

CHAPTER 8 – Resource Lands

| # | Page | Section/Policy | Proposed Amendment | Sponsor | Meeting |
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| 1 | | Throughout | Note: I did not include several minor scrivener amendments in this table but they are included in the in text amendments | Galloway | N/A |
| 2 | 8-1 | Title | <p>Change chapter title to:</p> <p>Chapter Eight</p> <p><u>Natural</u> Resource Lands</p> <p><i>If amendment passes, update all Chapter 8 references throughout the Comprehensive Plan.</i></p> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 3 | 8-1 | Introduction | <p>Introduction</p> <p><u>The lands, waterways, and natural resources of Whatcom County have been stewarded by the Lummi, Nooksack, and other Coast Salish peoples since time immemorial. It is important to recognize that healthy and functioning natural systems sustain natural resources foundational to both honoring and upholding tribal treaty rights and maintaining viable natural resource-based working lands, such as agriculture, forestry, fisheries, and mineral resource lands. Natural resource-based industries such as</u> the growth and harvest of farm products, re-generation and harvesting of timber, use of aquatic resources, and excavation of minerals all shape Whatcom County's <u>physical, social, and economic</u> landscapes and strongly influence the economy.</p> <p><u>Whatcom County therefore must take decisive action to restore and conserve natural resources and productive working natural resource-based lands in order to sustain viability key to life and livelihood. Resource lands, which include agriculture, forestry, fisheries (RCW 36.70A.020), and mineral resource lands, also largely represent Whatcom County's cultural heritage. These natural resource activities have been major industries since European settlement began in the area, and the use of marine lands by our indigenous citizens far predates European settlement.</u></p> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 4 | 8-1 | Purpose | <p>Purpose</p> <p>This chapter contains goals and policies designed to identify and protect the important natural resource lands found in Whatcom County as defined by RCW 36.70A. The development of these goals and policies is necessary to ensure the provision of land suitable for long-term, <u>sustainable</u> farming, forestry, fishing, and mineral extraction so the production of food, fiber, wood products, and minerals can be maintained as an important part of our economic base through the planning period. Without protection of these <u>natural</u> resource-based lands, some of the lands could be inappropriately or prematurely converted into land uses incompatible</p> | Galloway | APPROVED via MOTION SCOTW 3.31.26 |

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| | | | with long-term resource <u>conservation, restoration, and</u> production. The premature conversion of resource lands into incompatible uses places additional constraints on remaining resource lands and can lead to further erosion of the resource land base. | | |
| 5 | 8-2 | GMA Goals | <p>GMA Goals and Countywide Planning Policies</p> <p>The following goals and policies in this chapter have been developed:</p> <ul style="list-style-type: none"> • to be consistent with and help achieve the statewide GMA goals to "maintain and enhance" natural resource-based industries. • to implement Countywide Planning Policies that express the <u>intention desire</u> for the county to <u>govern become a government of</u> rural <u>and natural resource</u> lands <u>and in a</u> sustainable <u>manner resource-based industries</u>. • to fulfill the public's vision of Whatcom County where <u>sustainable</u> resource-based industries are widely practiced and encouraged. | Galloway | APPROVED via MOTION SCOTW 3.31.26 |
| 6 | 8-2 | Ag Lands Purpose | <p>Agricultural Lands</p> <p>Introduction</p> <p>Purpose</p> <p>The purpose of this section is to provide a clear set of guidelines that preserves the agricultural and food production base in Whatcom County; prioritizes the human need for food, fiber, shelter, and energy; and ensures <u>both a</u> thriving <u>and sustainable</u> agricultural and food production industries in the years to come.</p> | Galloway | APPROVED via MOTION SCOTW 3.31.26 |
| 7 | 8-3 | Map 8-1 | <p>Categories of prime soils depicted on Map 8-1 are described as follows:</p> <p>Category I: All areas are prime farmland.</p> <p>Category II: Prime farmland if drained.</p> <p>Category III: Prime if drained and protected from <u>or compatible with</u> flooding or not frequently flooded during the growing season.</p> <p>Category IV: Prime farmland if irrigated.</p> <p>Category V: Prime if irrigated and either protected from <u>or compatible with</u> flooding or not frequently flooded during the growing season.</p> | Galloway | AMENDMENT WITHDRAWN |
| 8 | 8-4 | Map 8-2 | The purpose of the APO is to promote and encourage commercial agricultural activity, meet long-term agricultural needs not otherwise met in the Agriculture <u>zone</u> -district, provide a reasonable mix of uses and activities that may enhance the economic resources available to | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | agricultural and other food producers, and provide for a variety of uses within the rural areas that are not inconsistent nor incompatible with the use of lands within these areas for agricultural activities. | | |
| 9 | 8-5 | Map 8-3 | Map 8-3 shows the Agricultural Comprehensive Plan designation and Whatcom County's Rural Study Areas (RSAs). Those lands designated as Agriculture in the comprehensive plan are designated as “Agricultural Lands of Long-Term Commercial Significance” as defined by GMA as “agricultural lands that have 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(10). RSAs are specific geographic zones within R-5 and R-10 rural zoning districts that were identified in the 2019 Rural Land Study as requiring enhanced agricultural protection <u>and/or additional irrigation resources</u> to maintain long-term agricultural viability. These areas are significant for their agricultural importance and are the focus of efforts to implement stricter measures, such as potentially rezoning to Small Lot Agriculture Districts, strengthening conservation easements, and developing policies to minimize non-agricultural development. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 10 | 8-5 | Background | Background Summary Today agriculture plays an important role in both Whatcom County's economy and its identity. Whatcom County agriculture, including food production, is widespread and diverse, ranging from small, organic farms in the Mt. Baker Foothills to cold-storage facilities in Bellingham, and includes orchards, <u>berry farms</u> , dairies, cattle ranches, produce farms, and nurseries, to name a few. Our farms are the country’s top producers of red raspberries and are also major producers of milk, beef, blueberries, potatoes, nursery products, and many other agricultural commodities. The economic impacts of agriculture on Whatcom County are substantial. According to the U.S. Department of Agriculture’s 2022. Census of Agriculture, 1,582 Whatcom County farms produced a market value of \$510.2 million in crops and livestock that year, ranking seventh in the state. Milk produced locally in 2022 reached a market value of \$204.5 million ranking second in the state for milk production. <u>Berries, tree Fruits, and tree nuts, and berries</u> accounted for an impressive market value of \$183.5 million in 2022. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 11 | 8-6 | Figure 1 | Agricultural activity is generally considered to be a condition or activity which that <u>occurs</u> on agricultural land in connection with the commercial production of agricultural products- Agricultural land may include, but not be limited to, the land, freshwater ponds, buildings, infrastructure, and machinery used in the commercial production of agricultural products. <u>Agricultural products are those plants and animals useful to humans.</u> Commercially viable | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |

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| | | | <p>agricultural products <u>often</u> require <u>generally</u>-rich and fertile soil with appropriate amounts of water to bring them to a harvestable stage.</p> <p>Agricultural lands and food production are an important resource to the people of Whatcom County and Washington State, yet if not adequately protected through zoning and other measures, these lands may be converted to urban or rural uses. Often the conversion process begins when rural uses move onto agricultural land, creating smaller parcels, more buildings, and activities that, in some cases, are incompatible with agriculture. In many cases, this blurs the line of distinction between agricultural <u>le uses</u> and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County.</p> | | |
| 12 | 8-6 | Figure 1 | <p>In 1949, 200,000 acres of land were reported to be in farm production in Whatcom County. Between 1949 and 1992, land in farm production declined. According to the 2022 Agricultural Census there are 102,886 acres of Land in Farms. However, since 1992, <u>both</u> the amount of land in farms <u>(between 100,000 and 125,000 acres)</u> and the number of farms <u>(between 1200 and 1700)</u> <u>have</u> remained relatively stable, <u>(between 100,000 and 125,000 acres)</u>. <u>But and</u> at the same time, <u>both</u> the <u>number and</u> diversity of farm <u>types</u> in the County has been increasing. Even while the amount of land in agricultural use has remained relatively stable over the past three decades, the economic value of the products produced on those farms has increased by nearly \$300 million in the same time period.</p> <p><i>Note: Council expressed an interest in providing additional language to this section – assigned to Scanlon & Elenbaas.</i></p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 13 | 8-9 | Issues, Goals, and Policies Agricultural Land Base | <p>Issues, Goals, and Policies</p> <p>Agricultural Land Base</p> <p>The state legislature has recognized that agriculture faces unprecedented international market competition and costs. Low profit margins <u>for major commodity crops including milk and raspberries</u> have contributed to the decline of Whatcom County's agricultural land base from 1949 to 2022. The continued loss of working agricultural land also harms critical areas because, as the Puget Sound Partnership has noted, farm and cattle ranch lands can deliver critical area outcomes that can be superior to converted lands, in terms of water quality functions, floodplain, aquifer recharge, and food and habitat functions for fish and wildlife species. <u>Additionally, federal, state and local investments have supported the voluntary restoration and enhancement of riparian areas on farmland, which has resulted in multiple benefits.</u> Because of this, additional regulations need to be carefully tailored to prevent additional threats that can accelerate conversion to non-agricultural uses.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | <p>Agricultural viability is dependent upon long-term supplies of clean water, and a large fertile land base, and predictable climate patterns. Erosion of the farm land base has been recognized as a national and local problem. The maintenance of a sufficiently large land area devoted to agricultural activity is necessary to support associated farm processing operations such as milk and berry processing facilities.</p> <p>Demand for low cost residential building sites coupled with fluctuating profit margins for agricultural operations and availability of residential development rights brings pressure to convert agricultural land to residential and other non-agricultural uses.</p> <p>On July 7, 2009, Whatcom County passed Resolution 2009-040, in which the County Council confirmed that 100,000 acres of land available for agricultural use is the minimum goal for ensuring a land base necessary to support a viable agricultural industry in Whatcom County. The resolution also stated the need to strengthen agricultural land protection in the County's Rural Study Areas as defined in the 2007 Rural Land Study by the Agricultural Advisory Committee (AAC).</p> <p>The AAC assisted in the creation of the County's Agricultural Strategic Plan in order to support the goals of Resolution 2009-040 and outline methods to implement the goals and policies of the Comprehensive Plan related to agriculture. Priorities for the Agricultural Strategic Plan include regular review of the agricultural land base (designated ag lands as well as RSAs) and zoning restrictions in order to track and address discourage agricultural land loss and develop new policies and mitigation strategies to prevent further loss.</p> <p>Question: What is the source citation for Puget Sound Partnership?</p> | | |
| 14 | 8-10 – 8-12 | Policy 8A-2: | <p>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 to support working farms and maintain the agricultural land base should include:</p> <ul style="list-style-type: none"> • Maintain a minimum enance of 100,000 acres of agricultural land to support a healthy agricultural industry. • Maintain a 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. • Developing a strategy for incentivizing a marketplace approach to strengthening Incentivize agricultural best practices while that enhanceing larger-scale watershed processes and functions through by identifying feasible opportunities on agricultural land to improve both watershed health and food system agricultural viability, and | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | <p>developing incentives and tools to compensate producers for actions that exceed minimum regulatory standards and enhance larger-scale watershed processes and functions through a Natural Resource Marketplace.</p> <ul style="list-style-type: none"> • 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. • Funding or and collaborating 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. • Implementing land use policies that encourage farming on Rural lands of high agricultural productivity and potential. • Discouraging 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 strategies to offset the acres lost. • Educate the public aboution and marketing of programs that emphasize recognition of 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, and state, federal and tribal agencies to address water quality and quantity impacts of agricultural activities on local streams and groundwater. • Securing 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 agricultural-related enterprises. • Recognize regulatory impacts on local food production and encourage producer-friendly regulations. | | |
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| | | | <ul style="list-style-type: none"> • Design Conservation easements and Transfer of Development Rights programs on agricultural lands shall be designed 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. | | |
| 15 | 8-12 | Policy 8A-3: | <p>The criteria for designating or de-designating lands under the agricultural land use designation shall follow the law including RCW 36.70A.050 and WAC 365.190. The criteria for Ddesignating or de-designating lands for under the Agriculture land use following applicable laws including RCW 36.70A.050 and WAC 365.190, as amended. designation shall be considered on an areawide basis. When a Applying the following criteria to preserve, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain agricultural support businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. The criteria are as follows:</p> <ol style="list-style-type: none"> 1. The land is not already characterized by urban growth. In determining this factor, the County should consider WAC 365-196-310 and RCW 36.70A.030(19). 2. The land is used or capable of being used for agricultural production. In making this determination, the County shall use the land-capability classification system of the U.S. Department of Agriculture Natural Resources Conservation Service. These eight classes are incorporated into map units and are based on the growing capacity, productivity, and soil composition of the land. 3. The land has long-term commercial significance for agriculture as defined in WAC 365-190-050. In determining this factor, consider the following nonexclusive criteria: <ol style="list-style-type: none"> a. The majority of the area contains Pprime and unique Ffarmland Ssoils, or and fFarmland of sStatewide iimportance Soils as determined-mapped by the Natural Resource Conservation Service (NRCS). b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA). c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices. d. The predominate parcel size in the area is large enough to adequately maintain agricultural operations and may include smaller parcels if contiguous with other agricultural resource lands. | Galloway | APPROVED AS AMENDED via MOTION SCOTW 4.7.26 |

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| | | | <ul style="list-style-type: none"> e. The availability of public services. f. The availability of public facilities, <u>including -such as</u> roads used <u>inte</u> transporting agricultural products. g. The area contains a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act. h. The area’s <u>relationship or</u> proximity to urban growth areas. i. The area’s proximity to agricultural markets. j. Land value under alternative uses. <p>4. Additional Whatcom County criteria that define land that has long-term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:</p> <ul style="list-style-type: none"> a. A majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985. b. Special purpose districts exist that are oriented to enhancing agricultural operations such as drainage improvement, watershed improvement, and flood control. c. The area has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, <u>the presence of</u> barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc. d. <u>The area has demonstrated sufficient water to support irrigation.</u> | | |
| 16 | 8-14 | Policy 8A-6: | Require all requests for re-designation from agriculture to demonstrate <u>mitigation measures and documentation of that</u> 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. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 17 | 8-14 | Policy 8A-10 | <u>Support</u> the Agricultural Advisory Committee <u>shall as</u> advisors to the Whatcom County Executive and Council on agricultural issues and agricultural land use. <u>Provide</u> Whatcom County shall support the Agricultural Advisory Committee with staff and other resources, and <u>shall</u> recognize the AAC’s input with regard to agricultural resource lands. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 18 | 8-14/15 | Policy 8A-13: | Support agricultural land uses to include non-traditional and innovative farming models, such as agroforestry, farm incubators, cooperatives, value-added enterprises, <u>agrivoltaics</u> , and agritourism, while preserving the primary function of agriculture on designated resource lands. | Galloway | APPROVED via “CONSENT” |

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| | | | | | SCOTW 3.31.2026 |
| 19 | 8-15 | Policy 8A-15: | The County shall r 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. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 20 | 8-16 | Ag Economic Viability | Agricultural Economic Viability Agriculture is an essential contributor to the local Whatcom County economy. Agriculture is most productive in large agricultural communities where neighbors support agriculture and where labor, farm supplies, and market systems for farm products are available. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 21 | 8-17 | Ag and Food Systems | Agriculture and Food System Investment Food and agricultural production are not just businesses, but reflective of cultural traditions and practices across multiple generations of land stewardship. This includes the food practices of the Lummi, Nooksack and other Indigenous peoples as well as family owned and operated farms. These cultural practices and traditions are valuable assets for the well-being of our county residents and workers. Agriculture is not just a business but a way of life, with many farmers farming the same land their parents and grandparents farmed. The sense of community that these people have built over the years is one of the most valuable assets of our county. Nevertheless, the livelihood of food producers and other food system workforces appears to be threatened. For example, property has become a valuable commodity in Whatcom County and oftentimes beginning farmers cannot afford to buy productive farmland because the cost is so prohibitive. Wages have not kept up with the cost of living in Washington State, and workers are faced with difficult decisions in meeting their basic needs. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 22 | 8-18 | Land Use Conflicts | Land Use Conflicts The Right-to-Farm regulations (WCC Chapter 14.02) were created because agriculture is the priority use <u>on agricultural lands of long-term commercial significance</u> . Usual and accustomed farm activities create odors, dust, sprays, noise, etc. and are prioritized with the Right-To-Farm regulations. Agriculture may conflict with other land uses. Improper nutrient/manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. Farm equipment, crops, and livestock may suffer from | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | increased vandalism. In addition, non-farm residential development, particularly residential subdivisions, can raise assessed valuation or lead to special assessments on adjacent farmlands, resulting in higher property taxes for farmers. The same is true of commercial uses. On the other hand, the open space value of farmland can be diminished or destroyed by the location of commercial uses such as junk yards, auto wrecking yards, etc. | | |
| 23 | 8-19 | Policy 8D-1 | Reduce potential conflicts between <u>agriculture and</u> incompatible agricultural activities by maintaining zoning regulations that protect productive agricultural lands of long-term commercial significance from conversion to non-compatible uses. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 24 | 8-19 | Policy 8D-8 | Develop a continuum of efforts moving from <u>including</u> education and outreach, development of voluntary best practices, technical assistance, and incentives, monitoring, and regulation, to minimize impacts when conflicts arise between agriculture and other land uses. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 25 | 8-19 | Policy 8D-9 | Encourage low intensity recreational <u>and agritourism</u> activities that help sustain and are compatible with agricultural uses. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 26 | 8-19 | Policy 8D-10 | In the "Agricultural Protection Overlay" on parcels 20 acres and larger with Rural 5 -acre and Rural 10- acre zoning, require non-agriculturally related development to be clustered on up to 30% percent <u>or less</u> of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 27 | 8-20 | Fish and Wildlife | <i>Fish and Wildlife</i> <u>The uUse of agricultural lands While agriculture is very important to Whatcom County, it is also important to recognize that it</u> can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality <u>and quantity</u> . | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 28 | 8-20 | Goal 8E | Support efforts between agricultural land users, tribes, and regulatory agencies to find clear, efficient and effective incentives <u>and mitigation measures</u> to protect and improve environmental function and wildlife habitat while also maintaining agricultural viability. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 29 | 8-20 | Policy 8E-2: | Protect water quality and riparian and instream habitat from agricultural and livestock impacts by <u>incentivizing-requiring mitigation and</u> best management practices such as fencing, alternative watering systems, cover crops, and filter strips. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| 30 | 8-20 | Policy 8E-3 | <u>Encourage Require</u> the use of integrated pest management practices and ensure proper storage and application of pesticides, herbicides, manure, fertilizers, and other substances that can pollute our waterways. | Galloway | MOTION APPROVED TO RETAIN PC LANGUAGE SCOTW 3.31.26 |
| 31 | 8-20 | Policy 8E-4 | Support and Encourage the maintenance and operation of <u>Maintain and operate</u> existing drainage systems to avoid water quality and quantity impacts and retain viable agricultural land use. | Galloway | MOTION APPROVED TO RETAIN PC LANGUAGE SCOTW 3.31.26 |
| 32 | 8-20 | Policy 8E-5 | Work with the watershed improvement districts, drainage districts, <u>Whatcom Conservation District, Washington State Conservation Commission</u> , and the Washington State Department of Fish and Wildlife to resolve conflicts associated with fish and wildlife habitat on agricultural lands. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 33 | 8-21 | Policy 8E-7 | Increase funding with support from State and Federal agencies to <u>incentivize</u> implementation of best management practices on farms and avoid adverse impacts to water quality, shellfish, and the habitat of threatened and endangered fish and wildlife species. | Galloway | MOTION APPROVED TO RETAIN PC LANGUAGE SCOTW 3.31.26 |
| 34 | 8-21 | Water for Ag | <p>Water for Agriculture</p> <p>Agriculture uses a significant amount of water, most of which is pumped from wells or surface waters. Given the competition for scarce water supplies (addressed in Chapter 10, Environment, Water Resources), ways must be found to secure an adequate long-term water supply while encouraging water conservation, <u>storage</u>, and improving water quality prior to it entering the waterways.</p> <p>Water Rights Adjudication</p> <p>A water rights adjudication is a legal process to quantify and prioritize water rights in WRIA 1, the Nooksack Basin, including the entire Nooksack River watershed and nearby areas. The Washington Department of Ecology initiated this process in May 2024, and it is expected to last over a decade. All those who withdraw water from a well or divert water from a waterbody in WRIA 1 are involved, but not those who solely rely on water received from a city, a water district, or a water association. Evidence collection and submission will follow, culminating in a court-ordered inventory of all legal water rights. This adjudication is a result of the Water Resources Adjudication Assessment, which identified WRIA 1 as a priority area due to its water</p> | Galloway | APPROVED AS AMENDED via MOTION SCOTW 4.7.26 |

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| | | | resource challenges. <u>Whatcom County is serving an administrative, facilitative, and impartial role in the adjudication process including providing a court room, designating a Superior Court Judge, and providing technical assistance and studies as funded. Whatcom County will seek reimbursement from the State of Washington on all adjudication related expenses including courtroom expansion, judicial staffing, administrative expenses, a negotiated or mediated water rights quantification and settlement process, and other ongoing expenditures. Whatcom County also intends to protect its own modest legal water right associated with its facilities.</u> | | |
| 35 | 8-22 | Goal 8F | Prioritize adequate water supplies to that balance <u>supporting tribal treaties and senior water rights</u> , a long-term and thriving agricultural sector, <u>and residents</u> while promoting water use efficiency, stewardship, and collaborative basin-wide planning in the face of anticipated changes in temperature, precipitation, and demand. | Galloway | APPROVED via MOTION SCOTW 4.7.26 |
| 36 | 8-22 | Policy 8F-5 | Recognize the <u>while</u> regulation of water quality is important, and the water need for production of food, fiber, shelter and energy by agricultural resource lands is are <u>equally important-critical.</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 37 | 8-22 | Forest Resource Lands | <p>Forest Resource Lands</p> <p>Introduction</p> <p>Purpose</p> <p>This section contains policies to guide Whatcom County in the conservation and restoration of forest resources, <u>including ecological benefits and productive working forests</u> lands of long-term commercial significance, and to implement the provisions of the Growth Management Act and the adopted Countywide Planning Policies. <u>Whatcom County recognizes conserving and restoring forests is closely connected to maintaining a productive timber economy and strengthening climate resilience. The County should support forest management strategies that balance these priorities while discouraging forest conversion and other incompatible uses. Healthy forests provide high-quality timber, cultural and recreational benefits, and critical ecosystem services such as clean air and water, wildlife habitat, and reduced risks of disease, pests, and wildfires.</u></p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 38 | 8-24/25 | Background Summary | The forest resources of Whatcom County have historically been one of the most important natural resources in the region. Lands in the lower foothills that were initially harvested between 1900 and 1950 now support commercially mature stands of timber, <u>some of which are structurally complex, older growth forests that sequester and store carbon and generate many ecosystem services.</u> In addition, a few areas of original forest still remain, <u>which is why protecting late seral stage forest lands is critical.</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | <p>The majority of the county's non-federal forest resource lands (about 268,597 acres) are located in the foothills of western Whatcom County. Most of this land (223,613 acres) is zoned for forest production uses, and is owned and managed by a few large institutions, including natural resource-based corporations, insurance companies, the State of Washington, and small private forest management companies. These landowners manage their lands primarily for the production of timber resources.</p> <p>A smaller portion of the land zoned for forest production is owned and managed by individual woodlot owners and farm/foresters, some of whom reside on their properties.</p> <p>Traditionally, forest land use has been seen as <u>having</u> a lower economic value compared to agriculture, rural, suburban, urban, commercial, or industrial uses. As a result, some forest landowners have held forest land in reserve at low cost (current use tax status) while managing for forest products and waiting for the growth of more intense land uses in the vicinity of their property. Many landowners in Whatcom County have taken advantage of the current use taxation programs in order to make forest management on their land more economical. These programs greatly benefit community interests by helping forest landowners keep land in open space and forest use.</p> <p>With a growing population, there is a genuine need to promote conservation of productive forest land and associated public resources through a balanced combination of regulatory protection as mandated by the Growth Management Act, and the provision of incentives for maintaining lands in long-term commercial timber production. It is state and county policy, as stated below, to provide forest landowners with long-term land use predictability, for both productive forest lands and adjacent non-forest use lands. Premature conversion of those productive forest lands to other land uses that are incompatible with the management of forest resources is recognized as a threat to the forest industry <u>and to ecosystem services provided by forest lands to the watershed-scale ecosystems of which they are a part</u>. Such conversions include changing the use of forest land from commercial timber production to incompatible residential, commercial, industrial, or agricultural land uses, or parks and preserves that exclude forest production management. Once forest land has been converted and roads, utilities, and other infrastructure have been constructed, the land is not as useful for long-term commercial forest production <u>and no longer meaningfully provides ecosystem services</u>. In addition, the encroachment of land uses such as non-forestry related residential into areas devoted to forest production can create conflicts between residents and forest landowners.</p> | | |
| 39 | 8-25 | Issues, Goals, and Policies | <p>Issues, Goals, and Policies</p> <p>The following goals and policies apply to both Rural and Commercial Forest lands and address the issues of conserving productive forest land and meeting the goals of the Growth Management Act. <u>Furthermore, the issues, goals, and policies outlined in this Comprehensive</u></p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | <u>Plan should also be coordinated with the goals, objectives, and actions, forest management resources, and collaboration framework outlined in the Whatcom County Forest Resilience Plan.</u> | | |
| 40 | 8-25 | Forest Land Base | <p>Forest Land Base</p> <p>The working forest land base in Washington State and in Whatcom County has been steadily decreasing over time. Most of the forest land base change is attributed to conversion of forest land to rural residential development, <u>agricultural lands</u>, parks, preserves, and set-asides, or <u>taken out of production by</u> environmental regulations. A minor amount of land has been converted to rights-of-way and urban and suburban uses. With the additional population growth forecast for Whatcom County, there will be continued pressure to convert all types of lands to residential uses. The greatest pressure to convert forest land will likely occur along the margins of traditional forest land where a spectrum of possible land uses may exist, in areas near infrastructure, and on forest sites with commanding views.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 41 | 8-25/26 | Goal 8G | <p><u>Promote the economic sustainability of the Whatcom County forest land base, industry, and infrastructure by supporting policies that increasing-protect</u> Whatcom County's working forest land base and <u>forestry industry support policies that do not adversely impact the commercial forest land base.</u></p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 42 | 8-26 | NEW Policy 8G-6 | <p><u>Policy 8G-6: Expand the commercial forest land base by incentivizing afforestation in fallow farm fields, floodplains, etc. Support forest conservation programs that promote afforestation, reforestation, and climate-adaptive forest management.</u></p> <p><i>Note: If approved, re-number subsequent policies</i></p> | Galloway | APPROVED via MOTION SCOTW 3.31.26 |
| 43 | 8-26 | Policy 8G-7 | Encourage and support the use of the Small Forest Landowner Forestry Riparian Easement Program to <u>help-enhance</u> small landowner's economic viability and willingness to keep the land in forestry use (WAC 222-21-005). | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 44 | 8-27 | Policy 8G-11 | Recognize the difference between designated (mapped) forest lands and working forests. Designated forest lands may include public or private forest lands not actively managed for <u>timber production forest products</u> , such as for parks, open space, or habitat preservation purposes. Working forests are actively managed for <u>timber production forest products</u> and to provide a balance of social, economic, and ecological benefits, products, and values. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 45 | 8-27 | Policy 8G-12 | Support <u>a</u> thriving local forestry and forest products industries and sustainable resource economy that provides living wage jobs, encourages value-added production, and promotes long-term ecological stewardship of forest lands. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| 46 | 8-27 | NEW Policy 8G-13 | <p><u>Policy 8G-13: Enhance the economic resilience of the Whatcom County forestry economy by encouraging forest management practices that increase structural complexity and stand diversity to ensure the future range of possible forest management options. For example, incentivizing landowners to pre-commercially thin and/or increase rotation age to support specialty saw mills that process large diameter timber and other specialty products.</u></p> <p><i>Note: If approved, re-number subsequent policies</i></p> | Galloway | APPROVED via MOTION SCOTW 3.31.26 |
| 47 | 8-28 | Policy 8G-14 | <p>Encourage and incentivize working forest management practices that enhance <u>climate resilience, forest health, and</u> ecosystem services, including healthy fish and wildlife habitats, <u>assisting species migration through road infrastructure and active management,</u> watershed <u>and forest</u> health, clean water, carbon sequestration and storage, <u>climate-wildfire</u> resilience, and open space preservation. <u>Healthy and ecologically diverse forests can help mitigate the harmful impacts of increased frequency and severity of wildfire events, increased occurrence of pests and disease, and drought and extreme heat events.</u> Promote <u>forest and forestry</u> sustainability through education, financial incentives, and technical assistance.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 48 | 8-28 | Policy 8G-15 | <p>Develop and implement forest management plans for <u>county managed lands such as community forests and county forestry lands including but not limited to</u> Lake Whatcom Park, Canyon Lake Community Forest, and Stewart Mountain Community Forest that reflect the County's values for ecological stewardship, public access, and long-term sustainability. <u>Hire the requisite staff or contractors to develop programming and play a more active role in the management of these forest lands.</u></p> | Galloway | APPROVED AS AMENDED via MOTION SCOTW 3.31.26 |
| 49 | 8-28 | Policy 8G-17 | <p>Seek to expand opportunities for forest landowners to participate in carbon <u>and ecosystem services</u> markets by supporting programs and incentives that reward active forest management practices <u>which that</u> increase carbon storage, enhance ecosystem services, and promote long-term sustainability.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 50 | 8-28/29 | Policy 8G-19 | <p>Maintain a working forest land base by considering the benefits and impacts of working forests as part of the legislative decision-making process. Measures that can be taken to support working forests may include:</p> <ul style="list-style-type: none"> • <u>Having-Implementing</u> land use policies that encourage active management plans on Rural Forest lands; • Tracking acres of forest lands lost from productivity due to conversion, development, or policy implementation such as critical areas ordinance, and work with the <u>fForestry</u> | Galloway | APPROVED via MOTION SCOTW 3.31.26 |

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| | | | <p>aAdvisory eCommittee to identify economically viable mitigation strategies that can be implemented to offset the acres lost;</p> <ul style="list-style-type: none"> • HavingImplementing land use policies that recognize the multiple values of working forests and respect the rights and responsibilities of private and public forest landowners; • HavingImplementing education programs that emphasize recognition that wood is a renewable natural resource; • HavingImplementing public and institutional education programs that promote the benefits of working forests; <p>... (no proposed changes to bullet points 6 & 7)...</p> <ul style="list-style-type: none"> • Encouraging county coordination and education of small forest landowners to assure that participants understand the responsibilities and opportunities inherent in the Designated Forest Land Current Use Tax program. Promote county and other programs to better serve small forest landowners, including educating landowners on active forest management, timber production, forest health, and fire resilience; • Discouraging conversion of designated forest lands to non-forest uses. Consider docketing a study of rezoning properties inRural Forestry properties that may benefit from rezoning to Commercial Forestry so as to in an effort to encourage commercial forestry, and discourage residential growth in forested areas, and improve climate and wildfire resilience. • Devoting county staff time and resources to apply for federal grants and support the formation and convening of a "Forest Collaborative" that will help facilitate multi-stakeholder conversations about proposed expanded timber harvest and forest restoration activities on US Forest Service Land within Whatcom County. | | |
| 51 | 8-29 | Policy 8G-22 | Policy 8G-22: Expand the commercial forest land base by incentivizing afforestation in fallow farm fields, floodplains, etc. Support forest conservation programs that promote afforestation, reforestation, and climate-adaptive forest management. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 52 | 8-30 | Policy 8G-23 | Review county ordinances involving lot sizes and building setbacks to ensure compliance with defensive-space best practices for Western Washington forest types and to ensure compliance with the FireWise USA program. Update O rdinances should be updated where appropriate. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 53 | 8-30 | Forest Products Industry | <p>Forest Products Industry</p> <p>Investment in forest land is complicated by the long time it takes to realize any financial return from growing trees. Once a forest is harvested and a new forest plantation is established, it can take from 40 to 60 years at a minimum before another harvest can occur. Due to the fact that investments in forest land and timber growing are long term in nature, it is necessary to provide forest landowners with assurance that their investments will be realized.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

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| | | | Forest resource lands make an important contribution to the local economy in Whatcom County. Resource-based employment continues to provide some of the better paying jobs in our area. Several major employers operate primary and secondary forest product processing facilities. Furthermore, Whatcom County has a long history of involvement in the forest industry, with many families and communities involved in forest management <u>and forest products manufacturing</u> . | | |
| 54 | 8-31 | Policy 8H-4 | Work cooperatively with the <u>co-managers</u> , Washington State Department of Natural Resources, <u>Lummi Nation, and Nooksack Indian Tribe</u> , to <u>maximize co-benefits and</u> ensure the most productive and appropriate use of State Forest lands within Whatcom County. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 55 | 8-31 | Policy 8H-7 | Encourage the U. S. Forest Service and the Washington Department of Natural Resources to implement <u>sustainable</u> harvest practices that maximize the <u>balance the</u> use of forest lands <u>for timber harvest and enhancing ecosystem services</u> while <u>while</u> allowing appropriate multiple uses <u>such as cultural practices and recreation</u> . | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 56 | 8-32 | Policy 8I-3 | Prior to issuing a development permit or receiving approval for a rezone, every attempt should be made <u>make every attempt</u> to annex the property on which the development is located into local fire district boundaries. Before a development permit or a rezone is approved, it should be demonstrated to the satisfaction of the County that adequate fire prevention measures will be in place for the resident and adjacent properties. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 57 | 8-32 | Policy 8I-5 | Work cooperatively with the Washington State Department of Natural Resources, <u>Lummi Nation, Nooksack Indian Tribe</u> , forest landowners, and the general public to address community concerns and land use conflicts that may arise as a result of forest practices. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 58 | 8-32 | NEW Policy 8I-6 | <u>Policy 8I-6: Further explore opportunities for off-grid living and its benefits associated with the Rural Forestry interface.</u> | Galloway | APPROVED AS AMENDED via MOTION SCOTW 3.31.26 |
| 59 | 8-32 | NEW Policy 8I-7 | <u>Policy 8I-7: Explore and pursue opportunities to establish geographically defined, capacity-limited frameworks that consolidate anticipated residential development pressure at the rural-forestry edge into defined building envelopes, with the majority of each participating parcel permanently conserved through recorded easements, as a deliberate alternative to incremental, uncoordinated subdivision of Rural Forestry lands.</u> | Galloway | AMENDMENT WITHDRAWN |

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| 60 | 8-32 | NEW Policy 8I-8 | <u>Policy 8I-8: Explore and pursue opportunities to use conservation easements secured through rural housing programs, land trusts, and other voluntary mechanisms to permanently protect Rural Forestry lands from conversion, in exchange for limited, compatible residential use, supporting carbon sequestration, climate resilience, and long-term forest conservation goals.</u> | Galloway | AMENDMENT WITHDRAWN |
| 61 | 8-32 | Fish and Wildlife | <u>Whatcom County must be strategic in the Use and management of forestlands, and fully understand the potential for both positive and negative can impacts to habitat, including riparian areas, stream flows, channel habitat structure, and water quality and quantity. Different uses and management strategies may have drastically different outcomes. For example, managing working forest lands to maximize commercial timber harvest versus managing for conservation, forest health, and ecosystem services vs not actively managing the lands at all have three very different outcomes. In Whatcom County, it is important to minimize and mitigate harmful impacts, maximize benefits and positive impacts, and to strike a balance between multiple, and often competing, values. This means encouraging ecological forest management that allows for both sustainable timber harvest and simultaneously enhancing climate resilience, ecosystem services, watershed health, and protecting habitat for fish and wildlife. Furthermore, Whatcom County should engage and coordinate with Lummi Nation and Nooksack Indian Tribe on any county permitted, owned, or managed forest lands to ensure tribal treaty rights to fish, hunt, and gather are honored and upheld and that cultural and natural resources are protected.</u> | Galloway | MOTION APPROVED TO RETAIN PC LANGUAGE SCOTW 3.31.26 |
| 62 | 8-32 | Policy 8J-2 | Minimize sedimentation to rivers and streams, to the greatest extent possible, using <u>best management practices-BMPs</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 63 | 8-33 | NEW Policy 8J-4 | <u>Update the Lake Whatcom Landscape Plan using best available science and data to ensure forest activities within the watershed are consistent with the goals and objectives of the Lake Whatcom Management Program. Consider expanding membership of the Interjurisdictional Committee and improve compliance monitoring to ensure post-harvest conditions are not increasing risk of landslide or impairing water quality.</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 64 | 8-40 | Riverine areas | Riverine Areas <u>Gravel harvest from within 150 feet of the Ordinary High Water Mark (OHWM) for commercial use is neither a cost effective nor ecologically sound practice. It can produce conditions that will encourage channel instability, increase flooding and damage to infrastructure and shall not be allowed."</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 65 | 8-41 | Goal 8Q | Subject to Federal and State regulations, support <u>strategic sediment removal the extraction of gravel</u> from river bars and stream channels <u>when necessary</u> for flood control <u>management or</u> | Galloway | APPROVED AS AMENDED via |

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| | | | <u>environmental mitigation</u> purposes <u>when deemed appropriate as part of a larger strategic plan laid out</u> by governmental agencies <u>and appropriate stakeholders</u> where adverse hydrologic and other environmental impacts are avoided or minimized. | | MOTION SCOTW 3.31.26 |
| 66 | 8-42 | Policy 8Q-6 | Fully consider the recommendations of the Flood Hazard Management Committee to encourage <u>Carefully consider sediment removal techniques that gravel bar scalping that</u> decreases the likelihood of flooding and lowers the costs of flood damage and repair, flood management, and emergency services; <u>however, any sediment removal shall not cause harm to water quality, fish and wildlife populations and habitat, riparian vegetation, channel stability, and tribal treaty rights.</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 67 | 8-42 | Mineral Designations | Mineral Designations The interim mineral resource land designations, adopted as part of the 1993 Comprehensive Plan, were based upon minimal designation criteria. A more complete set of designation criteria is necessary in order to better define which areas in the County are appropriate <u>or inappropriate</u> for mineral resource land designation. These designations should also include quarry rock and valuable metallic mineral sites because interim designations did not include these resources. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 68 | 8-45 | MRL Designation Criteria | Mineral Resource Lands (MRL) – Designation Criteria <u>Non-Metallic Mineral Deposits</u> <i>General Criteria</i> ... <u>7. Consider the likelihood of impacts on health and habitat from potentially harmful minerals such as Naturally Occurring Asbestos, Radon, and Mercury when designating MRLs.</u> ... | Galloway | APPROVED AS AMENDED via MOTION SCOTW 4.7.26 |

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| 69 | 8-47 | Marine Resource Lands Intro Purpose | <p>Purpose</p> <p>Marine resource lands, for the purpose of this plan, are defined as those 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 (WCC Title 23). Marine resource lands have the physical conditions and habitat required to generate and maintain fisheries of all types, including the <u>treaty protected</u>, commercial, <u>ecological, cultural</u>, and recreational harvest of finfish, shellfish, algae, <u>seaweed</u>, 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.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 70 | 8-47/48 | GMA Requirements | <p>GMA Requirements</p> <p>Goal 8 of the GMA (RCW 36.70A.020) guides the County to <i>"Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries."</i> While the GMA does not specifically require the designation of marine resource lands that support aquatic-based uses and industries, <u>Whatcom County acknowledges the necessity of protecting and conserving both the functioning marine resource lands are so intrinsically necessary for the creation and sustainable harvest of aquatic species and the protection of natural and cultural resources sustainability of historical fish and wildlife production that Whatcom County wishes to acknowledge them here.</u></p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 71 | 8-48 | Strike Purpose | <p>Process</p> <p>Per County Council direction, staff convened a working group comprised of members of the Marine Resource Committee, the Shellfish Protection Advisory Committee, and other local marine land experts. This working group developed a draft of this section of the Comprehensive Plan, as well as drafts of the goals and policies contained herein. The draft was then presented to the full membership of the Marine Resource Committee and Shellfish Protection Advisory Committees for review and recommendation to the County Planning Commission and Council.</p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 72 | 8-48/49 | Background Summary | <p>Background Summary</p> <p>The marine resource lands of Whatcom County have historically been one of the most important natural <u>and cultural</u> resources in the region. For thousands of years <u>Since time immemorial</u>, the shores of Whatcom County provided an important shellfish resource, sustaining our local tribes. More recently, the tidelands of Drayton Harbor supported one of the earlier commercial oyster-farming businesses in the Salish Sea. The shore and nearshore lands of the County provided spawning, rearing, and forage areas for a diverse array of finfish, <u>and</u></p> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

shellfish, and other aquatic species that together formed an incredible food web for indigenous communities and early commercial fisheries. The County's marine resource lands are located along the coastal areas bordering the Salish Sea fed by the rivers, streams, and lakes that drain the upland areas of western Whatcom County. Marine resource lands include more than 130 miles of marine shoreline.

Marine resource lands in the area of Cherry Point are designated in the Shoreline Management Program as the Cherry Point Management Area to support adjacent Heavy Impact Industrial (HII) zoned industrial uses that require deep water access, such as the two existing refineries and an aluminum smelter. The harbor area and waterways in Bellingham Bay are designated for preservation of commerce and navigation along the Bellingham shoreline. The tidelands of Drayton Harbor are designated to support a small commercial wharf, marinas, residential shoreline development, shellfish production, and natural areas.

The majority of marine resource lands in Whatcom County are owned by the State of Washington (managed by Department of Natural Resources [DNR]), the Lummi Nation, and the Port of Bellingham (via a Port Management Agreement with DNR). These include many of the tidelands and subtidal lands in the County. Marine resource landowners also include some private entities that were sold tidelands prior to 1971, and who manage their marine resource lands for a variety of uses, including recreational, commercial, and industrial.

Historically, marine resource lands have been managed for natural and farmed shellfish production and harvest, fishing, transportation, utility corridors (oil/gas/natural gas pipelines); sewer and stormwater outfall pipes; communication lines (phone/fiber optic); power (electric) lines, and commercial, recreational and subsistence/cultural fishing and food gathering. Historic uses also included commercial and industrial uses, marinas (Bellingham, Blaine), municipal garbage dumps, public parks, etc.

With a growing population, there is increasing interest in improving public access to marine resource lands through the addition of boat ramps and access points for motor, wind, and human-powered craft. Over the last 20 years, the desire to harvest more diverse aquatic resources, particularly from tidelands, has driven a number of significant efforts to improve water quality as well as innovative culturing techniques such as intertidal geoduck seeding, nori farming, etc.

Conservation efforts have resulted in protection of several areas including the Cherry Point Aquatic Reserve and two areas withdrawn from leasing in Bellingham Bay. These areas are valuable due to their high productivity of aquatic life that contributes to the economy and greater ecosystem of Whatcom County. Twenty years of effort and millions of dollars in public investment have kept Drayton Harbor a viable commercial and recreational shellfish growing area for future generations to enjoy.

Marine resource lands provide a huge economic benefit to the County, and the health of our stream, river, and estuarine environments and marine resource lands are the foundation of a critical tribal and non-tribal finfish, ~~and~~ shellfish, aquaculture, and other marine based industries. According to the Economic Analysis of the Non-Treaty Commercial and Recreational Fisheries in Washington State published in December 2008, ~~in~~ 2006, non-tribal commercial fish landings from Washington fisheries totaled nearly 109.4 million pounds, generating \$65.1-million in ex-vessel value (i.e., the price received by commercial fishers for fish). Whatcom County was the State's second-largest commercial port area that year (after Grays Harbor County), with an ex-vessel value of commercial fish landings of more than \$13.5-million, accounting for nearly 21% of the total value of landings from Washington fisheries. Additionally, the North Puget Sound Region—which the Washington Department of Fish and Wildlife defines as including San Juan, Skagit, Snohomish and Whatcom counties—is also the most popular location for recreational shell-fishing in the State. In 2006, the combined recreational shellfish catch in those four counties included more than 3.3-million pounds of Dungeness crab, 23,520 pounds of shrimp, 93,038 pounds of clams, and more than 19,000 individual oysters. In 2023, the Whatcom County Maritime Industry provided 6,400 jobs with total revenues of \$1.6B.

Whatcom County continues to provide income to over 600 Lummi Nation registered Tribal fishers. Many Lummi and Nooksack tribal members depend on finfish and crab harvest for a substantial part of their yearly family income and sustenance. The Lummi Nation shellfish enterprise is highly productive and provides clam, oyster, and geoduck seed to a large part of the northwest shellfish industry. ~~To the extent that t~~The environmental health of these lands impacts the ability of Tribal Nations to practice fish and wildlife harvests and conduct ceremonial activities for their cultural, economic, and spiritual welfare; ~~;~~ protection of these lands is a Treaty trust resource supporting Treaty reserved rights to take fish.

Other direct and indirect benefits to the County are even more substantial given the multiplier effect from marina-related boat works, electronics, fuel and supplies, charter and whale watching businesses, the Alaska Ferry service, sporting goods, kayaking, rowing, sailing, wind surfing, power boating, and all the sales, repair, maintenance, and provisioning that goes with these types of activities. Whatcom County's marine resource areas are not only an international destination for water-dependent, water-related, and water-enjoyment activities, such as bird and wildlife watching, sailing and cruising, fishing and gathering, but they are also a gateway to the San Juan Islands, Gulf Islands, the greater Salish Sea environs, and international waters. Whatcom County must invest in the protection and conservation of its 's marine resource lands ensuring they are a renewable and sustainable economic driver that will serve this region well into the future.

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| 73 | 8-50/15 | Marine Resource Land Base | <p>Marine Resource Land Base</p> <p>Tidelands, marine waters, major lakes, and navigable rivers were owned by the State of Washington at the time of statehood unless reserved for other uses such as federal facilities or Indian reservations. Between 1889 and 1971, the State sold many of its tidelands to railroads, timber companies, and shellfish growers as a way to finance the State. As a result, the State owns only about 30% of the tidelands. The bulk of tidelands and many shoreland areas are owned or managed by ports, industries, tribes, and private property owners. The State retains ownership of most all of the subtidal lands that were not sold.</p> <p>Since their adoption, the marine resource land base in Washington State and in Whatcom County has largely been protected by the Washington State Shoreline Management Act, as well as Whatcom County’s Shoreline Management Program (SMP), Critical Areas Ordinance, and other land use regulations such as stormwater, land disturbance, zoning, and other regulations.</p> <p>Historically, shoreline modification, including filling, hardening, and diking of many natural shorelines has resulted in a significant reduction in the ecological health of acreage of <u>functioning</u> marine resource lands in many areas of the County. These modifications came as a result of transportation improvements (roads, railroads, barge landings, and ferry terminals), utilities (electrical, communications, sewer, stormwater, etc.), hydropower, water-dependent uses (marinas, fish processing, ship yards), non-water dependent uses (industrial, agricultural, residential, and commercial development <u>large industrial facilities</u>), flood control efforts, erosion control, residential development (including bulkheading, armoring, and docks), and parks.</p> <p>The Washington State Legislature passed the State Shoreline Management Act (SMA) in June 1971. Under the SMA, each county and city is required to adopt and administer a local shoreline management plan to carry out the provisions of the Act. The Whatcom County Shoreline Management Program (SMP) is the set of policies and regulations the document that implements the goals and policies of the SMA at the local level. The SMP was originally adopted by the County Council in May 1976 in accordance with the SMA and the shoreline guidelines issued by the Washington Department of Ecology. <u>An updated Shorelines Management Plan went into effect on March 13, 2025, including a complete re-write of Title 23, changes to the Critical Areas Ordinance (CAO) in Title 16.16, changes to the Land Use and Development procedures in Title 22, and the creation of Chapter 11 Shorelines of this Comprehensive Plan.</u></p> <p>The SMP is implemented in coordination with other chapters of the Comprehensive Plan and the Whatcom County Code to protect and manage shorelines throughout the county. It is important to note that Whatcom County and Ecology share joint authority and responsibility for the administration and enforcement of the SMP. In addition, numerous other local, state and federal regulations, permits, and approvals apply to development or use in, on or above the County’s marine resource lands. Some of the most common permits and approvals include:</p> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
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| | | | Question: Clarify reference to Shoreline Management Program vs Shoreline Management Plan | | |
| 74 | 8-51 | Goal 8T | Conserve and enhance Whatcom County’s marine land base for the long-term and sustainable use and operation of water-dependent, water-related and water-enjoyment activities <u>and the ecological health of marine resource lands.</u> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 75 | 8-52 | Policy 8U-1 | <u>Support environmental protection of marine resource lands by Help-improving</u> the <u>predictability,</u> efficiency and effectiveness of environmental regulations <u>affecting marine resource lands in order to support environmental protection and improve predictability.</u> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 76 | 8-52 | Policy 8U-3 | Support the efforts <u>to restore water quality and healthy habitats for fish and other aquatic species to ensure of people in</u> Whatcom County to can operate <u>marine-based industries</u> in a long-term, sustainable manner as part of a stable, broad-based economy. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 77 | 8-52 | Reducing Land Use Impact | Reducing Land Use Impacts Different land owners have different goals for their property and employ different practices when using it, whether it be for their business, home, recreation, or personal enjoyment. But <u>often</u> times, the practices one property owner employs can have detrimental effects on another property owner’s use or enjoyment of their property, or the public when using public lands, which can lead to conflict amongst users. Improved communication and education between these groups would be beneficial for each to understand what the other is doing, how their actions affect one another, and how they plan to avoid such impacts. <u>Above all else, tribal treaty rights shall be honored and upheld as the supreme law of the land.</u> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 78 | 8-52 | Goal 8V | Aim to r Reduce land use conflicts between Whatcom County's Marine Resource Lands <u>Priorities,</u> operations_ and upland property owners, <u>and tribal treaty protected uses.</u> | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 79 | 8-53 | Policy 8V-1 | Support improved communication and understanding between <u>local, state, federal, and tribal governments,</u> aquatic land landowners and the public through such mechanisms as community forums and educational programs. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |
| 80 | 8-53 | Policy 8V-2 | Work cooperatively with local, State, Federal and Tribal agencies, adjacent upland property owners, and the general public, as applicable, to address community concerns and land use conflicts that may affect the <u>productivity conservation and enhancement</u> of marine resource lands. | Galloway | APPROVED via “CONSENT” SCOTW 3.31.26 |

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| 81 | 8-53 | Policy 8V-4 | Support and participate in education efforts and programs that emphasize the importance of and promote the benefits of marine resource lands <u>while recognizing the history, culture, treaty rights, and sovereignty of the Tribes.</u> | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 82 | 8-53 | Goal 8W | Ensure that operations associated with marine resource lands avoid adverse impacts to the survival and habitat of aquatic species, particularly to threatened and endangered fish and wildlife species, and shellfish, and seaweed resources. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 83 | 8-53 | Goal 8X | Recognize the Shoreline Management Program (WCC Title 23), and Zoning Code (WCC Title 20), <u>and Critical Areas (WCC Title 16.16)</u> as the primary regulations used to implement this section. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 84 | 8-53 | Policy 8X-1 | Pursuant to RCW 36.70A.480 and Comprehensive Plan Policy 10B-8 , the Whatcom County Shoreline Management Program is an element of this Comprehensive Plan (<u>see Chapter 11 Shorelines</u>), and the goals and policies therein are recognized as additional goals and policies of this section. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 85 | 8-54 | Policy 8X-3 | Regulate land use on Marine Resource Lands within the County through the Shoreline Management Program, Zoning Code, <u>Critical Areas Ordinance</u> , and other appropriate means. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 86 | 8-54 | Climate | Climate Washington State House Bill 1181 requires local governments to integrate climate change strategies into their comprehensive plans to increase resilience to climate impacts. Policies to increase climate resilience include promoting climate-resilient agricultural, and forestry, and <u>marine-based</u> practices, increasing carbon sequestration by protecting resource lands from development pressures, and protecting water resources <u>and healthy habitats</u> . These management practices require adaptation in a changing climate. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 87 | 8-54 | Goal Y | Maintain and enhance the long-term sustainability, productivity, and value of <u>natural resource-based</u> lands to <u>by mitigating and</u> <u>adapt</u> <u>ing</u> to climate change. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |
| 88 | 8-54 | Policy Y-4 | Encourage the conservation of forests, wetlands and riparian zones as natural buffers against climate hazards, recognizing their role in absorbing excess water, <u>reducing flood risks</u> , and mitigating extreme temperatures. | Galloway | APPROVED via "CONSENT" SCOTW 3.31.26 |

ADDITIONAL AMENDMENTS FOR 4/7

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| 89 | 8-1 | Process | <p>Process Each section of this chapter includes a description of the process followed in creating that section.</p> | Scanlon | APPROVED via MOTION SCOTW 4.7.26 |
| 90 | 8-14 | Policy 8A-12 | <p>Support the development of safe, affordable on-farm and near-farm housing for farmworkers and their families, and improve access to transportation and healthcare for both farmers and farmworkers in rural areas. <u>Cities should plan for and remove barriers to more multifamily housing affordable to nearby farm workers and their families.</u></p> | Galloway Futurewise | APPROVED AS AMENDED via MOTION SCOTW 4.7.26 |
| 91 | 8-15 | Policy 8A-15 | <p>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 <u>because they no longer meet the criteria for agricultural resource lands of long-term commercial significance</u> that result in an overall net loss of agricultural designated lands.</p> <p><i>PDS note: There are multiple designation/de-designation criteria in WAC 365-190-040. The State Supreme Court has held that de-designation of AG land under the GMA must meet the so-called "three-pronged test" for designating and de-designating agricultural Lands of long-term commercial significance. In order to de-designate agricultural lands of long-term commercial significance, it must be demonstrated that one of these three factors exists.</i></p> <ol style="list-style-type: none"> <i>1. The land is characterized by urban growth. The GMA states that "characterized by urban growth" refers to "... land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth" (RCW 36.70A.030(19)).</i> <i>2. The land is not primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics.</i> <i>3. The land no longer has long term commercial significance for agricultural production, as indicated by soil, growing capacity, productivity, and whether it is near population areas or vulnerable to more intense uses.</i> <p><i>The GMA also recognizes that "land use planning is a dynamic process" subject to "changed circumstances" under WAC 365-190-040(10) and that UGAs may only be allowed to expand into agricultural resource lands when it makes a finding that such lands no longer meet the designation criteria and that "...no other option is available" as specified in the UGA expansion</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |

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| | | | <p>criteria in WAC 365-196-310(5)(e)(v). Policy 8A-15, as proposed to be amended, fails to recognize the additional level of complexity and analysis required of the County to address these different criteria through the Agricultural Land Assessment (ALA) whenever UGA expansion comprehensive plan amendments are proposed into AG lands. PDS recommends not including the suggested changed language but retain Policy 8A-15 as originally proposed by staff.</p> | | |
| 92 | 8-15/ 16 | Policy 8A-16 | <p>Evaluate the potential for designating additional agricultural natural resource lands of long-term commercial significance through creation of an an small-lot agriculture zone that <u>that protects agricultural land from non-agricultural uses through allowed uses and minimum lot sizes, and buffers and setbacks on adjacent non-resource lands</u> allows for a maximum of one dwelling unit/20 acres (Ag-20) within applicable Rural Study Areas. The evaluation should include the consideration of potential transfer of development rights to <u>urban growth areas 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.</u></p> <p><i>PDS note: The proposer seems to have mis-interpreted the intent of this proposed policy. The goal of the original PDS-proposed language is to evaluate whether some larger (e.g. 10-20 acre) currently Rural designated parcels with some high-quality agricultural characteristics may be able to transition to an AG designation under the GMA. Not to split up existing large lot AG-40 lands into smaller parcels. The policy, as proposed to be changed, does not make sense, “<u>adjacent non-resource lands unit/20 acres (Ag-20)</u> within applicable Rural Study Areas.” The AG-20 zone does not presently exist. In addition, it does not direct PDS to do anything it is not already doing; PDS has already adopted buffers and setbacks on non-resource lands adjacent to resource lands. The policy, as proposed, does not create a policy that would allow PDS to develop regulations to protect AG land by creating a new small-lot AG-20 zone in addition to—not instead of—the existing large lot AG-40 zone. Clearly if such a new AG-20 zone criteria were to be evaluated in the future under this policy it would have to apply to only Rural Study Area parcels—not existing parcels already designated AG. The goal of the original policy language was to increase the supply of AG designated lands to advance the 100,000 acre goal of the County—not to allow subdivision of existing 40 acre AG parcels. PDS recommends not including the suggested language and to retain the original staff-proposed language. Note that the Planning Commission added the last sentence in this proposed policy.</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |
| 93 | 8-18 | Goal 8D | <p>Reduce land use conflicts between Whatcom County's agriculture and non-agricultural landowners, ensuring that agricultural <u>and supportive</u> land uses <u>are</u> prioritized on agricultural lands of long-term commercial significance.</p> | Galloway Futurewise | APPROVED AS AMENDED via MOTION SCOTW 4.7.26 |

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| 94 | 8-19 | Policy 8D-1 | <p>Reduce potential conflicts between agriculture and incompatible activities by maintaining zoning regulations that protect productive agricultural lands of long-term commercial significance from conversion to non-<u>agricultural and non-accessory compatible</u> uses. <u>Require at least 100-foot setbacks on adjacent nonagricultural uses from fields, agricultural buildings, and other agricultural uses, and require 100-foot buffers and fencing on adjacent non-natural resource lands.</u></p> <p><i>PDS note: The amendment, as written, is prescriptive and not policy-driven. Whatcom County Code already requires setbacks from agricultural and forest resource lands for adjacent development. See WCC 20.36.652, 20.80.251, 20.80.252, 20.80.255, 20.80.256 and 20.38.060, all of which require setbacks and or right-to-practice notifications related to agricultural and forest resource lands on adjacent non-resource lands. In addition, as proposed to be amended, it would require the County to adopt new regulations requiring fences on all rural and UGA designated parcels that abut all natural resource lands (including all agricultural, forest and mineral lands) which seems unnecessary and imprudent. PDS recommends not including the suggested language change.</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |
| 95 | 8-22 | NEW Policy 8F-6 | <p><u>Policy 8F-6: Do not allow the transfer of agricultural water rights to rural development and match the development capacity of rural areas with available water resources to reduce competition with water rights for farms and ranches and salmon.</u></p> <p><i>PDS note: Water rights are highly complex areas of law regulated by the State of Washington, Department of Ecology. The County does not have the statutory authority to regulate the transference of water rights. PDS recommends not adopting this proposed policy.</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |
| 96 | 8-32 | NEW Policy 8I-7 | <p><u>Policy 8I-7: Require at least 100-foot setbacks on adjacent non-forestry uses from forests, forestry buildings, and other non-natural resource uses, and require adequate buffers and fencing on adjacent non-natural resource lands.</u></p> <p><i>PDS note: The amendment, as written, is prescriptive and not policy-driven. Whatcom County Code already requires setbacks from forest resource lands for adjacent development. See WCC 20.36.652, 20.80.251, 20.80.252, 20.80.255, 20.80.256 and 20.38.060, all of which require setbacks and right-to-practice notifications related to natural resource lands on adjacent non-resource lands. In addition, as proposed to be amended, it would require the County to adopt new regulations requiring fences on all rural and UGA designated parcels that abut all natural</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |

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| | | | <p>resource lands (including all agricultural, forest and mineral lands) which seems unnecessary and imprudent. PDS recommends not including the suggested language change.</p> | | |
| 97 | 8-37 | Goal 8L | <p>Minimize <u>Ensure</u> any <u>objective</u> adverse impacts of mineral extraction industries on neighboring people and properties by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.</p> <p><i>PDS note: PDS suggests maintaining the existing policy language since it may be impossible to ensure in all cases since adverse impacts are often of a perceived “subjective” nature and “objective” is not defined.</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |
| 98 | 8-37 | Policy 8L-1 | <p>Avoid significant impacts of mineral extraction on adjacent or nearby land uses, public health and safety, or natural resources. <u>These measures must include buffers and setbacks on non-mineral resource lands for uses and land divisions approved after the designation of mineral resource lands.</u></p> <p><i>PDS note: Current county code already requires right-to-practice mineral extraction notifications on all non-resource lands adjacent to mineral resource lands. See WCC 20.36.652. In addition, WCC 20.73.703 already authorizes PDS to require fencing on mineral resource land mining operations to protect public safety. In addition, WCC 20.73.153(3) also requires that buffers be established on the MRL parcel itself—not the adjacent non-MRL parcel—and that those “buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, noxious weeds and other impacts to surrounding property owners are within applicable regulations and performance standards”. The MRL code also includes noise performance standards under WCC 20.73.701 to ensure minimal impacts from mineral extraction activities on adjoining non-MRL properties. This proposed policy, if adopted by Council as proposed, would require the county to amend our regulations to now require “buffers and setbacks” on both the MRL designated parcel and the adjacent non-resource land parcel. This seems to be an excessive requirement and PDS does not recommend adopting this additional proposed language.</i></p> | Galloway Futurewise | HOLD UNTIL 4/28 |