to protect both the land base and the ability to farm it. Easement terms should permit necessary agricultural buildings, farmworker housing, and resource improvements essential for modern and sustainable farming.

Policy 8A-15 (See #105):

The County shall require mitigation when lands designated as agricultural resource lands of long-term commercial significance under RCW 36.70A.170 are de-designated and converted to urban growth areas/urban growth area reserve, as applicable, on the Whatcom County Comprehensive Plan Land Use Map that result in an overall net loss of agricultural designated lands. The County shall rely on the Whatcom County Rural Land Study 2019 Update and draft 2025 Whatcom County Agricultural Land Assessment in designating lands under RCW 36.70A.

The mitigation requirements shall include:

- 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 designated as agricultural resource land (ARL) of long-term commercial significance under RCW 36.70A.170 that is subject to the requirements set forth in this policy at the time of adoption of this Comprehensive Plan 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 required and filed with the County Auditor within
 - Ninety (90) days of the date the County Council officially approves de-designation of such lands; or

Commented [PDS3]: This policy relates to agricultural mitigation and not designation of agricultural lands under RCW 36.70A.170. Therefore, PDS does not recommend this addition to Policy 8A-15.

Commented [P4]: PDS recommends the revised language shown instead of the proposed language change to B submitted by the commenter. The policy as currently written applies to existing agricultural resource lands and would apply to any agricultural resource lands designated in the future. The commenter's proposed change would mean that this policy applies to existing agricultural resource lands but would not apply to any agriculture resource lands designated in the future.

- Forty-five (45) days of issuance of the Growth Management Hearings Board final order or court decision on appeal, if a petition for review to the Board or any appeal to a court of law is timely filed.

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 outer 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 at the time of annexation 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 County 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.

Policy 8A-16 (See #106):

Evaluate the potential for designating additional agricultural natural resource lands of long-term commercial significance through creation of a small-lot agriculture zone that allows for a maximum of one dwelling unit/20 acres (Ag-20) ~~within applicable applicable~~ Rural Study Areas identified in the current Whatcom County Rural Lands Study including consideration of the current Agricultural Land Assessment. evaluated in this Comprehensive Plan Update. The evaluation should include the consideration of potential transfer of development rights to rural areas zoned R5A or R10 outside UGA with one or more of the following: 1) NON-APO soils 2) Access to public water 3) Less or lower wetlands 4) Better septic soils.

Commented [P5]: PDS recommends the proposed changes as shown.