

DRAFT

Whatcom County Agricultural Land Assessment

A Comprehensive County-wide Analysis of Agricultural Resource Lands



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I. Introduction

As part of Whatcom County's 2025 Comprehensive Plan update, Whatcom County Planning and Development Services (PDS) has developed the Agricultural Land Assessment (ALA), a comprehensive county-wide analysis that maps Agricultural Resource Lands (ARLs) per WAC 365-190-050(1) and assesses land use trends across the agricultural land base.

The Growth Management Act (GMA) and associated laws and administrative code require county governments to designate and map ARLs, which are lands of "long-term commercial significance" to the agricultural economy. WAC 365-190-050 outlines the criteria by which counties must designate ARLs and states that counties must designate "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..." Whatcom County's Comprehensive Plan outlines the state-mandated criteria, as well as additional county criteria, that are used to designate ARLs. ARLs are lands designated on Whatcom County's Comprehensive Plan map as "Agriculture." Per WAC 365-190-815 and RCW 36.70A.170, once designated, these lands must be protected by appropriate zoning policies and development regulations to ensure incompatible uses (e.g., residential and commercial uses) don't impede agricultural uses.

In the 2025 Whatcom County Comprehensive Plan update, the cities of Everson, Nooksack, and Sumas have proposed to expand their Urban Growth Areas (UGAs) into lands designated as Agricultural Resource Lands. Per WAC 365-190-040 and WAC 365-190-050, counties are required to conduct a comprehensive county-wide assessment of agricultural resource lands when county governments designate or de-designate ARLs. The ALA reviews these requirements and outlines the criteria and methodology used to map lands that are presently and could potentially be designated as ARLs.

The ALA builds on previous planning efforts that identified current and potential ARLs, such as the 2007 Rural Land Study and the 2019 Rural Land Study. Various programs, policies, and development regulations have been utilized to help the county protect prime farmlands, including zoning regulations, the Agricultural Protection Overlay (APO), the Conservation Easement Program (CEP), and the Agricultural Strategic Plan.

II. Agricultural Land in Whatcom County

Whatcom County has a long tradition of agriculture supported by high-quality soils and a moderate maritime climate. Agriculture in Whatcom County is diverse, providing a range of products such as raspberries, blueberries, dairy, seed potatoes, beef, mixed-vegetables, nursery stock, and more. Diversity is also represented in the scale of local operations, ranging from smaller acreage direct-to-consumer operations to large acreage operations distributing products globally. Whatcom County farms produce the vast majority of American-grown frozen raspberries and Whatcom County continues to be one of the top dairy-producing counties in the Pacific Northwest.

In 2009, Whatcom County Council passed Resolution 2009-040, which set a goal of reserving a minimum area of 100,000 acres for agricultural use in order to support a viable agriculture

industry within the county. According to the 2022 Agricultural Census (USDA), the market value of agricultural products sold in the county is approximately \$510,266,000 and makes up 4% of state's agricultural sales. While the 2022 Agricultural Census reported an estimated 102,886 acres of land in agricultural use in Whatcom County, the Comprehensive Plan has designated 85,784 acres as Agricultural Resource Lands (ARLs). A significant amount of commercial farmland exists in the Rural Designation, which is less restrictive of non-agricultural uses such as rural residential development. Within the Agriculture Designation, an estimated 68,594 acres are available for cropland use (according to the 2019 Rural Land Study). The remaining acreage is made up of roads, infrastructure, housing, and natural areas such as streams and forestland. Outside of the ARL designated acreage, the 2019 Rural Land Study also identified an additional 28,449 acres available for potential agricultural use within the Rural Study Areas (RSAs) (see Section III for more information on the Rural Study Areas; refer to Appendix B for methodology for how these acreages were calculated).

Table 1. Whatcom County Farmland Acreages

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

III. Regulations, Policies, and Programs Protecting Agricultural Lands

“Agricultural lands 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 agriculture uses and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County.”

-- Whatcom County Comprehensive Plan, Chapter 8 (2016)

For many decades, Whatcom County has used zoning, land use regulations, and voluntary incentive programs to protect “agricultural lands of long-term commercial significance” as required by the GMA and WAC 365-196-815. Two distinct but related tools are Comprehensive Plan designations and zoning.

The GMA requires counties to classify and designate ARLs based on characteristics such as soils, predominant parcel size, land use settlement patterns, enrollment in Open Space Agriculture tax

program, and more. ARLs are designated and mapped as part of the county's Comprehensive Plan, which identifies long term priorities for agriculture and other land uses according to GMA requirements and local county priorities. The GMA then requires counties to protect these ARLs through the appropriate zoning. Zoning establishes allowable and prohibited land uses within a defined geographical area, as well as specific development regulations such as density. For example, most areas zoned as Agriculture are also designated as ARLs under the Whatcom County Comprehensive Plan, and are therefore prioritized for long-term agricultural use. However, there are multiple areas in Whatcom County that are zoned as Agriculture, but designated as an Urban Growth Areas. These areas function as holding districts that restrict current land uses to agricultural uses and keep parcel sizes large enough for commercial farming; however, someday if a city decides to annex these UGAs, these acres could be rezoned to allow for phased urban development within the 20-year planning period when public facilities and services can be provided at urban levels of service.

Below is a brief summary of the various regulations, policies, and programs established by Whatcom County to protect agricultural lands:

1970: Whatcom County adopts its first Comprehensive Plan

Before it was required by the state, Whatcom County adopted its first Comprehensive Plan, which included policies to preserve farmlands by maintaining large contiguous parcels in areas with prime agricultural soils. The 1970 Comprehensive Plan adopted a policy to prohibit subdivision of designated agricultural land into parcels of less than 40 acres, unless the interests of agriculture are furthered.

1972: Whatcom County adopts its first zoning code

The county's first zoning code established minimal protections for Whatcom County's farmlands. The code included a series of exemptions for subdividing parcels in the Agriculture Designation. In the years that followed, significant subdivision happened, creating numerous 1 to 5-acre parcels throughout the ARL Designation. Today, "agricultural short plats" are still carried out, where a 1-acre homesite is split off from the remainder of the property, which is placed in a "reserve tract" that disallows further residential development.

1986: County Council Approves Lynden-Nooksack Sub-Area Comprehensive Plan

In 1983, Whatcom County's Planning Department developed a background document for the Lynden-Nooksack Valley Subarea that inventoried existing conditions and land uses present at the time. The Planning Department, Planning Commission, Whatcom County Council, and the public then worked together to develop the 1986 Lynden-Nooksack Sub-Area Comprehensive Plan, which provided updates to the county's Comprehensive Plan and the Comprehensive Plan map. This effort represents Whatcom County's first attempt to analyze trends of parcelization and land use across Whatcom County's farmlands.

1990/1991: Washington State Legislature passes the Growth Management Act (GMA)

The GMA, Washington's principal land use law, requires counties to protect "agricultural lands of long-term commercial significance" from conversion. It clearly lays out the criteria to designate these lands for long-term agricultural use. The GMA also requires counties to develop Comprehensive Plans, which are plans for how the county will accommodate growth over the next 20 years.

1997: Whatcom County adopts its first GMA-compliant Comprehensive Plan

The 1997 Whatcom County Comprehensive Plan said, “Agricultural viability is dependent upon... a large fertile land base. Erosion of the farmland base has been recognized as a national and local problem”. County planning documents indicate that in developing the 1997 Comprehensive Plan, County Council expressed support for “protecting about 100,000 acres in long-term large lot commercially productive agriculture, using the agriculture (zone) and agriculture protection zone as the primary devices to accomplish the objective.”

1997: Whatcom County adopts the Agricultural Protection Overlay (APO)

The APO was established to help maintain agricultural activity within the Rural Designation by limiting parcelization, thereby preserving historically farmed parcels and agricultural soils. APO protections and requirements are initiated at the time of property subdivision and therefore are implemented parcel by parcel. While APO does not change the zoning allowance for potential number of homes on the property, it does require clustering of homes and the creation of a reserve tract where agriculture could continue to take place. The APO applies to parcels being subdivided in R5A or R10A zoning that meet the following criteria: 20 acres or larger, and either 50% or more of the parcel is enrolled in Open Space Agricultural Land (OSAG) taxation or 50% or more of the parcel is made up of APO soils (a subset of prime soils as described in WCC 20.38).

2001: County Council creates the Agriculture Advisory Committee (AAC)

Whatcom County Council created the AAC through Ordinance 2001-036 to serve as a forum for farmers and other stakeholders to discuss challenges and opportunities facing agriculture and make recommendations for how the county can promote the long-term viability of Whatcom County agriculture. The AAC is organized under WCC Chapter 2.34.

2002: Whatcom County launches the Conservation Easement Program (CEP)

Whatcom County Council enacted Ordinance 2002-054 to create the Purchase of Development Rights program (now named the Conservation Easement Program), which protects farmland from subdivision and development by compensating farmers for their unused development rights. In 2018, the program was expanded to include working forestlands and areas of special ecological significance. This non-regulatory approach has yielded 39 easements, protecting roughly 2,000 acres with the majority being agriculture easements (1,686 acres). Despite this progress, the CEP’s pace of farmland preservation has not kept up with the pace of farmland subdivision and development. The CEP is organized under WCC Chapter 3.25A.

2007: Whatcom County and the AAC produce the first Rural Land Study

Whatcom County Planning & Development Services (PDS) and the AAC developed the Rural Land Study to identify and map lands within the Rural Designation that meet the State’s criteria for Agricultural Resource Lands. The study labeled these lands “Rural Study Areas” (RSAs) and determined that 21,950 acres within the Rural Designation are critically important to sustaining the local agricultural economy. The RSAs were mapped according to a series of criteria, most of which are specified in the GMA as criteria to designate Agricultural Resource Lands (ARLs). The Rural Land Study concluded with a recommendation to establish additional protections for the RSAs to ensure long-term agricultural viability.

2009: Whatcom County Council re-affirms the goal to protect 100,000 acres of farmland

Council Resolution 2009-040 affirmed the County's goal of maintaining at least 100,000 acres of agricultural land in Whatcom County and accepted the Agricultural Advisory Committee's 2007 Rural Land Study recommendation for additional protection of RSAs. The resolution requested that the Agricultural Advisory Committee and staff develop code and planning document recommendations related to protecting land identified in the Rural Land Study and other agricultural lands. Currently, 85,784 acres are designated Agriculture Resource Lands (ARLs).

2011: Whatcom County adopts the Agriculture Strategic Plan

In response to Resolution 2009-040, PDS and the AAC created this plan to explore how to best achieve the following objectives: 1) maintain 100,000 acres available for agriculture, 2) create and maintain effective land and water programs and regulations, 3) maintain public input, and 4) measure progress. It was last updated and approved by County Council in 2018 (Resolution 2018 - 027).

2019: Whatcom County and the AAC update the 2007 Rural Land Study

In 2019, staff worked with the AAC to update the Rural Land Study, refine the mapping of RSAs, and track development trends on farmlands in the Rural Designation and Agriculture Designation. The 2019 update also recommended additional protection of the RSAs (expanded to encompass 28,449 acres), however no action was taken to implement these recommendations.

2024: Whatcom County develops a Land & Water Integration Study

In 2024, Whatcom County, the WRIA 1 Planning Unit, and other project partners initiated the Land & Water Integration Study, which was developed by the Washington Water Trust (WWT). The study built off of previous efforts and studies to better integrate land use planning and water resources planning within three RSAs. It provided analysis, conceptual alternatives, and recommendations for long-term agricultural water supply solutions and recognized the connection between adequate water supply and preservation of agricultural lands.

2025: Agricultural Land Assessment (Current)

PDS and the AAC have updated the data and mapping from the 2007 and 2019 Rural Land Study to further refine the Rural Study Areas. The ALA satisfies the requirement in WAC 365-190-040 that requires counties to conduct a comprehensive county-wide analysis of Agricultural Resource Lands (ARLs) when the expansion of Urban Growth Areas (UGAs) or other actions result in the de-designation of resources lands. The ALA identifies lands that meet many of the ARL criteria specified in WAC 365-190-050 and Chapter 8 Policy 8A-3 of the Comprehensive Plan.

IV. Proposed Urban Growth Areas Expansions

The Growth Management Act (GMA) requires Whatcom County to review and revise its Comprehensive Plan and development regulations by December 31, 2025 (RCW 36.70A.130). Additionally, the GMA requires a simultaneous review of urban growth areas (UGAs) under RCW 36.70A.130(3). The UGAs must have sufficient areas and densities to accommodate population, housing and employment growth projected for the new planning period (2023-2045). The Comprehensive Plan Update and UGA review is currently being conducted in close coordination with the seven cities in Whatcom County, some of which have developed proposals to expand or

modify their UGAs and UGA Reserves. The Cities of Sumas, Nooksack, and Everson are proposing UGA expansions into areas designated as ARLs (see Figures 1 – 3 below). Detailed proposals can be found in the meeting materials for the Whatcom County Planning Commission meetings on September 11, October 30, and November 15, 2025 ([UGA Proposals](#)). On October 20, 2025, the cities requested to remove the proposals to expand UGA Reserves into ARLs. These proposals originally recommended de-designating 298 acres of Agriculture Resource Lands to UGAR (Table 2). These proposals will instead be addressed during the 2026-2027 annual update to the Comprehensive Plans for the respective jurisdictions.

Table 2. Urban Growth Area and Urban Growth Area Reserve Proposals in ARLs (considered for adoption through the 2025 Comprehensive Plan).

Jurisdiction	Proposed AG to UGA	Proposed UGA to AG	Proposed UGAR to AG	Net Change of Agriculture Designation
Sumas	605.63	0	36.01	-569.62
Nooksack	8.68	0	0	- 8.68
Everson	34.14	53.70	11.90	+ 31.46
Total	648.45	53.70	47.91	-546.84

Table 3. UGA Reserve Expansion Proposals in ARLs (to be reconsidered through the 2026-2027 Annual Updates)

Jurisdiction	Proposed AG to UGAR	Net Change of Agriculture Designation
Sumas	133.15	-133.15
Nooksack	0	0
Everson	80.85	-80.85
Total	298.15	-298.15

Sumas

The City of Sumas is a small town located along the US-Canada border adjacent to the Sumas-Abbotsford, B.C. border crossing. As of April 1, 2023, the City had a population of 1,810 according to the Washington Office of Financial Management (OFM). The current City limits include approximately 920 acres. The City of Sumas is proposing expansions to the current UGA and UGA Reserve in two different directions, to the south and to the west. This would require a de-designation of approximately 569.62 acres of designated Agricultural Resource Lands (ARLs).

The primary reason for Sumas' UGA expansion proposal is a direct response to flooding issues and the impact on future growth. According to the city, roughly 85% of buildings within city limits suffered flood damage during the November 2021 floods. The City of Sumas has proposed a population growth allocation proposal of 1,000 people (approximately 55% increase) between 2023 to 2045. However, the majority of the city is located in the Draft FEMA 100-Year Floodplain and Floodway. The City of Sumas has proposed expansion areas, especially to the west of the existing city, where they believe population growth will be safest from flooding. These areas are generally higher in elevation than the rest of the city. Some areas located mostly within the floodplain are included within the proposal to keep the UGA expansion contiguous with current Sumas City Limits. Approximately 180 acres of the UGA/UGA Reserve expansion proposals are located in the Draft FEMA 100-Year Floodplain.

Figure 1. Sumas UGA Expansion Proposal in ARLs with the Draft FEMA 100-Year Floodplain

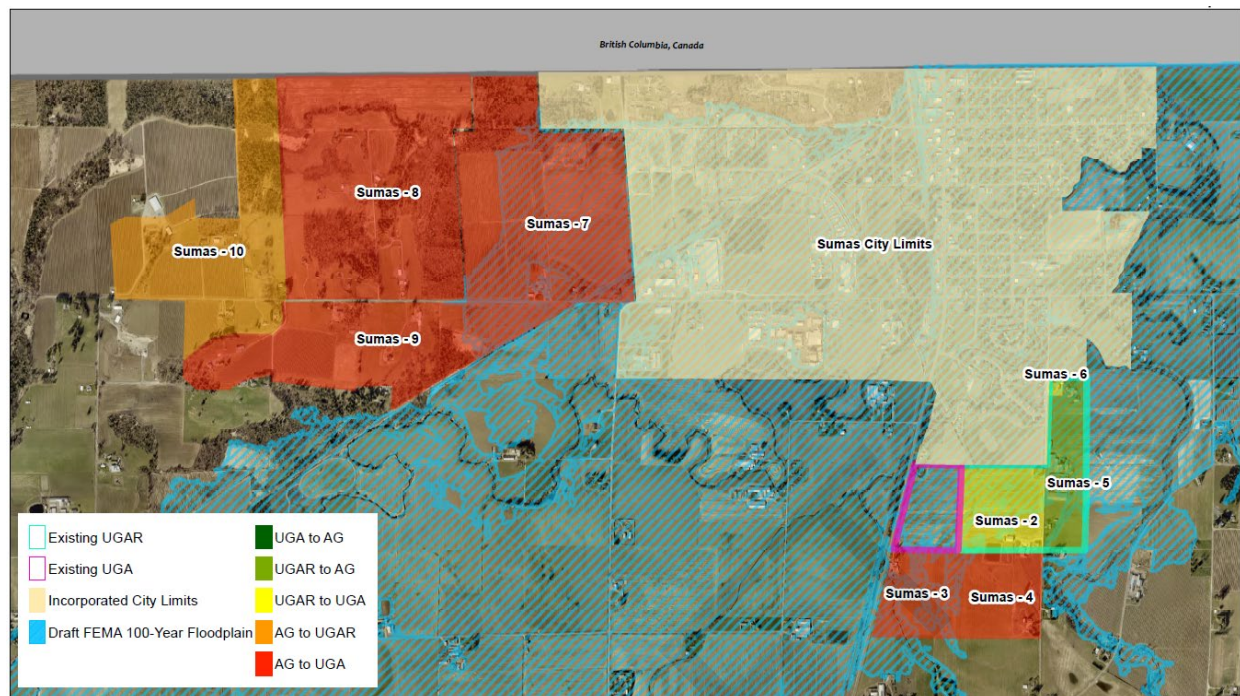


Table 4. Sumas Urban Growth Area Proposals in ARLs (considered for adoption through the 2025 Comprehensive Plan)

Expansion Area	Acres	Proposed Change	Draft FEMA Floodplain Present
Area 3	33.83	AG to UGA	Yes
Area 4	40.59	AG to UGA	Minimal
Area 5	36.01	UGAR to AG	Yes
Area 7	176.46	AG to UGA	Yes
Area 8	223.88	AG to UGA	No
Area 9	130.87	AG to UGA	Minimal
Total ARL De-Designation	605.63		
Net ARL Designation	-569.62		

Table 5. Sumas UGA Reserve Proposals in ARLs (considered for adoption through the 2026-2027 Annual Update)

Expansion Area	Acres	Proposed Change	Draft FEMA Floodplain Present
Area 10	133.15	AG to UGAR	No
Total ARL De-Designation	133.15		
Net ARL Designation	-133.15		

Nooksack

The City of Nooksack is a small town located in the middle of the county, just to the east of the city of Everson. As of April 1, 2023, the population of Nooksack was 1,573 according to the Washington Office of Financial Management (OFM). The current City limits include approximately 581 acres.

The City of Nooksack is proposing five changes to its UGA and UGA Reserve boundaries. Three of these changes would expand into Designated ARLs, requiring de-designation. The City of Nooksack is proposing to expand the UGA to the north and west. This would require a net de-designation of approximately 8.68 acres of lands in the ARL Designation.

The primary reason for Nooksack's UGA expansion proposal is due to substantial growth in the past two years and a need for additional land to accommodate future growth. None of the expansions into designated Agricultural Resource Lands are located in the Draft FEMA 100-Year Floodplain or Floodway. The City of Nooksack has proposed a population growth allocation of 995 (approximately 55% increase) between 2023 to 2045.

Figure 2. Nooksack UGA Expansion Proposal in ARLs with the Draft FEMA 100-Year Floodplain

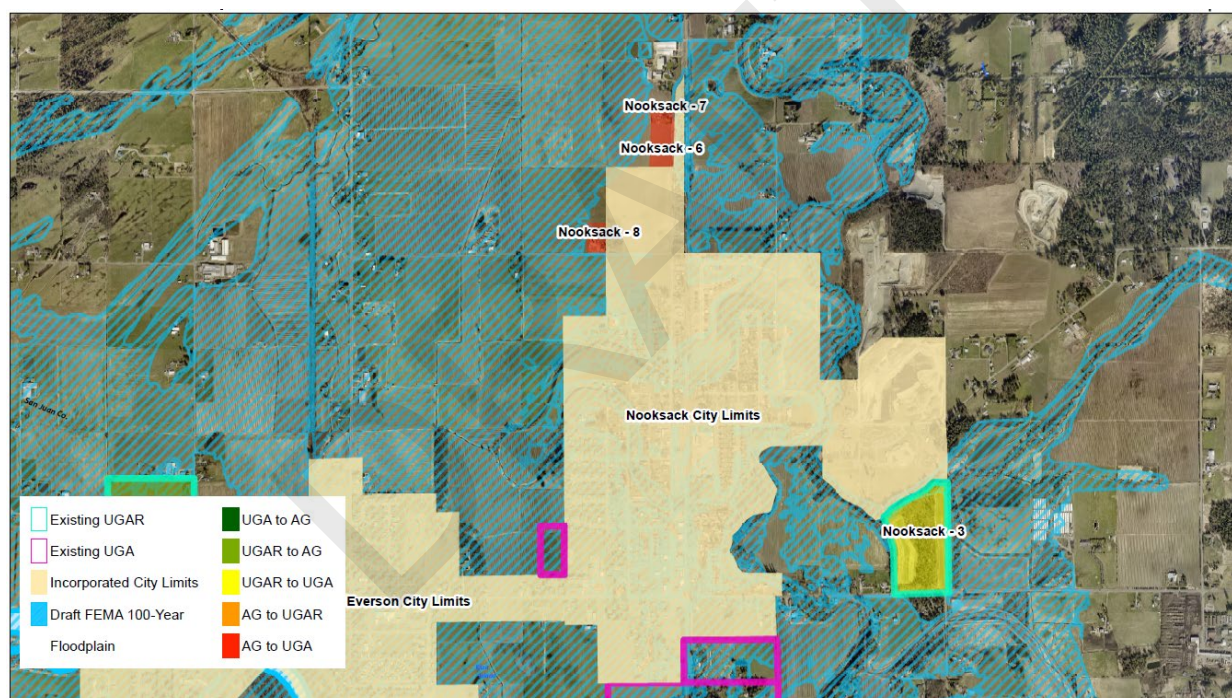


Table 6. Nooksack Urban Growth Area and Urban Growth Area Reserve Proposals in ARLs (considered for adoption through the 2025 Comprehensive Plan)

Expansion Area	Acres	Proposed Change	Draft FEMA Floodplain Present
Area 6	4.81	AG to UGA	No
Area 7	1.85	AG to UGA	No
Area 8	2.02	AG to UGA	No
Total ARL De-Designation	8.68		
Net ARL Designation	-8.68		

Everson

The City of Everson is a small town located near the center of the western half of the county. As of April 1, 2023, the population of Everson was 3,171 according to the Washington Office of Financial Management (OFM). The current City limits include approximately 1,025 acres.

The City of Everson is proposing nine changes to its UGA and UGA Reserve boundaries. Four of these changes would expand into designated ARLs, requiring de-designation. The City of Everson is proposing to expand the UGA and UGA Reserve to the north, east, and west and remove UGA and UGA Reserve from the north and west. By excluding the UGA Reserve proposals, the City of Everson's UGA proposal would result in a net gain of approximately 31.46 acres of agricultural resource lands.

The primary reason for Everson's UGA expansion proposal is due to unprecedented growth in the past two years and a need for additional land to accommodate future growth, specifically outside of the floodplain. The City of Everson has proposed a population growth allocation of 1,408 (approximately 43% increase) between 2023 to 2045. The UGA/UGA Reserves being removed are located in the Draft FEMA 100-Year Floodplain. The UGA expansion proposals are located outside of Draft FEMA 100-Year Floodplain designation, except for a portion of Everson-1.

Figure 3. Everson UGA Expansion Proposal in ARLs with the Draft FEMA 100-Year Floodplain

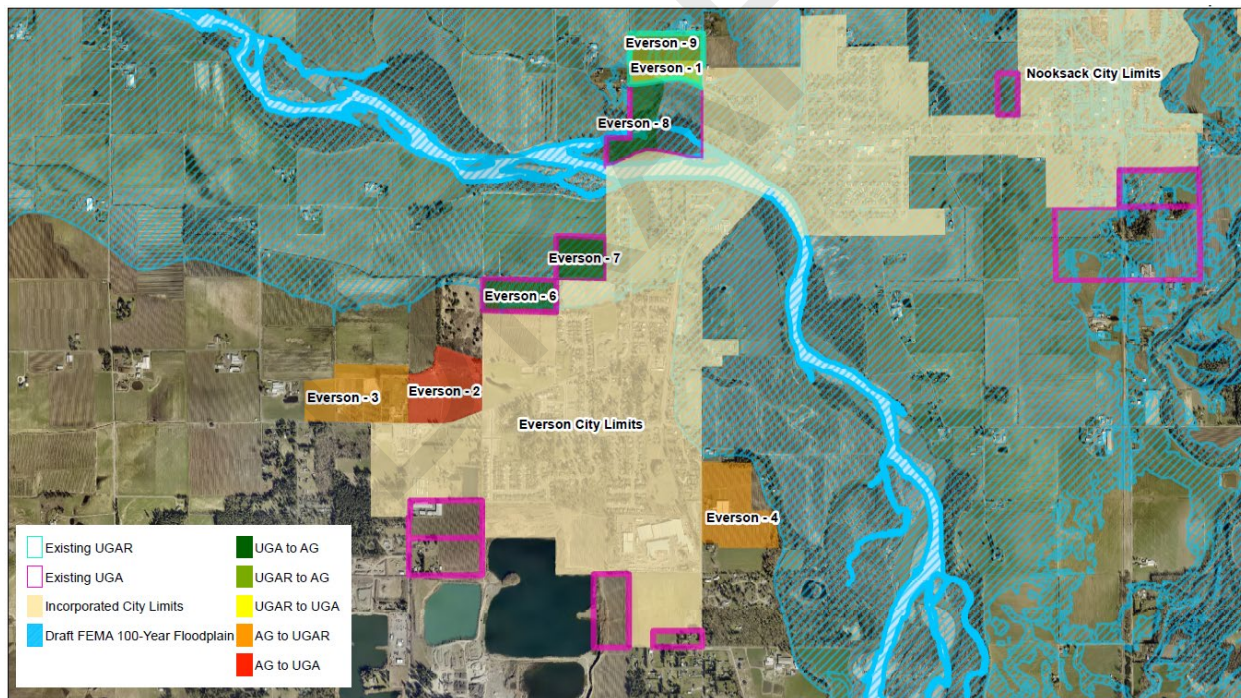


Table 7. Everson Urban Growth Area Proposals in ARLs (considered for adoption through the 2025 Comprehensive Plan)

Expansion Area	Acres	Proposed Change	Draft FEMA Floodplain Present
Area 2	34.14	AG to UGA	No
Area 6	18.00	UGA to AG	Yes
Area 7	16.8	UGA to AG	Yes

Area 8	18.9	UGA to AG	Yes
Area 9	11.9	UGAR to AG	Yes
Total ARL De-Designation	34.14		
Net ARL Designation	31.46		

Table 8. Everson UGA Reserve Proposals in ARLs (to be reconsidered through the 2026-2027 Annual Updates)

Expansion Area	Acres	Proposed Change	Draft FEMA Floodplain Present
Area 3	42.10	AG to UGAR	No
Area 4	38.75	AG to UGAR	No
Total ARL De-Designation	80.85		
Net ARL Designation	-80.85		

V. Agricultural Resource Land Designation Criteria & Methodology

The GMA requires counties to designate and protect Agriculture Resource Lands, Forest Resource Lands, and Mineral Resource Lands of “long-term commercial significance” through zoning and development regulations. Per WAC 365-190-040 and WAC 365-190-050, counties are required to conduct a comprehensive county-wide assessment of ARLs when county governments propose to designate or de-designate ARLs.

Designation Criteria for Agricultural Resource Lands

WAC 365-190-050(3) outlines the three criteria below (A, B, and C) that counties must use to designate Agricultural Resource Lands. Criteria A and B are used to determine which lands are suitable for agricultural use and capable of supporting agricultural uses in the future based on their natural resource characteristics. Criteria C includes 11 nonexclusive sub-criteria that are meant to inform the county’s determination of which lands have long-term commercial significance for agriculture. While these criteria are non-exclusive, it must involve a comprehensive analysis of all the criteria. As such, meeting one criterion alone does not provide rationale to designate or de-designate agricultural resource lands.

Whatcom County’s Comprehensive Plan affirms the WAC-mandated criteria to inform the designation of ARLs. In addition to these WAC-mandated criteria, Whatcom County has adopted three additional criteria in Policy 8A-3 of the Whatcom County Comprehensive Plan.

Table 9. Criteria for designation of Agricultural Resource Land

Criteria	Description	Required By
Criteria A	Characterized by Urban Growth	WAC 365-190-050 & WC Comp Plan
Criteria B	Capability of Agricultural Production	WAC 365-190-050 & WC Comp Plan
Criteria C	Long-Term Commercial Significance	WAC 365-190-050 & WC Comp Plan
Criteria C1	USDA NRCS Prime Soils	WAC 365-190-050 & WC Comp Plan
Criteria C2	Availability of Public Facilities	WAC 365-190-050 & WC Comp Plan
Criteria C3	Agricultural Tax Status	WAC 365-190-050 & WC Comp Plan

Criteria C4	Availability of Public Services	WAC 365-190-050 & WC Comp Plan
Criteria C5	Proximity to Urban Growth Areas	WAC 365-190-050 & WC Comp Plan
Criteria C6	Parcel Size	WAC 365-190-050 & WC Comp Plan
Criteria C7	Land Use Settlement Patterns & Agricultural Compatibility	WAC 365-190-050 & WC Comp Plan
Criteria C8	Intensity of Nearby Land Uses	WAC 365-190-050 & WC Comp Plan
Criteria C9	History of Land Development Permits	WAC 365-190-050 & WC Comp Plan
Criteria C10	Land Values Under Alternative Uses	WAC 365-190-050 & WC Comp Plan
Criteria C11	Proximity to Markets	WAC 365-190-050 & WC Comp Plan
Criteria C12	FEMA 100-Year Floodplain	WC Comp Plan only
Criteria C13	Agricultural Land Prior to 1985	WC Comp Plan only
Criteria C14	Special Purpose Districts	WC Comp Plan only

Below is an assessment of each criterion, as well as a discussion of the considerations used in this analysis. Refer to Table 10 for map references. Detailed methodology and data sources are listed under **Appendix B: Data Sources**.

Criteria A: Land Not Characterized by Urban Growth

WAC 365-196-200(39) defines “Urban Growth” and says, “*‘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.*”

To evaluate this factor, counties must use the criteria contained in WAC 365-196-310. Areas characterized by urban growth in Whatcom County were determined to be existing Urban Growth Areas (UGA), Urban Growth Area Reserves (UGAR), and Limited Areas of More Intensive Rural Development (LAMIRDs). LAMIRDs are designated as Rural Community within the Whatcom County Comprehensive Plan. Refer to Figure C-1 in Appendix C and Figure D-1 in Appendix D for existing UGAs, UGARs, and LAMIRDs. Proposed Urban Growth Area (UGA) expansions are detailed in Section IV and assessed in Section VI of this report.

Criteria B: Land Capable of Supporting of Agricultural Production

WAC 365-190-050 requires counties to evaluate whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. This involves analyzing “*whether lands are used or capable of being used for agricultural production.*”

The WAC recommends using the USDA Natural Resources Conservation Service (NRCS) land-capability classification system, which categorizes soils into 8 classes based on suitability of the soils for cropland. Classes 1-4 are generally considered suitable agricultural land, Classes 5-7 are considered suitable for agricultural use with additional management, and Class 8 is considered not suitable for agricultural use (NRCS 2010). NRCS provides two classification data sets for Whatcom County: irrigated soils and non-irrigated soils. The irrigated soils land-capability classification is an incomplete data set. As such, the non-irrigated land-capability classification was utilized.

The majority of the lowlands of Whatcom County fall into Classes 1-4, with a high concentration of Class 1 and 2 soils in the designated ARLs. The clear majority of Rural Study Areas considered in this analysis also fall into Classes 1-4. Because the vast majority of land within the county’s jurisdiction is classified as “suitable” for agriculture, Criteria B provides limited differentiation among different geographies considered.

WAC 365-090-050(3)(b)(i) also recommends designating lands enrolled in federal conservation reserve programs; however, this data is private and could not be accessed for this analysis. Other land use considerations including tax status (Open Space Farm & Agriculture Land, OSAG) and current land use were considered under Criteria C when determining the capability of the land for agricultural production. Refer to Figures C-3 and D-3.

Criteria C: Long-Term Commercial Significance

Building upon Criteria A and B, the WAC then requires the county evaluate whether the land has long-term commercial significance for agriculture. To do this, the WAC provides 11 nonexclusive criteria that counties should “consider... as applicable.” Because these criteria are “nonexclusive,” meeting (or failing to meet) one criterion alone does not provide sufficient rationale to designate or de-designate ARLs.

WAC 365-190-050(5) states that the process of applying Criteria C “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 supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.”

Criteria C1: The classification of prime and unique farmland soils, and farmlands of statewide importance, as mapped by the Natural Resources Conservation Service

USDA NRCS prime and unique farmland soils and farmlands of statewide importance data was assessed.

Criteria C2: The availability of public facilities, including roads used in transporting agricultural products

Areas designated as ARLs are primarily contiguous and stretch approximately 18-miles from east to west, at the widest point. Major arterials traverse Whatcom County east-west and north-south including Interstate 5, Highway 539 (Guide-Meridian), Highway 9, and Highway 544. These arterials and the relatively close proximity of Designated Agricultural Resource Lands allows for transportation of agricultural products throughout the county. As such, proximity to public facilities does not restrict commercial agricultural activities within the county.

Criteria C3: Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights

The Whatcom County Open Space Farm & Agriculture Land (OSAG) program is a current use tax program administered by the Whatcom County Assessor’s Office according to RCW 84.34. To be enrolled, landowners must demonstrate that the land is primarily devoted to commercial agricultural uses. For parcels under 20 acres, the Assessor’s Office requires documentation proving farm income from the applicable acres. Another related program known as Open Space Farm & Agriculture Conservation Land” (OSFAC) is administered by Whatcom County Planning & Development Services according to their Public Benefit Rating System (Whatcom County Ordinance 95-040). OSFAC applies to parcels that were historically farmed by are not currently being farmed commercially. Therefore, these parcels were not considered in this analysis.

In 2002, Whatcom County established the Purchase of Development Rights Program (now named the Conservation Easement Program) with the primary goal to preserve farmland. The

Conservation Easement Program operates in the Agriculture and Rural designations and has protected approximately 1,686 acres of agricultural land to date.

Criteria C4: The availability of public services

WAC 365-190-030 defines public services as “fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.” The presence of public services generally makes land more suitable for residential development. Many public services are close to urban or city centers. The presence of public services, such as schools, fire districts, sewer and water districts, Type A water associations, and other public services were considered to evaluate what services were present to support additional population growth and urbanization.

Some of the small cities that are surrounded, or partially surrounded by designated Agricultural Resource Lands (e.g. Lynden, Nooksack, Everson, and Sumas) may provide public services within a close vicinity of agricultural land. The existing ARL Designation is primarily contiguous and no more than 18-miles wide at its widest point. Major arterials traverse Whatcom County east-west and north-south including Interstate 5, Highway 539 (Guide-Meridian), Highway 9, and Highway 544. These arterials and the relatively close proximity of Designated Agricultural Resource Lands allow for relatively close access to public services throughout the county. As such, the availability of public services does not restrict commercial agricultural activities within the county.

Criteria C5: Relationship or proximity to urban growth areas

Lands in close proximity to existing urban growth areas may be less suitable for agricultural uses due to conflicts with other uses such as residential use. Whatcom County has established a Right to Farm chapter in Whatcom County Code (see WCC 14.02) to address such conflicts and promote a good neighbor policy between agricultural and nonagricultural property owners by requiring notice to purchasers and users of property adjacent to or near farm operations of the inherent potential problems associated with such purchase or use. However, residential development in close proximity to farming may present challenges associated with herbicide and pesticide use, fertilizer and manure application, the use of tractors and equipment during early or late times of day, and more.

Criteria C6: Predominant parcel size, which may include smaller parcels if contiguous with other agricultural resource land

Agricultural Resource Lands are all zoned “Agriculture,” which allows for 1 dwelling unit (DU) per 40 acres, however due to subdivision exemptions in the 1970’s and 1980’s there are many non-conforming lots with smaller acreage throughout the lands designated as ARLs. However, current ARLs generally have larger parcel sizes than most other parts of the county (omitting the commercial forestland base). Parcels throughout the County were assessed based on parcel size to determine which areas in the County have larger parcels. Parcels over 40 acres were given special consideration, with parcels over 20 acres also being weighted in the analysis.

Criteria C7: Land use settlement patterns and their compatibility with agricultural practices

The 2007 and 2019 Rural Land Study incorporated a visual analysis to determine land uses throughout the agricultural zone and RSAs. Washington State Department of Agriculture (WSDA) crop data was also utilized to determine where agriculture activities are currently taking place (Figure 8).

Criteria C8: Intensity of nearby land uses

The 2007 and 2019 Rural Land Study incorporated a visual analysis to determine land uses throughout the agricultural zone and RSAs. Washington State Department of Agriculture (WSDA) crop data was also utilized to determine where agriculture activities are currently taking place.

Non-agricultural development including higher density residential development, industrial commercial uses were considered when identifying the rural study area boundaries and agricultural zone protections as these uses may increase conflicts with agricultural land uses, especially with residential development.

Criteria C9: History of land development permits issued nearby

Single-family, mobile home, and commercial permit data from 2016 to 2024 identified high concentrations of development permits north of Bellingham, along the I-5 corridor near Ferndale and Blaine, and along Highway 539. There have been less development permits in unincorporated areas surrounding Lynden, Sumas, Nooksack, and Everson; however, these cities are primarily surrounded by Agriculture Resource Lands and floodplain, and as such have less development potential.

Criteria C10: Land values under alternative uses

Residential development pressure is prevalent throughout the County. The RSAs see greater development pressure as ranchettes and 5 to 10-acre residential estates are highly sought after. The Comprehensive Plan Buildable Lands data showed higher concentrations of development permits north of Bellingham, along the I-5 corridor near Ferndale and Blaine, and along Highway 539 compared to other parts of the county. Properties located outside of the floodplain also provide higher residential and other non-agricultural value due to reduced flood damage risk. The University of Washington – Center for Real Estate Research identifies the median house price in Whatcom County has increased by approximately 187 percent from 2017 (\$343,600) to 2024 (\$639,900).

Criteria C11: Proximity to markets

Whatcom County's Food Systems Dashboard identifies various agricultural markets such as farmers markets, grocery stores, food banks, and Women, Infants, and Children (WIC) retailers in Whatcom County. Additionally, Dairygold (a dairy cooperative) has a processing plant in Lynden and numerous berry cooperatives and private companies have berry processing plants throughout the county. These processing plants provide critical market opportunities for growers throughout the county. The majority of farmland is concentrated in the western third of Whatcom County and the majority of the Agriculture Designation is contiguous. Major arterials traverse Whatcom County east-west and north-south including Interstate 5, Highway 539 (Guide-Meridian), Highway 9, and Highway 544. Therefore, effectively all agricultural land in Whatcom County has good access to markets throughout the Puget Sound metropolitan area. As such, proximity to markets does not restrict commercial agricultural activities within the county.

Criteria C12: The area may be in a FEMA-delineated 100-Year Floodplain (*derived from Policy 8-A of Whatcom County's Comprehensive Plan*)

Floodplain areas are more suitable for agricultural activities compared to residential development. This criterion does not restrict Agriculture Resource Lands to the floodplain but identifies agriculture as a compatible use within the floodplain.

Criteria C13: The majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985 (derived from Policy 8-A of Whatcom County's Comprehensive Plan)

This is an additional Whatcom County criterion identified in the Comprehensive Plan. Data on areas farmed prior to 1985 is not available for all parts of Whatcom County. The USDA Farm Service Agency does maintain records of some parcels farmed prior to 1985 to establish USDA funding eligibility in regards to wetlands and highly erodible lands, but those records are not publicly available. In 1983, Whatcom County's Planning Department developed a background document for the Lynden-Nooksack Valley Subarea that inventoried existing conditions and land uses present at the time. In 1986, Council adopted the Lynden-Nooksack Sub-Area Comprehensive Plan, which involved updating the Comprehensive Plan map. Whatcom County does not have 1985 aerial imagery to assess; however, 1943 and 1991 aerial imagery were reviewed to identify agricultural land uses changes over time. The imagery confirms that most of the county's lowlands were dominated by agricultural land uses historically.

Criteria C14: Special Purpose Districts that are Orientated to Enhancing Agriculture Operations (derived from Policy 8-A of Whatcom County's Comprehensive Plan)

This is an additional Whatcom County criterion identified in the Comprehensive Plan. Whatcom County's agricultural sector is supported by six Watershed Improvement Districts (WIDs), as well as numerous Drainage and Diking Districts. Whatcom County's 6 WIDs are especially impactful to keeping agriculture productive by helping farmers address issues related to irrigation, water supply, water quality, drainage, wildlife management, and agricultural viability. The WIDs are organized under Washington's irrigation district law (RCW 87.03), which allows them to organize tax districts to fund projects within their geographic area that benefit the agricultural community and the overall watershed. The WIDs are overseen by the Ag Water Board, which is the institutional umbrella organization that provides staff and administrative capacity to coordinate all six WIDs. The Ag Water Board participates in the WRIA 1 watershed planning process, and will likely play a key role in helping to develop water solutions needed to keep agriculture viable into the future. The Whatcom Conservation District is another special purpose district that provides technical assistance to farmers throughout the county.

Considerations of Water Availability for Agricultural Production

While the primary focus of this analysis is the preservation of agricultural land, the AAC and other local agricultural groups have long advocated for reliable water for agriculture as a key factor in keeping farmland in production and protected from development. Goal 8F of the Whatcom County Comprehensive Plan establishes a priority to, "Strive to ensure adequate water supplies to support a thriving agricultural sector".

In 2024, Whatcom County, the WRIA 1 Planning Unit, and other project partners initiated the Land and Water Integration Study, which was developed by the Washington Water Trust (WWT). The study builds off of previous efforts and studies such as the 2019 Rural Land Study, Whatcom County Coordinated Water Supply Plan (2019 & 2025), and the PUD No.1 Regional Water Supply Plan Phase 2 Report to better integrate land use planning and water resources planning within three RSAs. WWT reviewed parcel sizes, environmental characteristics, and existing water supply with agricultural potential (water rights and water systems). The study provided analysis, conceptual alternatives, and recommendations for long-term agricultural water supply solutions in the three evaluated RSAs: the Ten Mile RSA, the Guide-Aldrich RSA, and the Custer-Grandview RSA.

For example, the study found that the Guide-Aldrich RSA had the highest density of agricultural water rights, yet this RSA experienced the most conversion from agricultural land uses to residential uses over the past two decades. It determined that additional infrastructure and water supply solutions would be required to supply reliable irrigation water to Guide-Aldrich and the other RSAs. However, it also determined that protecting these lands for agriculture to avoid losing irrigation water rights to residential development is an important component of ensuring adequate agricultural water supply to these areas.

The Land & Water Integration Study provided insight into why the presence of legal water rights should not inform zoning decisions, since water rights are subject to relinquishment and can be moved around within a basin through a Water Bank or some other legal mechanism. The study also identified that physical water availability should not contribute to ARL/zoning decisions, since this is also subject to change as water storage and conveyance solutions are brought online in the future. The study did find that future rural residential development within the study area will largely depend on permit exempt wells, since most of the shares for water associations were already allocated to existing residences. Another take-away from the study was that “designating (ARLs) today keeps options open in the future and provides time to bring water rights solutions (legal and physical) online.”

Methodology for Considering Agricultural Resource Land Designation Suitability

WAC 365-190-050(5) states that when applying the designation criteria “*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 supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.*” As described in Section III above, Whatcom County identified 100,000 acres as the minimum quantity of land necessary to ensure the on-going viability of agriculture in Whatcom County. The 100,000-acre goal led to the 2007 Rural Land Study, which identified proximity to active agricultural areas, visual analysis of agricultural land use, high percentage of APO or prime soils, parcels over 20 acres, tax status, and evaluation of forested areas for potential agriculture as the criteria to determine agricultural value in Rural 5 and Rural 10 zoning. The 2019 Rural Land Study update reiterated those criteria.

After reviewing past studies of agricultural value and WAC 365-090-050(3) criteria, it was determined that parcel size, agricultural land use, tax status, USDA NRCS Prime Soils, and Special Purpose Districts (i.e. Watershed Improvement Districts and drainage districts), adjacent to active agricultural areas, were considered to be highly important and most relevant for determining agricultural long-term commercial significance in Whatcom County. To be enrolled in Open Space Agriculture (OSAG) taxation, landowners must demonstrate that the land is primarily devoted to commercial agricultural uses. For parcels under 20 acres, the Assessor’s Office requires documentation proving farm income from the applicable acres. Being contiguous with designated ARLs was also determined to be highly important, as it is important for proximity to markets and resources, and access to Special Purpose Districts (i.e. watershed improvement districts or drainage districts). Maintaining sufficient parcel sizes is essential to ensure farmland remains in large contiguous blocks that are operationally efficient for commercial farmers. As farmland becomes

more parcelized, the conversion of farmland to residential lots increases. Residential and non-agricultural land uses adjacent to farmland can increase conflict between agricultural and residential land uses.

Geospatial Analysis (County-wide and UGA Proposals)

To assess lands in Whatcom County that meet the definition of lands with “long-term commercial significance for agriculture” as outlined in WAC 365-190-050, a geospatial analysis was conducted for criteria that could be spatially analyzed to determine what lands meet the criteria. The remaining criteria that were not included in the geospatial analysis were then assessed at a county-wide scale. Agricultural land use determinations differ based on the data source and how the data was collected. As such, multiple data sources were utilized and compared to gain a comprehensive understanding of agricultural land uses.

Two geospatial analyses were completed using the criteria that were mappable: 1) a county-wide analysis to assess the existing designated ARLs and potential ARLs (RSAs); and 2) an analysis of the Urban Growth Area (UGA) expansion proposals from the cities of Sumas, Everson, and Nooksack. See Appendix B for Data Sources.

Geospatial Analysis Data

1. USDA NRCS Whatcom County Prime Soils data (Criteria 3)
2. 2024 Whatcom County Tax Assessor Open Space Farm and Agriculture Tax Designation data (Criteria 5)
3. 2024 Whatcom County Tax Assessor Parcel Acreage data – Parcels greater than 20 acres (Criteria 8)
4. 2024 Whatcom County Tax Assessor Parcel Acreage data – Parcels greater than 40 acres (Criteria 8)
5. 2019 and 2022 Whatcom County Aerial Imagery Land Use data (Criteria 9 & 10)
6. 2024 Washington Department of Agriculture Crop data (Criteria 2 & 9)
7. 2023 Whatcom County Watershed Improvement Districts & Drainage Districts data (Criteria 16)
8. Current Whatcom County Title 20 Zoning & Comprehensive Plan Designations data (Criteria 1, 4, 6, 7, 9, & 10)

Table 10. Geospatial Analysis Data Utilized to Determine Criteria for designation of Agricultural Resource Lands. A detailed overview of data sources is found in Appendix B.

Criteria	Description	Data Utilized	Map Reference
Criteria A	Characterized by Urban Growth	Whatcom County Comprehensive Plan Map	C-1, C-2, D-1, & D-2
Criteria B	Capable of Agricultural Production	USDA NRCS land capability classification system (non-irrigated land-capability classification data set) 2024 WSDA Crop Maps	C-3, C-8, D-3, & D-8
Criteria C1	USDA NRCS Prime Soils	Current USDA NRCS Whatcom County Prime Soils data	C-4 & D-4
Criteria C2	Availability of Public Facilities	Current Whatcom County Title 20 Zoning & Comprehensive Plan Designation Map Major Roadway Arterials Fire Stations Schools	C-1, D-1, C-9, & D-9
Criteria C3	Agricultural Tax Status	2024 Whatcom County Tax Assessor Open Space Farm and Agriculture Tax (OSAG) classification dataset Conservation Easement Program Availability	C-5 & D-5
Criteria C4	Availability of Public Services	Current Whatcom County Title 20 Zoning & Comprehensive Plan Designation Map Major Roadway Arterials	C-1, D-1, C-9, & D-9

		Fire Stations Schools	
Criteria C5	Proximity to Urban Growth Areas	Current Whatcom County Title 20 Zoning & Comprehensive Plan Designation Map	C-1 & D-1
Criteria C6	Parcel Size	2024 Whatcom County Tax Assessor Parcel Acreage data - Parcels > 20 acres - Parcels > 40 acres	C-6 & D-6
Criteria C7	Land Use Settlement Patterns & Agricultural Compatibility	2019 Rural Land Study Visual Land Use Analysis 2024 WSDA Crop Maps	C-7, C-8, D-7, & D-8
Criteria C8	Intensity of Nearby Land Uses	2019 Rural Land Study Visual Land Use Analysis 2024 WSDA Crop Maps	C-7, C-8, D-7, & D-8
Criteria C9	History of Land Development Permits	PDS single family, mobile home, and commercial permit (2016-2021) and subdivision data (2004 – 2024)	C-10 & D-10
Criteria C10	Land Values Under Alternative Uses	PDS single family, mobile home, and commercial permit (2016-2021) and subdivision data (2004 – 2024) 2016-2024 UW Center for Real Estate Research data	C-10 & D-10
Criteria C11	Proximity to Markets	Whatcom County Food Systems Dashboard Current Whatcom County Title 20 Zoning & Comprehensive Plan Designation Map Major Roadway Arterials	C-1 & D-1
Criteria C12	FEMA 100-Year Floodplain	Current FEMA 100-Year Floodplain data	C-11 & D-11
Criteria C13	Agricultural Land Prior to 1985	1986 Lynden-Nooksack Valley Subarea Comprehensive Plan 1943 Aerial Imagery 1991 Aerial Imagery	C-12, C-13, D-12, & D-13
Criteria C14	Special Purpose Districts	Watershed Improvement District and Drainage District boundary maps	C-14 & D-14

VI. Findings

Analysis #1: County-wide Analysis

The ALA confirms the current spatial extent of designated ARLs was appropriate and met the clear majority of the WAC 365-190-050 criteria. The majority of parcels designated as ARLs contain USDA NRCS Prime Soils and support current agricultural production, and are enrolled in OSAG current use tax status and located in Special Purpose Districts. As the mainstem Nooksack River traverses the Agriculture Designation, agricultural land uses are dominant within the Nooksack River floodplain. The core of the mapped ARLs is located in northern Whatcom County, east of I-5 and west of the Mt Baker Foothills, with additional ARLs located in the South Fork Nooksack Valley and along the Nooksack River delta south of Ferndale.

WAC 365-190-050 does not outline how to use the criteria to identify which lands should be designated as ARLs. Those decisions are left to the discretion of individual counties.

Rural Study Areas (RSAs)

The 2019 Rural Land Study identifies eighteen (18) RSAs covering 28,449 acres. This ALA confirmed that the Rural Study Areas have agricultural value and meet many of the WAC 365-190-050 criteria for designating ARLs. However, approximately 4,420 acres of land were removed from the 2019 Rural Study Area boundaries. These omitted areas primarily included forested areas and higher-density residential development clearly not supportive of consideration for additional agricultural protection. The Rural Study Areas were reduced to approximately 24,029 acres. No additional areas outside of the existing ARLs or RSAs were identified as having significant agricultural value.

Many of the Rural Study Areas are comprised of larger parcels characterized by USDA NRCS Prime Soils that support current agricultural production and are enrolled in OSAG current use tax status. All RSAs had a majority (greater than 50 percent) USDA NRCS Prime Soils, with the average in all RSAs being approximately 89 percent. The visual land use analysis identified all of the RSAs except RSA 12 – Leibrant and RSA 15 – South Fork Nooksack had a majority (greater than 50 percent) of agricultural land use (farmland, fallow, farmstead single-family residence, or farmland infrastructure) in the RSA. The majority of the RSAs and existing ARLs have between 45 to 67 percent crop cover according to the 2024 WSDA Crop data. Every RSA except RSA 15 – South Fork Nooksack, RSA 17 – Eastwood Road, and RSA 18 – North Fork Nooksack had a majority of the land enrolled in the Open Space Farm and Agriculture tax designation.

The majority of the RSAs that are adjacent to or include a Watershed Improvement District (WID) or Drainage District are contiguous with the core block of ARLs that surrounds Lynden, except for RSA 3 – Custer/Grandview. RSA 3 – Custer/Grandview, RSA 4 – Aldergrove, RSA 5 – Lake Terrell/Ferndale, RSA 9 – Ten Mile, RSA 11 – Minaker, RSA 14 – Deming, and RSA 18 – North Fork Nooksack have the highest percentage of parcels over 20 acres. This correlates closely with RSAs that are primarily zoned Rural 10. RSA 5 – Lake Terrell/Ferndale, RSA 9 – Ten Mile, RSA 11 – Minaker, and RSA 16 Reese Hill have the highest percentage of parcels over 40 acres.

Since 2004, 188 new single-family residence permits have been issued in the current RSAs and 326 acres of rural farmland has been converted to low-density residential use since 2006. Almost all of these subdivisions were associated with a new residential building permit. As identified in the 2007 Rural Land Study and 2019 Rural Land Study, additional protections should be considered to protect the agricultural value of these areas.

Some RSAs clearly meet more of the designation criteria than others, and therefore it may be concluded that these higher priority RSAs may deserve additional protections. Based on the WAC 365-190-050 criteria and continuity with designated ARLs, the following RSAs were determined to be the highest priority:

- | | |
|-------------------------------|-----------------------------|
| 1. RSA 9 – Ten Mile | 6. RSA 10 – East Badger |
| 2. RSA 11 – Minaker | 7. RSA 3 – Custer/Grandview |
| 3. RSA 7 – Guide/Aldrich/Pole | 8. RSA 2 – Harksell |
| 4. RSA 8 – Guide South | 9. RSA 1 – Loomis Trail |
| 5. RSA 6 – Lynden | 10. RSA 13 – Lawrence |

Note: While RSA 5 – Lake Terrell/Ferndale met many of the ARL criteria, the unique spatial extent of this RSA gives it an artificially high score. Most importantly, this RSA is one of the smaller units

analyzed, and is actually made up of four disparate units. The RSA is located west of I-5, and for the most part is not contiguous with designated ARLs. Additionally, this RSA does not contain any Special Purpose Districts and is located adjacent to High Intensity Industrial designated lands, with many of the parcels within the RSA being owned by the adjacent refineries.

Table 11 includes a brief description and assessment of each of the eighteen (18) RSAs with the ARL designation criteria. Figure 4 is a stacked overlay of 7 different criteria used in the geospatial analysis.

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Figure 4: County-wide Stacked Overlay of Comprehensive Plan ARL Designation Criteria

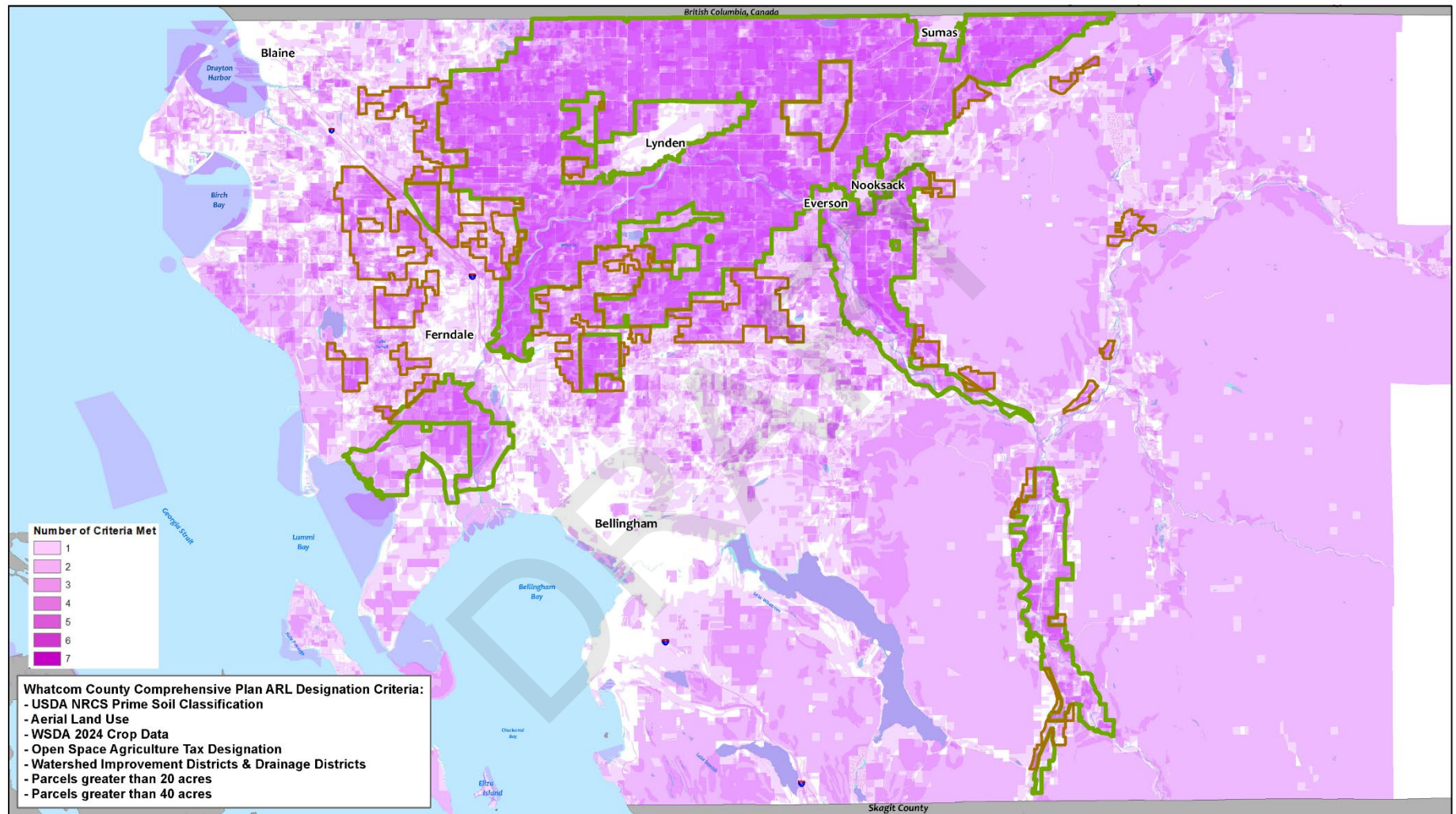


Table 11. Rural Study Areas Analysis

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
Whatcom County Comprehensive Plan Agriculture Designation	Agriculture			USDA NRCS Prime Soils (86%) Agricultural Land Use (80%) WSDA Crop Data (66%) Agricultural Tax Status (80%) Special Purpose Districts (80%) Parcels greater than 20 acres (77%) Parcels greater than 40 acres (76%)
RSA 1 Loomis Trail	Rural 5 / Rural 10	Close proximity to I-5 Not adjacent to urban growth areas.	Majority USDA Land Capability Class 2 – 4.	USDA NRCS Prime Soils (71%) Agricultural Land Use (59%) WSDA Crop Data (39%) Agricultural Tax Status (60%) Special Purpose Districts (63%) Parcels greater than 20 acres (46%) Parcels greater than 40 acres (11%) Contiguous with the existing ARL. Residential land uses to the west. Located outside of the Draft FEMA Floodplain.
RSA 2 Harksell	Rural 5	Close proximity to I-5 Not adjacent to urban growth areas.	Majority USDA Land Capability Class 2 – 4.	USDA NRCS Prime Soils (66%) Agricultural Land Use (72%) WSDA Crop Data (41%) Agricultural Tax Status (60%) Special Purpose Districts (88%) Parcels greater than 20 acres (48%) Parcels greater than 40 acres (19%) Contiguous with the existing ARL. Residential land uses to the west and south. Located outside of the Draft FEMA Floodplain.

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth <i>WAC 365-190-050(3)(a)</i>	Criteria B Land is used or capable of being used for agricultural production <i>WAC 365-190-050(3)(a)</i>	Criteria C Land has long-term commercial significance for agriculture <i>WAC 365-190-050(3)(a)</i>
RSA 3 Custer/Grandview	Rural 5 / Rural 10	Close proximity to I-5 Adjacent to urban growth area.	Majority USDA Land Capability Class 3 - 5.	<p>USDA NRCS Prime Soils (81%) Agricultural Land Use (63%) WSDA Crop Data (42%) Agricultural Tax Status (59%) Special Purpose Districts (43%) Parcels greater than 20 acres (56%) Parcels greater than 40 acres (24%) Not contiguous with the existing ARL. Residential land uses to the north, west, and south. Located outside of the Draft FEMA Floodplain.</p>
RSA 4 Aldergrove	Rural 5	Close proximity to I-5 Adjacent to Ferndale city limits, urban growth area, and urban growth area reserves.	Majority USDA Land Capability Class 3.	<p>USDA NRCS Prime Soils (83%) Agricultural Land Use (67%) WSDA Crop Data (48%) Agricultural Tax Status (71%) Special Purpose Districts (30%) Parcels greater than 20 acres (56%) Parcels greater than 40 acres (30%) Not contiguous with the existing ARL. Residential land uses to the west and south. Located outside of the Draft FEMA Floodplain.</p>

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth <i>WAC 365-190-050(3)(a)</i>	Criteria B Land is used or capable of being used for agricultural production <i>WAC 365-190-050(3)(a)</i>	Criteria C Land has long-term commercial significance for agriculture <i>WAC 365-190-050(3)(a)</i>
RSA 5 Lake Terrell /Ferndale	Rural 5	Adjacent to Ferndale city limits, urban growth area, and urban growth area reserves.	Majority USDA Land Capability Class 3 – 5.	USDA NRCS Prime Soils (99%) Agricultural Land Use (78%) WSDA Crop Data (66%) Agricultural Tax Status (91%) Special Purpose Districts (0%) Parcels greater than 20 acres (72%) Parcels greater than 40 acres (38%) Lake Terrell area is adjacent to High Intensity Industrial Designation Partially contiguous with the existing ARL. Residential land uses to the east. Located outside of the Draft FEMA Floodplain.
RSA 6 Lynden	Rural 5	Adjacent to Lynden city limits.	Majority USDA Land Capability Class 2 – 3.	USDA NRCS Prime Soils (91%) Agricultural Land Use (77%) WSDA Crop Data (55%) Agricultural Tax Status (70%) Special Purpose Districts (100%) Parcels greater than 20 acres (22%) Parcels greater than 40 acres (0%) Contiguous with the existing ARL. Residential land uses to the east and south. Located outside of the Draft FEMA Floodplain.
RSA 7 Guide/Aldrich/Pole	Rural 5 / Rural 10	Close proximity to I-5 and Guide-Meridian.	Majority USDA Land Capability Class 2 – 4.	USDA NRCS Prime Soils (75%) Agricultural Land Use (73%) WSDA Crop Data (49%) Agricultural Tax Status (63%) Special Purpose Districts (80%) Parcels greater than 20 acres (33%) Parcels greater than 40 acres (11%) Contiguous with the existing ARL. Residential land uses to the east and south. Located outside of the Draft FEMA Floodplain.

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
RSA 8 Guide South	Rural 5	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 2 – 3.	USDA NRCS Prime Soils (98%) Agricultural Land Use (74%) WSDA Crop Data (67%) Agricultural Tax Status (80%) Special Purpose Districts (41%) Parcels greater than 20 acres (43%) Parcels greater than 40 acres (13%) Contiguous with the existing ARL. Residential land uses to the east and southwest. Located outside of the Draft FEMA Floodplain.
RSA 9 Ten Mile	Rural 5 / Rural 10	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 2 – 3.	USDA NRCS Prime Soils (94%) Agricultural Land Use (65%) WSDA Crop Data (42%) Agricultural Tax Status (79%) Special Purpose Districts (54%) Parcels greater than 20 acres (60%) Parcels greater than 40 acres (33%) Industrial land uses to the northeast Contiguous with the existing ARL. Residential land uses to the east and south. Located outside of the Draft FEMA Floodplain.
RSA 10 East Badger	Rural 10	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 4 – 5.	USDA NRCS Prime Soils (100%) Agricultural Land Use (56%) WSDA Crop Data (33%) Agricultural Tax Status (68%) Special Purpose Districts (92%) Parcels greater than 20 acres (51%) Parcels greater than 40 acres (28%) Contiguous with the existing ARL. Primarily surrounded by agricultural land uses. Located outside of the Draft FEMA Floodplain.

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
RSA 11 Minaker	Rural 10	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 2.	USDA NRCS Prime Soils (99%) Agricultural Land Use (56%) WSDA Crop Data (52%) Agricultural Tax Status (93%) Special Purpose Districts (0%) Parcels greater than 20 acres (72%) Parcels greater than 40 acres (32%) Adjacent to Special Purpose Districts Primarily surrounded by agricultural or forestry land uses Contiguous with the existing ARL. Located outside of the Draft FEMA Floodplain.
RSA 12 Leibrant	Rural 5	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (98%) Agricultural Land Use (20%) WSDA Crop Data (14%) Agricultural Tax Status (60%) Special Purpose Districts (0%) Parcels greater than 20 acres (54%) Parcels greater than 40 acres (18%) Primarily surrounded by agricultural or forestry land uses Contiguous with the existing ARL. Located outside of the Draft FEMA Floodplain.
RSA 13 Lawrence	Rural 5	Adjacent to Highway 9 & 542. Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (95%) Agricultural Land Use (69%) WSDA Crop Data (53%) Agricultural Tax Status (73%) Special Purpose Districts (78%) Parcels greater than 20 acres (47%) Parcels greater than 40 acres (24%) Primarily surrounded by agricultural or forestry land uses Contiguous with the existing ARL. Located outside of the Draft FEMA Floodplain.

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
RSA 14 Deming	Rural 5	Adjacent to Highway 542. Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 3 - 4.	USDA NRCS Prime Soils (86%) Agricultural Land Use (65%) WSDA Crop Data (50%) Agricultural Tax Status (92%) Special Purpose Districts (0%) Parcels greater than 20 acres (62%) Parcels greater than 40 acres (18%) Primarily surrounded by agricultural or forestry land uses Contiguous with the existing ARL. Primarily located within the Draft FEMA Floodplain.
RSA 15 South Fork Nooksack	Rural 5 / Rural 10	Adjacent to Highway 9. Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 2 - 4.	USDA NRCS Prime Soils (88%) Agricultural Land Use (45%) WSDA Crop Data (25%) Agricultural Tax Status (38%) Special Purpose Districts (0%) Parcels greater than 20 acres (42%) Parcels greater than 40 acres (12%) Primarily surrounded by agricultural or forestry land uses Contiguous with the existing ARL. Partially located within the Draft FEMA Floodplain.
RSA 16 Reese Hill	Rural 5 / Rural 10	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 2 - 4.	USDA NRCS Prime Soils (96%) Agricultural Land Use (67%) WSDA Crop Data (58%) Agricultural Tax Status (89%) Special Purpose Districts (0%) Parcels greater than 20 acres (50%) Parcels greater than 40 acres (34%) Not contiguous with the existing ARL. Located outside of the Draft FEMA Floodplain.

Rural Study Areas	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
RSA 17 Eastwood Rd	Rural 10 / Rural 10	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 2.	USDA NRCS Prime Soils (90%) Agricultural Land Use (65%) WSDA Crop Data (46%) Agricultural Tax Status (46%) Special Purpose Districts (0%) Parcels greater than 20 acres (42%) Parcels greater than 40 acres (14%) Primarily surrounded by agricultural or forestry land uses Not contiguous with the existing ARL. Located partially within the Draft FEMA Floodplain.
RSA 18 North Fork Nooksack	Rural 5 / Rural 10	Not adjacent to city limits or urban growth areas.	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (85%) Agricultural Land Use (59%) WSDA Crop Data (43%) Agricultural Tax Status (48%) Special Purpose Districts (0%) Parcels greater than 20 acres (60%) Parcels greater than 40 acres (1%) Primarily surrounded by agricultural or forestry land uses Not contiguous with the existing ARL. Primarily located within the Draft FEMA Floodplain.

Analysis #2: Proposed UGA Expansions

Urban growth area expansions that would require de-designation of ARLs must meet the amendment process criteria outlined in WAC 365-190-040(10)(c) below. As identified above, the spatial extent of the current ARL Designation boundary is appropriate and meets the majority of the WAC 365-190-050 criteria. This section analyzes the UGA expansion proposals that would require de-designation of ARLs on a parcel by parcel basis.

WAC 365-190-040 outlines the process criteria to de-designate ARLs for UGA expansion.

WAC 365-190-040(10) Designation amendment process.

(a) Land use planning is a dynamic process. Natural resource lands review procedures should provide a rational and predictable basis for accommodating change.

(b)(i) De-designations of natural resource lands can undermine the original designation process. De-designations threaten the viability of natural resource lands and associated industries through conversion to incompatible land uses, and through operational interference on adjacent lands. Cumulative impacts from de-designations can adversely affect the ability of natural resource-based industries to operate.

(ii) Counties and cities should maintain and enhance natural resource-based industries and discourage incompatible uses. Because of the significant amount of time needed to review natural resource lands and potential impacts from incompatible uses, frequent, piecemeal de-designations of resource lands should not be allowed. Site-specific proposals to de-designate natural resource lands must be deferred until a comprehensive countywide analysis is conducted.

(c) Reviewing natural resource lands designation. In classifying, designating and de-designating natural resource lands, counties must conduct a comprehensive countywide analysis. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel basis. Designation amendments should be based on consistency with one or more of the following criteria:

(i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC [365-190-050](#)(3), [365-190-060](#)(2), and [365-190-070](#)(3);

(ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC [365-190-050](#)(3), [365-190-060](#)(2), and [365-190-070](#)(3);

(iii) An error in designation or failure to designate;

(iv) New information on natural resource land or critical area status related to the designation criteria in WAC [365-190-050](#)(3), [365-190-060](#)(2), and [365-190-070](#)(3); or

(v) A change in population growth rates, or consumption rates, especially of mineral resources.

In 2016, Whatcom County Council passed an ordinance adopting the Whatcom County Comprehensive Plan amendments relating to the 2016 Comprehensive Plan Update and Urban Growth Area review. This ordinance provides a brief summary of the caselaw relating to the three-

part test that was originally defined in *Lewis County v. Western Washington Growth Management Hearings Board* (2006):

Whatcom County Council Ordinance 2016-034 (26)

Based upon the GMA, Washington courts have developed a three factor 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.

a. 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)).

b. 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.

c. 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.

Table 12 includes a brief description and assessment of each of the cities' UGA expansion proposals with the ARL designation criteria. Figures 5 and 6 are stacked overlays of 7 different criteria used in the geospatial analysis.

Figure 5: Everson and Nooksack UGA Stacked Overlay of Comprehensive Plan ARL Designation Criteria

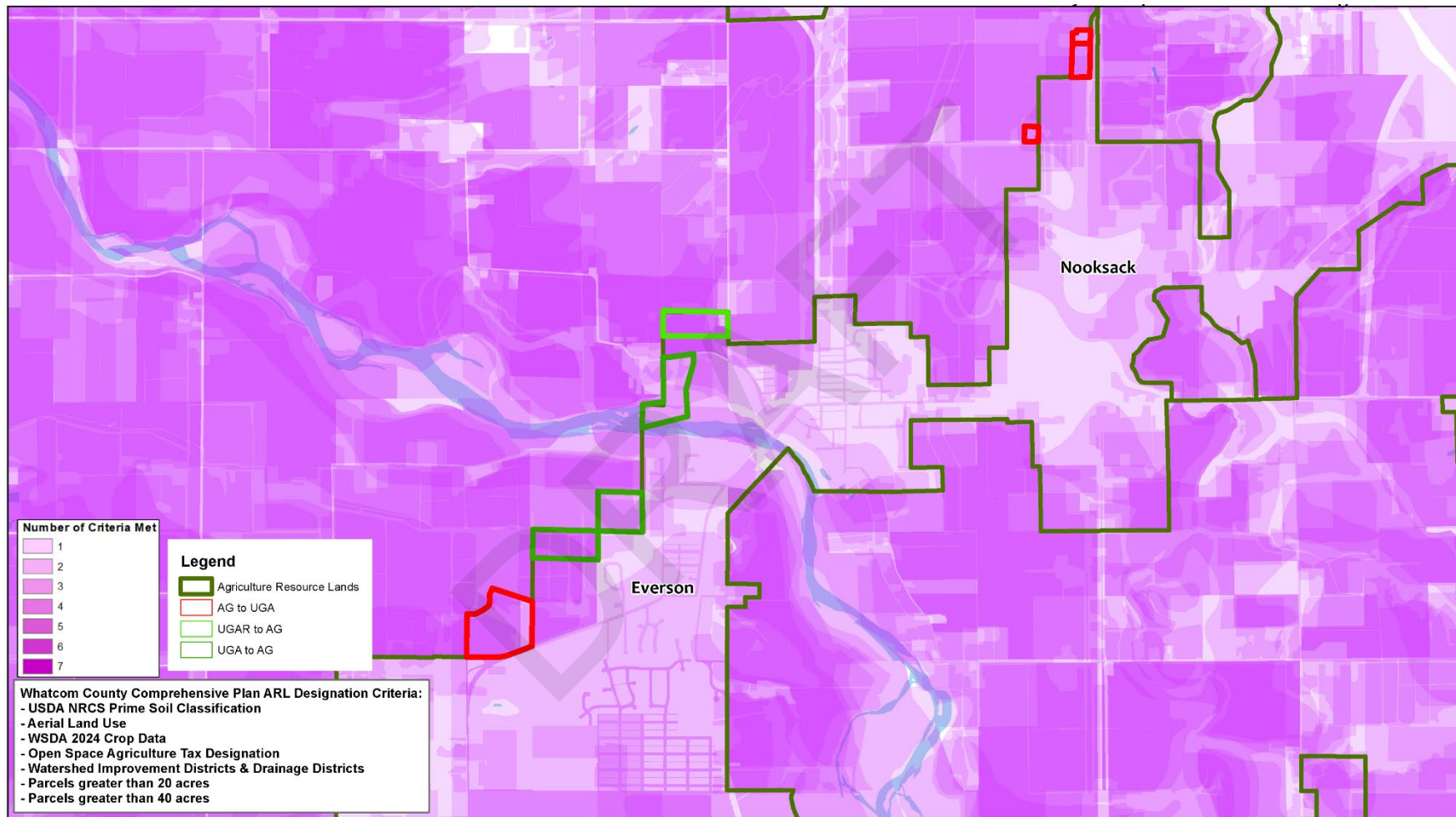


Figure 6: Sumas UGA Stacked Overlay of Comprehensive Plan ARL Designation Criteria

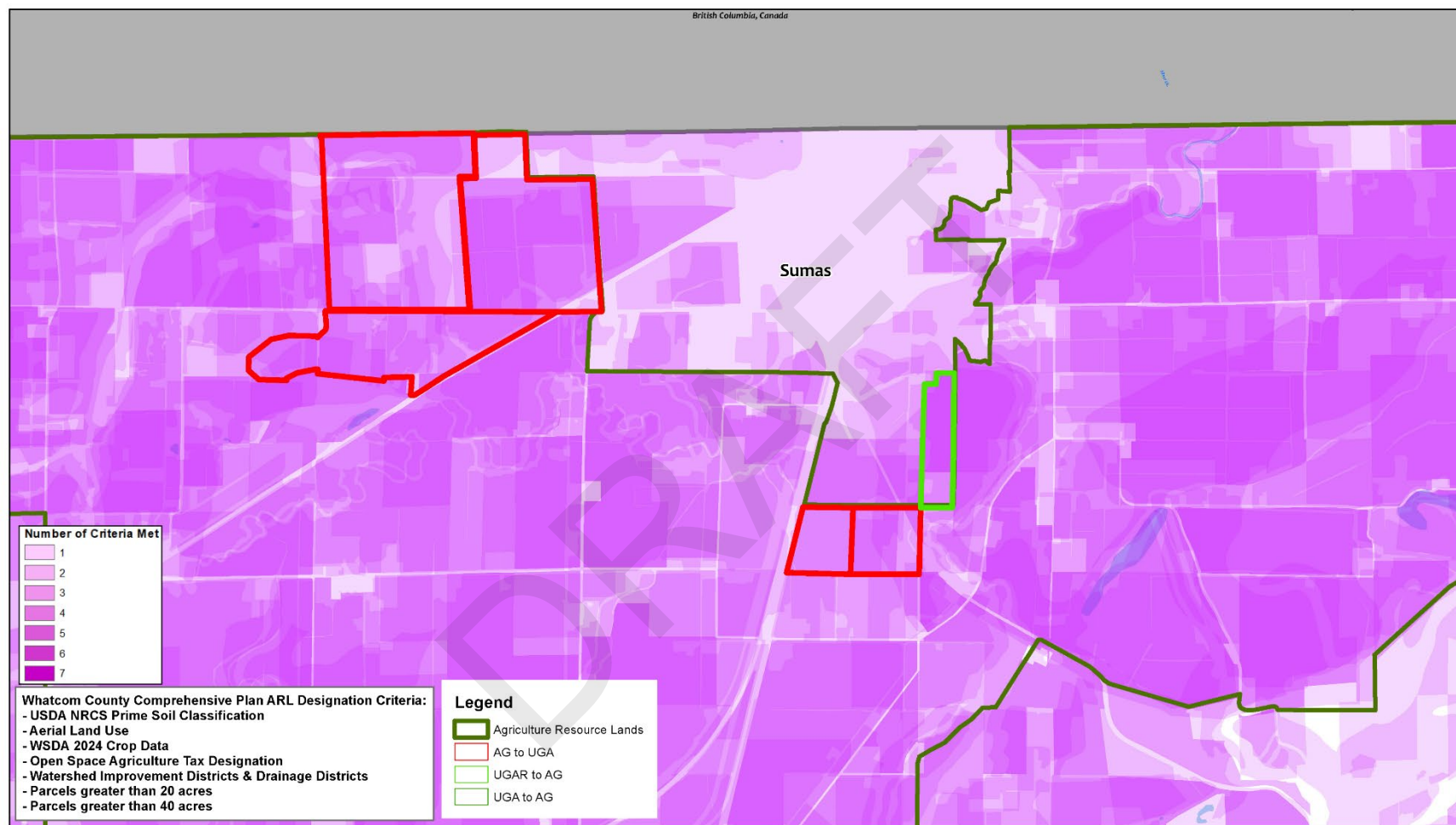


Table 12: UGA Proposal Assessment

Urban Growth Area Expansion Proposal	Current Designation	Criteria A Land is not already characterized by urban growth <i>WAC 365-190-050(3)(a)</i>	Criteria B Land is used or capable of being used for agricultural production <i>WAC 365-190-050(3)(a)</i>	Criteria C Land has long-term commercial significance for agriculture <i>WAC 365-190-050(3)(a)</i>
Agriculture Resource Lands	Agriculture			USDA NRCS Prime Soils (86%) Agricultural Land Use (80%) WSDA Crop Data (66%) Agricultural Tax Status (80%) Special Purpose Districts (80%) Parcels greater than 20 acres (77%) Parcels greater than 40 acres (76%)
Everson 2	Agriculture to UGA	Adjacent to Everson city limits and extends approximately 0.25 mile north	Majority USDA Land Capability Class 2.	USDA NRCS Prime Soils (100%) Agricultural Land Use (100%) WSDA Crop Data (69%) Agricultural Tax Status (85%) Special Purpose Districts (100%) Parcels greater than 20 acres (85%) Parcels greater than 40 acres (85%) Contiguous with the existing ARL. Located outside the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area

Urban Growth Area Expansion Proposal	Current Designation	Criteria A Land is not already characterized by urban growth <i>WAC 365-190-050(3)(a)</i>	Criteria B Land is used or capable of being used for agricultural production <i>WAC 365-190-050(3)(a)</i>	Criteria C Land has long-term commercial significance for agriculture <i>WAC 365-190-050(3)(a)</i>
Everson 6	UGA to Agriculture	Adjacent to Everson city limits and extends approximately 0.25 mile west	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (98%) WSDA Crop Data (97%) Agricultural Tax Status (98%) Special Purpose Districts (100%) Parcels greater than 20 acres (98%) Parcels greater than 40 acres (98%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area
Everson 7	UGA to Agriculture	Adjacent to Everson city limits and extends approximately 0.15 mile north and west	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (96%) WSDA Crop Data (93%) Agricultural Tax Status (76%) Special Purpose Districts (100%) Parcels greater than 20 acres (0%) Parcels greater than 40 acres (0%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area

Urban Growth Area Expansion Proposal	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
Everson 8	UGA to Agriculture	Adjacent to Everson city limits and UGA, extends approximately 0.20 mile west	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (68%) Agricultural Land Use (48%) WSDA Crop Data (23%) Agricultural Tax Status (33%) Special Purpose Districts (100%) Parcels greater than 20 acres (42%) Parcels greater than 40 acres (25%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture and riparian habitat are the primary land uses within the proposal area
Everson 9	UGAR to Agriculture	Adjacent to Everson city limits and UGA, extends approximately 0.25 mile west	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (93%) WSDA Crop Data (91%) Agricultural Tax Status (94%) Special Purpose Districts (100%) Parcels greater than 20 acres (94%) Parcels greater than 40 acres (94%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area
Nooksack 6	Agriculture to UGA	Adjacent to Nooksack city limits	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (86%) WSDA Crop Data (80%) Agricultural Tax Status (82%) Special Purpose Districts (100%) Parcels greater than 20 acres (49%) Parcels greater than 40 acres (0%) Located outside the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area

Urban Growth Area Expansion Proposal	Current Designation	Criteria A Land is not already characterized by urban growth <i>WAC 365-190-050(3)(a)</i>	Criteria B Land is used or capable of being used for agricultural production <i>WAC 365-190-050(3)(a)</i>	Criteria C Land has long-term commercial significance for agriculture <i>WAC 365-190-050(3)(a)</i>
Nooksack 7	Agriculture to UGA	Adjacent to Nooksack city limits	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (87%) WSDA Crop Data (4%) Agricultural Tax Status (8%) Special Purpose Districts (100%) Parcels greater than 20 acres (0%) Parcels greater than 40 acres (0%) Located outside the Draft FEMA Floodplain. Currently designated ARL Residential development is the primary land use within the proposal area
Nooksack 8	Agriculture to UGA	Adjacent to Nooksack city limits	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (100%) WSDA Crop Data (18%) Agricultural Tax Status (93%) Special Purpose Districts (100%) Parcels greater than 20 acres (92%) Parcels greater than 40 acres (0%) Located outside the Draft FEMA Floodplain. Currently designated ARL Derelict farmstead is the primary land use within the proposal area
Sumas 3	Agriculture to UGA	Adjacent to Sumas UGA, extends approximately 0.25 mile south	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (100%) WSDA Crop Data (92%) Agricultural Tax Status (100%) Special Purpose Districts (100%) Parcels greater than 20 acres (0%) Parcels greater than 40 acres (0%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area

Urban Growth Area Expansion Proposal	Current Designation	Criteria A Land is not already characterized by urban growth <i>WAC 365-190-050(3)(a)</i>	Criteria B Land is used or capable of being used for agricultural production <i>WAC 365-190-050(3)(a)</i>	Criteria C Land has long-term commercial significance for agriculture <i>WAC 365-190-050(3)(a)</i>
Sumas 4	Agriculture to UGA	Adjacent to Sumas UGAR, extends approximately 0.25 mile south	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (97%) WSDA Crop Data (72%) Agricultural Tax Status (71%) Special Purpose Districts (100%) Parcels greater than 20 acres (71%) Parcels greater than 40 acres (0%) Located partially within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area
Sumas 5	UGAR to Agriculture	Adjacent to Sumas city limits and UGAR	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (100%) WSDA Crop Data (70%) Agricultural Tax Status (73%) Special Purpose Districts (100%) Parcels greater than 20 acres (73%) Parcels greater than 40 acres (73%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area
Sumas 7	Agriculture to UGA	Adjacent to Sumas city limits, extends 0.5 miles west	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (99%) WSDA Crop Data (66%) Agricultural Tax Status (85%) Special Purpose Districts (100%) Parcels greater than 20 acres (85%) Parcels greater than 40 acres (66%) Located within the Draft FEMA Floodplain. Currently designated ARL Agriculture is the primary land use within the proposal area

Urban Growth Area Expansion Proposal	Current Designation	Criteria A Land is not already characterized by urban growth WAC 365-190-050(3)(a)	Criteria B Land is used or capable of being used for agricultural production WAC 365-190-050(3)(a)	Criteria C Land has long-term commercial significance for agriculture WAC 365-190-050(3)(a)
Sumas 8	Agriculture to UGA	Adjacent to Sumas city limits when part of the proposal that includes Sumas 7, 8, 9, & 10, extends 1.0 miles west of city limits	Majority USDA Land Capability Class 3.	USDA NRCS Prime Soils (97%) Agricultural Land Use (98%) WSDA Crop Data (41%) Agricultural Tax Status (52%) Special Purpose Districts (99%) Parcels greater than 20 acres (66%) Parcels greater than 40 acres (22%) Located outside the Draft FEMA Floodplain. Currently designated ARL Agriculture and forestland are the primary land uses within the proposal area
Sumas 9	Agriculture to UGA	Adjacent to Sumas city limits when part of the proposal that includes Sumas 7, 8, 9, & 10, extends 1.15 miles west of city limits	Majority USDA Land Capability Class 2 & 3.	USDA NRCS Prime Soils (100%) Agricultural Land Use (97%) WSDA Crop Data (50%) Agricultural Tax Status (92%) Special Purpose Districts (100%) Parcels greater than 20 acres (65%) Parcels greater than 40 acres (2%) Located outside the Draft FEMA Floodplain. Currently designated ARL Agriculture and forestland are the primary land uses within the proposal area

VII. Mitigation Options for De-Designating Agriculture Resource Lands

As part of the 2025 Comprehensive Plan update process, UGAs are reassessed with the cities in Whatcom County. Currently, the City of Sumas, City of Nooksack, and City of Everson are proposing to expand or modify their UGAs, which would result in the de-designation of hundreds of acres of Agricultural Resource Lands (ARLs). Currently, Whatcom County Code only has agricultural land mitigation requirements when a wetland mitigation bank impacts agricultural land ([WCC 16.16.263\(B\)\(3\)](#)); however, as part of the 2025 update, Whatcom County is proposing to include Policy 8A-15, which will require mitigation when ARLs are de-designated due to UGA expansion, resulting in an overall net loss of ARLs. Mitigation is not required by the GMA; however, Whatcom County PDS has proposed this policy to ensure UGA expansions do not adversely impact the county's stated goal of protecting 100,000 acres of farmland.

Agriculture mitigation strategies have been researched and implemented nationally. The Washington State Food Policy Forum ([Food Policy Forum](#)) is facilitated through the Washington State Conservation Commission and includes agricultural stakeholders, non-government organizations, and state and local government agencies. In 2023, the Food Policy Forum submitted a Report to the Legislature that identifies goals and recommendations to support Washington's food system ([Food Policy Forum Report](#)). The report specifically recommends that government land use actions that result in loss of farmland require mitigation of farmland at a 3: 1 ratio for every acre lost. Additional reports by the California Council of Land Trusts ([CCLT Report](#)), University of Montana School of Law ([Agricultural Mitigation Case Studies](#)), and American Farmland Trust ([Full Mitigation of Farmland Development](#)) have been developed to address mitigation policies and strategies to name a few. Generally, there are three types of mitigation: In-lieu fee; permittee-responsible; and mitigation banking - all of which can be customized to meet goals and regulations. The key differences of the three mitigation pathways depend on who is responsible, preferred timing, and how fees would be collected. Below are mitigation strategies options that could be utilized for the UGA expansion impacts.

Mitigation Strategies

— In-Lieu Fee (ILF)

An ILF Program is a compensatory mitigation mechanism where a developer or landowner pays a fee to a government agency, land trust, or other conservation organization instead of completing mitigation activities themselves. The fees would then be used for agricultural mitigation projects, likely through purchasing agriculture conservation easements through the Conservation Easement Program. Whatcom County is proposing to include Policy 8A-15 in the Comprehensive Plan which outlines an ILF mitigation approach.

In Washington, ILF programs are primarily used for wetland mitigation, but the general framework would be the similar to agricultural mitigation. The Department of Ecology provides guidance for implementation of an ILF program ([In-Lieu Fee Mitigation Guidance](#)); however, wetland ILF programs are required to work with Department of Ecology to develop the programs. Fees can either be collected within a certain number of years of impact or through advanced credits, where fees have to be paid at the time of impact.

Similar to wetland mitigation, mitigation ratios are based on the impact to the resource to determine the amount of mitigation required for impacting the resource. Agricultural mitigation ratios could include conserving adjacent farmland, conserving farmland of similar size, soil quality, and agricultural value. A pre-established calculation would assign a monetary value to the score, so that farmland of similar value elsewhere could be protected by a working agricultural easement developed and help by Whatcom County's Conservation Easement Program.

The Washington State Food Policy Forum recommended that government land use actions that result in a loss of farmland (i.e. remove land from agricultural zoning) should be mitigated at a 3:1 ratio ([Food Policy Forum Report](#)). In Yolo County, California, mitigation of farmland that has been converted or rezoned is mitigated at a 3:1 ratio for prime farmland and a 2:1 ratio for non-prime farmland ([Yolo County - Agricultural Conservation and Mitigation Program](#)). The Agriculture Advisory Committee should be consulted to help assess this approach.

— Banked Mitigation Credits

Banked mitigation for agriculture loss is a system where mitigation efforts, likely conservation, are implemented in advance of the agricultural impact. This is commonly described as a mitigation bank. A finite number of credits would then be determined based on the mitigation activity and extent. At the time of impact, a landowner would be required to purchase credits based on the acreage of farmland loss. The number of credits purchased would be determined by a mitigation ratio per acre of impact. Once all of the credits have been purchased, a new mitigation bank would need to be created.

Similar to wetland mitigation, mitigation ratios are based on the impact to the resource to determine the amount of mitigation required for impacting the resource. Agricultural mitigation ratios could include conserving adjacent farmland, conserving farmland of similar size, soil quality, and agricultural value. The Washington State Food Policy Forum recommended that government land use actions that result in a loss of farmland (i.e. remove land from agricultural zoning) should be mitigated at a 3:1 ratio ([Food Policy Forum Report](#)). In Yolo County, California, mitigation of farmland that has been converted or rezoned is mitigated at a 3:1 ratio for prime farmland and a 2:1 ratio for non-prime farmland ([Yolo County - Agricultural Conservation and Mitigation Program](#)). Whatcom County would recommend consulting with the Agriculture Advisory Committee to determine the mitigation ratio.

— Permittee-Responsible Mitigation

Permittee-responsible mitigation is a mechanism that would require a landowner or developer to be responsible for the implementation of the mitigation. This is commonly used for wetland mitigation, where the permittee would be required to complete wetland creation, restoration, or preservation. Mitigation could be on-site or off-site depending on the location and type of project. Permittee-responsible mitigation would be difficult to implement for agricultural mitigation as it would require the landowner work directly with an easement-holding entity and may require purchasing additional farmland to preserve. Whatcom County's Agricultural Protection Overlay acts similarly to permittee-responsible mitigation by requiring clustering and a reserve tract for properties that meet the required criteria.

— Density-based Mitigation Fees

Density-based mitigation fees can be utilized for banked mitigation fees and ILF, but landowners or developers are rewarded for higher density development. If a developer is going to develop at lower density, they would have to pay a larger mitigation fee than those who are developing at higher density. This mechanism mitigates farmland conversion while increasing development efficiency and promoting smart growth ([Full Mitigation of Farmland Development](#)).

Whatcom County 2025 Comprehensive Plan Update Preferred Mitigation Strategy – In-Lieu Fee

The Cities of Sumas and Nooksack, have proposed working with Whatcom County to develop an ILF program that will generate funds for the county's Conservation Easement Program (CEP). They have proposed through this program that prospective developers looking to purchase any of the UGA expansion land would need to pay a certain amount per acre into the Whatcom Conservation Futures Fund. This would then be used to purchase development rights from high priority agricultural lands elsewhere in Whatcom County. Since 2002, Whatcom County's CEP has been purchasing agricultural conservation easements. Developing an ILF program to support agricultural conservation easement acquisitions may be a viable strategy, if implemented well.

A draft mitigation policy was developed to be added to Policy 8A-15 of the Comprehensive Plan.

Policy 8A-15: 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 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. *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 sixty (60) days of the date the County Council officially approves de-designation of such lands. Failure to record the covenant within the prescribed timeframe shall render the de-designation null and void. This agreement shall be appurtenant to and run with the land. This requirement does not apply to re-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.*

VIII. Conservation of Agricultural Resource Lands

As identified in Section VI, this assessment confirmed past Rural Land Studies that the Rural Study Areas have agricultural value and meet many of the WAC 365-190-050 criteria for designating ARLs. Per WAC 365-196-815, Counties “must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance.”. The Rural Study Areas (RSAs) are constitute productive farmland that currently supports commercial farm operations, and these lands have characteristics that indicate they will continue to be commercially-significant farmland into the future. However, due to current zoning, these RSAs are seeing significant subdivision and development. The county could take strategic actions to protect these agricultural lands and help the county meet its goal of protecting 100,000 acres of farmland. Actions the county could take include rezoning high priority RSAs to a Small Lot Agriculture District (“Ag 20”), strengthening conservation easements, and developing policies to minimize non-agricultural development. Below are options for Whatcom County to further conserve “agricultural lands of long-term commercial significance.”

— Rezoning

The County could pursue designating the highest priority farmlands in the RSAs as ARLs. This would involve changing the designation on the county’s Comprehensive Plan map and rezoning these lands to Agriculture. The Agricultural Land Assessment corroborated the findings from past Rural Land Studies that the RSAs meet many of the designation criteria found in WAC 365-190-050. Due to smaller parcel sizes in the Rural Zone, applicable Rural Study Areas could be rezoned to a new Agriculture-20 instead of an Agriculture-40, which is the zoning for all of the existing Agricultural Designation. Rezoning would also require updating the existing Agriculture District code. Whatcom County PDS recommends adding a draft Policy 8A-16 in the Comprehensive Plan (below) which would evaluate the potential for designating additional agricultural resource lands within applicable Rural Study Areas¹.

Draft Policy 8A-16: 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 Rural Study Areas.

If re-designation is considered, the County could assess the feasibility of a compensatory approach. Compensatory mitigation could be direct payment for lost development rights, reassessing the existing density credit program, a reduction in property taxes, or changes to the agriculture district code that could be more flexible to farmers.

— Rezoning through the implementation of a “Nooksack Basin Integrated Plan”

An opportunity exists to tether a future rezone to the outcome of the Nooksack Water ¹Rights Adjudication, which was initiated in 2024. The Yakima Adjudication (the only other watershed-wide adjudication to take place in Washington) spurred the development of a collaborative watershed recovery strategy, known as the Yakima Basin Integrated Plan (YBIP). The Plan included actions to advance salmon recovery, maximize water storage for

¹ The Whatcom County Planning Commission recommended adding the following language to draft Policy 8A-16: 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.

irrigation and summer streamflow augmentation, improve irrigation efficiency, develop water banking mechanisms, and protect lands with high conservation value. The YBIP has yielded several hundred million dollars in federal and state investment, with an expected \$4.1 billion needed for the full build-out and implementation of the Plan.

If a Nooksack Basin Integrated Plan were to be developed, a similar constellation of recovery strategies could be advanced, with farmland preservation being a key component of the plan. This could involve an innovative approach that uses state and federal dollars generated by the plan to compensate landowners for any lost development potential associated with the re-zone. This would allow the county to finally reach its multi-decadal goal of protecting an agricultural land base of at least 100,000 acres while ensuring landowners are made whole for their lost development rights. However, the farming community has made clear that such a strategy could only be successful if water solutions were simultaneously advanced, such as establishing a water bank, building water storage and conveyance infrastructure, and allowing for certain protections from senior water rights calls. Together, these land and water solutions would ensure agriculture in Whatcom County remains viable into the future.

— [Implement Agricultural Strategic Plan & Agriculture Planner](#)

Whatcom County Council approved Resolution 2009-040 on July 7th, 2009 declaring the County Council's goals for Farmland Preservation, its priorities for consideration and adoption of policies to further farmland preservation, and requesting the County Administration to allocate staff support to accommodate this important policy initiative. The Agriculture Strategic Plan was originally created to support the goals of this resolution and help direct Whatcom County Planning and Development Services, as well as other County Departments, in achieving the goals and supporting agricultural efforts throughout Whatcom County. The Agricultural Strategic Plan was updated in 2018 ([Agricultural Strategic Plan](#)) and adopted by Whatcom County Council through Resolution 2018-027. Staff support would be necessary to implement the policies of the Comprehensive Plan and Agriculture Strategic Plan. Many counties have dedicated staff to support the agriculture community. With the WRIA 1 Water Rights Adjudication, an Agriculture Planner could provide local support to farmers through the process.

— [Agricultural Watershed Project - Natural Resource Marketplace](#)

The Ag-Watershed Project was a research and development project created for Whatcom County in 2016 in partnership with Whatcom Farm Friends-Community Education, Whatcom Conservation District, and Washington Department of Fish and Wildlife ([Agricultural Watershed Pilot Project](#)). The project applied a Natural Resource Marketplace approach to achieve agricultural and watershed goals by creating a process that supports agricultural protection and watershed enhancement. The Natural Resource Marketplace would be a debit-credit system that can be traded for various ecosystem services such as water quality, shade, drainage, water access, development densities, flood management, and mitigation options.

The Agricultural Watershed Project specifically assesses trading water rights with development rights ([AWP-Project Fact Sheet 1](#)). Due to the current WRIA 1 Water Rights Adjudication, establishing a Natural Resource Marketplace prior to the end of the adjudication

could provide a framework for trading water rights with developments to support agriculture through water access and land conservation.

- **Purchase of Development Rights (Conservation Easement Program)**

To support protection of vital farmland, Whatcom County established the Purchase of Development Rights (PDR) program in 2002. The program expanded in 2018 to also protect working forestland and important ecosystem areas as secondary goals, with the primary focus on farmland preservation. In 2021, the program changed its name to be the Conservation Easement Program (CEP).

The CEP is a voluntary program that compensates property owners for the value of their unused development rights and protects the land through the placement of permanent conservation easements. Conservation easements are perpetual contract agreements where a landowner agrees to protect the values present within the property, such as working farmlands, working forestlands, and important ecosystems. By protecting these areas, Whatcom County can help protect local economies and local ecosystems for current and future generations. This program could expand by increasing funding for conservation easements, additional staff, and exploring different easements and incentives for landowners.

- **Transfer of Development Rights (TDR)**

The TDR program in Whatcom County ([Chapter 20.89](#)) is a land-use tool that allows development potential to be shifted from parcels in designated sending areas (often rural, agriculture, forest, or environmentally sensitive) to parcels in receiving areas (urban growth areas, cities, or zones suitable for higher density). The goal is to preserve rural, agricultural, or forest resource lands and critical areas, while allowing for more efficient growth in areas already intended for development under the Comprehensive Plan. While the TDR program still exists, it has not been effective in its goals, and is rarely utilized. To address issues with the TDR program, a TDR/PDR Multi-Stakeholder Work Group met fifteen times in 2017 and 2018 to review and provide recommendations of the programs ([TDR PDR Work Group Final Report](#)).

- **Updates to Agriculture Code (Whatcom County Code Chapter 20.40)**

The primary purpose of the Agriculture District code ([Chapter 20.40](#)) is to implement the agricultural designation of the Comprehensive Plan to preserve, enhance and support the production of food and fiber in Whatcom County. The goal is to support agricultural activities as the highest priority use with other uses being subordinate to agricultural activities. Whatcom County could further adapt the existing code to reduce potential conflicts between incompatible agricultural activities, maintain the Right-To-Farm, and give priority to agricultural uses and owners of parcels zoned for agriculture priority.

- **Amend Agriculture Protection Overlay (APO) Regulations**

The APO is a zoning overlay ([WCC 20.38](#)) in Whatcom County designed to conserve lands with high-value agricultural soils or areas that are used (or could be used) for commercial agriculture. It overlays the Rural (R-5A or R-10A) zones outside of urban growth areas and applies to parcels of 20 acres or more. A parcel may have additional requirements for

development requirements, such as clustering or reserve tracts, if they meet certain criteria related to APO soils, parcel size, and Open Space Farm & Agriculture Tax Designation.

— Density Credits

The density credit program was developed as an alternative to the Transfer of Development Rights Program to incentivize increased land use intensity in UGAs, by allowing greater flexibility for ADUs, and decrease residential density in agricultural, forestry, and rural areas by authorizing density credits ([WCC 20.91](#)). Density credits allow increased density or flexibility in zoning regulations in exchange for a voluntary contribution towards preserving agricultural lands and open space. This is accomplished through a voluntary payment of funds to Whatcom County for use in the Whatcom County Conservation Easement Program ([WCC 3.25A](#)) in order to allow a higher density or greater flexibility as specifically set forth in the Whatcom County Zoning Code. As the Density Credit Fee program has already been developed, the program could be updated to add additional incentives or code requirements.

DRAFT

Appendix A: Citations

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Appendix B: Data Sources

The Agricultural Land Study uses Geographic Information Systems (GIS) and available data to assess lands of agricultural significance in the Agricultural and Rural areas of Whatcom County and the impacts of development in these areas. A Rural Land Study was completed in 2007 and identified areas in the Rural 5 and 10 zones that have land that also meets the criteria of “Agricultural Lands of Long-Term Commercial Significance” and may require additional protection to ensure long-term agricultural viability. The report was updated in 2019. This 2025 update refined the 2019 boundaries based on the 2019 criteria and removed forested and ecologically important areas.

The Agricultural Land Study followed agricultural resource land criteria outlined in WAC 365-190-050. The Washington State Growth Management Act (GMA) identified 13 criteria for “Agricultural Lands of Long-Term Commercial Significance.” These criteria were used to identify the Agriculture Designation in the Comprehensive Plan. The GMA also identified using the United States Department of Agriculture Natural Resources Conservation Service Land-Capability Classification System.

The 2025 update to the initial 2007 Rural Land Study report and 2019 Rural Land Study update provides a detailed summary of the impacts of development on identified ‘Rural Study Areas’ from 2004 to 2024. Additionally, this report provides an equivalent assessment of Agricultural zoned lands to provide comparable data and take advantage of the land assessment and review exercise.

Whatcom County Data Summary

- **Draft 100-Year Floodplain:** 2023 Regulatory FEMA Flood Dataset for Whatcom County, WA including the Draft 100 Year Floodplain & Floodway. The Draft FEMA 100 Year Floodplain are areas that will be inundated by a flood event having a 1-percent chance of being equaled or exceeded in any given year, as derived from FEMA Flood Insurance Rate Maps. A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations.
- **2007 Rural Study Areas Layer:** The Whatcom County Rural Land Study: A Collaborative Report Identifying Rural Areas of Agricultural Significance was completed in 2007. The primary objective of the rural land study was to identify and map areas within the Rural 5 and 10 Zones that are of agricultural significance and may require additional protection to ensure long-term agricultural viability. Project data was collected that included air photos, APO Soils, Critical Areas, Assessor data, Purchase of Development Rights Target Areas, and NOAA Coastal Change Analysis Program (2004) data based on Landsat Images (2000). The Agricultural Advisory Committee, in conjunction with PDS staff, identified 9 rural areas comprising over 21,000 acres that have high agricultural value. This was reevaluated in 2012 and a total of 10 rural areas totaling 25,407 acres were identified as having agricultural significance.
- **2019 Rural Study Area Layer:** The 2019 update to the initial 2007 Rural Land Study report provided a detailed summary of the impacts of development on identified ‘Rural Study Areas’ from 2000 to 2018 and assessed Agricultural zoned lands to provide comparable data. Proximity to active agricultural areas (adjacent to Agriculture District, In or adjacent to a PDR Target Area or previously identified Rural Study Area, or Inclusion of area provides buffer between Ag zone and more intensive uses); current land use characterized by agriculture – visual analysis; high percentage of APO and prime soils; parcelization of the area (acreage totals by parcel size: total acreage by parcel size is used to determine the percent of area still in large (10+ acre) parcels, number of parcels by given size, and breakdown by parcel size indicates character of land use in the area); land use as identified on Assessors records as Open Space Farm and Agriculture (OSAG); and evaluation of forested areas for potential ecological benefits adjacent to agricultural use. The total acreage of the Rural Study Areas identified in this assessment is 28,449.

- **2025 Rural Study Area Layer:** The 2025 update refined the 2019 Rural Study Area boundaries to better match the 2019 Rural Study Area criteria. The 2025 update also removed the “evaluation of forested areas for potential ecological benefits adjacent to agricultural use” to focus more clearly on the conditions of agricultural lands. The 2025 update used the following 2019 criteria to refine the boundaries: Proximity to active agricultural areas (adjacent to Agriculture District, In or adjacent to a PDR Target Area or previously identified Rural Study Area, or Inclusion of area provides buffer between Ag zone and more intensive uses); current land use characterized by agriculture – visual analysis; high percentage of APO and prime soils; parcelization of the area (acreage totals by parcel size: total acreage by parcel size is used to determine the percent of area still in large (10+ acre) parcels, number of parcels by given size, and breakdown by parcel size indicates character of land use in the area); and land use as identified on Assessors records as Open Space Farm and Agriculture (OSAG). The total acreage of the 2025 Rural Study Areas was reduced to 24,029 acres.
- **Acreage of Parcels in the Agricultural Area:** Based on 2024 Whatcom County Assessor Data.
- **Acreage of Parcels in the Rural Study Areas:** Based on 2024 Whatcom County Assessor Data.
- **Agricultural Short Plat Permit Data – Agricultural Area:** A compiled layer of 2004-2024 Whatcom County Agricultural Short Plat permits.
- **APO Short Plat Permit Data – Rural Study Areas:** A compiled layer of 2004-2024 Whatcom County APO Short Plat permits. Reserve tracts in the Rural Designation may still have additional development rights remaining if the property did not use all of the available units in the cluster.
- **APO Soils in the Rural Study Areas:** APO Soils layer - The purpose of the Agriculture Protection Overlay (APO), fully defined in Whatcom County Code Chapter 20.38, is to maintain and enhance commercial agricultural activity and further protect open space resources within Whatcom County; further the county’s efforts in meeting long-term agricultural needs; provide a reasonable mix of uses and activities which may enhance the economic resources available to the farm; and provide for a variety of uses within the rural areas which are not inconsistent with or incompatible with the use of lands within the area for agricultural activities. This layer applies the APO soils code to the NRCS soil data.
- **Comprehensive Plan Designations:** 2016 Whatcom County Comprehensive Plan
- **Conservation Easement Program (previously Purchase of Development Rights) Priority Agricultural Areas:** Since the Conservation Easement Program's inception, site selection criteria have been used to guide the assessment of eligible properties. In 2019, the program built off of these efforts by performing a Geographic Information System (GIS) analysis to highlight areas of high conservation value across Whatcom County. The analysis was completed specifically for the Conservation Easement Program. The criteria considered in the analysis are: Rural Study Areas, Suitable Soils for Agriculture, Existing Agriculture or Cropland, Contiguous Blocks of Agricultural Land, Watershed Improvement Districts, and Agricultural Priority Areas.
- **Growth Management Act Agricultural Lands of Long-Term Commercial Significance criteria:** Defined in WAC 365-190-050
- **Number of Parcels in the Rural Study Areas:** Based on 2024 Whatcom County Assessor Data.
- **Number of Parcels in the Agricultural Zone:** Based on 2024 Whatcom County Assessor Data.

- **Land Use Data – Agricultural Area & Rural Study Areas:** A visual analysis to determine land use utilizing 2019 and 2022 aerial imagery, pictometry aerial photos, oblique and 4-6 inch ortho-corrected images; NAIP aerial imagery, 1 meter—very little detail; Whatcom County Assessor Parcel Layer, land use codes, building values; Whatcom County Critical Areas data—stream corridors and wetlands; Whatcom County Zoning; and 2000 Land Cover Designations, LandSat. Land use categories area: Commercial/Public/Utility, Fallow/Farmland/Farmstead Infrastructure/Farmstead Single Family Residence, Forest, Multi-Family, Single-Family Residence, Vacant, and Water Course. A single-family residence includes lawns and associated infrastructure including driveways.
- **Open Space Farm and Agriculture (OSAG) Tax Designation:** Based on 2024 Whatcom County Assessor Data.
- **Potential Available Development Rights (PADR) – Rural Study Areas:** A compiled layer utilizing 2022 County Assessor parcel data. The Potential Additional Development Rights (PADR) was determined by subtracting the UDR from TPDR.
- **Potential Available Development Rights (PADR) – Agricultural Area:** A compiled layer utilizing 2022 County Assessor parcel data and 2004-2024 Whatcom County permit data to identify any Agricultural Short Plats. The Potential Additional Development Rights (PADR) were determined by subtracting the UDR from TPDR. Agricultural short plats were then removed from the UDR as any additional development rights are removed from a parcel when they complete an Agricultural Short Plat.
- **Single Family Residence Permit Data – Agricultural Area:** A compiled layer of 2004-2024 Whatcom County Single-Family Residence (SFR) and mobile home (MBO) permits.
- **Single Family Residence Permit Data – Rural Study Areas:** A compiled layer of 2004-2024 Whatcom County Single-Family Residence (SFR) and mobile home (MBO) permits.
- **Total Acreage of the Agricultural Area:** This is based on the boundary of the Comprehensive Plan Agriculture Designation which includes associated roads and right-of-ways.
- **Total Acreage of the Rural Study Areas:** This is based on the boundaries of the 2025 Rural Study Area boundaries which includes associated roads and right-of-ways.

Supportive Data:

- **Crop Type:** 2024 WSDA Crop distribution data layer. Washington Cropland Data Layer, also known as CropScape, has been developed by the United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), Research and Development Division (RDD), Geospatial Information Branch (GIB), Spatial Analysis Research Section (SARS). Additional information can be found at www.nass.usda.gov. The purpose of the Cropland Data Layer Program is to use satellite imagery to (1) provide planted acreage estimates to the Agricultural Statistics Board for the state's major commodities and (2) produce digital, crop-specific, categorized geo-referenced output products.
- **USDA Agricultural Census Data (2022, 2017, 2012, 2007):** The Census of Agriculture is a complete count of U.S. farms and ranches and the people who operate them. Even small plots of land – whether rural or urban – count if \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year. The Census of Agriculture, conducted once every five years, looks at land use and ownership, producer characteristics, production practices, income, and expenditures.

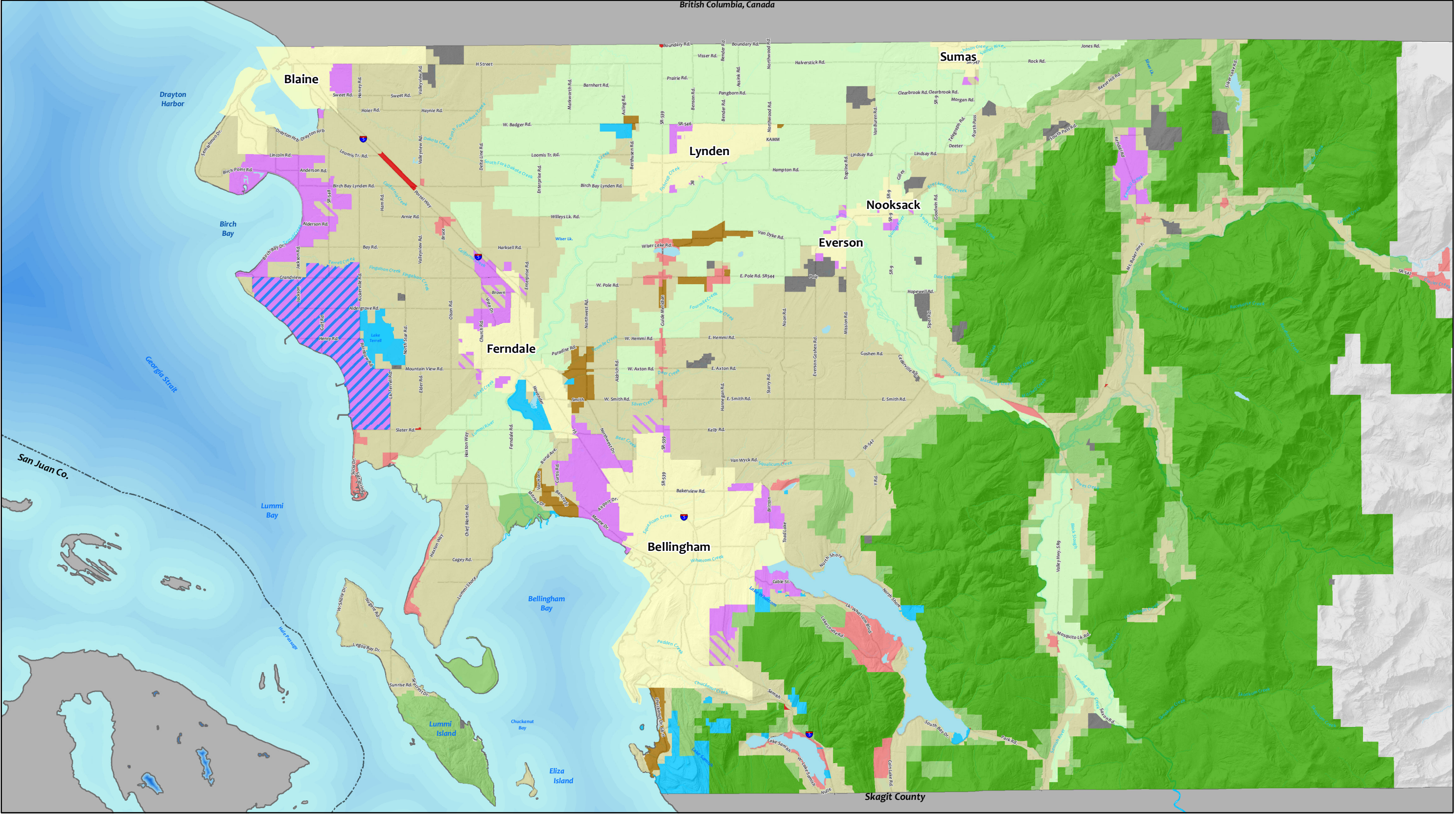
- **USDA NRCS Land Capability Analysis:** The land capability classification identifies the suitability of soils for agriculture production. There are eight capability classes (1-8). The higher the number, the more limitations for the suitability of farming. Generally, Classes 1 – 4 are broadly suitable for agricultural production, Classes 5 – 7 have limitations and will require additional management, and Class 8 is better suited for non-agricultural uses (i.e. recreation or wildlife habitat).
- **USDA NRCS Prime Soils:** NRCS SSURGO Soils layer.

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Appendix C

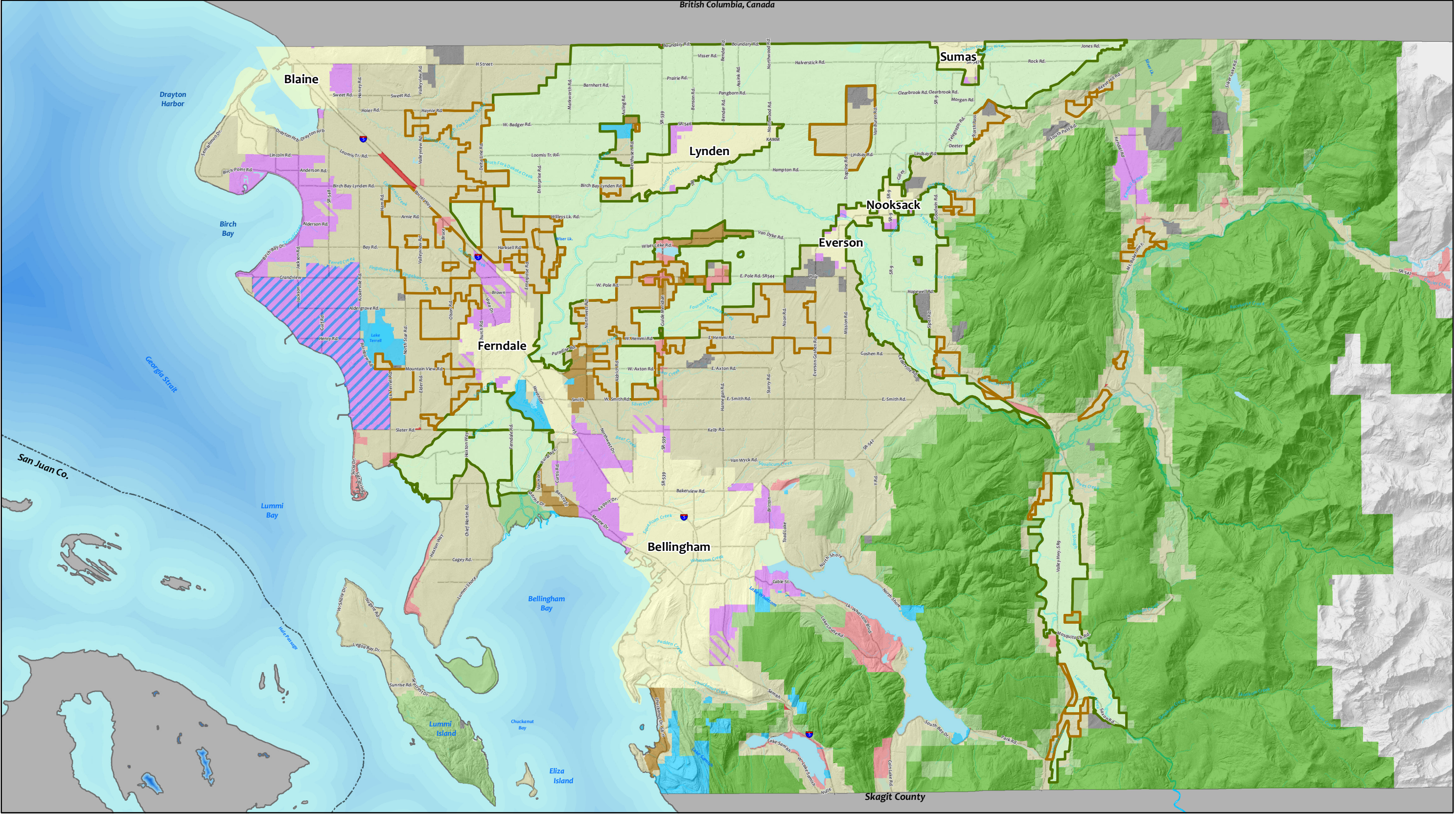
Countywide Maps



Legend

- | | | |
|---------------------------|--------------------|------------------------|
| Incorporated City Limits | Rural Neighborhood | Rural Forestry |
| Urban Growth Area | Rural Community | Commercial Forestr |
| Urban Growth Area Reserve | Rural Business | Mineral Resource Lands |
| Major/Port Industrial UGA | Small Town | Public Recreation |
| Rural | Agriculture | Federal |

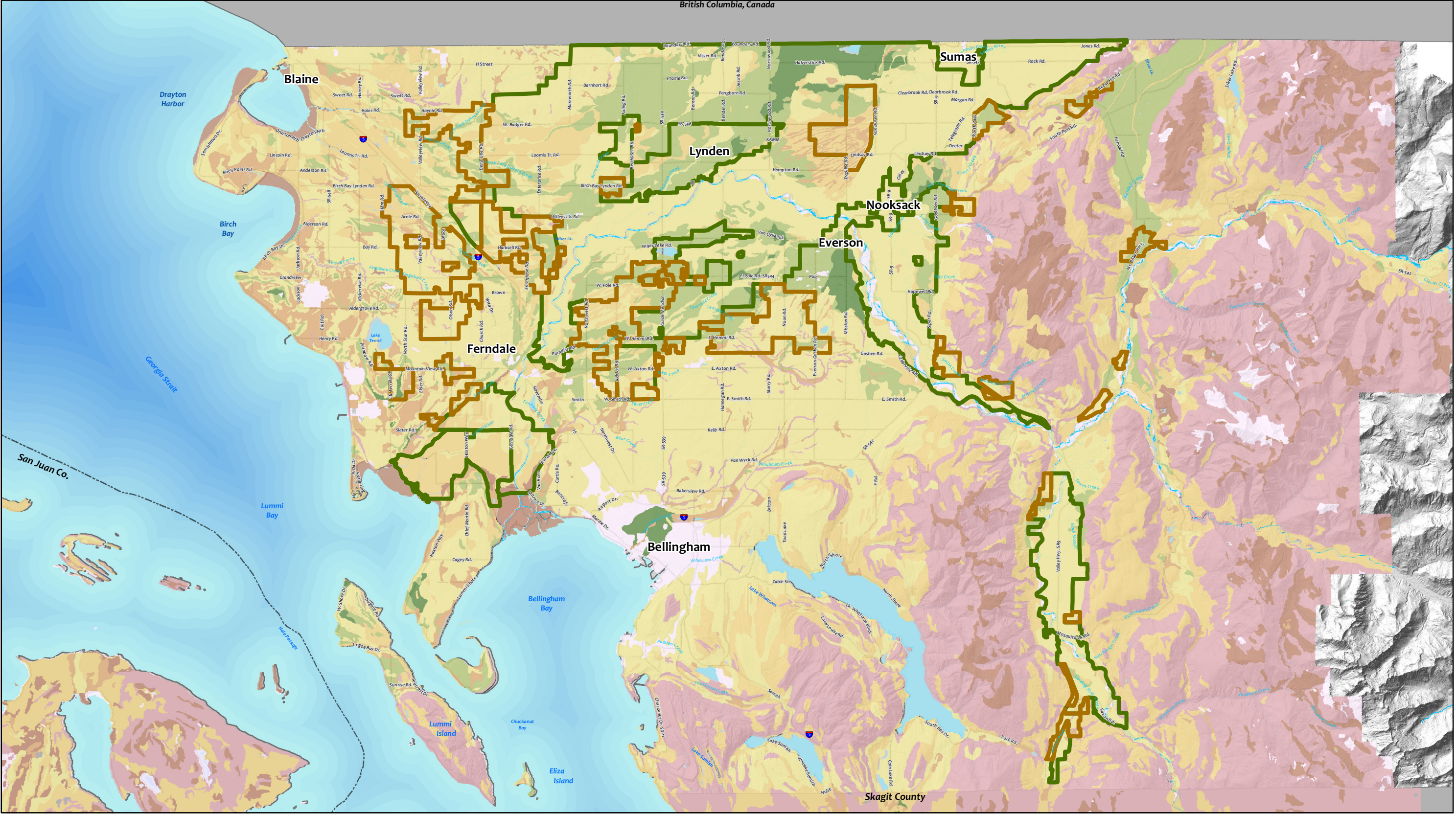
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Legend

- | | | | |
|----------------------------|---------------------------|--------------------|------------------------|
| Rural Study Areas | Incorporated City Limits | Rural Neighborhood | Rural Forestry |
| Agriculture Resource Lands | Urban Growth Area | Rural Community | Commercial Forest |
| Major/Port Industrial UGA | Urban Growth Area Reserve | Rural Business | Mineral Resource Lands |
| Rural | Small Town | Public Recreation | Federal |
| | Agriculture | | |

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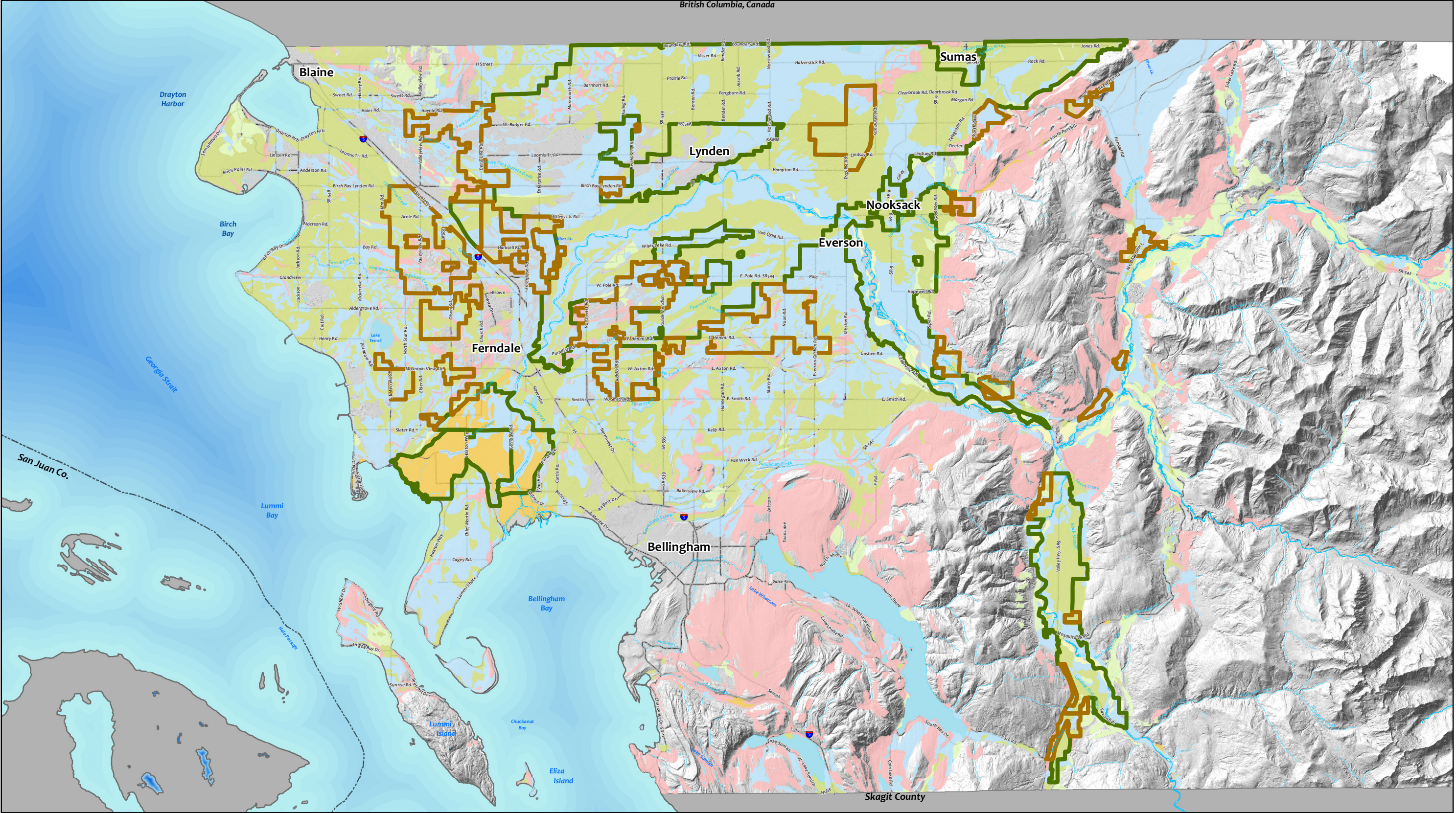
Legend

- Rural Study Areas
- Agriculture Resource Lands

Land Capability Classification

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5
- Class 6
- Class 7
- Not Suitable for Agriculture Class 8

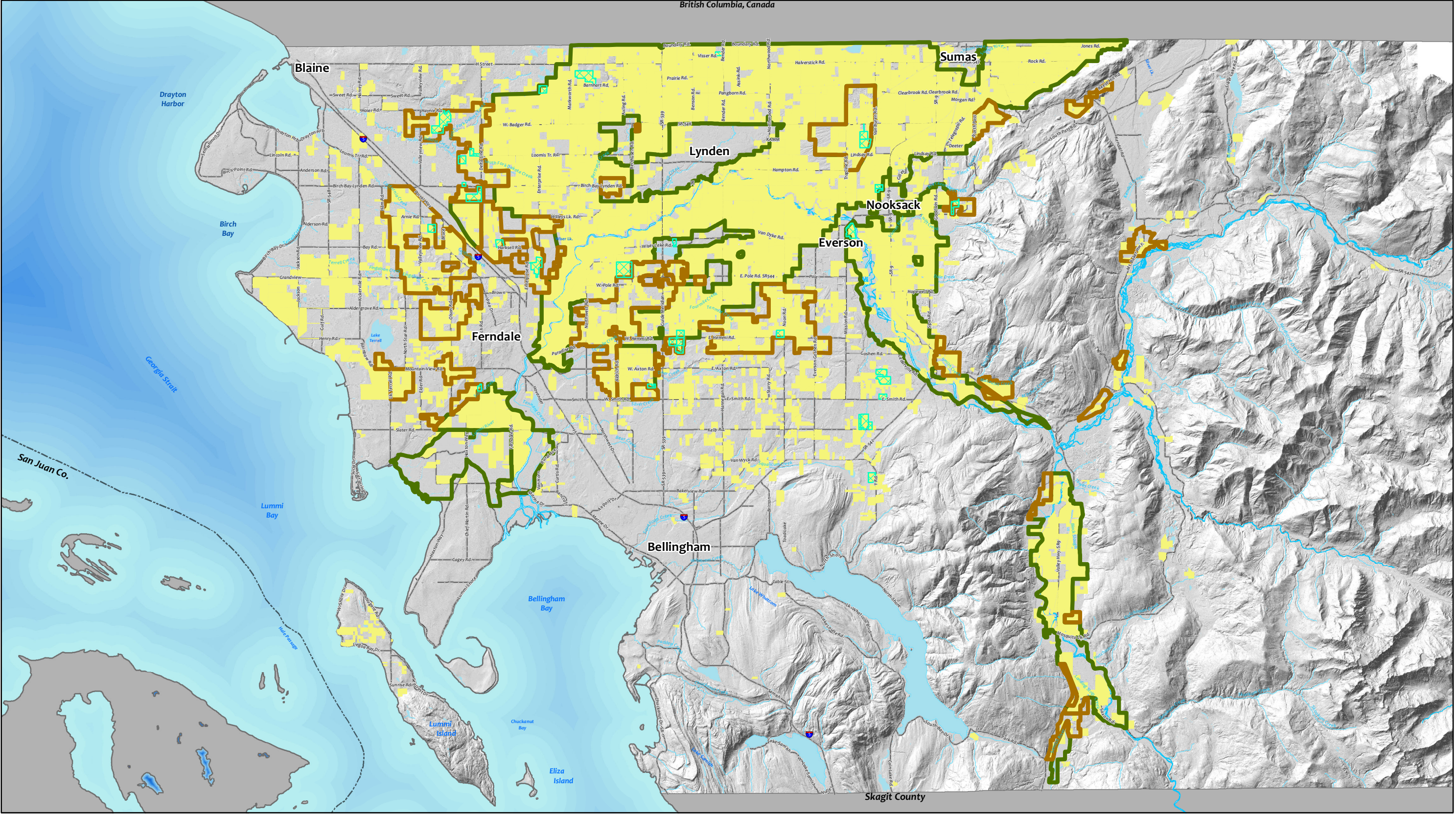
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Legend

- | | | |
|----------------------------|--------------------|--|
| Rural Study Areas | Prime | Prime if Drained/Protected from Flooding |
| Agriculture Resource Lands | Prime if Irrigated | Prime if Irrigated/Protected from Flooding |
| | Prime if Drained | Farmland of Statewide Importance |

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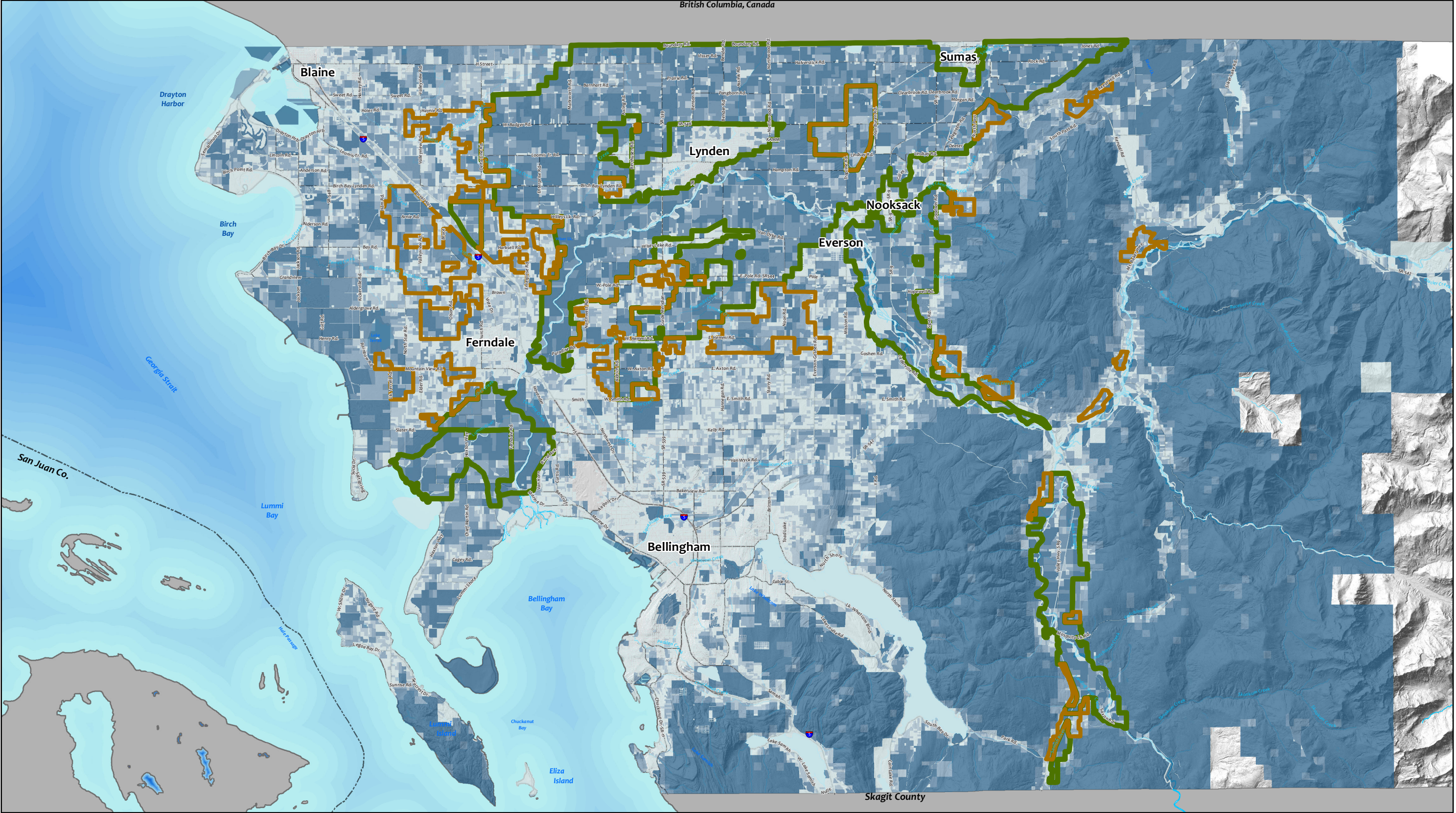


Legend

- Rural Study Areas
- Agriculture Resource Lands
- Open Space Agriculture Tax Designation

CEP Agriculture Conservation Easements

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Legend

Rural Study Areas

Agriculture Resource Lands

Tax Parcel Acreage

0 - 5 acres

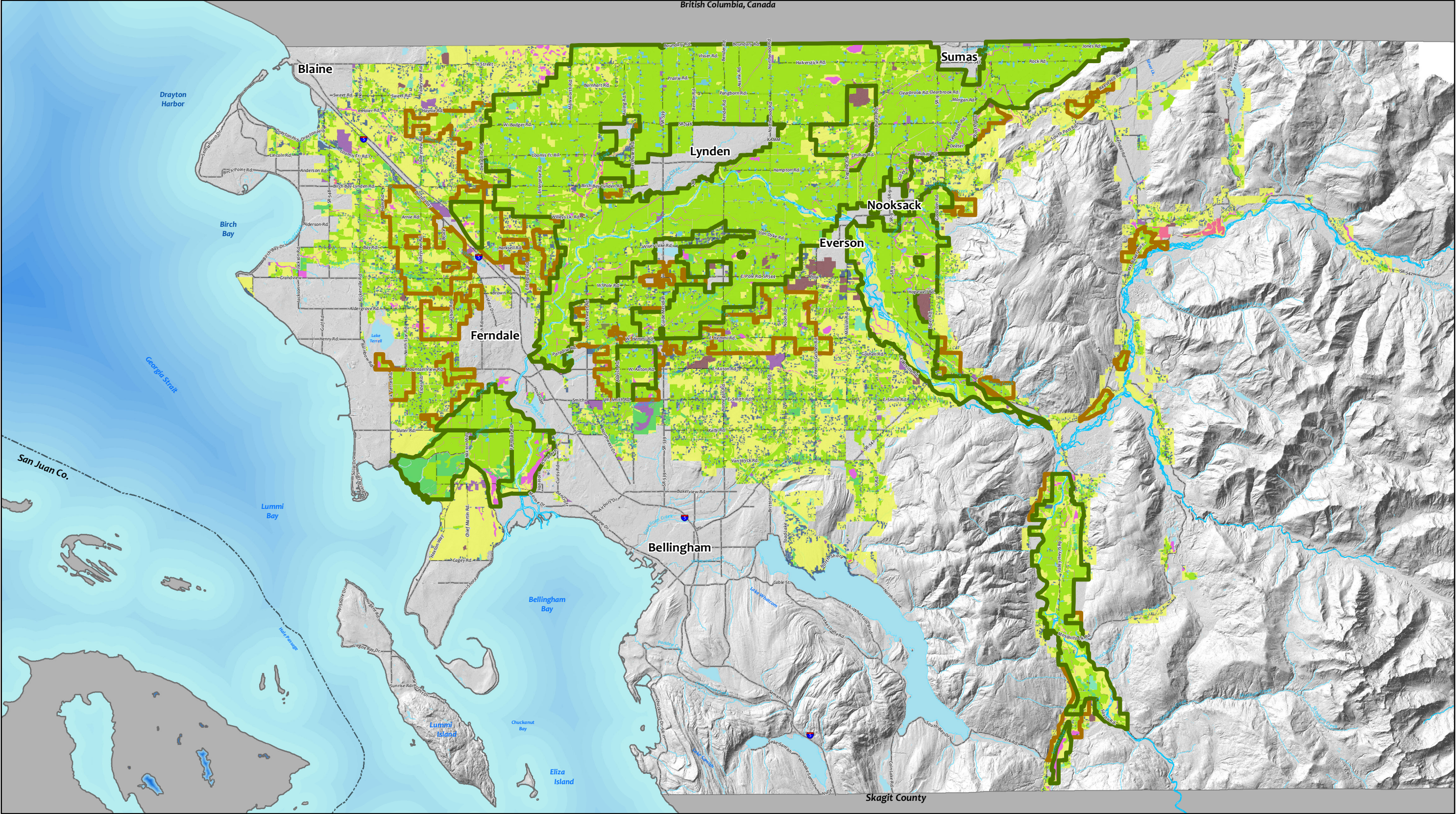
5 - 10 acres

10 - 20 acres

20 - 40 acres

> 40 acres

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Legend

- Agriculture Resource Lands

Rural Study Areas

COMM/UTILITY/TRANSP/PUBLIC

FALLOW

FARMLAND

FARMLAND INFRASTRUCTURE

FARMSTEAD SFR

FOREST

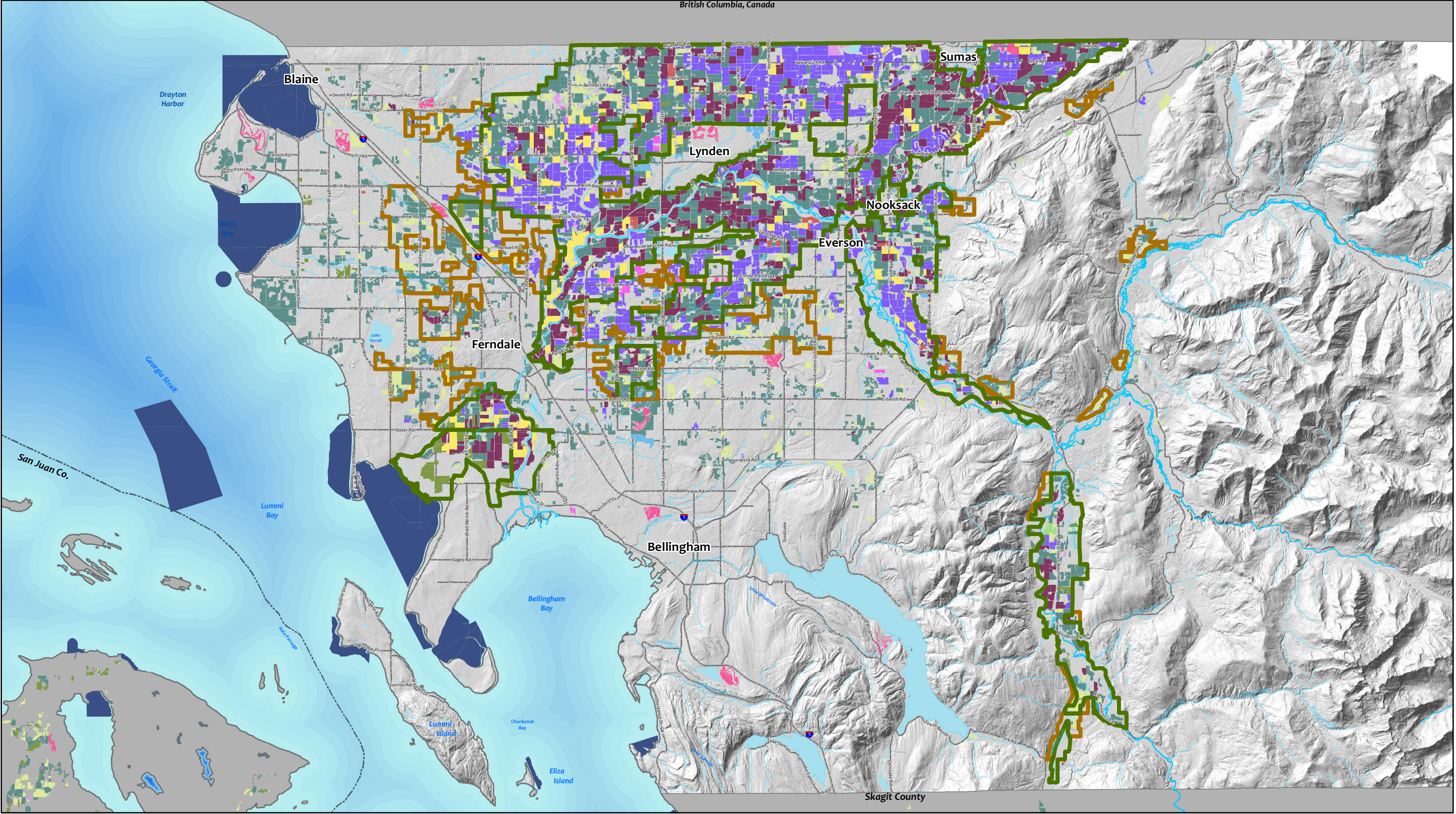
MR/TRAILER PARK

QUARRY

SFR

VACANT

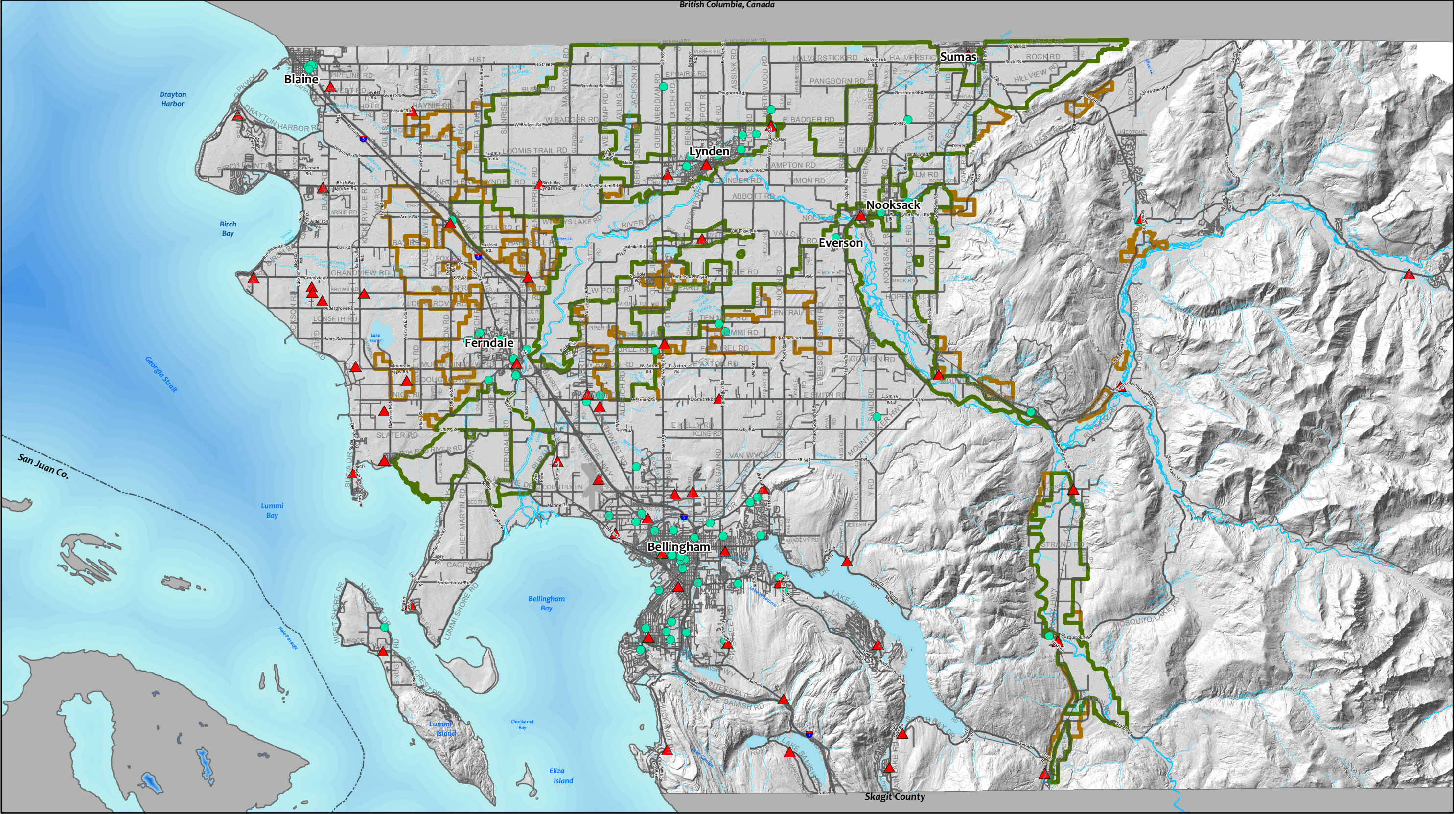
WATER COURSE
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Legend

- | | | | | |
|----------------------------|-----------------|-------------|---------|-----------|
| Agriculture Resource Lands | Berry | Flower Bulb | Oilseed | Shellfish |
| Rural Study Areas | Cereal Grain | Hay/Silage | Orchard | Turfgrass |
| | Commercial Tree | Herb | Pasture | Vegetable |
| | Developed | Nursery | Seed | Vineyard |
| | | | Other | |

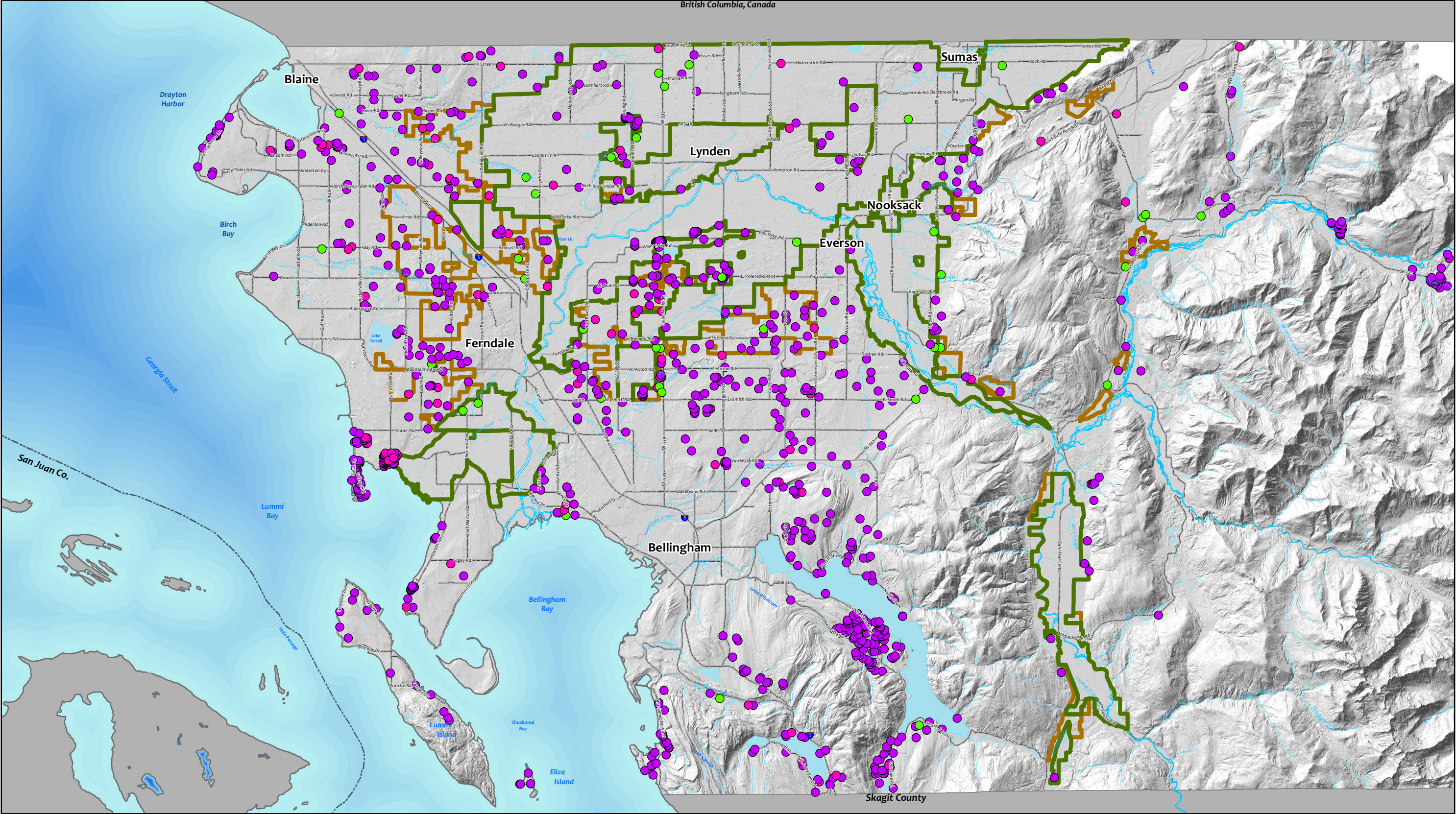
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Legend

- Agriculture Resource Lands — Local Rd.
- Rural Study Areas — State Route; County Rd.
- Fire Stations — Rail Road
- Schools — Airport

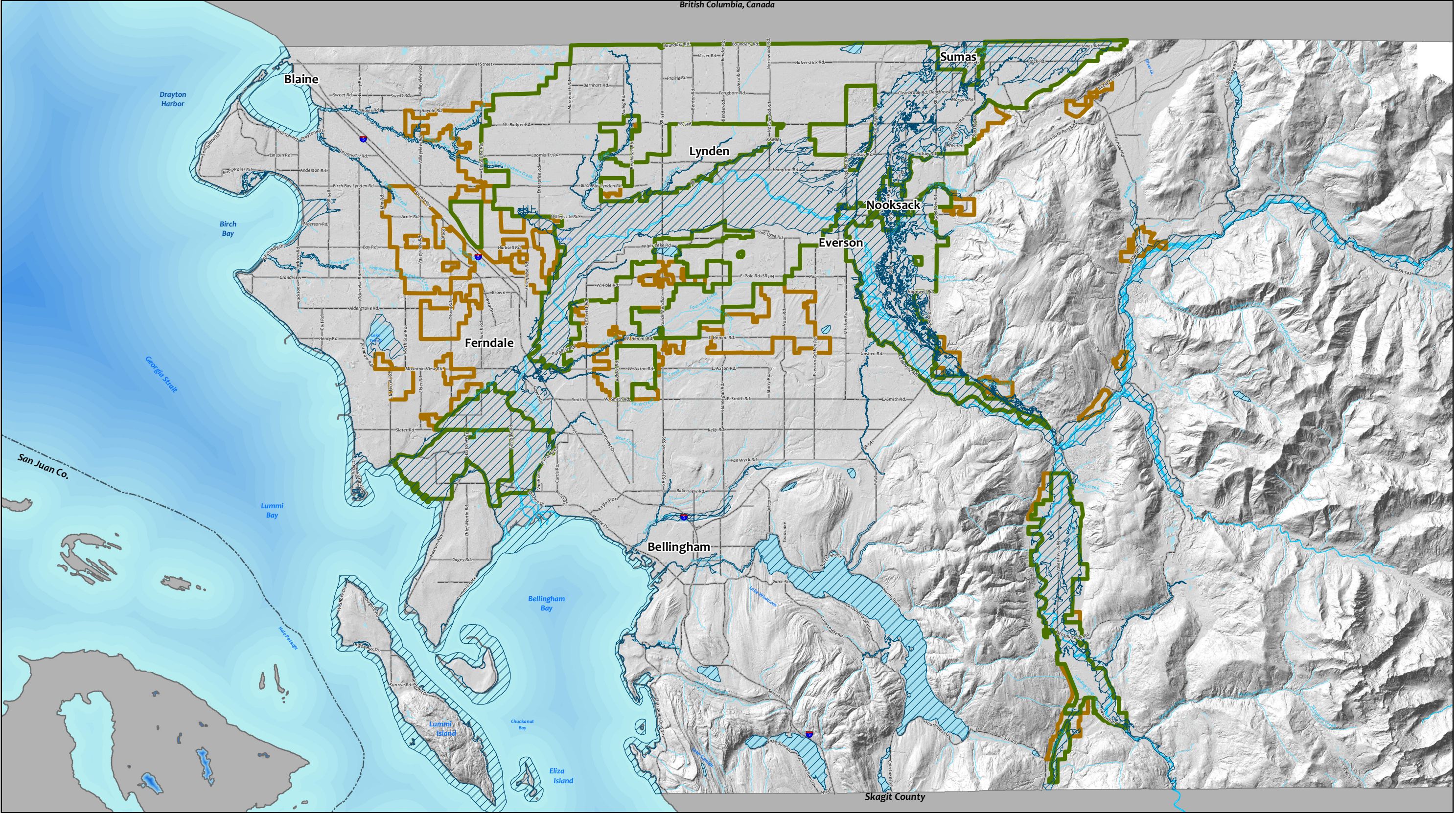
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Legend

- Agriculture Resource Lands 2016 - 2021 Permit Data
- Rural Study Areas
- Commercial Permits
- Mobile Home Permits
- Single-Family Residence Permits

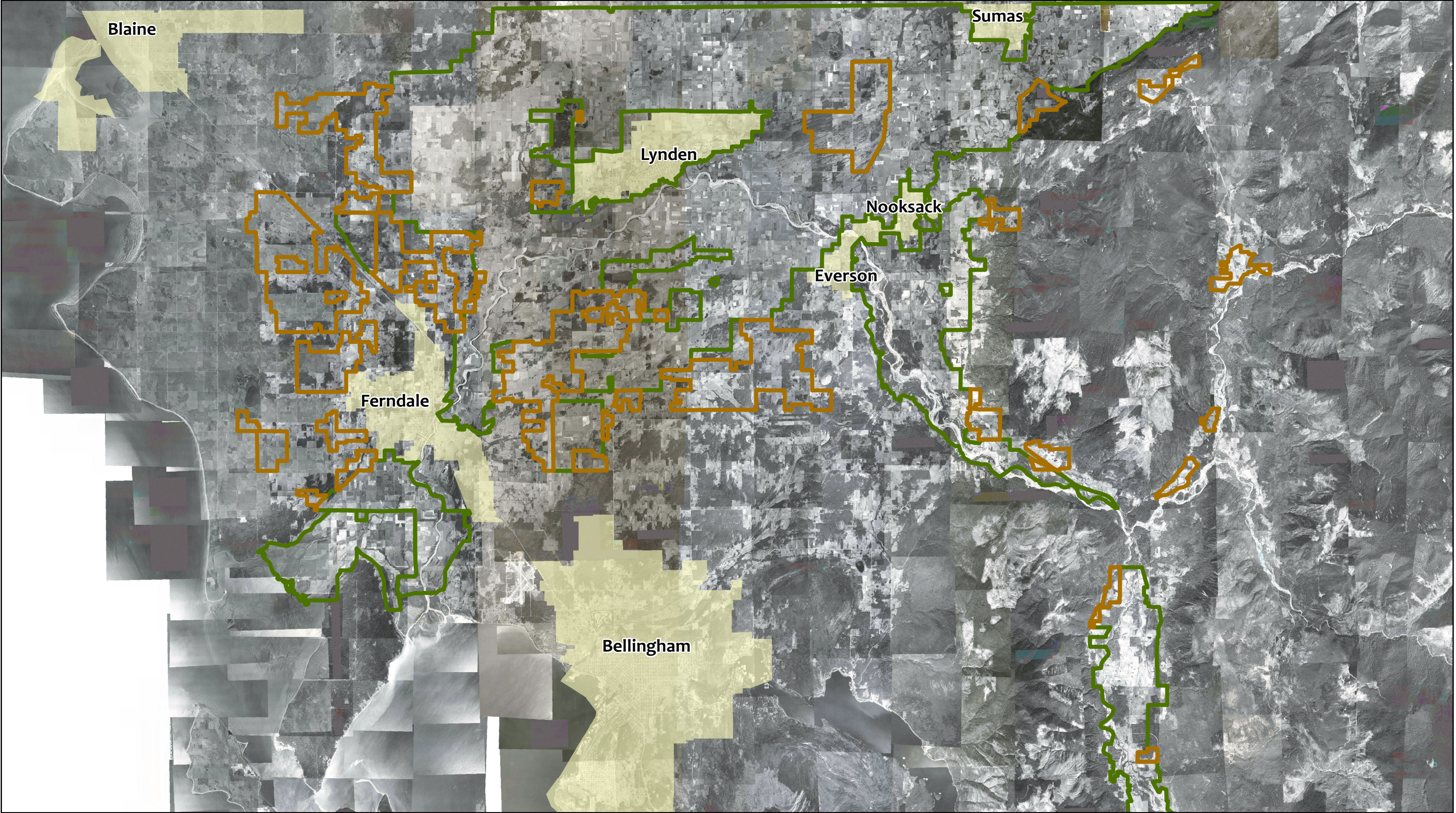
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Legend

- Agriculture Resource Lands
- Draft FEMA 100-Year Floodplain
- Rural Study Areas

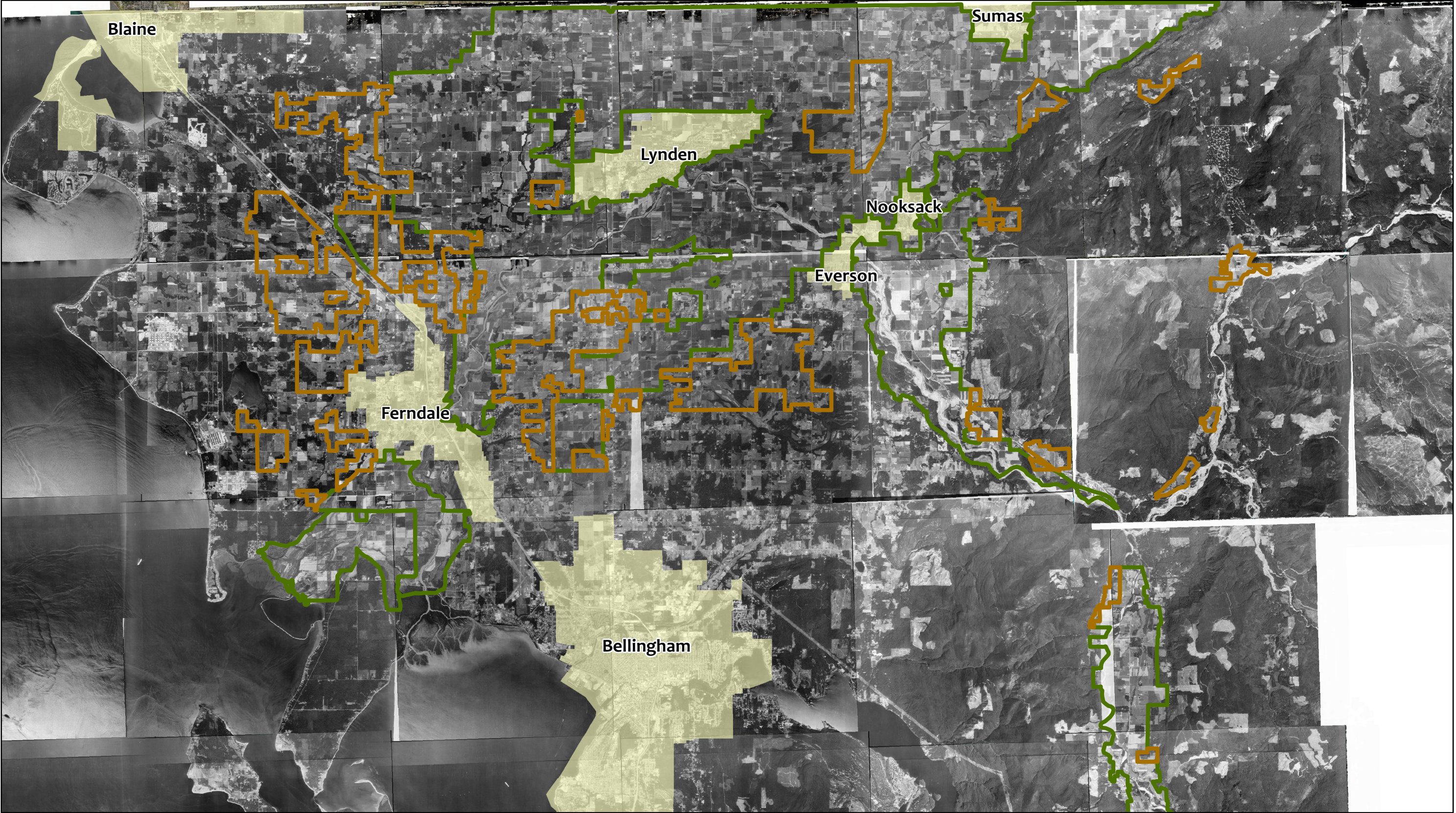
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Legend

-  Agriculture Resource Lands
-  Rural Study Areas
-  Incorporated City Limits

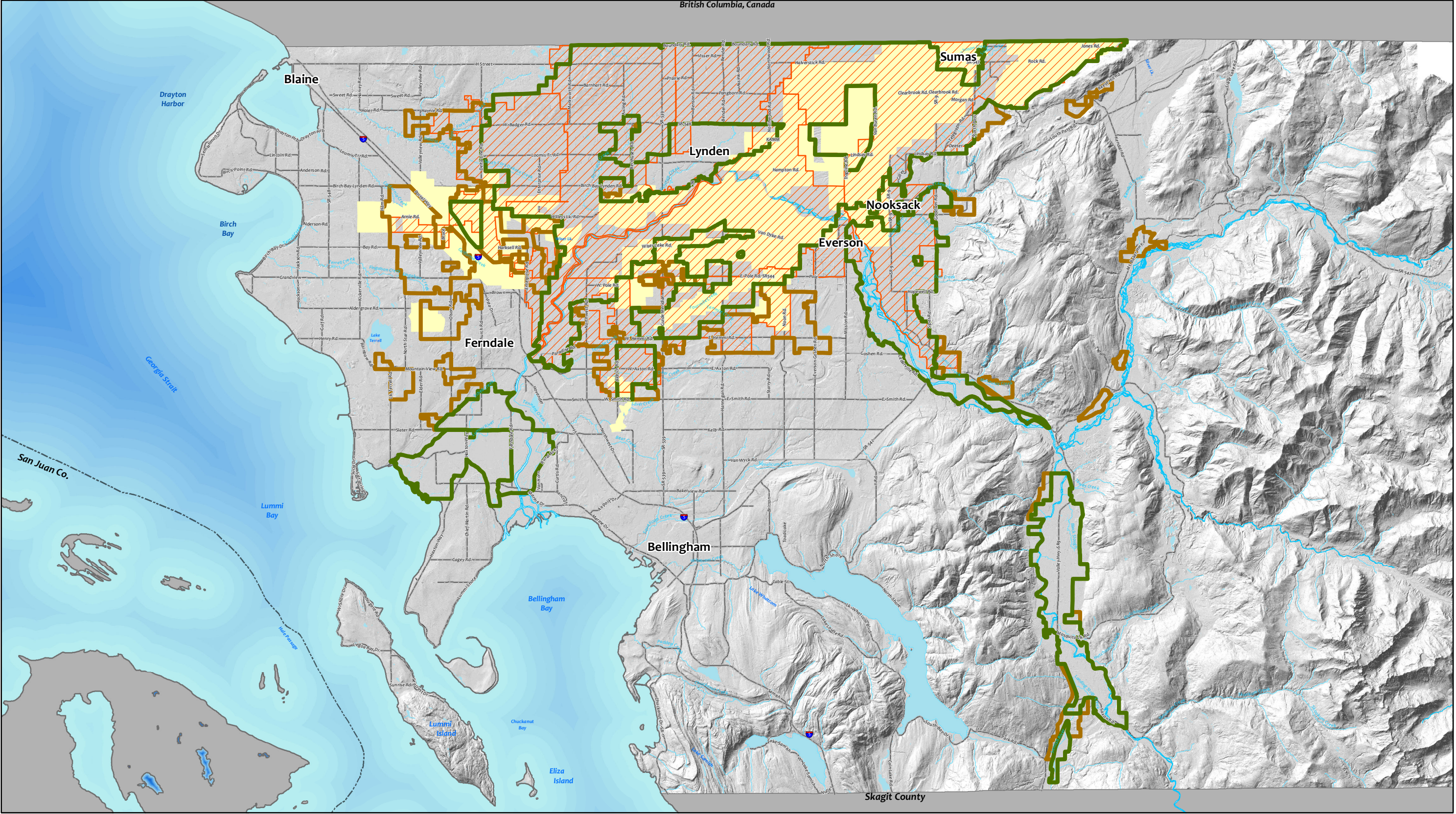
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Legend

-  Rural Study Areas
-  Agriculture Resource Lands
-  Incorporated City Limits

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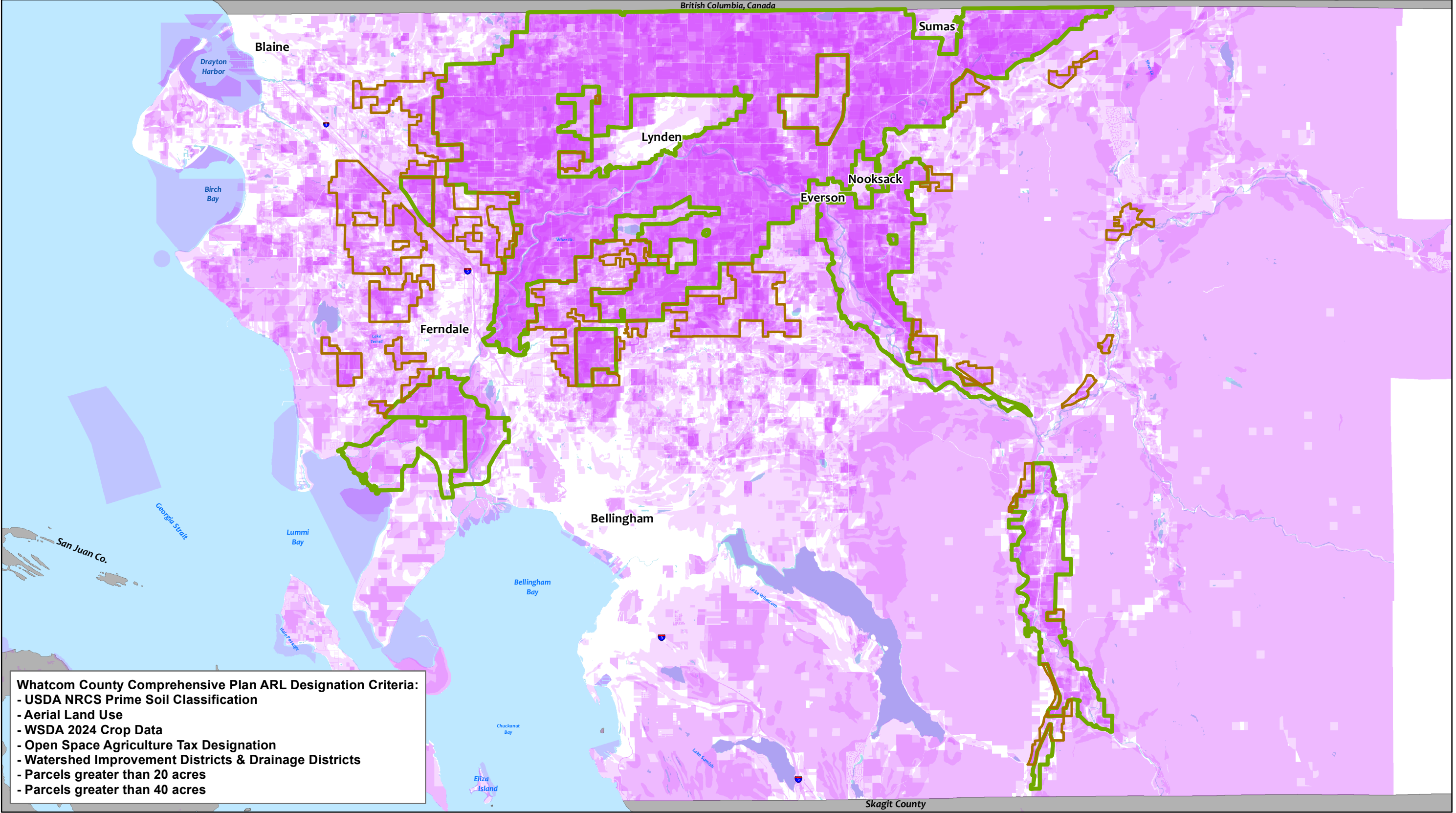


Legend

- Agriculture Resource Lands
- Rural Study Areas
- Watershed Improvement Districts (WIDs)
- Drainage Districts

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Stacked Overlay of Comprehensive Plan ARL Designation Criteria



Legend

Rural Study Areas

Agriculture Resource Lands

Number of Criteria Met

1

2

3

4

5

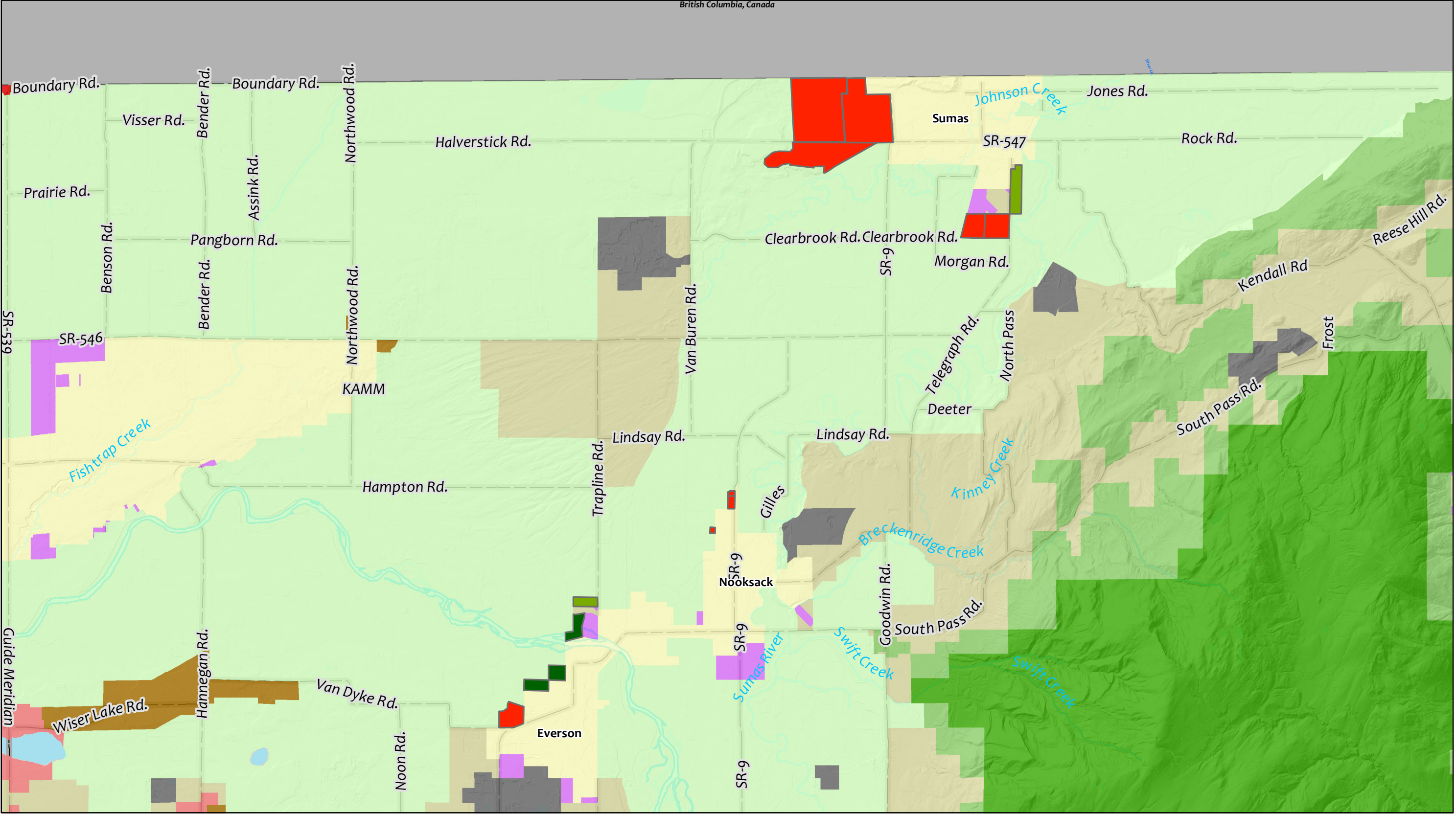
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Appendix D

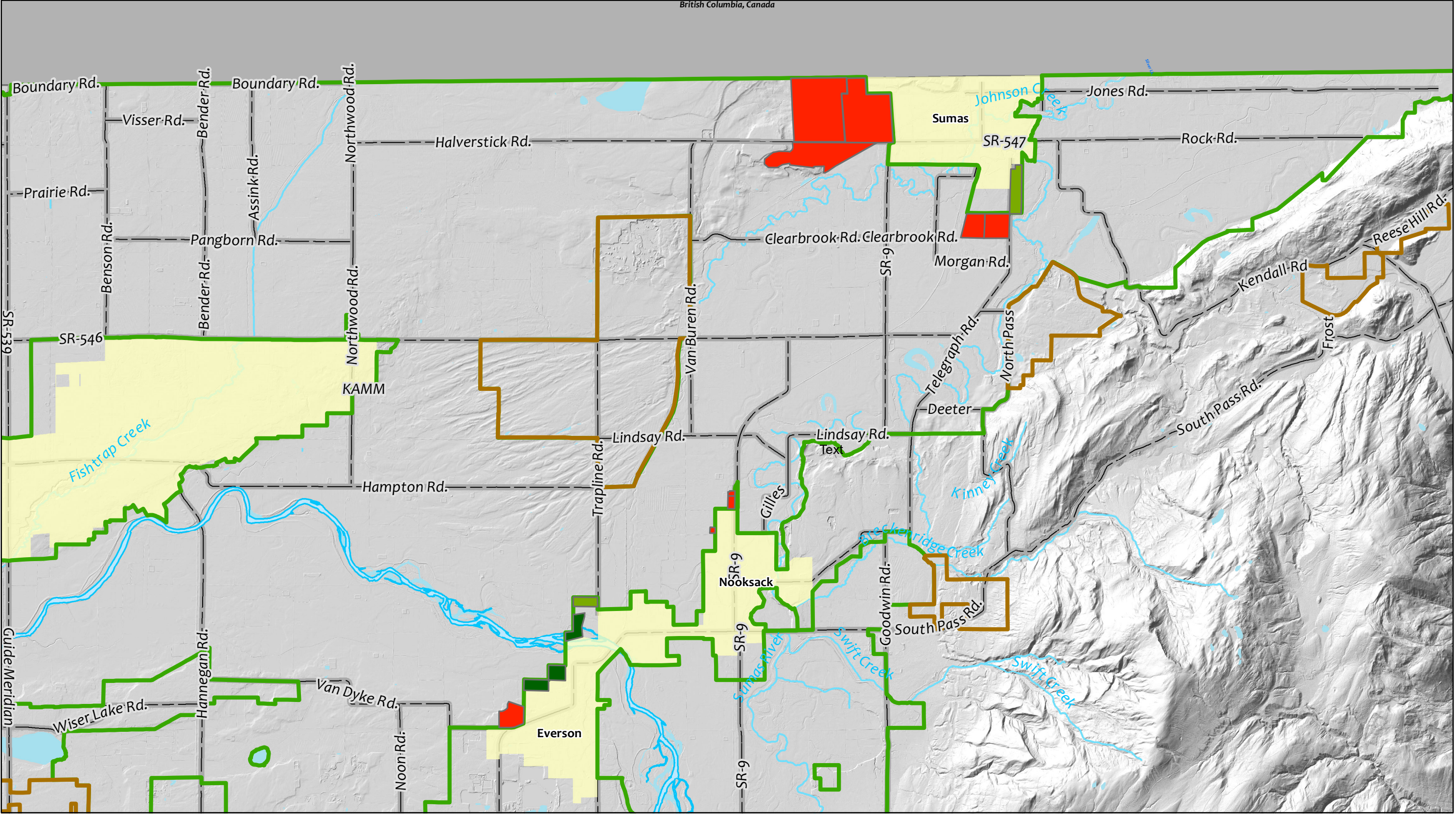
UGA Proposal Maps



Legend

- | | | | |
|------------|---------------------------|--------------------|------------------------|
| UGA to AG | Incorporated City Limits | Rural Neighborhood | Rural Forestry |
| UGAR to AG | Urban Growth Area | Rural Community | Commercial Forestr |
| AG to UGA | Urban Growth Area Reserve | Rural Business | Mineral Resource Lands |
| | Major/Port Industrial UGA | Small Town | Public Recreation |
| | Rural | Agriculture | Federal |

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Legend

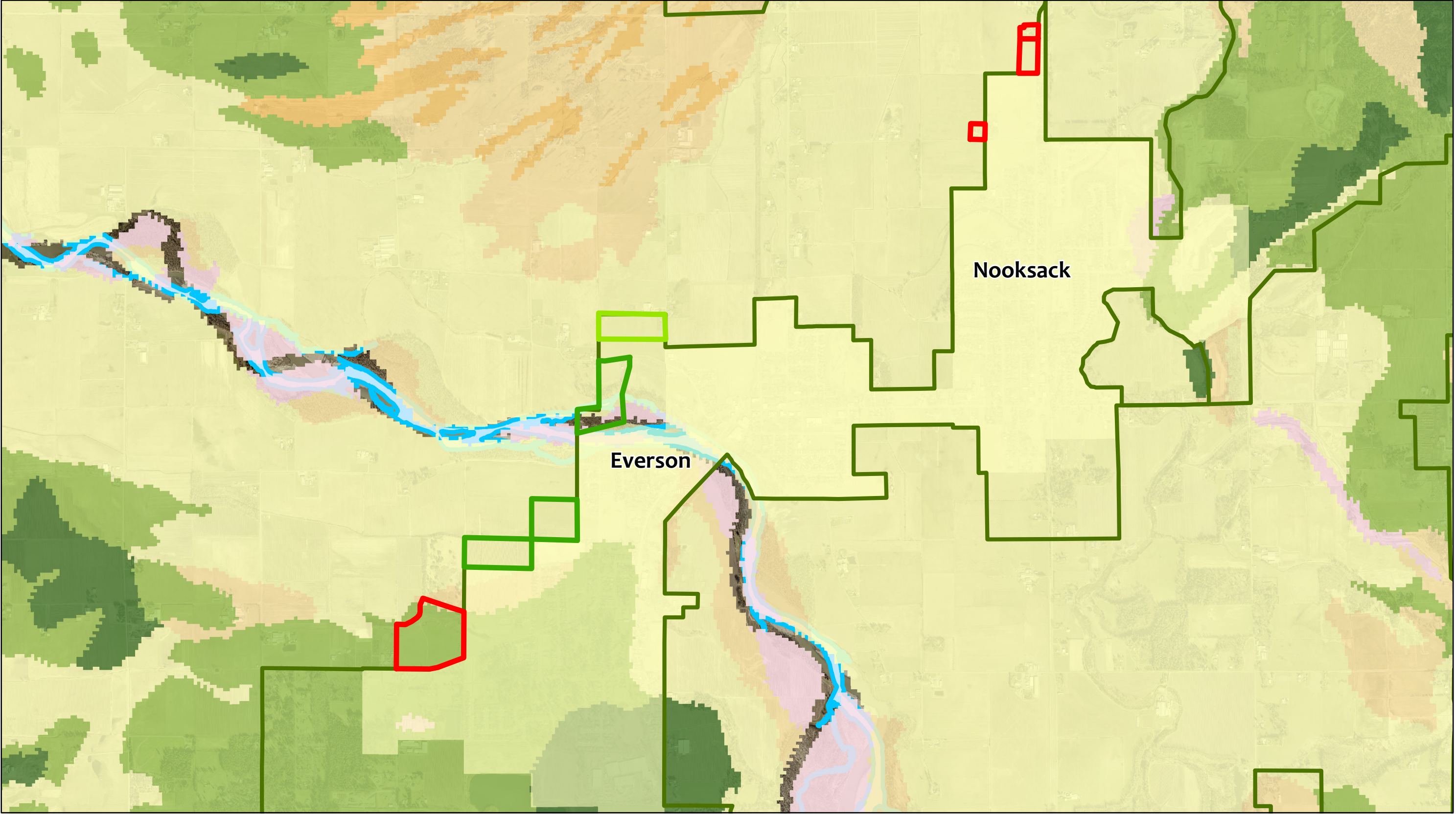
- UGA to AG

UGAR to AG

AG to UGA
- Rural Study Areas

Agriculture Resource Lands

Incorporated City Limits



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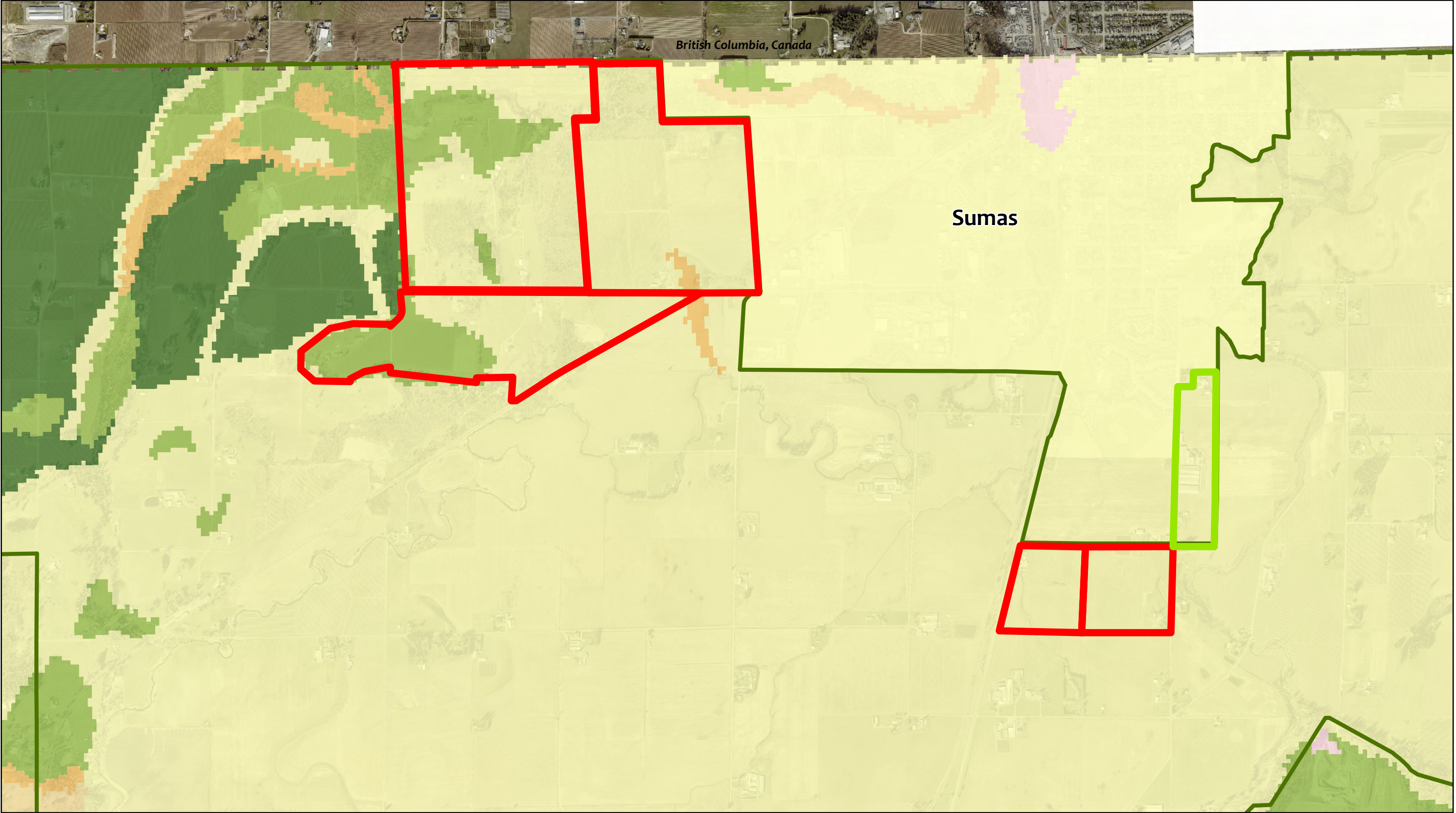
- AG to UGA
- UGAR to AG
- UGA to AG
- Incorporated City Limits

Agriculture Resource Lands

USDA NRCS Land-Capability Classification System

- Class 1
- Class 2
- Class 3

- Class 4
- Class 5
- Class 6
- Class 7
- Class 8



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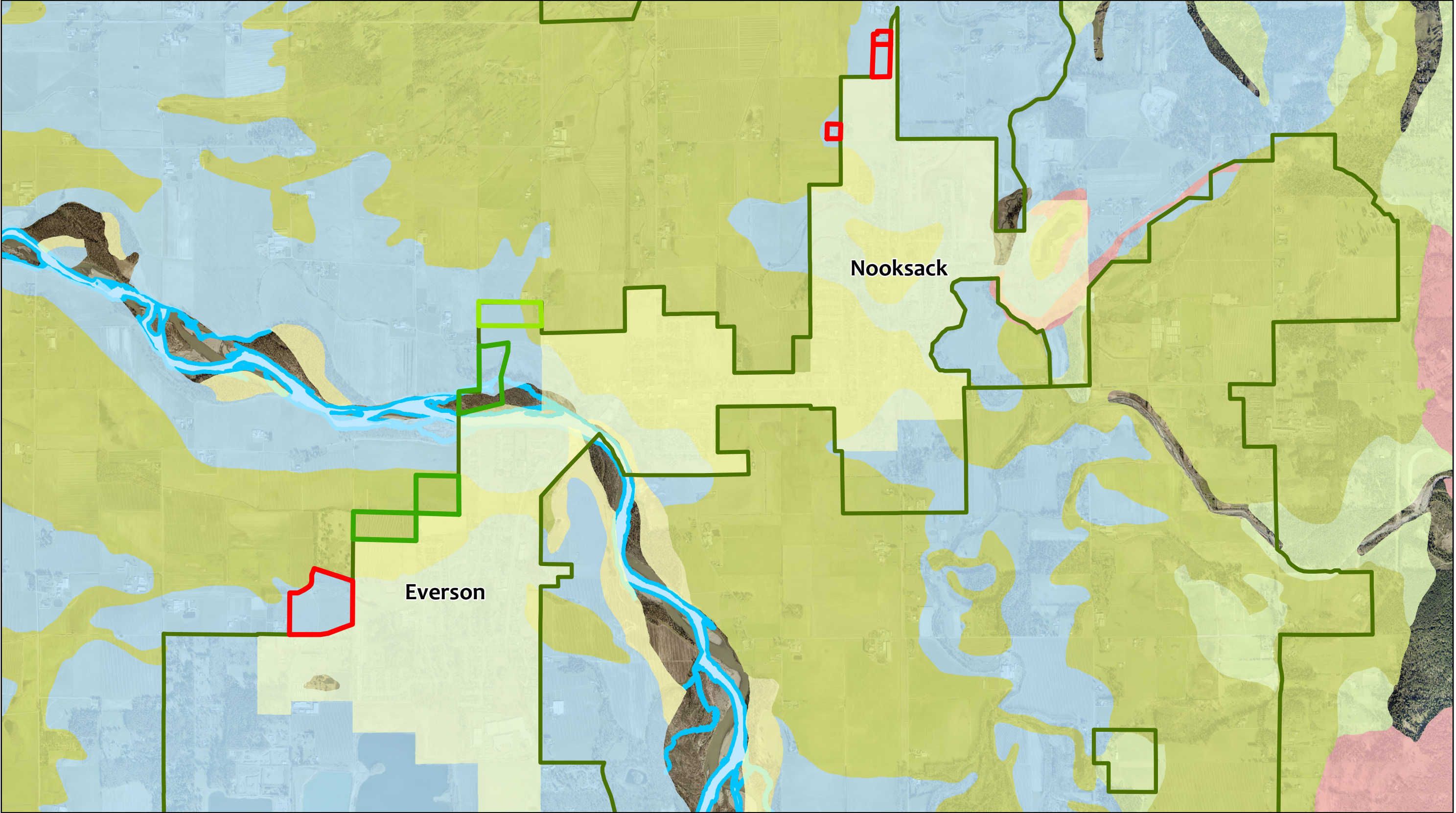
Legend

- AG to UGA
- UGAR to
- UGA to
- Incorporated City Limits

Agriculture Resource Lands

USDA NRCS
Land-Capability
Classification
System

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5
- Class 6
- Class 7
- Class 8



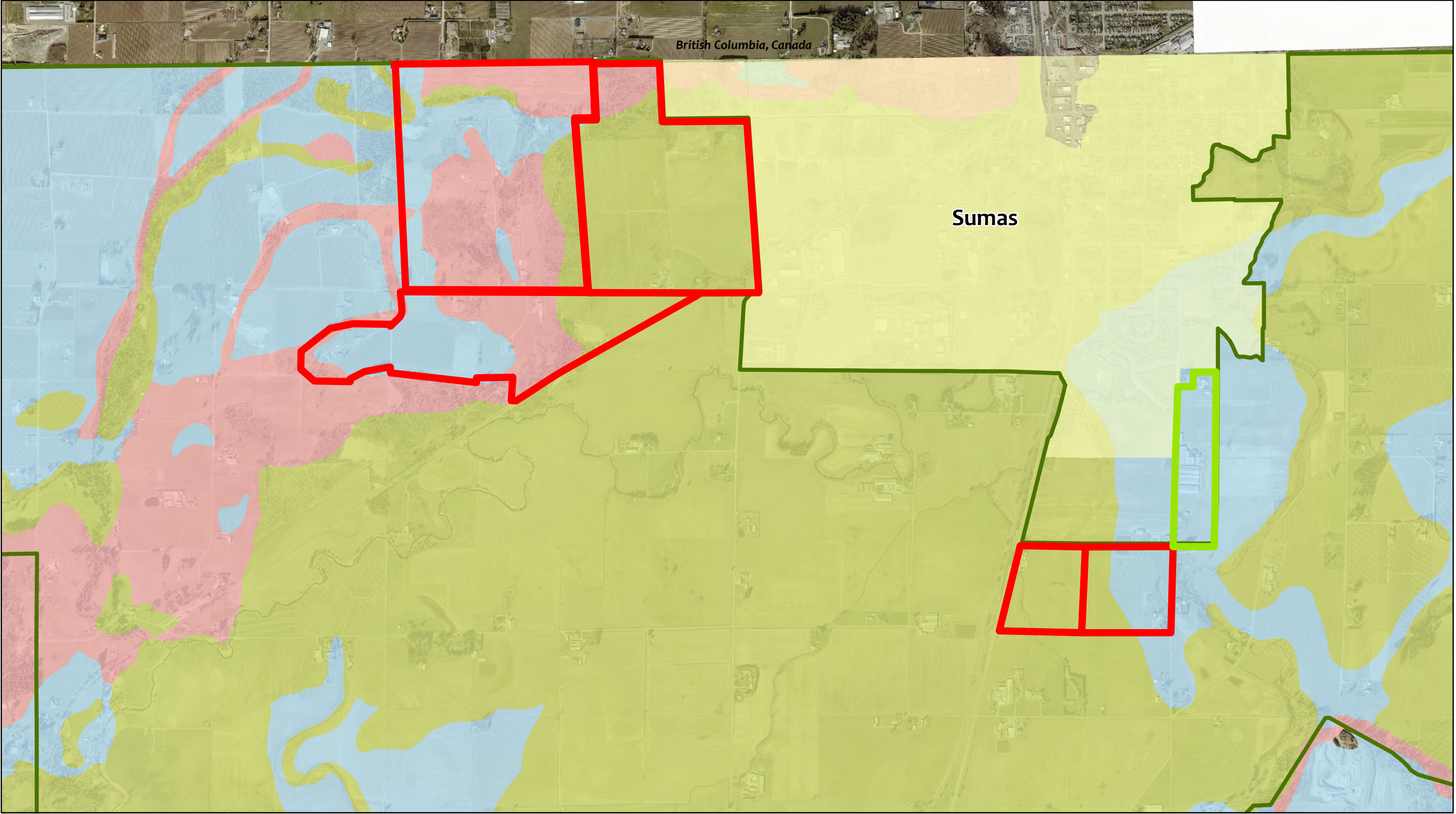
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Legend

- | | | | |
|----------------------------|------------------|----------------------------------|---|
| Agriculture Resource Lands | AG to UGA | Prime | Prime if Drained/Protected from Flooding |
| Incorporated City Limits | UGAR to AG | Prime if Irrigated | Prime if Irrigated/Protected from Flooded |
| UGA to AG | Prime if Drained | Farmland of Statewide Importance | |



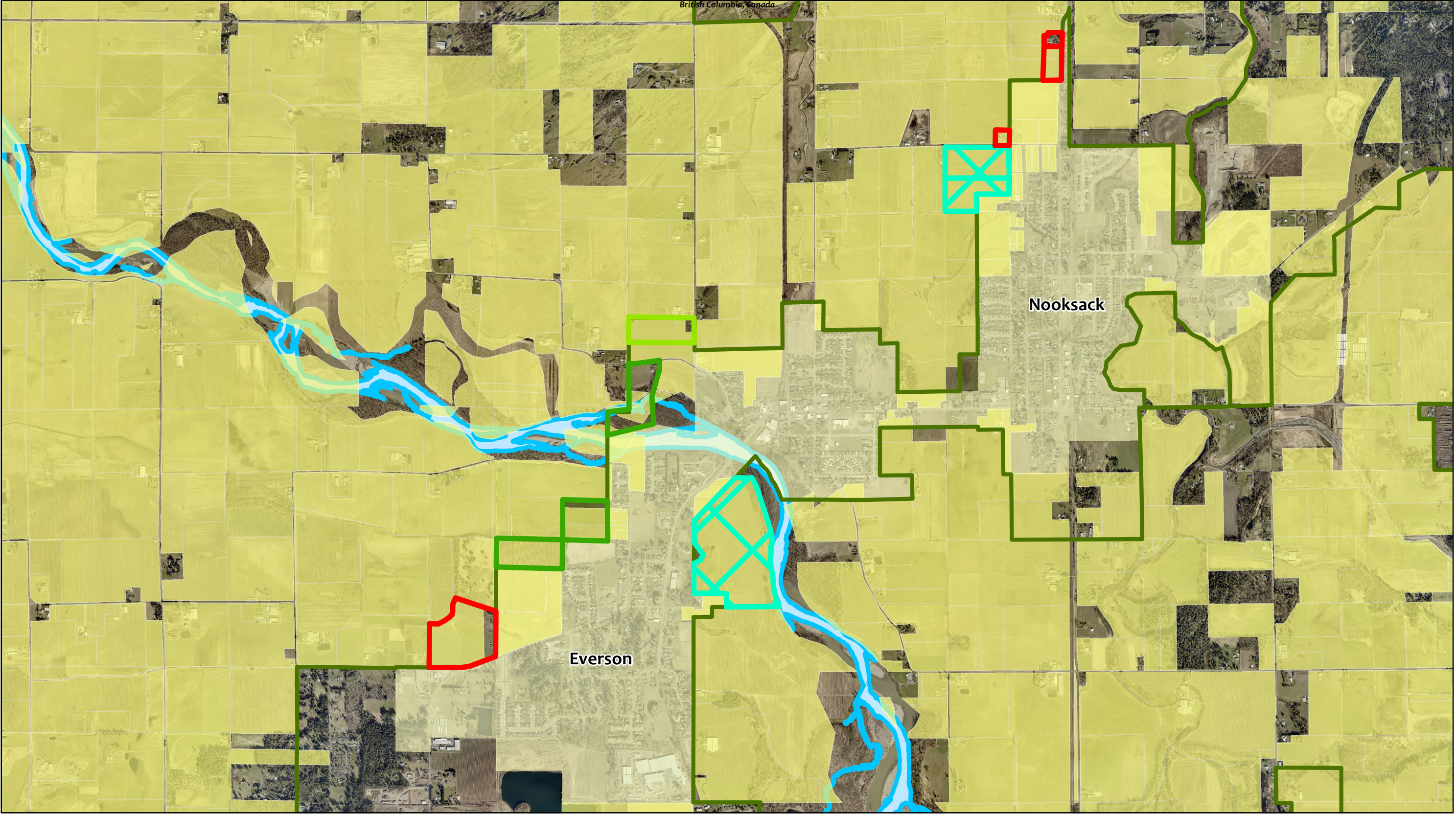
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Legend

- | | | | |
|----------------------------|------------------|----------------------------------|---|
| Agriculture Resource Lands | AG to UGA | Prime | Prime if Drained/Protected from Flooding |
| Incorporated City Limits | UGAR to AG | Prime if Irrigated | Prime if Irrigated/Protected from Flooded |
| UGA to AG | Prime if Drained | Farmland of Statewide Importance | |



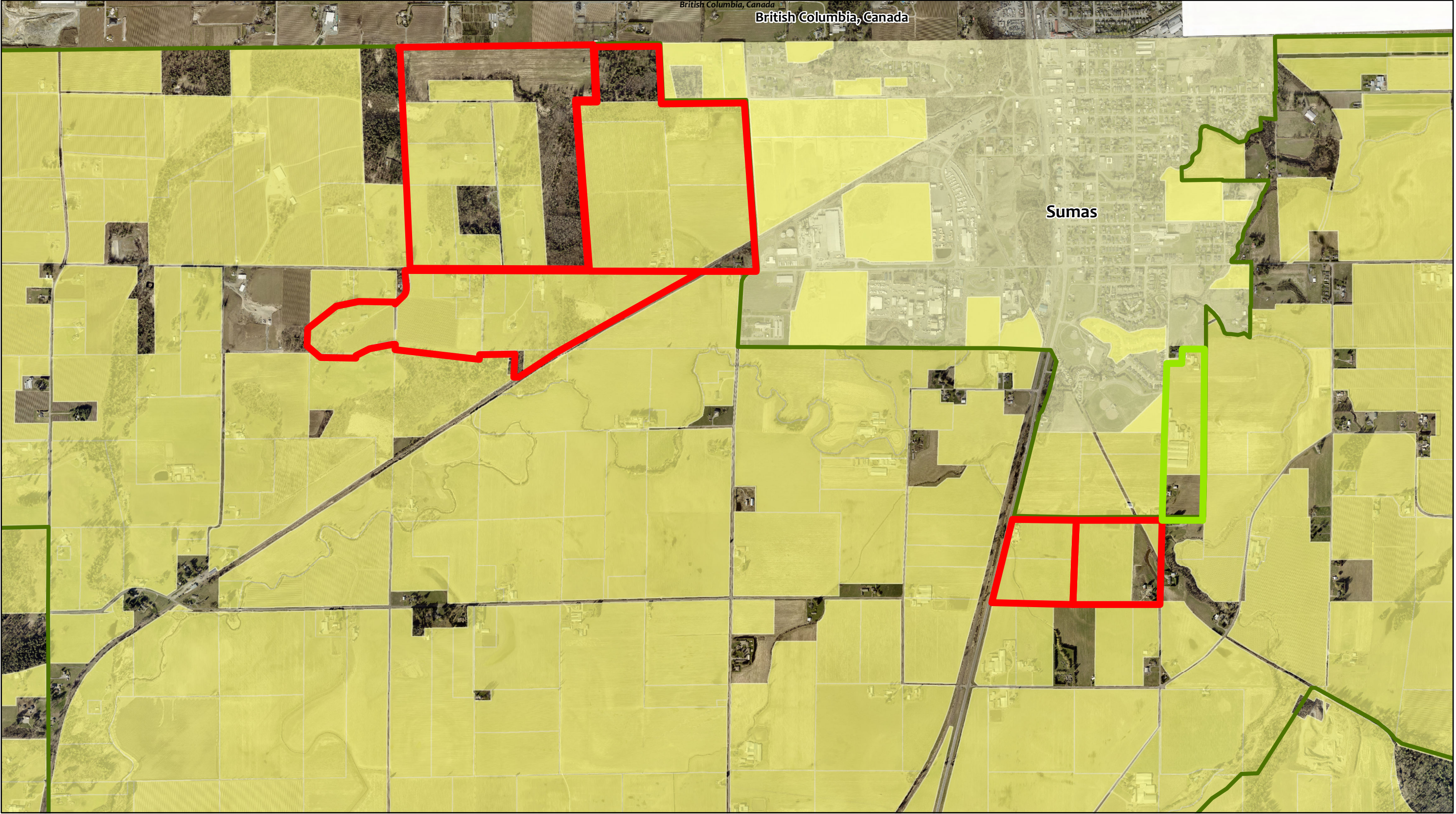
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Legend

- Agriculture Resource Lands
- Incorporated City Limits
- Open Space Agriculture Tax Designation
- CEP Agricultural Easements
- AG to UGA
- UGAR to AG
- UGA to AG



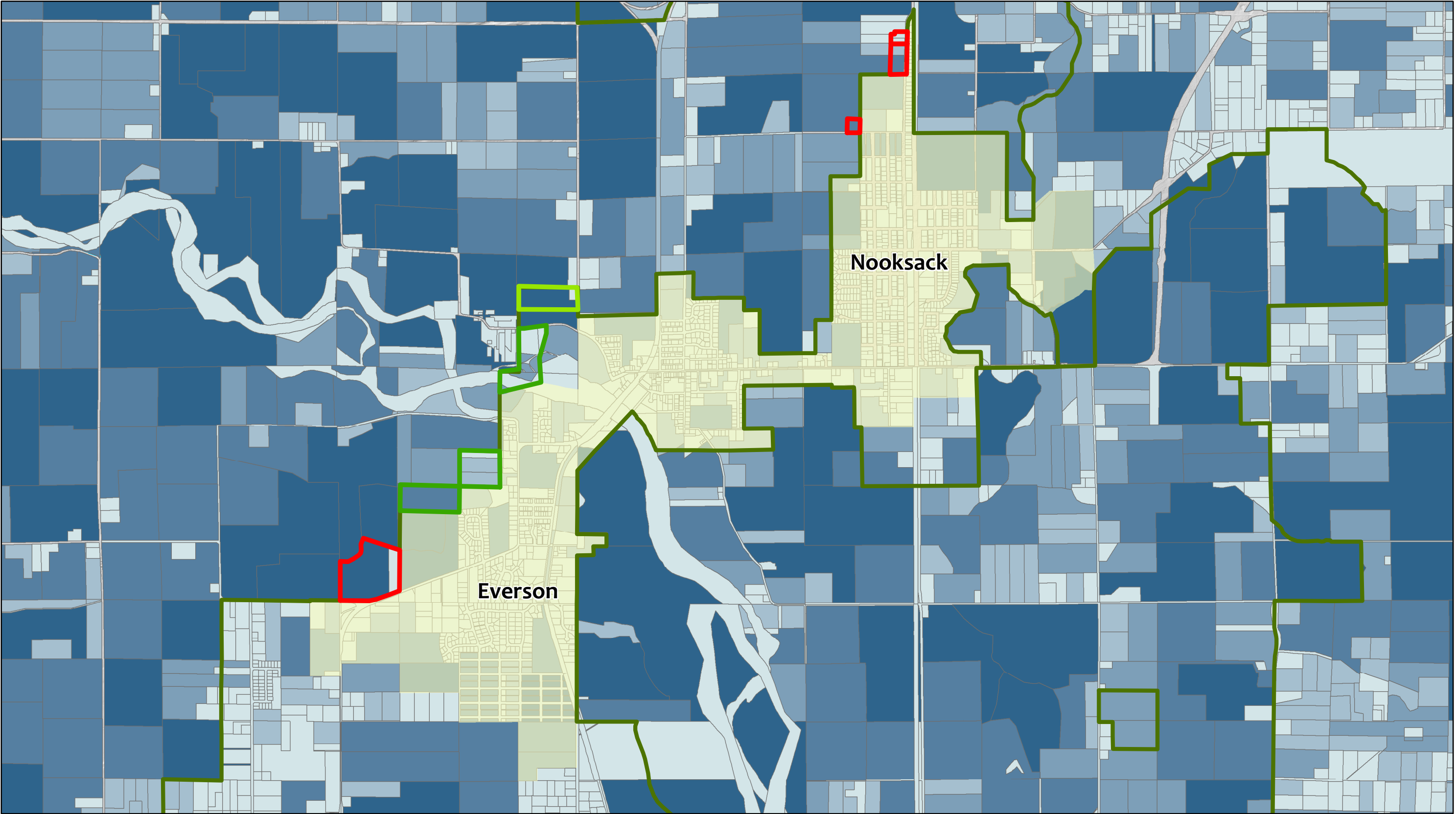
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Legend

- Agriculture Resource Lands
-
- Incorporated City Limits

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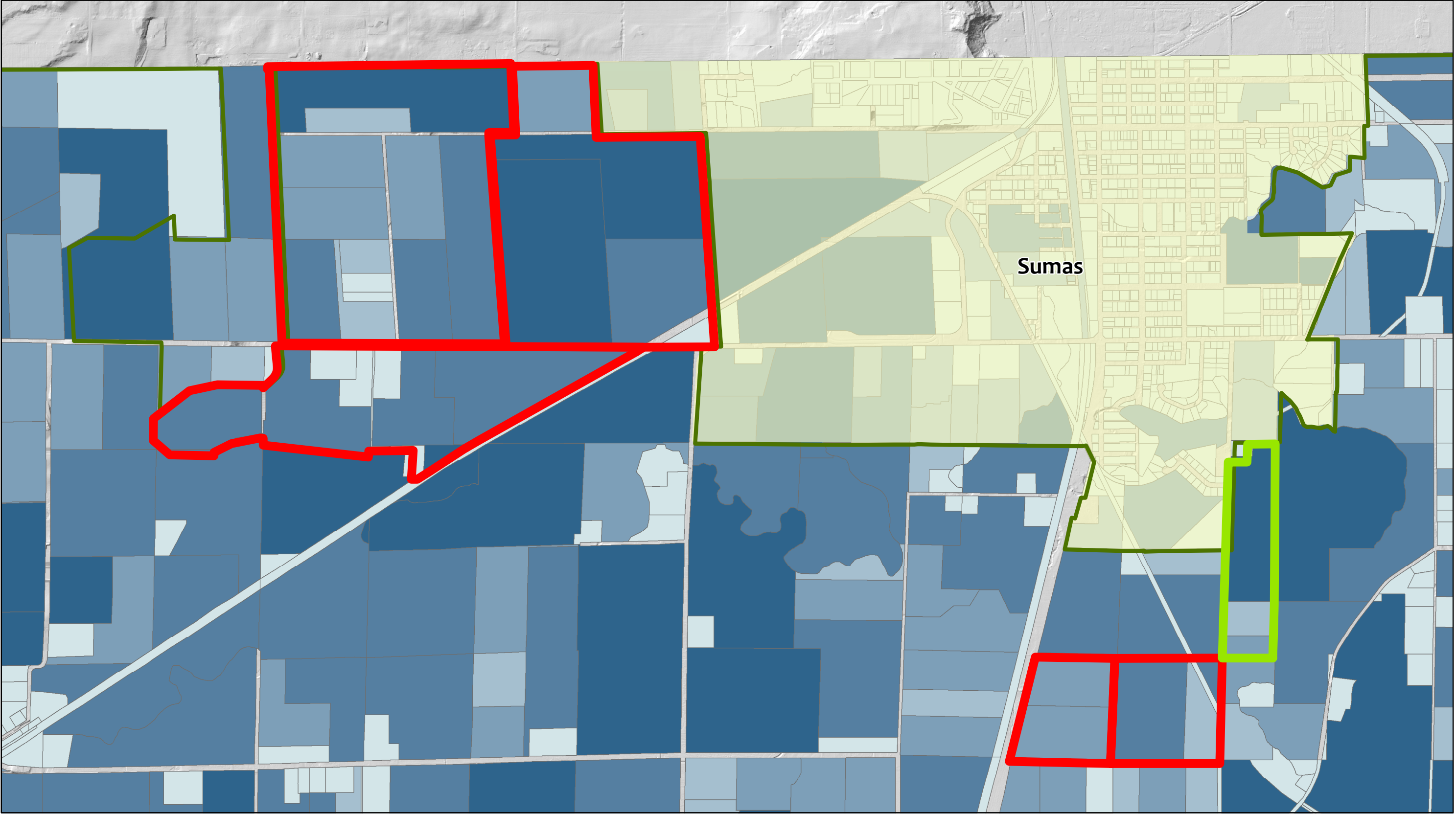


Legend

Agriculture Resource Lands	AG to UGA	Tax Parcel Acreage
Incorporated City Limits	UGAR to AG	
	UGA to AG	
		0 - 5 acres
		5 - 10 acres
		10 - 20 acres
		20 - 40 acres
		> 40 acres

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Legend

Agriculture Resource Lands

Incorporated City Limits

AG to UGA

UGAR to AG

UGA to AG

Tax Parcel Acreage

0 - 5 acres

5 - 10 acres

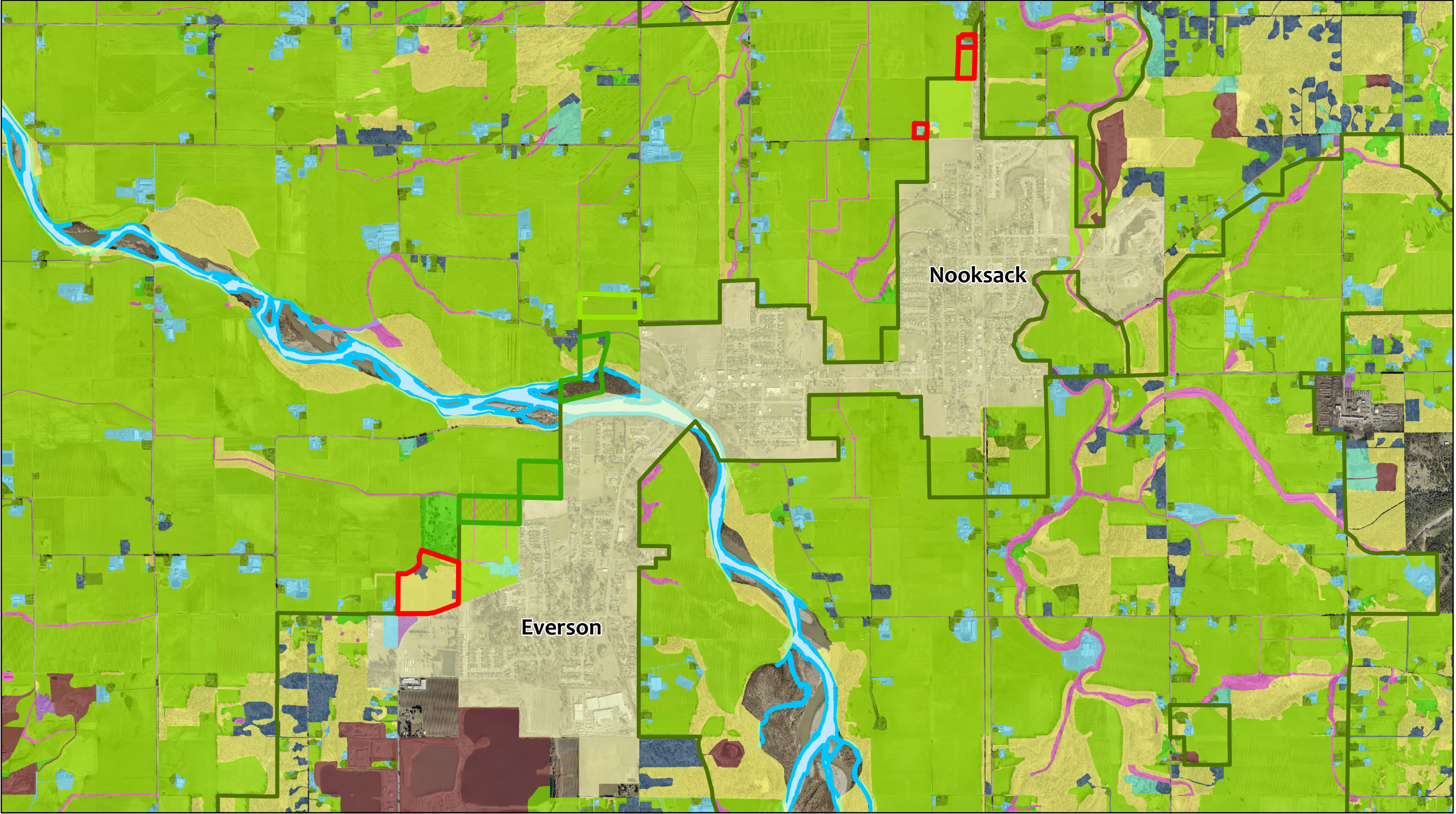
10 - 20 acres

20 - 40 acres

> 40 acres

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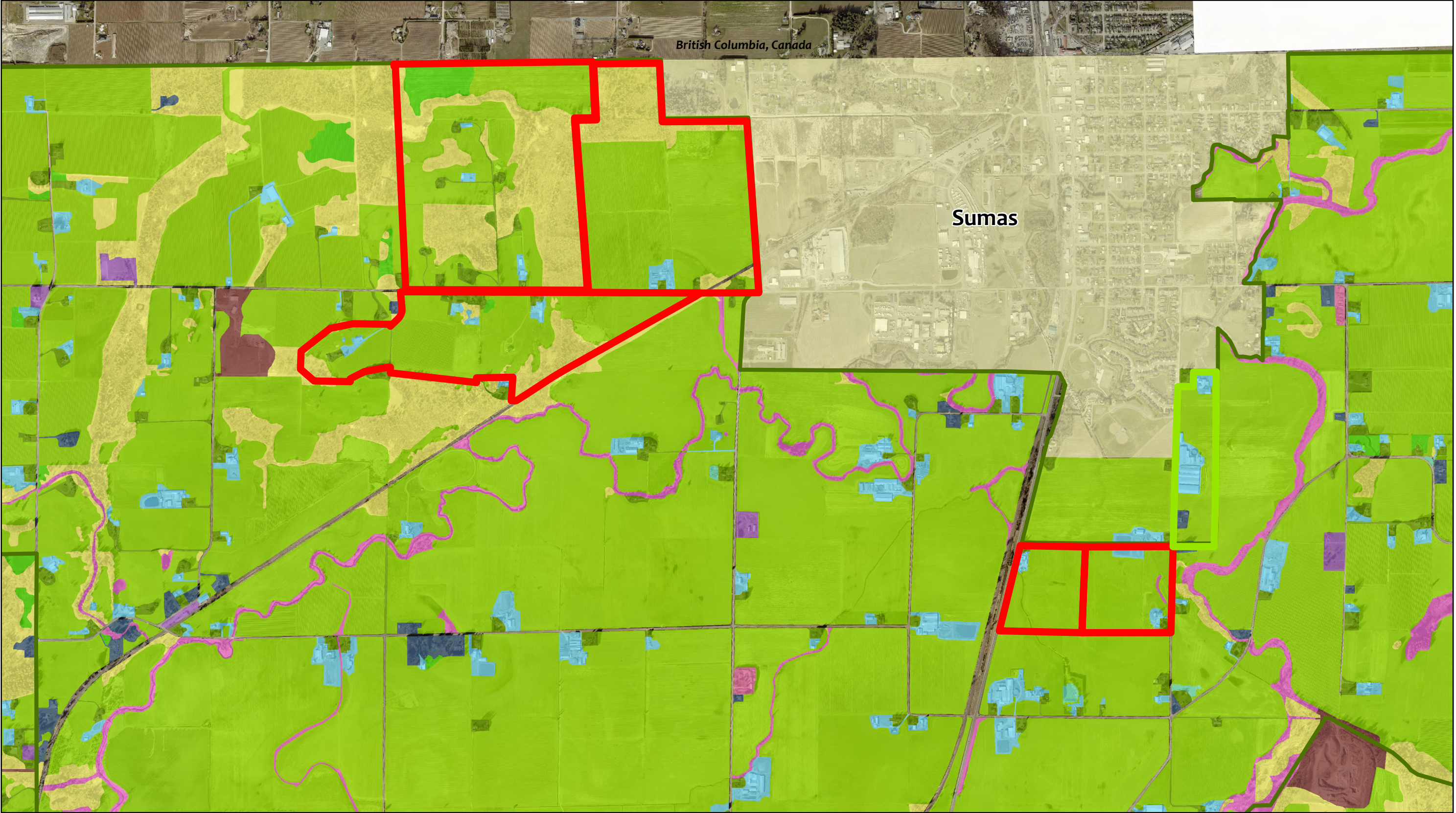
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Legend

<div></div> AG to UGA	<div>type</div>	<div></div> FARMLAND INFRASTRUCTURE	<div></div> QUARRY
<div></div> UGAR to AG	<div></div> CUTP	<div></div> FARMSTEAD SFR	<div></div> SFR
<div></div> UGA to AG	<div></div> FALLOW	<div></div> FOREST	<div></div> VACANT
<div></div> Agriculture Resource Lands	<div></div> FARMLAND	<div></div> MR/TRAILER PARK	<div></div> WATER COURSE
			<div></div> Incorporated City Limits

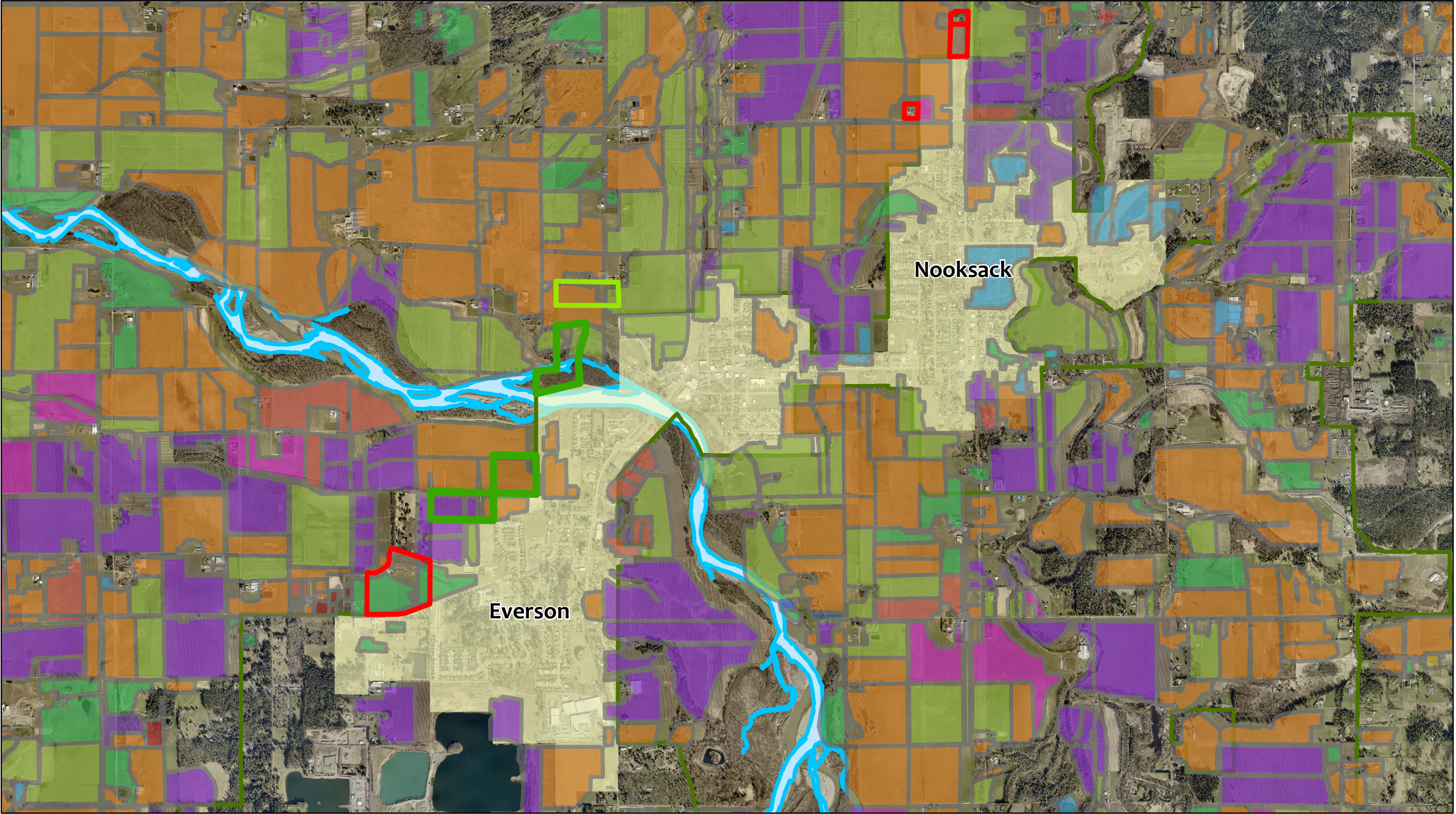


Legend

- | | | | |
|--|----------------------|-------------------------------------|--------------------------------------|
| <div></div> AG to UGA | <div></div> type | <div></div> FARMLAND INFRASTRUCTURE | <div></div> QUARRY |
| <div></div> UGAR to AG | <div></div> CUTP | <div></div> FARMSTEAD SFR | <div></div> SFR |
| <div></div> UGA to AG | <div></div> FALLOW | <div></div> FOREST | <div></div> VACANT |
| <div></div> Agriculture Resource Lands | <div></div> FARMLAND | <div></div> MR/TRAILER PARK | <div></div> WATER COURSE |
| | | | <div></div> Incorporated City Limits |

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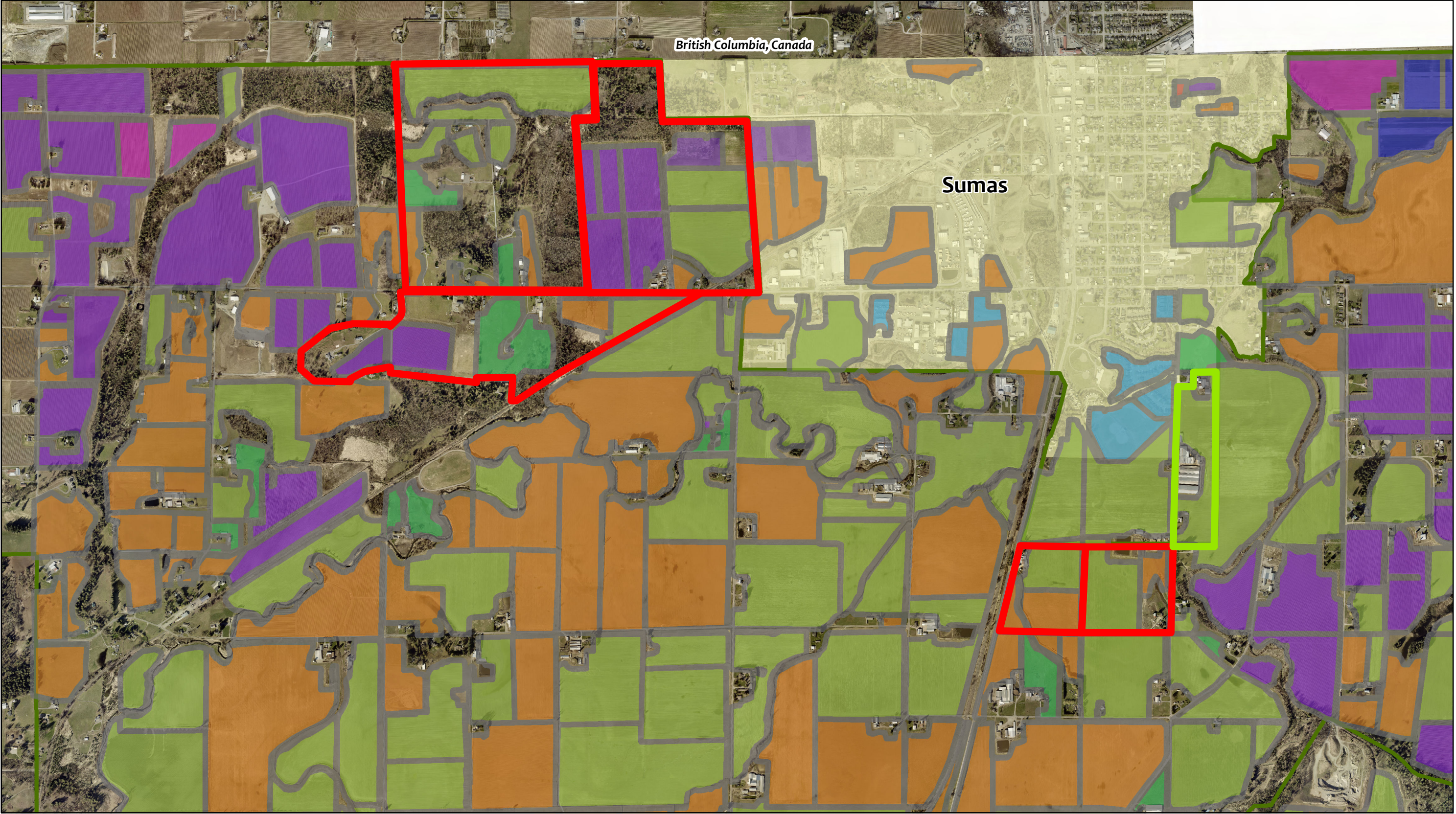


Legend

- | | | | | | | |
|----------------------------|-----------------|------------------|-------------|--------------|-----------|-----------|
| Incorporated City Limits | AG to UGA | CropGroup | Flower Bulb | Nursery | Seed | |
| Agriculture Resource Lands | UGAR to AG | | Berry | Green Manure | Oilseed | Shellfish |
| UGA to AG | Cereal Grain | | Hay/Silage | Orchard | Turfgrass | |
| | Commercial Tree | | Herb | Other | Vegetable | |
| | Developed | Melon | Pasture | Vineyard | | |

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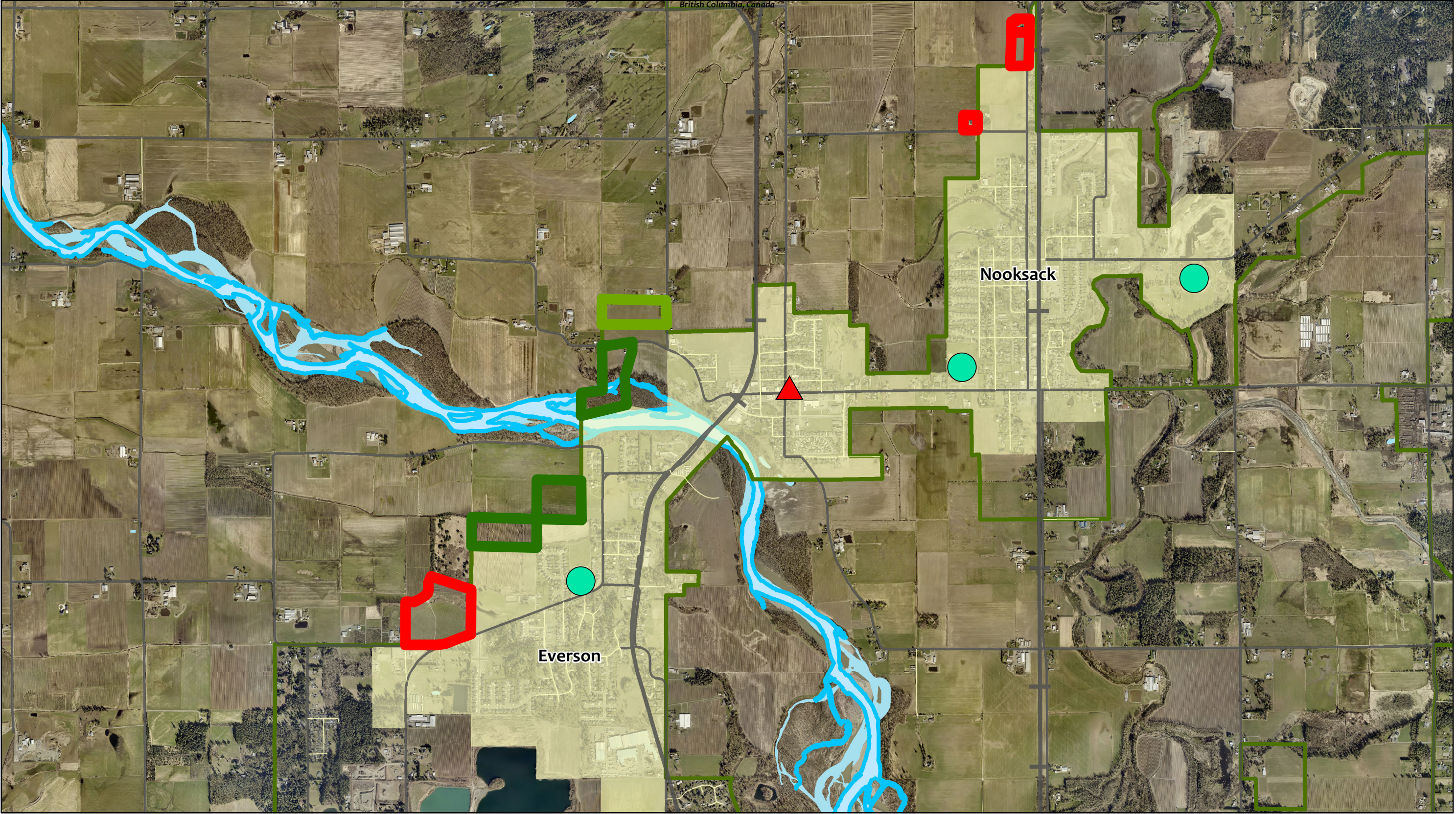


Legend

- | | | | | | |
|----------------------------|--------------|------------------|-------------|-----------|-----------|
| Incorporated City Limits | AG to UGA | CropGroup | Flower Bulb | Nursery | Seed |
| Agriculture Resource Lands | UGAR to AG | | Berry | Oilseed | Shellfish |
| UGA to AG | Cereal Grain | | Hay/Silage | Orchard | Turfgrass |
| Commercial Tree | Herb | | Other | Vegetable | |
| Developed | Melon | | Pasture | Vineyard | |

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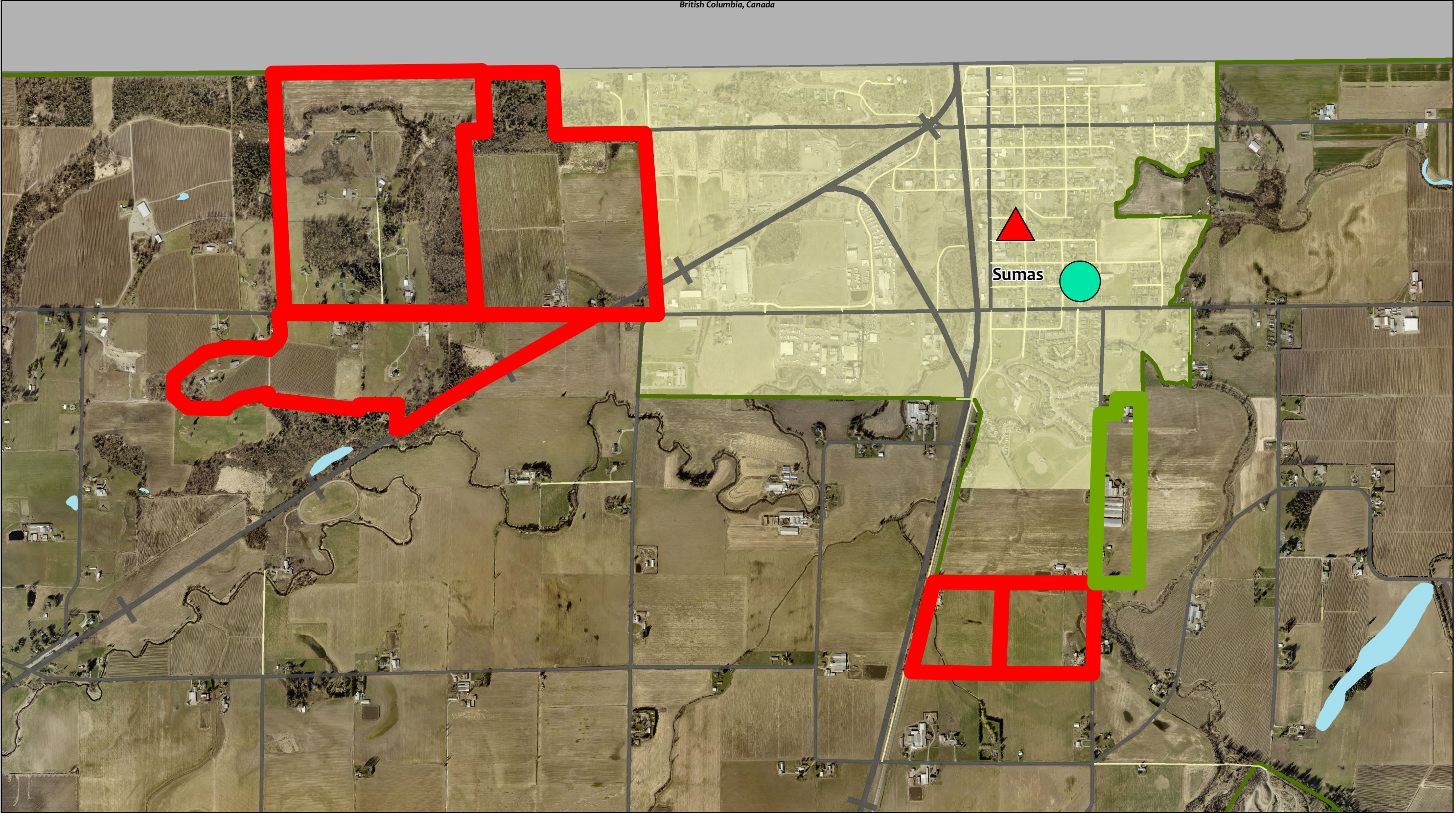
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Legend

- Incorporated City Limits
- Agriculture Resource Lands
- Fire Stations
- Schools
- UGA to AG
- UGAR to AG
- AG to UGA
- Local Rd.
- State Route; County Rd.
- Rail Road
- Airport

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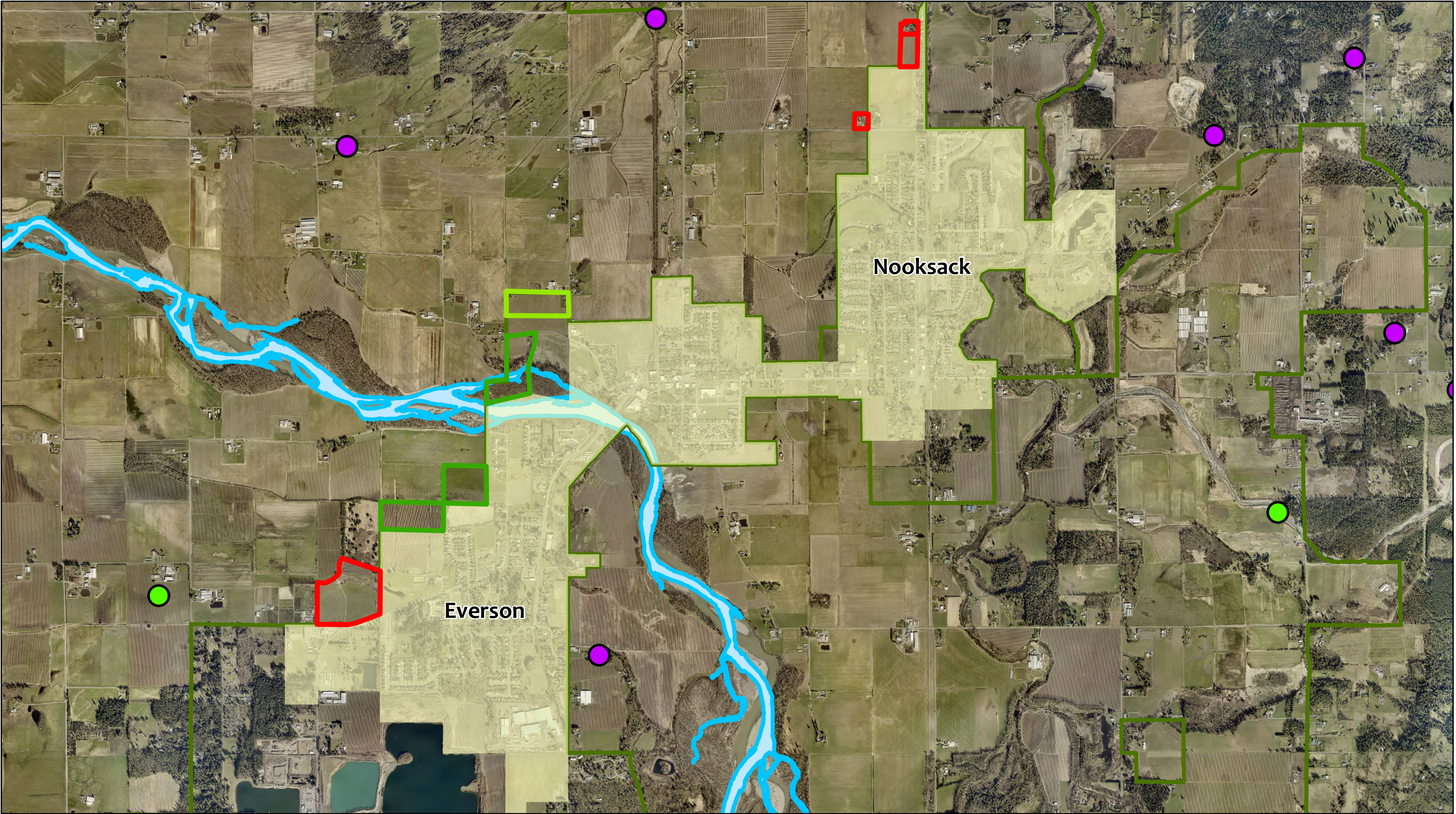
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Legend

- Incorporated City Limits
- UGA to AG
- Local Rd.
- Agriculture Resource Lands
- UGAR to AG
- State Route; County Rd.
- Fire Stations
- AG to UGA
- Rail Road
- Schools
- Airport



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Legend

- Incorporated City Limits

Agriculture Resource Lands
- 2016 - 2021 Permits

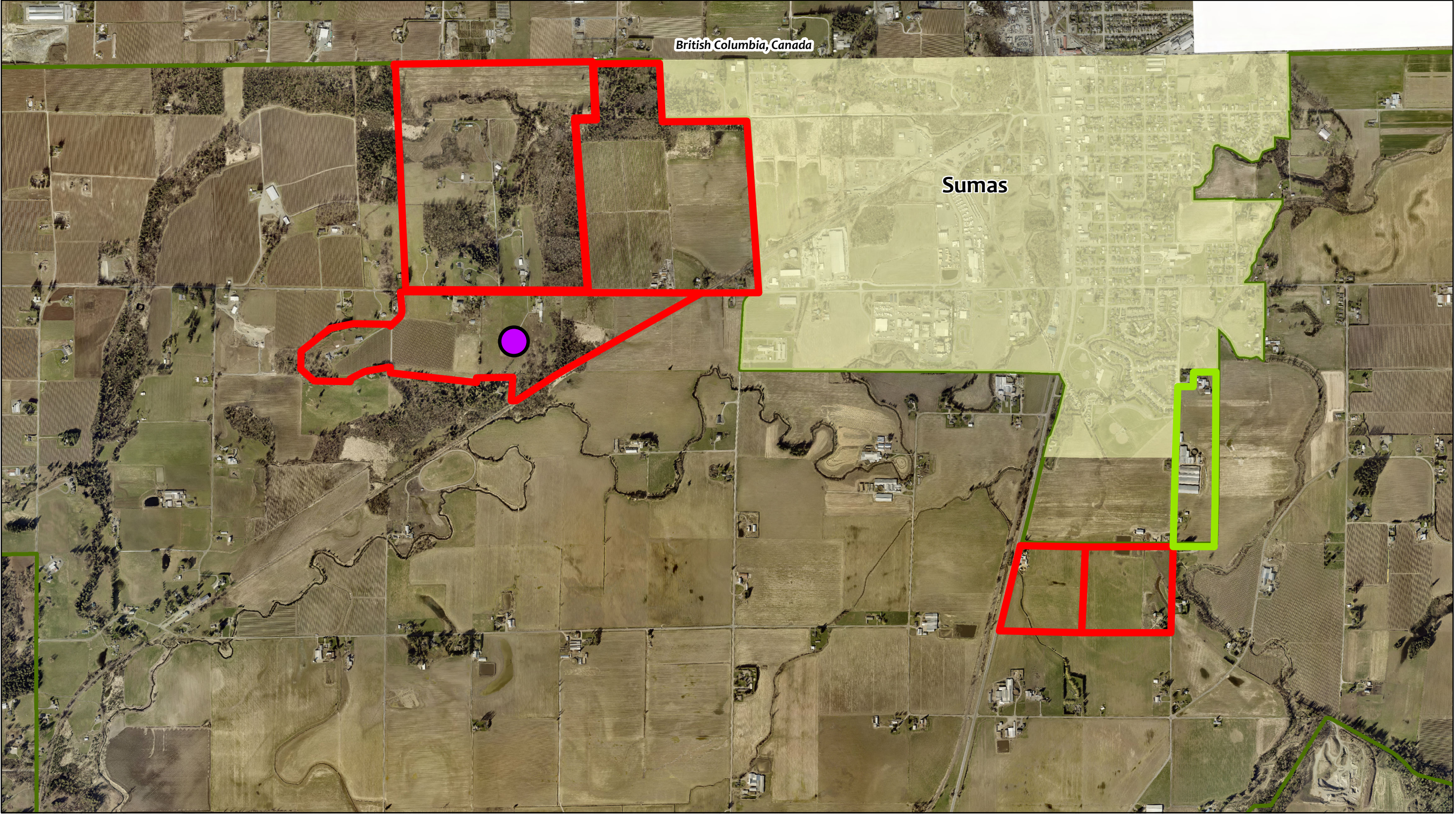
Commercial Permits

Mobile Home Permits

Single-Family Permits
- AG to UGA

UGAR to AG

UGA to AG



Legend

- Incorporated City Limits

Agriculture Resource Lands
- 2016 - 2021 Permits

• Commercial Permits

• Mobile Home Permits

• Single-Family Permits

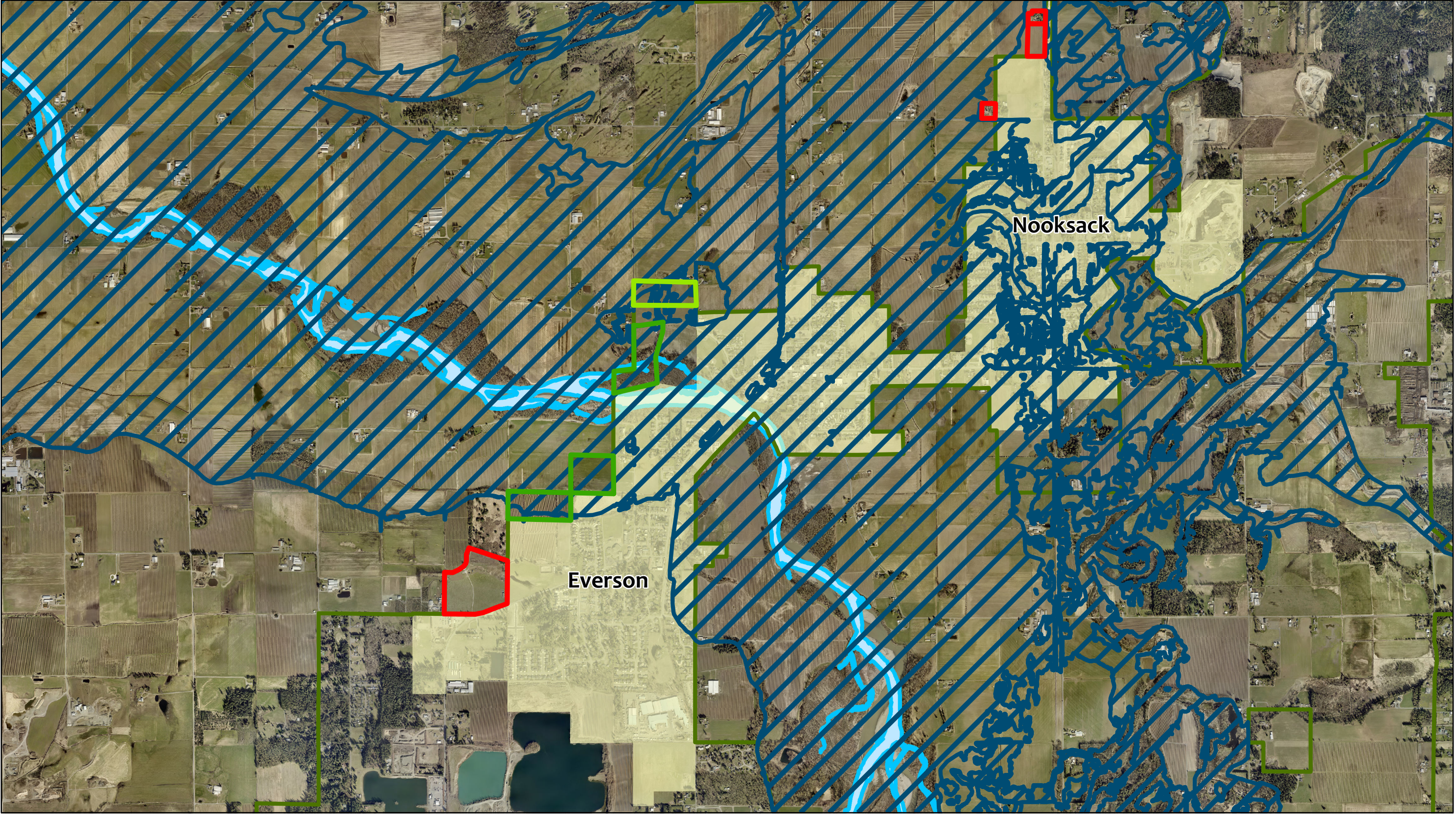
AG to UGA

UGAR to AG

UGA to AG

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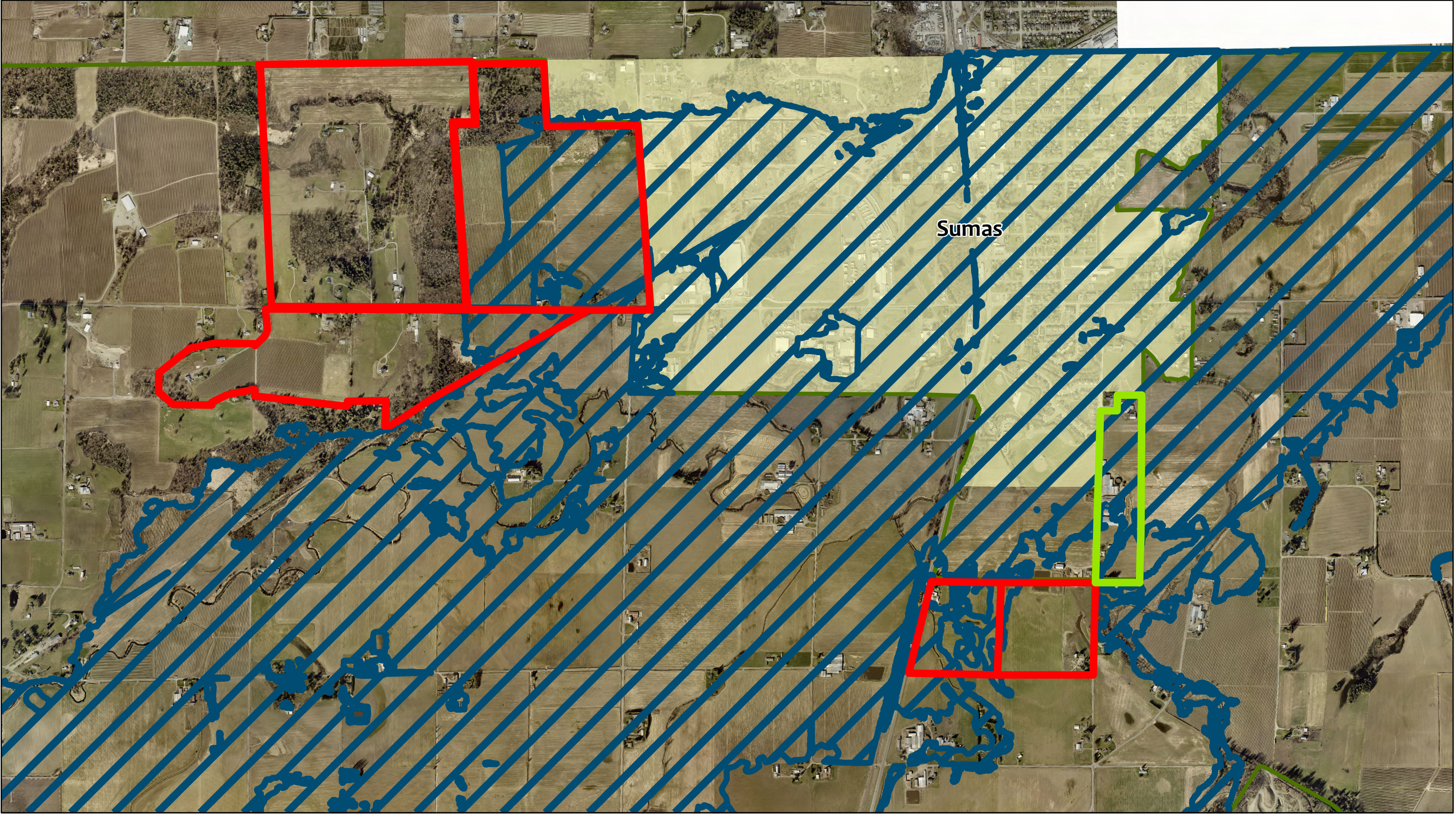
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Legend

- | | |
|--------------------------------|------------|
| Incorporated City Limits | AG to UGA |
| Agriculture Resource Lands | UGAR to AG |
| Draft FEMA 100-Year Floodplain | UGA to AG |



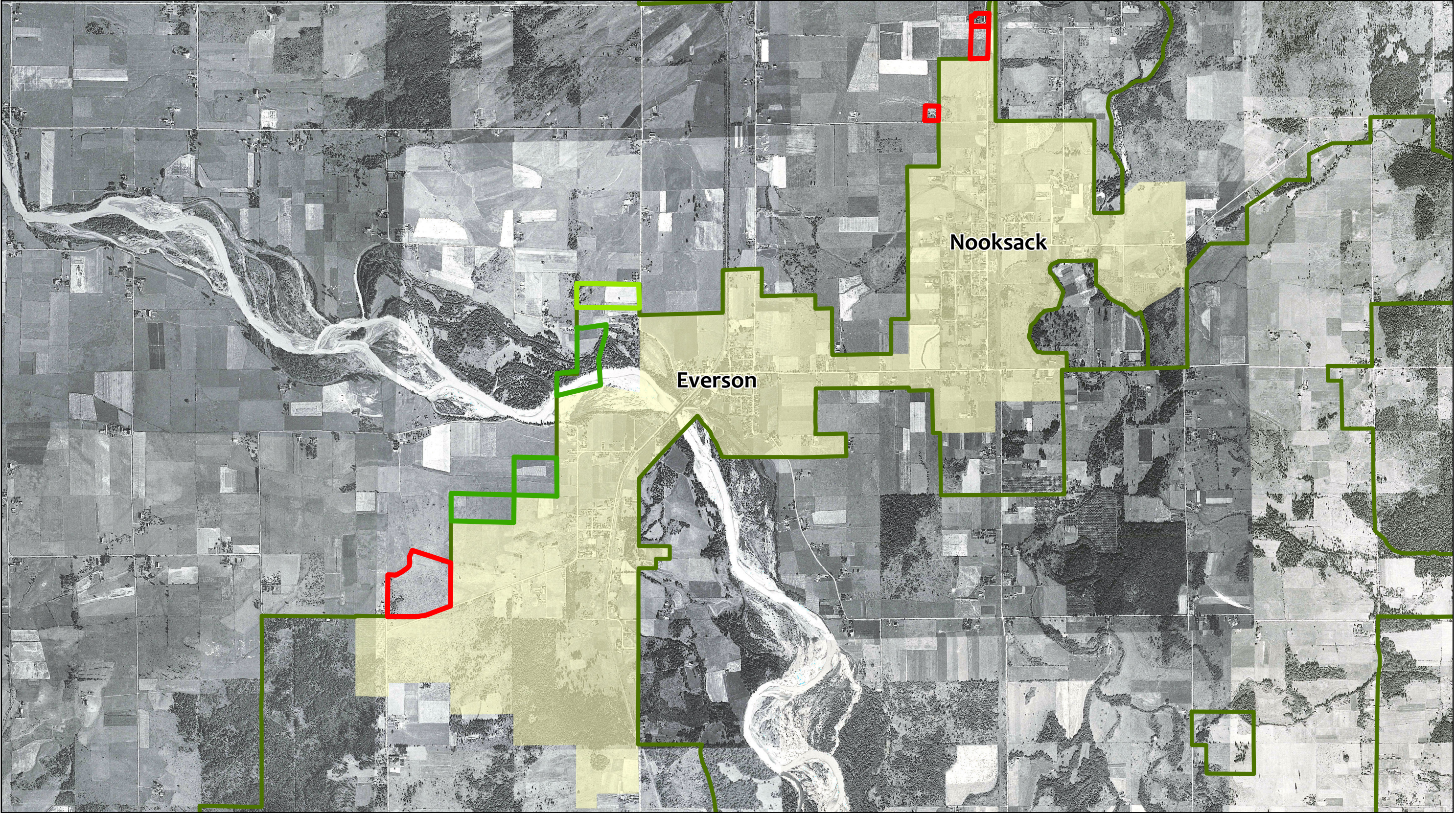
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Legend

- Incorporated City Limits
- Agriculture Resource Lands
- Draft FEMA 100-Year Floodplain
- AG to UGA
- UGAR to AG
- UGA to AG



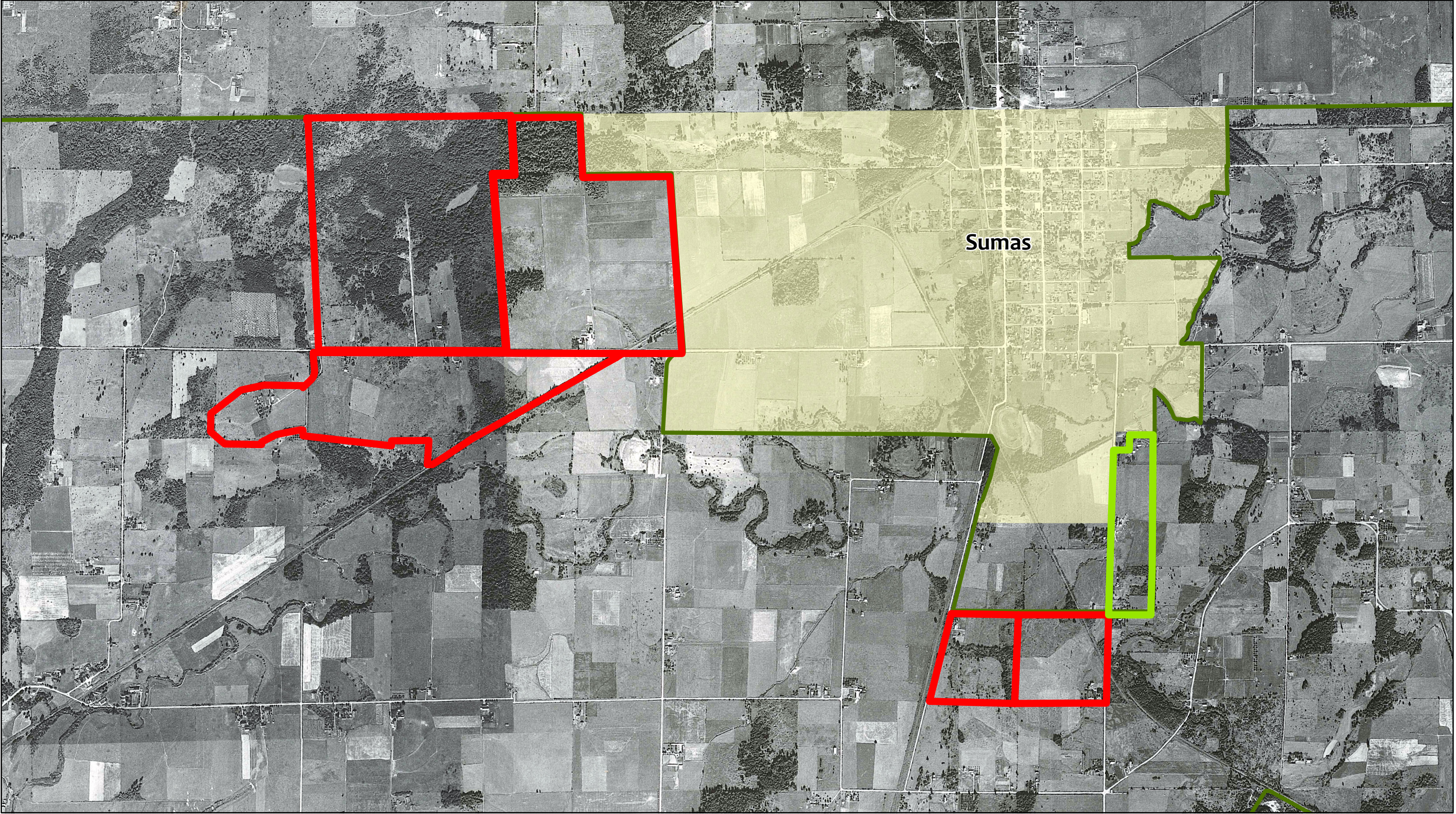
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Legend

- Agriculture Resource Lands
- Incorporated City Limits
- AG to UGA
- UGAR to AG
- UGA to AG



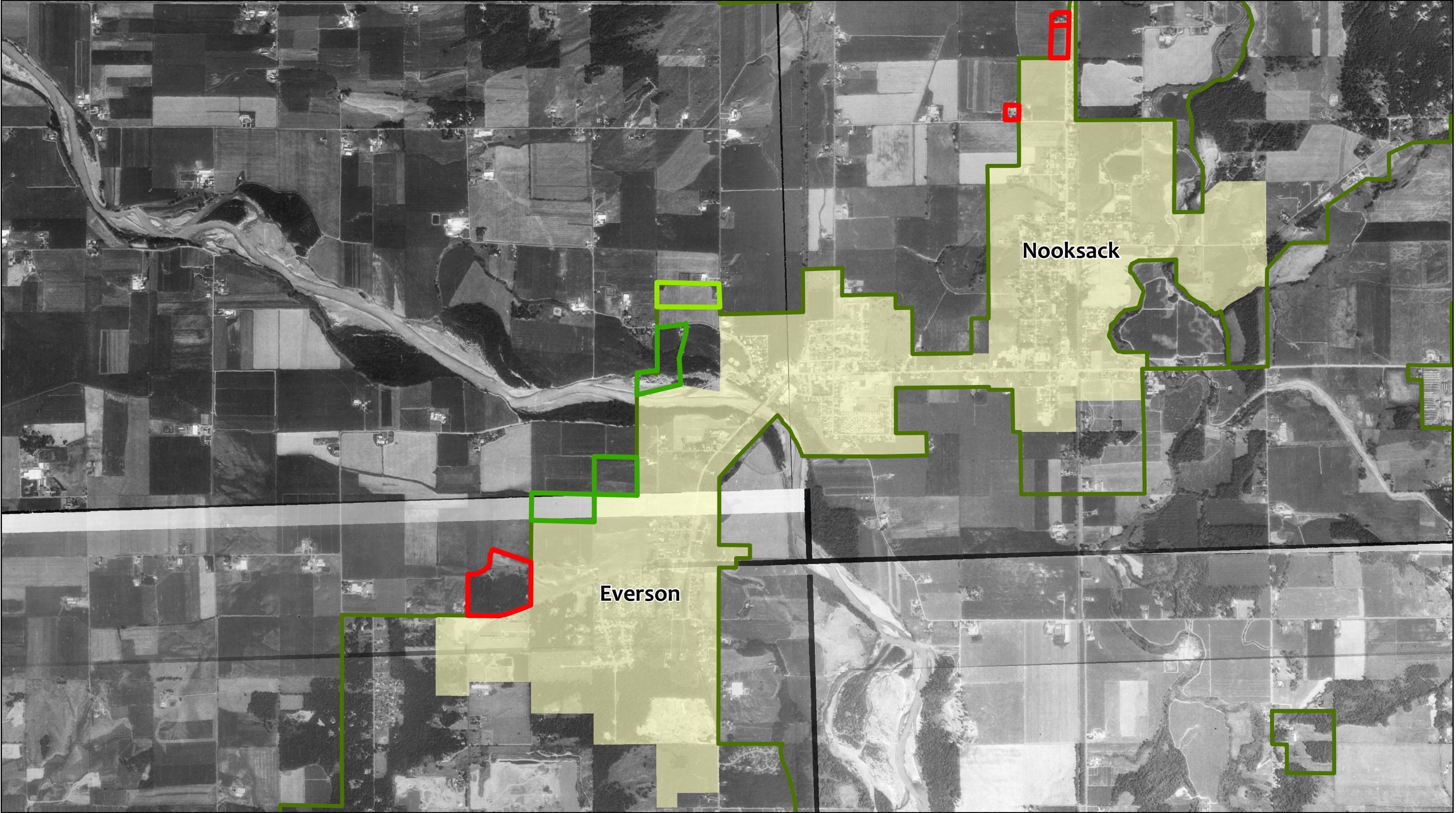
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Legend

- Agriculture Resource Lands
- AG to UGA
- Incorporated City Limits
- UGAR to AG
- UGA to AG

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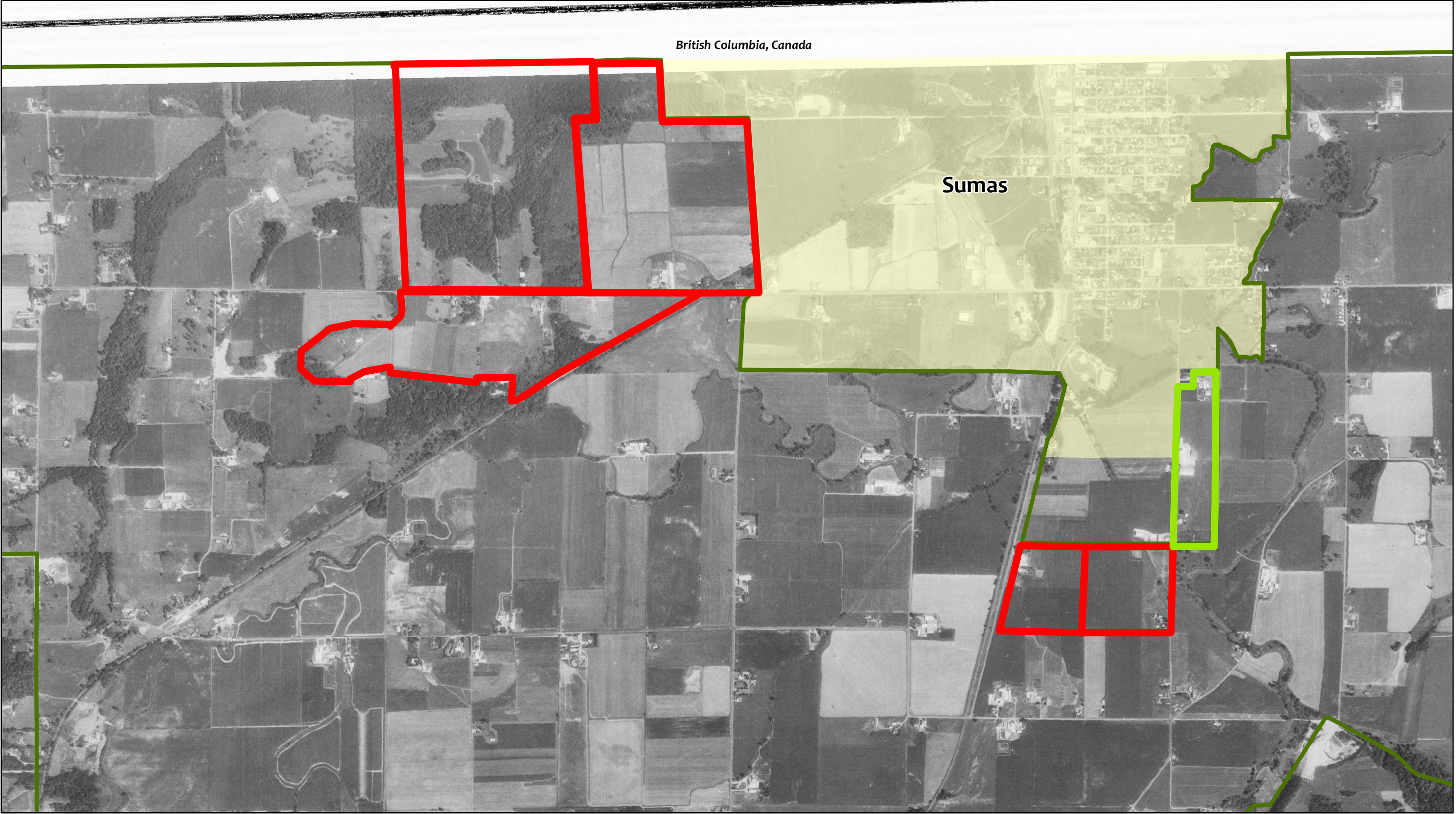


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- Legend**
- Agriculture Resource Lands
 - Incorporated City Limits
 - AG to UGA
 - UGAR to AG
 - UGA to AG



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Legend

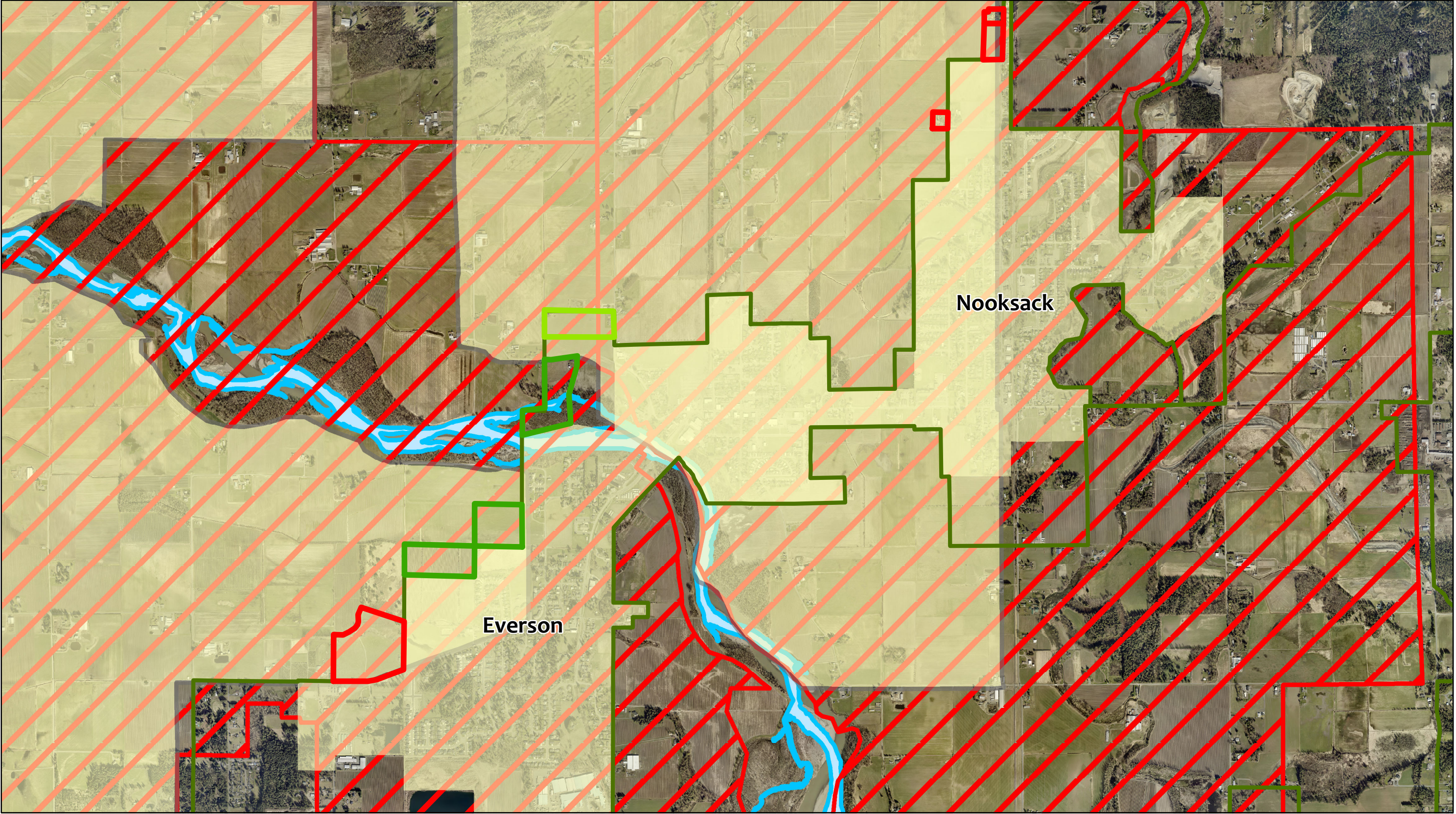
- Agriculture Resource Lands

Incorporated City Limits
- AG to UGA

UGAR to AG

UGA to AG

Watershed Improvement Districts & Drainage Districts



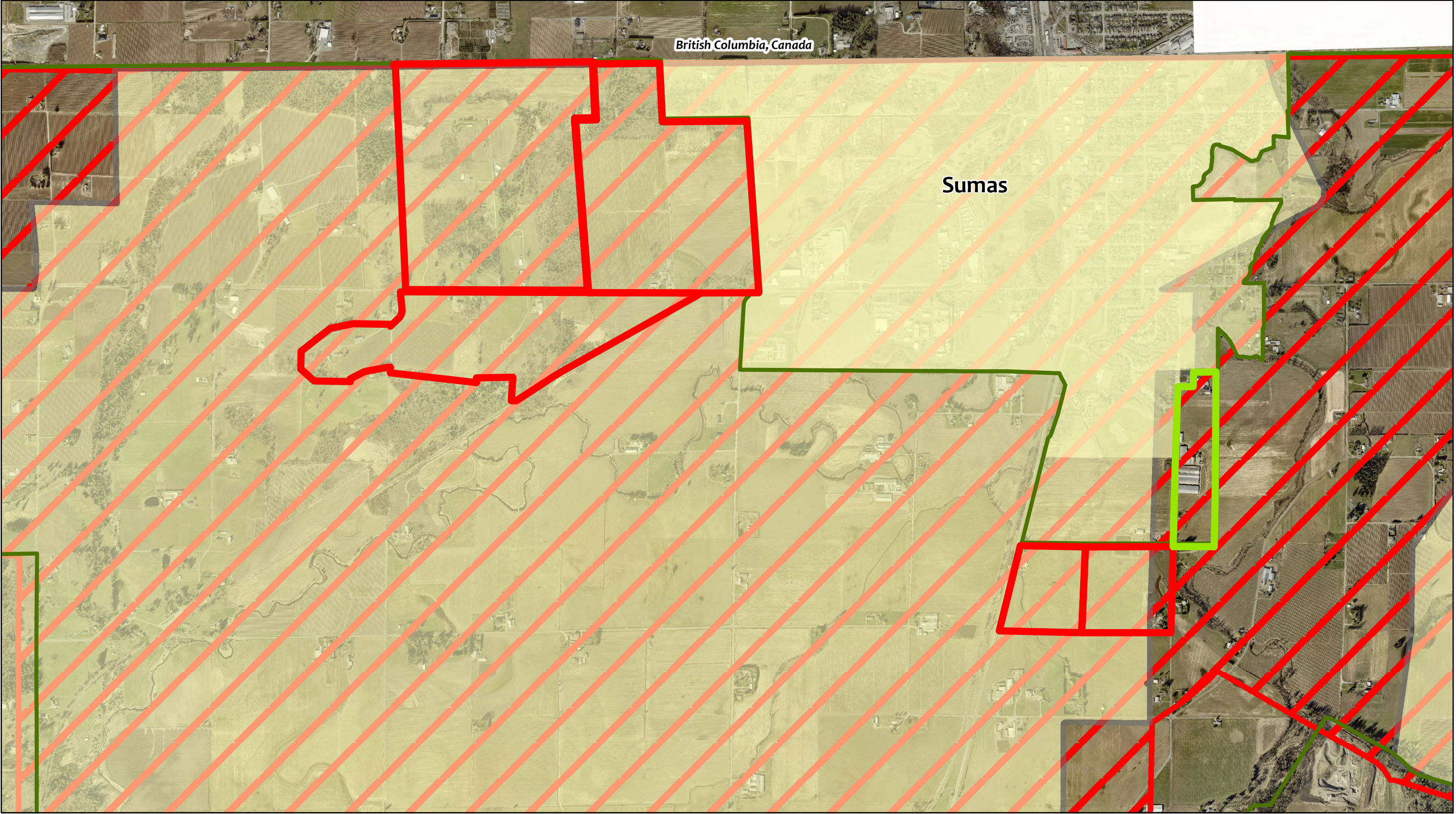
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Legend

- Incorporated City Limits
- Agriculture Resource Lands
- Drainage Districts
- Watershed Improvement Districts (WIDs)
- AG to UGA
- UGAR to AG
- UGA to AG



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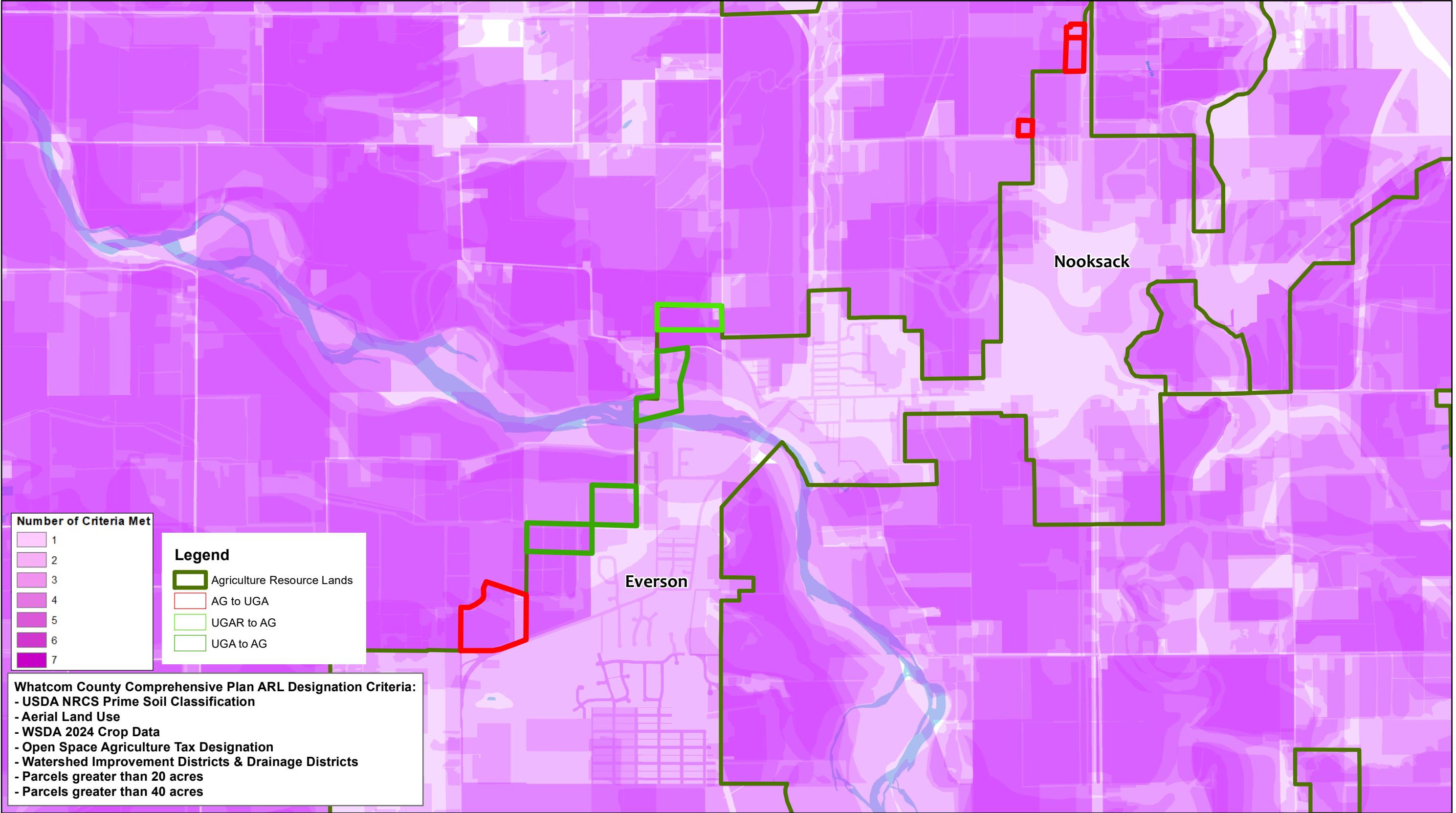


Legend

- Incorporated City Limits
- Agriculture Resource Lands
- Drainage Districts
- Watershed Improvement Districts (WIDs)
- AG to UGA
- UGAR to AG
- UGA to AG



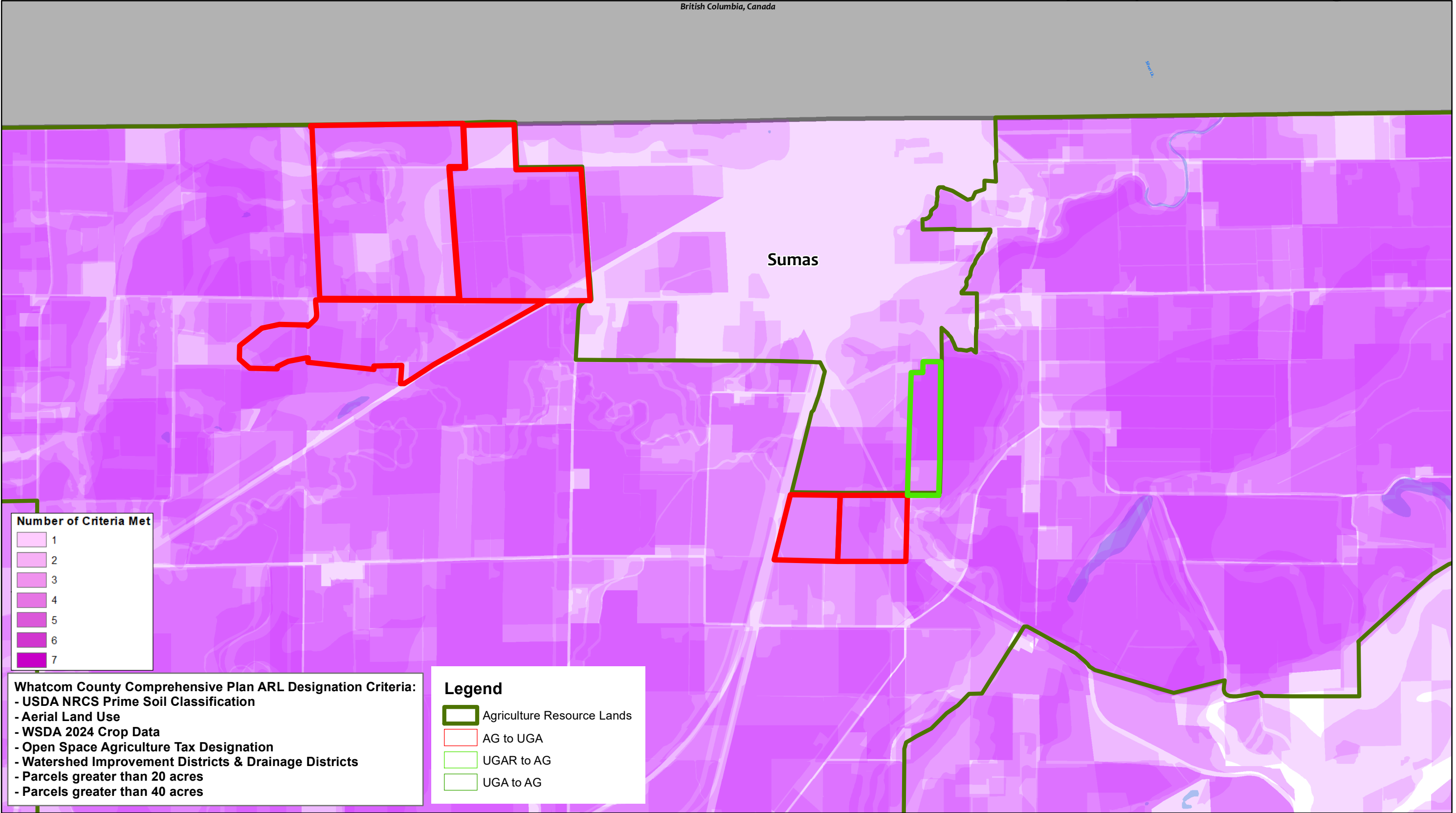
Stacked Overlay of Comprehensive Plan ARL Designation Criteria



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Appendix E

Everson, Nooksack, & Everson UGA Proposals

Urban Growth Area Review

City of Everson UGA/UGA Reserve Proposal Addendum

October 17, 2025

I. Introduction

On August 29, 2025, the City of Everson submitted its UGA and UGA Reserve proposal to Whatcom County as a part of the 2025 review and update of the city and county's comprehensive plans.

In an email correspondence dated September 4, 2025, Whatcom County Planning and Development Services provided a list of issues/concerns related to the City's UGA proposal. City staff met with the County Planning Director and Senior Planner on September 8, 2025, to discuss these concerns and provide the county with preliminary responses to the points raised in the email.

The purpose of this UGA proposal addendum is to provide supplemental information to address these concerns to allow the City's UGA proposal to move forward in the planning process.

In a subsequent message from the county dated October 1, 2025, County planning requested that the City address Whatcom County Planning Policy 8A-6 related to de-designation of agricultural lands and changed circumstances. This addendum also addresses that policy.

After a suggestion to remove the UGA Reserves, the City is formally withdrawing the UGA Reserve proposal areas to further support agricultural operations within agriculturally zoned areas.

II. Proposal Summary

Everson is a small city currently experiencing a significant increase in population growth. As of April 2025, Everson had a population of 3,245 people. To accommodate this increase in population growth, Everson is planning for an expansion of their UGA to the west of town.

Much of Everson's city limits are within the Nooksack River floodplain. This floodplain is located predominantly on the eastern side of town. The city is committed to discouraging development within the floodplain and developing westward. To accomplish this goal, the city is proposing an addition of 70.25 acres of UGA outside of the floodplain. 15.79 acres of that are from the current UGA Reserve.

As stated above, Everson wants to grow outside of the floodplain. However, much of Everson is surrounded by Agricultural or Mineral Resource Lands.

34.14 acres of the UGA proposal are designated as county agricultural lands. To accommodate a growing town without further developing in critical areas, Everson's only option is to grow into agricultural lands.

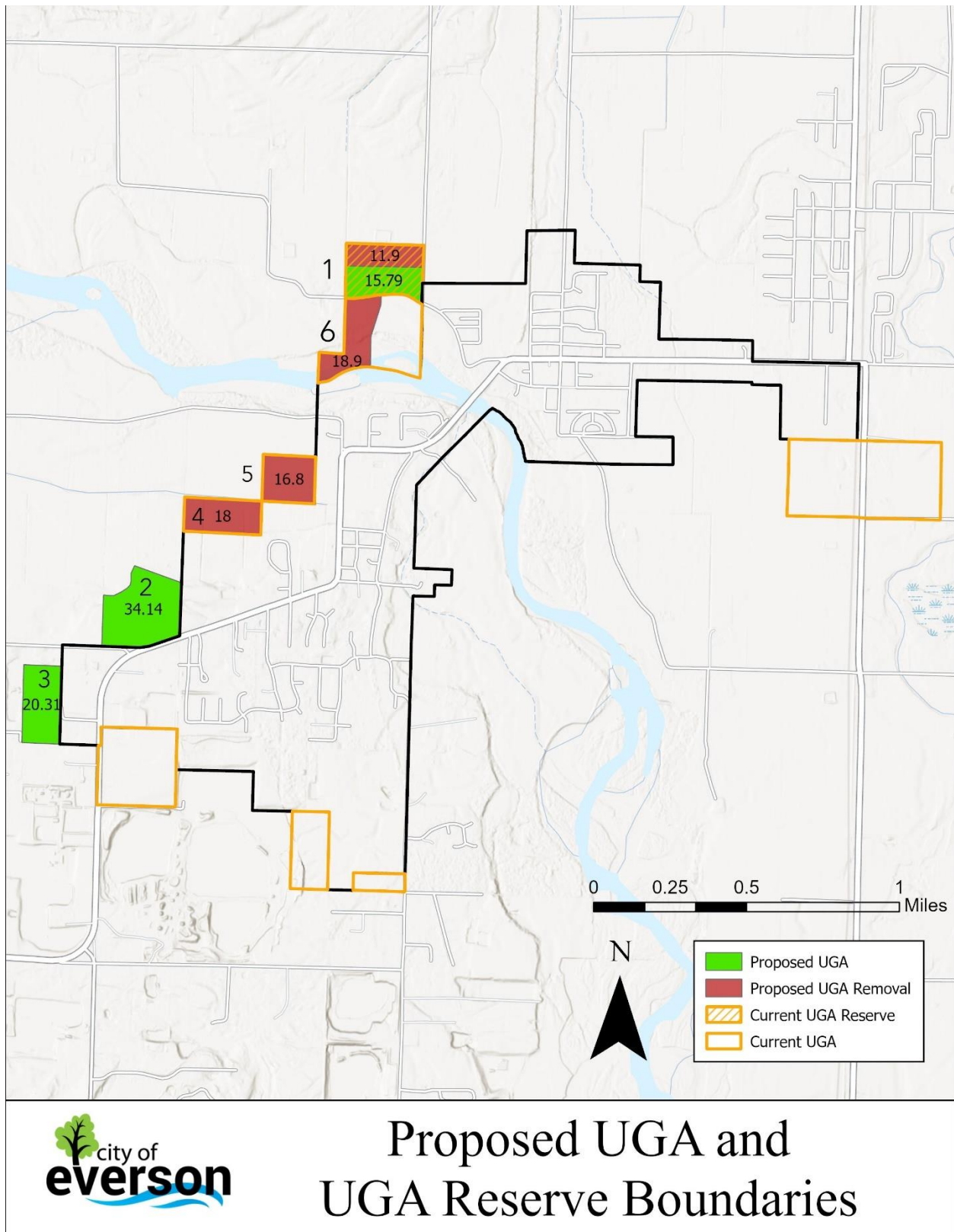
III. Proposal Breakdown

Everson is proposing several changes to the urban growth area (UGA) and UGA Reserve Boundaries. These changes include:

- 70.25 acres added into the UGA
 - 15.8 acres from UGA Reserve
 - 20.31 acres from Rural-5
 - 34.14 acres from Agriculture
- 65.6 acres removed from current UGA and UGA Reserve
 - All Agriculture zoning

Overall, the UGA proposal will create a net gain of 31.5 acres of agricultural land for the county. Figure 1 shows the locations of the proposed UGA expansion areas.

Figure 1. Proposed UGA Expansions



IV. County Planning Concerns

After an initial review of Everson's UGA/UGA Reserve Proposal, Whatcom County Planning raised several concerns. These are addressed below:

Population and Employment Surplus

In the multi-jurisdictional resolution passed earlier this year, Everson was allocated a population growth of 1,408 people and 610 housing units from 2023-2045. After adjusting the Land Capacity Sheet, the City is showing a population deficit and modest surpluses of employment and housing units. Tables 1-3 show the results of these analyses.

It is important to consider the city's responsibility to comply with HB 1220. This bill requires that jurisdictions show they can accommodate low-income housing. Due to this, Everson is required to accommodate 611 housing units. This equates to a population capacity of more than 1,800 people. When complying with this requirement, other capacity numbers may be misrepresented.

Table 1. Proposed UGA Employment Capacity

Proposed UGA - Commercial/Industrial Land Capacity Analysis Results		
1	Employment Growth Capacity of Proposed UGA	791
2	Employment Growth Allocation Proposed	602
3	Surplus (Deficit)	189

Table 2. Proposed UGA Population Capacity

Proposed UGA - Population Land Capacity Analysis Results		
1	Population Growth Capacity of Proposed UGA	1241
2	Population Growth Allocation Proposed	1408
3	Surplus (Deficit)	(167)

Table 3. Proposed UGA Housing Unit Capacity

Income Band (AMI)	Aggregated Housing Needs	Total Capacity of Proposed UGA	Surplus (Deficit)
0-80%	408	420	12
80-120%	79	98	19
120+%	124	190	66
Total	611	708	96

Setback/Buffering from Ag Lands

The City's UGA proposal includes a property that is adjacent to agricultural lands and areas characterized by urban growth. The property, shown as Area 1 on Figure 1, abuts Stickney Island Rd and Trapline Rd on the South and East sides, respectively. The property to the north is owned by the same property owner as Area 1. In the past, the City has not seen any conflicts between residents within the city regarding surrounding agricultural operations. The City has adopted "Right-to-Farm" provisions, codified under 16.12.076(B) EMC. This provision ensures that required notifications of nearby agricultural activities are fully disclosed to future buyers.

To protect areas that abut natural resource lands, the City will consider requiring increased setbacks to ensure the productivity of these agricultural lands. These setbacks will be determined from future discussions between the City and the County.

Floodplain/Floodway

As stated previously, the city is committed to developing outside of the floodplain. All UGA proposals on the west side of town are completely out of the effective and draft floodplain/floodway. The UGA proposal on the northwest side of town (Area 1) includes a very small portion of floodplain. This proposed UGA is currently located within the UGA Reserve. When developing the boundaries for this UGA, the city worked to configure the boundaries to exclude any floodplain. However, there is a small encroachment of floodway that intersects with the southeast corner of the property. This floodway is approximately 2,000 sqft, or approximately 0.29% of the property area.

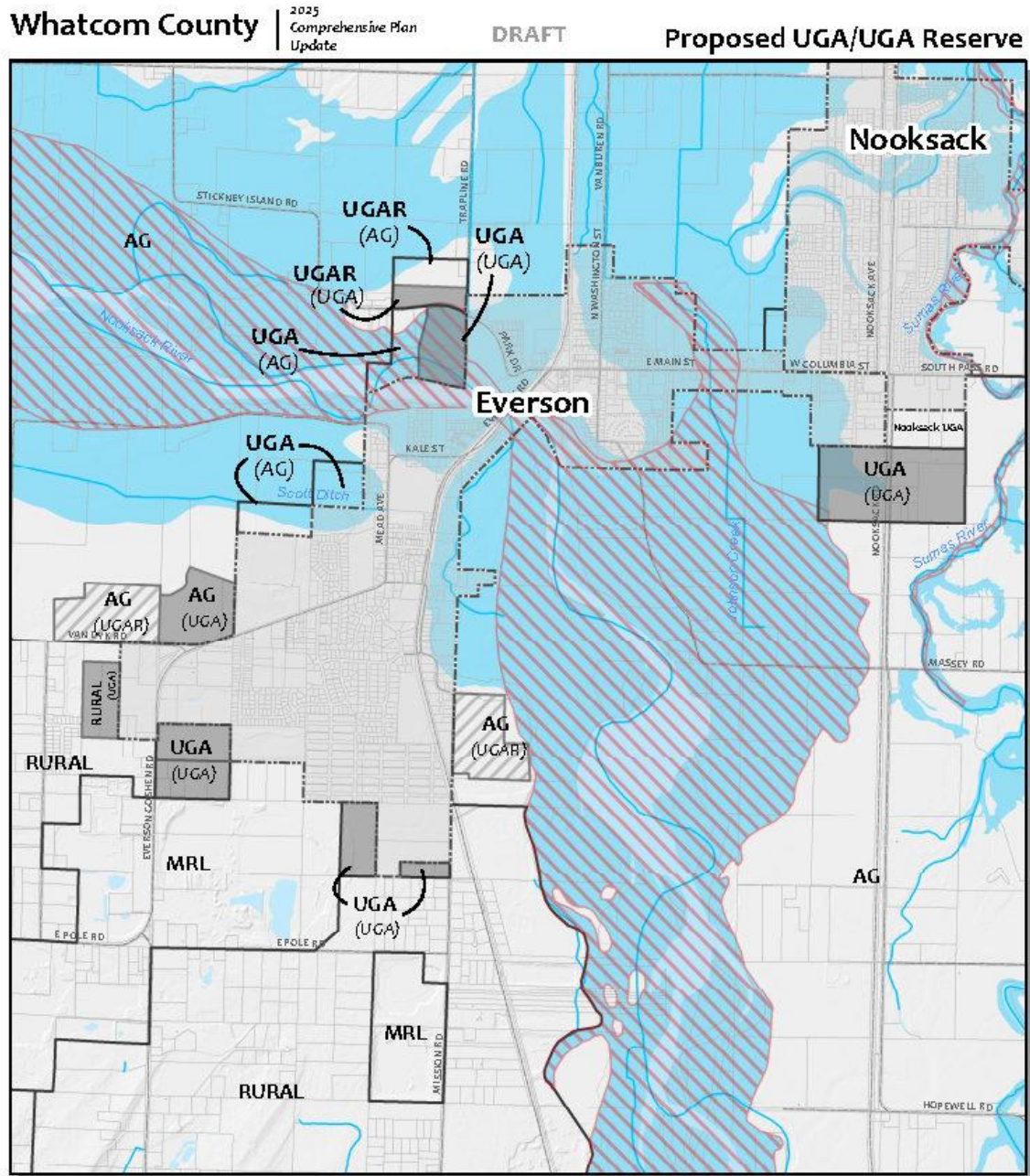
The reason this area is included in the UGA proposal is due to the location. It is located on the southeast corner of the property, which abuts city limits on

three sides. Exclusion of this area would result in a "hole" in city limits. Therefore, the city must include this portion to ensure access to the intersection of Stickney Island Rd and Trapline Rd and to prevent holes within city limits.

It is the City's belief that this property does not contain any flood risks. This conclusion is based off of hydraulic modeling prepared by WEST Consultants, at the City's request. Seen on Figure 4, a 100-year flood event would not cause any water to cross Stickney-Island Rd. This ensures that there is no risk of flooding or any creation of an "island" that emergency services would be unable to reach in a flood event.

However, to prevent any development from occurring, the city has begun to draft a restrictive covenant that would restrict all development within this area of the property. This covenant would be signed by the property owner prior to UGA expansion.

Figure 2. Former Proposed UGA/UGAR Effective Flood Map



- Everson Urban Growth Area

-  City of Everson
  Effective Floodway
-  Proposed Urban Growth Area
  Effective Flood Zone
-  Proposed Urban Growth Area Reserve
-  Comprehensive Plan Designations (Proposed in **()**, Current in **bold**)
 -Net change in AG designation - 45 ac. to UGA/UGAR

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Figure 3. Former Proposed UGA/UGAR Draft Flood Map

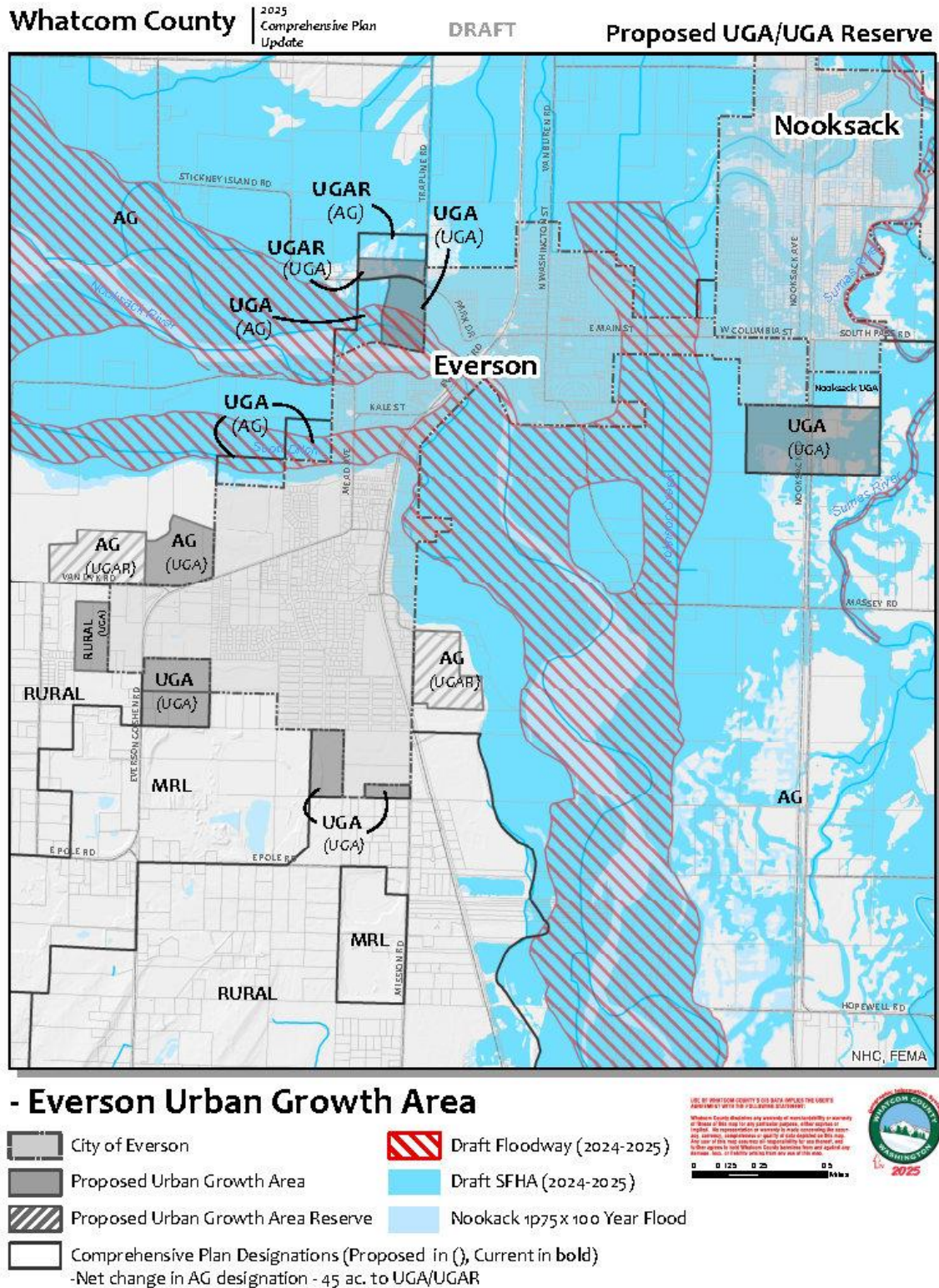
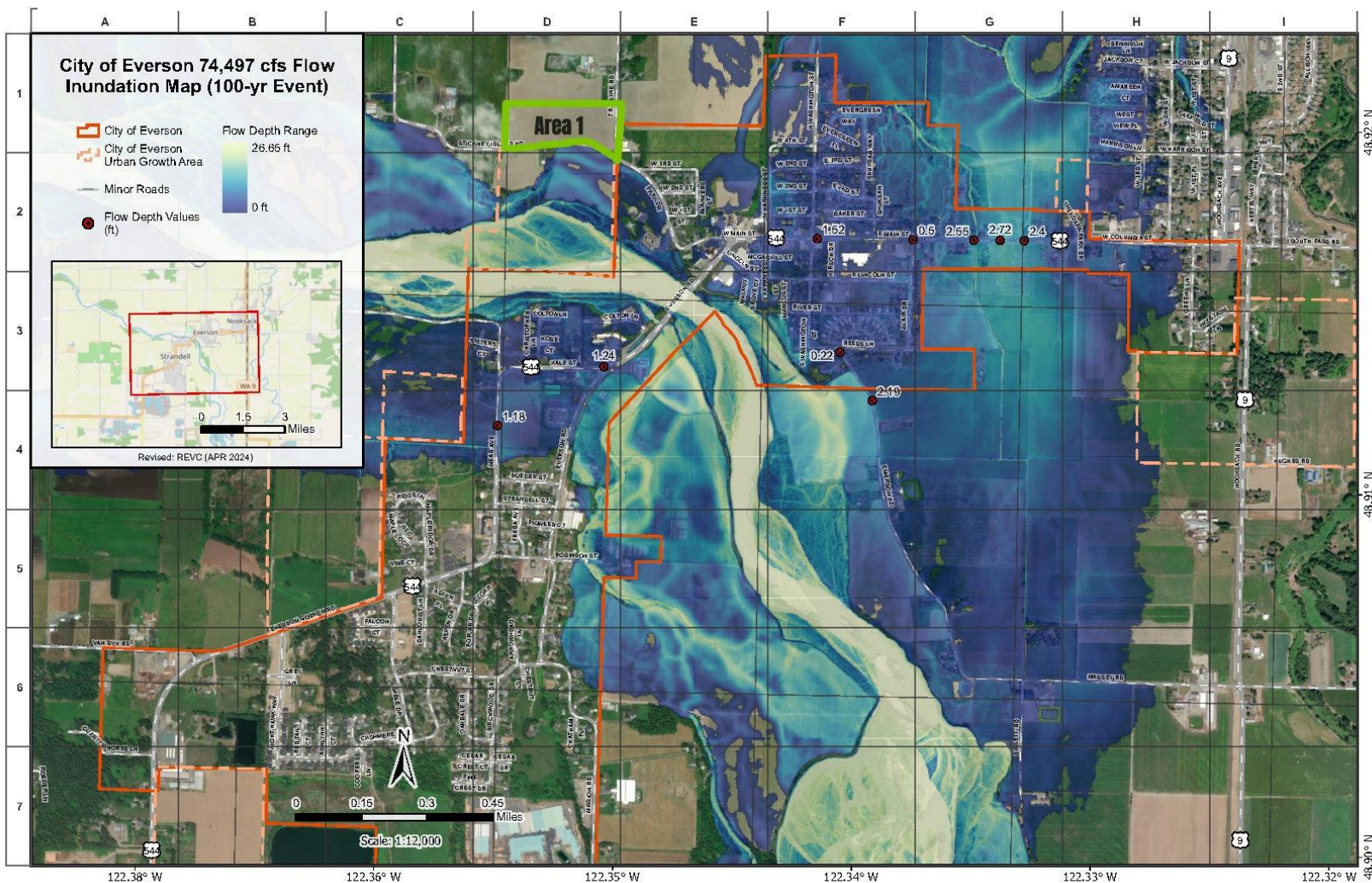


Figure 4. Flow Inundation Map for 100-Year Flood Event (WEST Consultants, 2024)



Agricultural Mitigation

As stated in the City's UGA proposal summary, the City is proposing to add 34.14 acres of agricultural land into the UGA. This is area 2, as shown on Figure 1. The city is proposing to remove 65.6 acres of agricultural land from the current UGA and UGA Reserve (shown as areas 1 (portion), 4-6 on Figure 1). This would mean the County would be gaining 31.5 acres of agricultural land. The City is almost completely surrounded by agricultural and mineral resource lands. As the City moves west, outside of the floodplain, expanding into agriculturally zoned land is the most logical option.

The City understands and supports the County's goal of maintaining agricultural land. The net gain of 31.5 acres of agriculture into the county

results in a loss of UGA AG land for the city. Therefore, no further agricultural mitigation is deemed necessary.

Whatcom County Policy 8A-6

Whatcom County Comprehensive Plan Policy 8A-6 states the following:

Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands

The City's UGA proposal identifies one area that would expand into County designated agricultural land. This area has historically been zoned agricultural for many decades. As the city continues to move west, outside of the floodplain, this area now directly abuts city limits and city services. This raises the question of how appropriate agricultural designations are for this area as conditions change in and around them.

Area 2, which is being proposed to be added to the UGA, abuts city limits on the south and eastern sides of the property. This property now functions as single family residence with a hobby farm. The surrounding area are predominately residential and commercial operations.

It is also important to note the increasing development that is occurring around this property. Recently, the city approved a 98-lot subdivision that directly abuts to east of this property. There is also a proposed 100-lot subdivision that will occur directly south of this property. The City has already begun to plan for the construction of a sewer lift station to serve these subdivisions as well as the future development of this property.

This property is also located along SR 544, which is a major route for freight and travel. As the City has grown and moved westward, the agricultural designation of this area is not appropriate for the functions within and surrounding the property.

V. Conclusion

The City of Everson is proposing UGA expansion to address current capacity deficits and increased opportunities for affordable housing in response to demonstrated housing demand. The City's proposal aims to add areas that are outside of the 100-year floodplain and are adjacent to city services and urbanized areas. In this UGA Proposal Addendum, the City has provided information that supplements the information included in the City's initial

UGA proposal. Additional information has been provided in response to the concerns raised by Whatcom County Planning and Development Services. The City will continue to work with the County to provide all of the information needed to support the City's UGA Proposal.

URBAN GROWTH AREA REVIEW



UGA/UGA Reserve Proposal Addendum

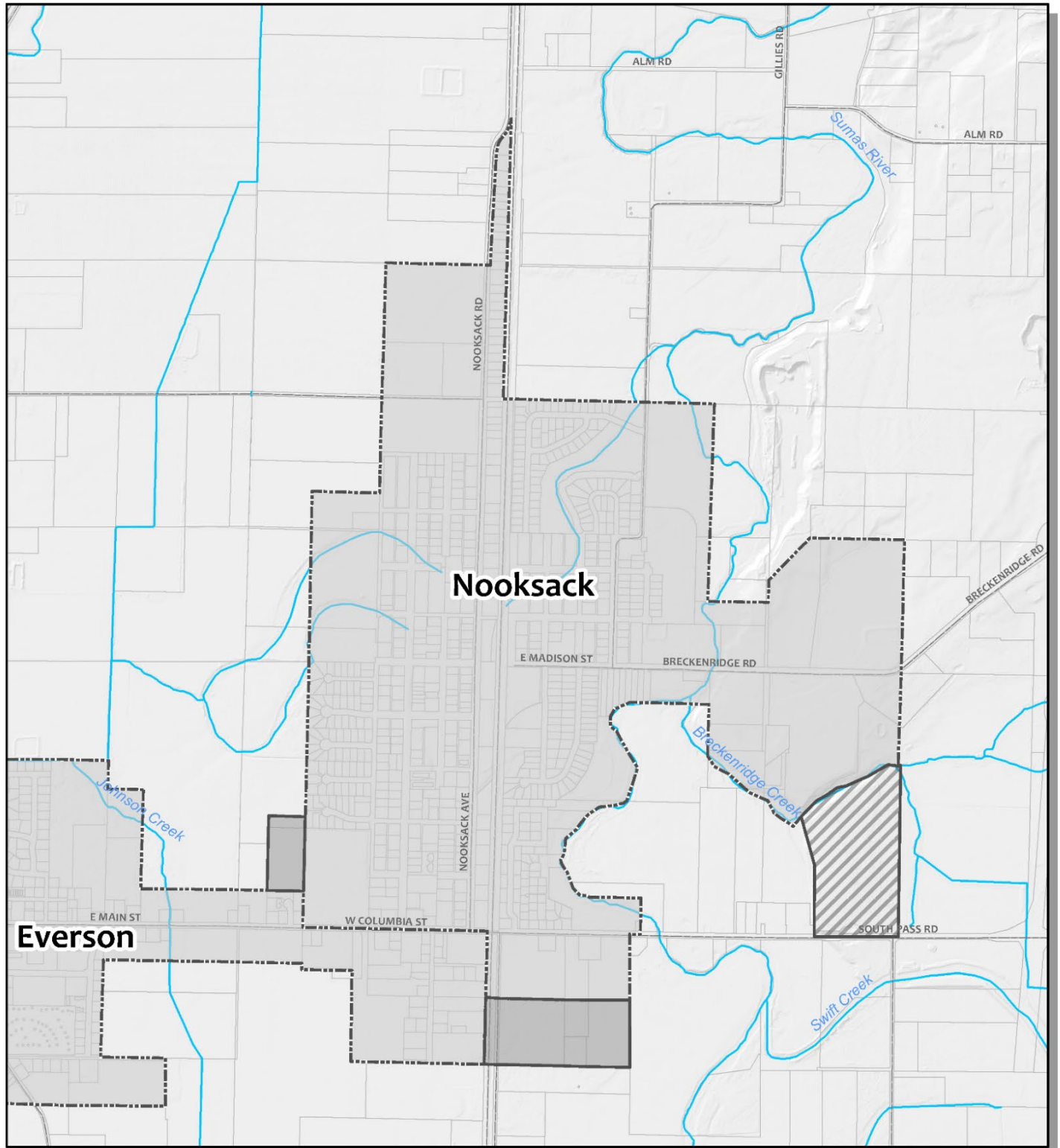
October 17, 2025

Introduction




On August 29, 2025, the City of Nooksack submitted its UGA and UGA Reserve Proposal (UGA Proposal) to Whatcom County as part of the 2025 review and update of the city and county comprehensive plans required under the state Growth Management Act (GMA), RCW 36.70A. See the attached map that shows the City's existing urban growth area (UGA) and UGA Reserve. See also the attached map that shows the Nooksack UGA Proposal, including Areas 3, 4, 6, 7 and 8 that are proposed to be included in the Nooksack UGA.

In an email message dated September 4, 2025, Whatcom County Planning and Development Services provided a list of issues / concerns related to the City's UGA Proposal. City staff met with the County Planning Director and Senior Planner on September 8, 2025 to discuss the County's concerns and provided the City's preliminary responses to these concerns. The purpose of this UGA Proposal Addendum is to provide supplemental information to address these concerns to a sufficient degree to allow the City's UGA Proposal to move forward.

In a subsequent message from the County dated October 1, 2025, County Planning provided an additional request that the City's UGA Proposal Addendum also address Whatcom County Policy 8A-6 related to de-designation of agricultural lands and changed circumstances. This Addendum also addresses this additional request from County Planning.



- Nooksack Urban Growth Area

-  City of Nooksack
-  Urban Growth Area
-  Urban Growth Area Reserve

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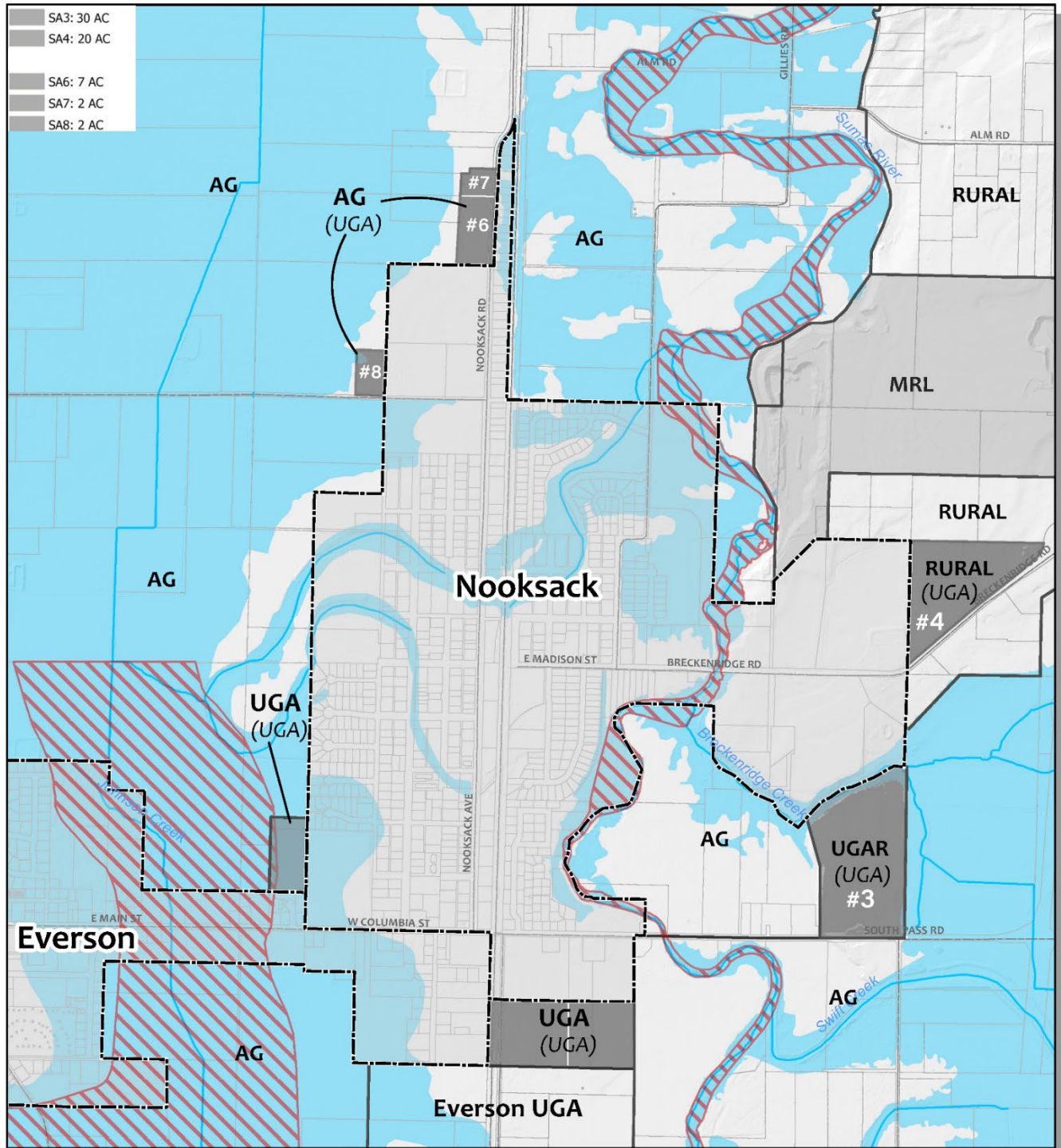
0.5 Miles

Whatcom County

2025
Comprehensive Plan
Update

DRAFT

UGA PROPOSED - MAP 2



- Nooksack Urban Growth Area

- City of Nooksack
- Proposed Urban Growth Area
- Proposed Urban Growth Area Reserve
- Comprehensive Plan Designations (Proposed in (), Current in **bold**)
- Effective Floodway
- Effective Flood Zone
- Net change in AG designation - 11 ac. to UGA/UGAR

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0 500 1,000 2,000 Feet

I. County Concerns

The issues / concerns raised by the County Planning Department in relation to the City's UGA Proposal included the following:

1. Population and Employment Land Capacity – The land capacity for population is about 68% higher than the population allocation (p. 9). The land capacity for employment is below the employment allocation (p. 9). Our understanding of Growth Board cases is that, when UGAs are being expanded, the increased land capacity should roughly match the population and employment allocations (more or less). The proposal causes concern with oversizing the UGA expansion for population and under-sizing for employment.
2. Setback/Buffering from Agricultural Lands – The criterion for expanding UGAs into UGA Reserves includes addressing potential incompatibility with adjacent Ag land (p. 12). This should be addressed.
3. Naturally Occurring Asbestos – One of the criteria for expanding a UGA into a UGA Reserve is addressing risk from Naturally Occurring Asbestos (p. 13). This will need to be addressed in greater detail to show how it meets the approval criterion.
4. Floodplain – The Proposed UGA/UGA Reserve map (p. 7) shows a portion of Study Area 8 in the effective flood zone, but it does not appear that this is addressed in the UGA Expansion in the Floodplain section (p. 13 and 14). Can you clarify?
5. Agricultural Mitigation – The UGA Proposal would result in the loss of 11 acres of designated Ag Land (p. 6). Please address mitigation for loss of Ag land (on pp. 14 and 15).

The County's additional request was that the City's UGA Proposal Addendum also address Whatcom County Comprehensive Plan Policy 8A-6, which reads as follows:

Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands.

Each of these concerns/issues is addressed in the following sections of this UGA Proposal Addendum. Where appropriate, supplemental maps and tables have been included.

II. Population and Employment Land Capacity

The initial results from the City's land capacity analysis were included in the UGA Proposal that was submitted in late August. These results showed a small deficit of capacity for commercial/industrial growth and a larger surplus of capacity for population growth. Since submitting the UGA Proposal, the City has continued to refine the choices and assumptions incorporated into the land capacity analysis. As a result of making minor adjustments to the anticipated density of planned industrial growth, the City's land capacity results now show a very small surplus for commercial/industrial growth.

Updated Table 8. Proposed UGA - Commercial/Industrial Land Capacity Analysis Results		
1	Employment Growth Capacity of Proposed UGA	233
2	Employment Growth Allocation Proposed	232
3	Surplus (Deficit)	1

The City of Nooksack (like all of the jurisdictions in Whatcom County) has been working to comply with the housing requirements established under HB 1220, while still addressing land capacity requirements under the GMA. Although the City's UGA Proposal showed an initial surplus of capacities in all housing categories, the City has been working to refine our housing allocation assumptions to reduce this excess capacity. The updated results presented in the table below show the most-recent results from the land capacity analysis for housing units within various income bands.

Updated Table 7. Proposed UGA – Housing Land Capacity Analysis Results

Income Band (AMI)	Aggregated Housing Needs	Total Capacity of Proposed UGA	Surplus (Deficit)
0-80%	289	290.0	0.0
80-120%	56	56.5	0.5
120+%	88	169.5	81.5
Total	433	515.0	82.0

NOTE: AMI means "Area Median Income"

As can be seen, the land capacity analysis now shows minimal surpluses for the low-income and moderate-income housing bands. A modest, but reduced, surplus of housing units still remains in the high-income band (120%+ AMI), but a large

portion of this surplus is built in to the land capacity tool based on differences in assumptions embedded in the State's Department of Commerce, Housing for All Planning Tool (HAPT) and the County's land capacity analysis tool. The City will continue to work to reduce the overall surplus to the maximum extent possible given the statutory constraints under HB 1220.

The updated results of the land capacity analysis expressed in relation to population are shown in the table below. It is important to reiterate that a large portion of the remaining surplus is an unavoidable outcome of needing to comply with the HAPT-based housing targets, which factor in overproduction to make up for past deficits, higher than the vacancy rates, and lower than persons per household assumptions utilized by the State Office of Financial Management.

Updated Table 6. Proposed UGA - Population Land Capacity Analysis Results		
1	Population Growth Capacity of Proposed UGA	1,341
2	Population Growth Allocation Proposed	995
3	Surplus (Deficit)	346

The City will continue to refine the land capacity analysis to reduce the overall population capacity surplus as much as possible while still complying with HB 1220.

III. Setbacks / Buffering from AG Lands

The County's concern regarding setbacks and buffering from agricultural lands pertains only to the City's proposal to convert the existing UGA Reserve to full UGA status. It is the City's assumption that this concern is intended to reduce potential conflicts between new uses in the City and ongoing agricultural activities in the county. No specific comments or concerns from the owners of properties located adjacent to the UGA Reserve (Area 3) have been provided by the County, nor have any such concerns or concerns been received by the City. Unlike some other cities in the county, Nooksack over the past 30 years has not seen conflicts between residents within the City and surrounding agricultural operations.

It is important to note that the City has adopted "Right to Farm" provisions that are codified under Section 16.08.076 NMC to ensure that required notifications regarding the presence and potential impacts of nearby agricultural activities are fully disclosed to potential buyers of property located in proximity to County agricultural lands. More importantly, the City would highlight that the future zoning designation for the UGA Reserve is Light Industrial, which would likely result in far

fewer opportunities for conflict with agricultural activities than might occur where residential uses are present. In short, future light industrial uses within the City are not seen as being incompatible with adjacent agricultural operations.

If the County can provide a solid basis for needing increased setbacks or buffering between light industrial uses and adjacent agricultural uses, the City would be willing to discuss establishing such zoning provisions prior to annexation of the current UGA Reserve.

IV. Naturally Occurring Asbestos

The County concern regarding potential risks related to naturally occurring asbestos (NOA) pertains only to the City's proposal to convert the existing UGA Reserve located north of S. Pass Road (Area 3) to full UGA status. Although the County has asked Nooksack to demonstrate that risks related to the potential presence of naturally occurring asbestos have been reduced to acceptable levels, the County has not specified what constitutes an acceptable level of risk. Nevertheless, the City is confident that the existing geographic, topographic and regulatory conditions already in place are sufficient to reduce risks from naturally occurring asbestos within the UGA Reserve to negligible or insignificant levels.

First, the UGA is almost entirely situated on land that is elevated well above the surrounding territory to the east and west. While the surrounding areas sit at approximately 85-90 ft above mean sea level (MSL), the UGA Reserve is situated on land predominantly between 100 ft to 130 ft above MSL. See following Topographic Contour Map and Section Elevations. It is not conceivable how NOA sediments would be transported uphill from the surrounding low-lying agricultural fields to be deposited within Area 3.

Second, the UGA Reserve is located almost entirely outside of (and above) the 100-year floodplain (90-95' above MSL). It is not clear how floodwaters would be able to transport NOA sediments above the elevation of the 100-year floodplain to be deposited in areas within Area 3. See Map 4, FEMA Floodplain Map.

Third, the main portion of Area 3 that is within the 100-year floodplain is the northern-most band within the Breckenridge Creek corridor. This narrow stream corridor is bounded on both sides by steep slopes, and the stream itself falls significantly in elevation from east to west. This steep gradient substantially reduces opportunities for deposition of sediment within Area 3.

The City is not aware of any instances where sediment from Swift Creek have been carried through the Breckenridge Creek corridor. It is important to note that

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

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

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

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

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

Based on all of the above factors, the City is confident that risks from NOA sediments would be reduced well below acceptable levels; therefore, inclusion of the UGA Reserve in the UGA would not pose any substantial risks to those working in this proposed Light Industrial area.

UGA PROPOSED - AREA 3: TOPOGRAPHIC CONTOUR MAP



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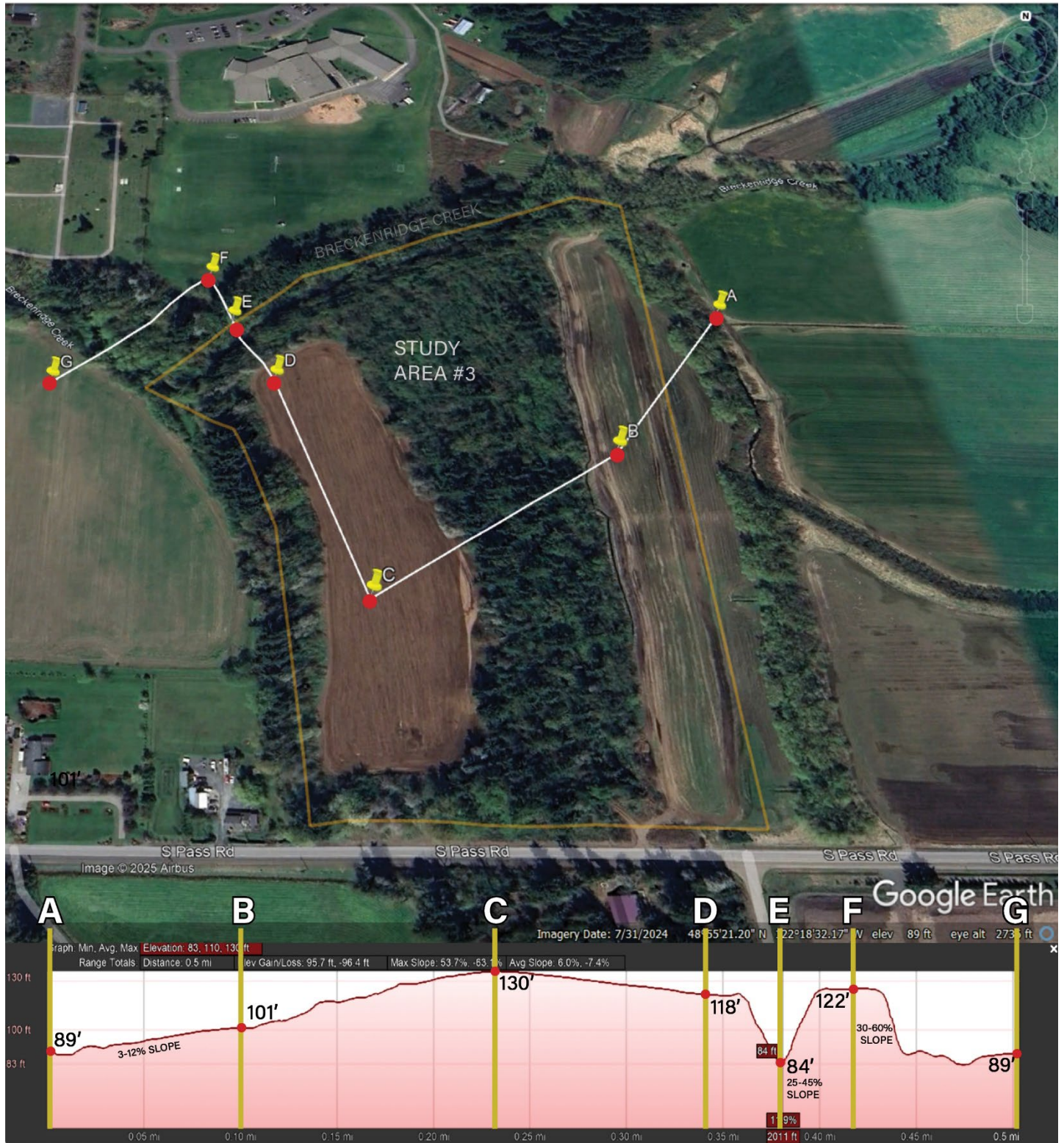
CITY OF NOOKSACK

Incorporated in 1912
103 W. Madison Street
Whatcom County, Nooksack, WA 98276
360.966.2531 www.cityofnooksack.com

EFFECTIVE FEMA FLOODPLAIN

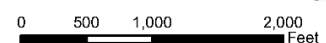
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UGA PROPOSED: SECTION ELEVATION STUDY AREA #3

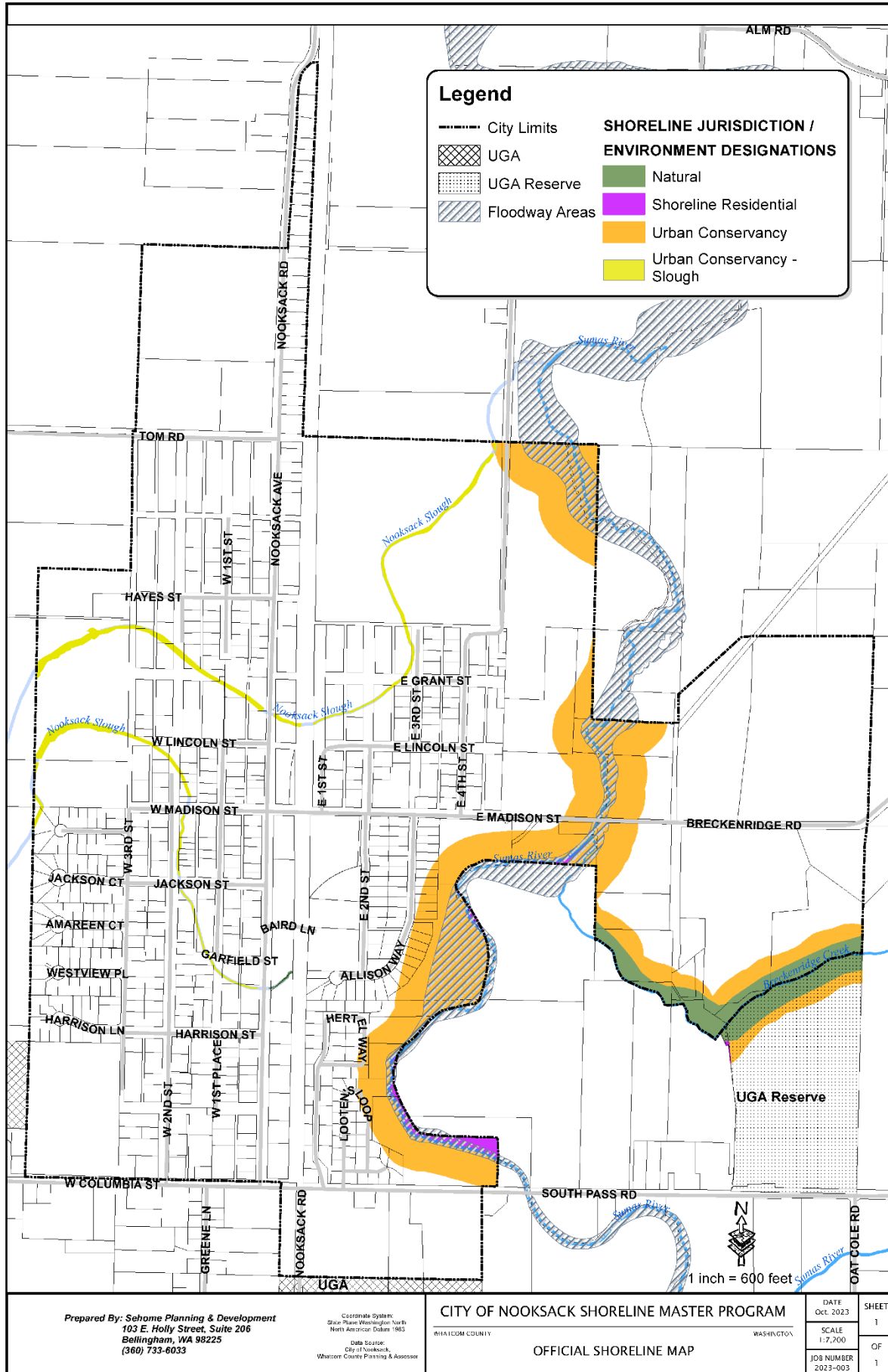




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UGA PROPOSED - MAP 5



V. UGA Expansion into Floodplains

The County has raised a concern that the proposed UGA expansion area located immediately north of Tom Road (Area 8) may include a small expansion into the floodplain of the Nooksack River. Such an expansion into the floodplain at this location was not the City's intention. The City has revisited the mapping of this area and has made small adjustments to the proposed dimensions to ensure that Area 8 does not include any expansion into the floodplain of the Nooksack River. See Map below that shows Area 8 in relation to the boundaries of the 100-year floodplain.

UGA PROPOSED - AREA 8



AREA 8: View from Tom Road.

Proposed Use: Removal of blighted buildings and debris. Relocation of Community Church, once cleared. Property is on North Side of Tom Road.

**VI. Agricultural Mitigation**

As stated in the City's UGA Proposal, the City is proposing a very small UGA expansion into lands currently zoned Agriculture by the County. Area 6 is an approximately 7-acre portion of a larger property. While the balance of this agricultural property would remain within the County agricultural land base, the City is proposing to require a payment-in-lieu on a per acre basis into the County Conservation Futures Fund to help mitigate the loss of agricultural lands that would result from adding Area 6 to the Nooksack UGA. The details of this proposed mitigation are discussed below.

As discussed further below in this Addendum, Area 7 includes two 1-acre parcels that are already developed with one residence per parcel. Given the fact that these parcels are already developed with non-agricultural uses and are too small to be considered agricultural lands of long-term commercial significance, the City is not proposing to require any mitigation for inclusion of Area 7 in the Nooksack UGA.

AREA 7: View from SR-9.**Current Use:** Residential

Also as discussed, Area 8, located adjacent to Tom Road, is already functionally removed from any form of agricultural production due to the presence of an abandoned house, other aging structures and paved areas. This 2-acre area has been proposed to accommodate relocation of a local church. Based on these factors, no mitigation is being proposed in conjunction with the addition of Area 8 to the Nooksack UGA.

As mitigation for the loss of agricultural lands resulting from the addition of Area 7 to the Nooksack UGA, the City is proposing to require the property owner or developer to make a payment-in-lieu into the County's Conservation Futures fund that would be used to help retire development rights within targeted resource and rural study areas. Both the timing and the magnitude of such a payment are important details that would need to be worked out and agreed to by the City and the County to ensure that required payments are made, while also ensuring that the timing of such payments would not pose an insurmountable economic barrier to development of urban uses following annexation.

With regard to the monetary cost of the payment-in-lieu, the City is proposing that the property owner or developer be required to pay \$25,000 per acre into the Conservation Futures Fund. This price per acre is intended to be equivalent to approximately one-half of the increased property valuation that would result from converting the land from agricultural use to UGA status. For example, if agricultural land in the surrounding area is currently valued at \$20,000 per acre and

unimproved land within the UGA is valued at \$70,000 per acre, the proposed payment-in-lieu would equate to fifty percent of the anticipated increase in property value. Alternatively, at a cost of \$5,000 per development right, a \$25,000 per acre payment-in-lieu would equate to purchasing five development rights per acre.

In relation to the timing of such payments, the City is proposing that the payment-in-lieu be made prior to final approval of the annexation of the UGA expansion area OR, alternatively, a Restrictive Covenant could be recorded with the County Auditor's office requiring that the payment be made before the City approves any development permit for the property. This second option could be important in situations where a property owner might not have access to a large amount of capital at the time of annexation, whereas sufficient capital would be more likely to be available closer in time to actual development of the property.

The above-described proposal for ensuring mitigation has been designed to ensure a reasonable level of mitigation while taking into account the real world constraints related to timing and availability of capital.

VII. Whatcom County Policy 8A-6

Whatcom County Comprehensive Plan Policy 8A-6 states the following:

Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands

The City's UGA Proposal identifies three areas (Areas 6, 7 and 8) where the City's UGA would be expanded into designated Agricultural Lands. These areas have been zoned Agriculture for many decades, including prior to the enactment of the Growth Management Act. Since their initial designation as Agricultural Lands, these areas (and the areas immediately surrounding them) have been subject to a number of important changed conditions and circumstances that have a direct bearing on the appropriateness or inappropriateness of their current designations.

First, all three areas are now situated immediately adjacent to Nooksack City limits. In 2016, Whatcom County expanded the Nooksack UGA to the north of Tom Road to add an approximately 29-acre area that was subsequently annexed into the City in 2023. This area is referred to as the Sytsma Annexation. Areas 6 and 7 now lies immediately north of the Sytsma annexation where it fronts onto the state highway (SR 9). Area 8 now lies immediately to the west of the Sytsma Annexation with frontage on Tom Road.

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

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

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

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

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

VIII. Conclusions

The City of Nooksack is proposing limited expansion of its UGA to address current capacity deficits and increased opportunities for employment growth and affordable housing in response to demonstrated demand. The City's proposal primarily includes adding areas outside the 100-year floodplain that are appropriate to

designate for future urban development. In this UGA Proposal Addendum, the City has provided information that supplements the information included in the City's initial UGA Proposal. This additional information has been provided in response to requests received from County Planning and Development Services. The City will continue to work in cooperation with the County to provide all of the information needed to support the City's UGA Proposal.

Urban Growth Area Review

City of Sumas UGA/UGA Reserve Proposal Addendum

October 20, 2025

I. Introduction

On August 29, 2025, the City of Sumas submitted its UGA and UGA Reserve Proposal (UGA Proposal) to Whatcom County as part of the 2025 review and update of the city and county comprehensive plans required under the state Growth Management Act (GMA), RCW 36.70A. See the attached map that shows the City's existing urban growth area (UGA) and UGA Reserve. See also the attached map that shows the Sumas UGA Proposal, including Areas 2, 3, 4, 6, 7, 8, and 9 that are proposed to be included in the Sumas UGA.

In an email message dated September 4, 2025, Whatcom County Planning and Development Services provided a list of issues/concerns related to the City's UGA Proposal. City Staff met with the County Planning Director and Senior Planner on September 8, 2025 to discuss the County's concerns and provided the City's preliminary responses to these concerns. The purpose of this UGA Proposal Addendum is to provide supplemental information to address these concerns to a sufficient degree to allow the City's UGA Proposal to move forward.

In subsequent messages from the County dated September 9 and October 1, 2025, County Planning provided additional requests that the City's UGA Proposal Addendum also address Whatcom County Comp Plan Chapter 2, page 2-18, and Policy 8A-6, related to setbacks and buffers from agricultural lands in the UGA Reserves and de-designation of agricultural lands and changed circumstances. This Addendum also addresses this additional request from County Planning.

II. County Concerns

The issues/concerns raised by the County Planning Department in relation to the City's UGA Proposal included the following:

1. Population and Employment Land Capacity – The land capacity for population is about 43% higher than the population allocation (p. 9). The Proposal states "...With the additional land capacity provided by the proposed UGA expansions, Sumas would have enough land capacity to accommodate the projected population with some extra capacity for more population growth going into the 40-year planning period..." (p. 9). Our understanding of Growth Board cases is that, when UGAs are being expanded, the increased land capacity should roughly match the population allocations (more or less). The proposal causes concern with oversizing the UGA expansion.
2. Housing Land Capacity Deficits – The 0-80% AMI and 120+ AMI income band categories both show land capacity deficits (p. 9). Could Sumas consider modifying zoning the City limits and/or future zoning on land in the proposed UGA outside of City limits to eliminate deficits in these income band categories?

3. Sewer Plan – The City’s proposal states the City transmits wastewater to Abbotsford for treatment (p. 10). Do you know approximately when the Abbotsford sewer plan will be completed? Will it plan for sewer facilities through the year 2045 for Sumas? Additionally, if not in the Abbotsford sewer plan, Sumas would have to provide capital facility information required by RCW 36.70A.70(3) relating to the City and the proposed UGA:

A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities element are coordinated and consistent

When UGAs are being expanded, the Growth Board has required adopted capital facilities plans (draft plans are not sufficient).

4. Naturally Occurring Asbestos – One of the criteria for expanding a UGA into a UGA Reserve is addressing risk from Naturally Occurring Asbestos (p. 13). This will need to be addressed in greater detail.

5. Floodplain – The GMA provision cited in the Sumas proposal on p. 13 (RCW 36.70A.110(10)(b)(iii)(C)) states:

(iii) Urban growth area expansions where: ...

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

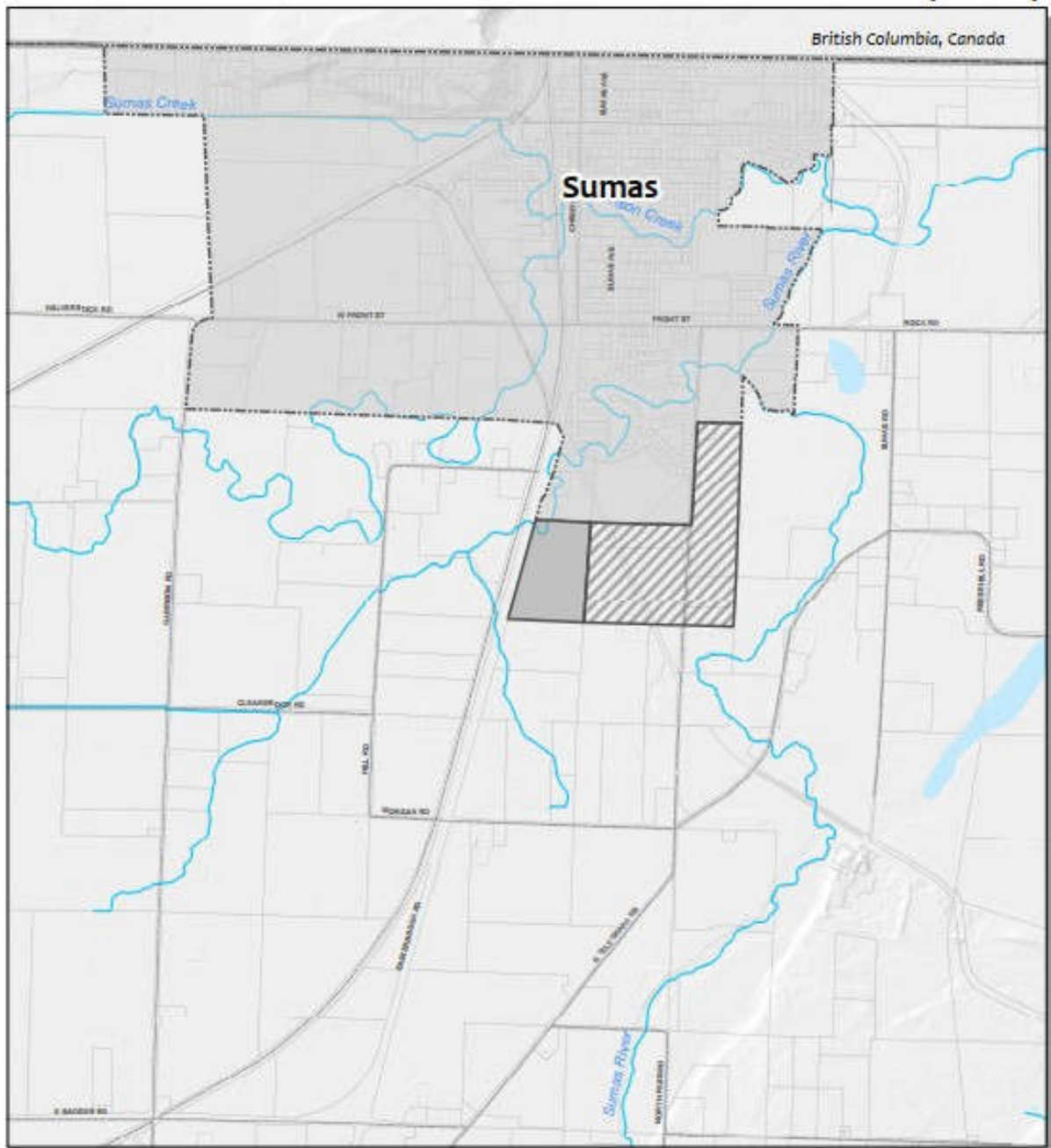
(I) The permissible use of this land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters using normal operations or floods, or increase hazard to people and property.




Is the land proposed to be added to the UGA currently owned by the City? If not, have development rights already been permanently extinguished? One of these conditions must already be in place before the County can consider expanding the UGA into such areas.

6. Agricultural Land – The UGA Proposal Template asked cities proposing to expand UGAs into designated Ag lands to address the policies in Whatcom County Comp Plan Chapter 8. There are a number of policies that may be relevant to the proposal. Policy 8A-3, relating to de-designation of Ag lands, is particularly important and needs to be addressed. We would also like to discuss mitigation for loss of Ag land in more detail.
7. Setback/Buffering from Ag Lands – The criterion for expanding UGAs into UGA Reserves (County Comp Plan Chapter 2, p. 2-82) includes addressing potential incompatibility with adjacent Ag land (p. 14).
8. Re-designation Criteria – The County asks that the City address Whatcom County Comprehensive Plan Policy 8A-6:

Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands



- Sumas Urban Growth Area

-  City of Sumas
-  Urban Growth Area
-  Urban Growth Area Reserve

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III. Population and Employment Land Capacity

The initial results from the City's land capacity analysis were included in the UGA Proposal that was submitted in late August. These results showed a significant surplus of capacity for population growth. Since submitting the UGA proposal, the City has continued to refine the choices and assumptions incorporated into the land capacity analysis. As a result of minor adjustments to the anticipated density of planned industrial growth, the City's land capacity results now show a significantly smaller surplus for both population and employment growth.

Updated Table 6. Proposed UGA - Population Land Capacity Analysis Results		
1	Population Growth Capacity of Proposed UGA	1,341
2	Population Growth Allocation Proposed	1,000
3	Surplus (Deficit)	341

Updated Table 7. Proposed UGA - Employment Land Capacity Analysis Results		
1	Employment Growth Capacity of Proposed UGA	500
2	Employment Growth Allocation Proposed	40
3	Surplus (Deficit)	540

IV. Housing Land Capacity Deficits

The City of Sumas has been working to comply with the housing requirements established under HB 1220, while still addressing land capacity requirements under the GMA. Although the City's UGA Proposal showed an initial surplus of capacities in moderate-income housing categories and a deficit in low- and high- income housing categories, the City has been working to refine our housing allocation assumptions to reduce this excess capacity. The updated results presented in the table below show the most-recent results from the land capacity analysis for housing units within various income bands.

Updated Table 8. Proposed UGA – Housing Land Capacity Analysis Results

Income Band (AMI)	Aggregated Housing Needs	Total Capacity of Proposed UGA	Surplus (Deficit)
0-80%	427	457	30

80-120%	61	119	58
120+%	124	138	14
Total	612	714	102

NOTE: AMI means "Area Median Income"

As can be seen, the land capacity analysis now shows minimal surpluses for the low and high income bands. A modest, but reduced, surplus of housing units still remains in the moderate-income (80-120% AMI). The City will continue to work to reduce the overall surplus to the maximum extent possible given the statutory constraints under HB 1220.

IV. Sewer Plan

The City of Sumas is uncommon amongst cities in that we do not treat our own sewage, rather we contract with the City of Abbotsford in British Columbia, Canada to have our sewage transferred to their treatment plant for processing. This current contract with the City of Abbotsford was initially signed in 2008 and is set to expire in 2028. Subsequently, the City of Abbotsford is scheduled to update their Abbotsford-Mission Joint Wastewater Master Plan in 2028 as well. The Joint Wastewater Master Plan was last updated in May 2018 and has a planning horizon of 25 years, ending in 2043.

The GMA requires that jurisdictions include a Capital Facilities element in their Comprehensive Plans which, among other things, requires Cities to describe existing facilities and forecast future needs to determine what future facilities upgrades may be required to accommodate increased demand. These Capital Facilities plans are required to accommodate growth through the year 2045. While it does not completely reach the 2045 planning horizon, the Abbotsford-Mission Joint Wastewater Master Plan does have a planning horizon of 2043 and does include Sumas' wastewater inputs into its projections. To supplement this work, the City will also be adding additional information to the Sewer System section of the Sumas Comprehensive Plan Update that will give more details regarding projected capital projects and funding costs.

V. Naturally-Occurring Asbestos

Whatcom County's concern regarding potential risks related to naturally-occurring asbestos pertains only to the City's proposal to convert the portion of the existing UGA Reserve that lies on the west side of Hovel Road to full UGA Status. Although the County has asked Sumas to demonstrate that risks related to the potential presence of naturally occurring asbestos have been reduced to acceptable levels,

the County has not specified what constitutes an acceptable level of risk. Nevertheless, the City is confident that the existing geographic, topographic, and regulatory conditions already in place are sufficient to reduce risks from naturally occurring asbestos within the UGA Reserve to negligible or insignificant levels.

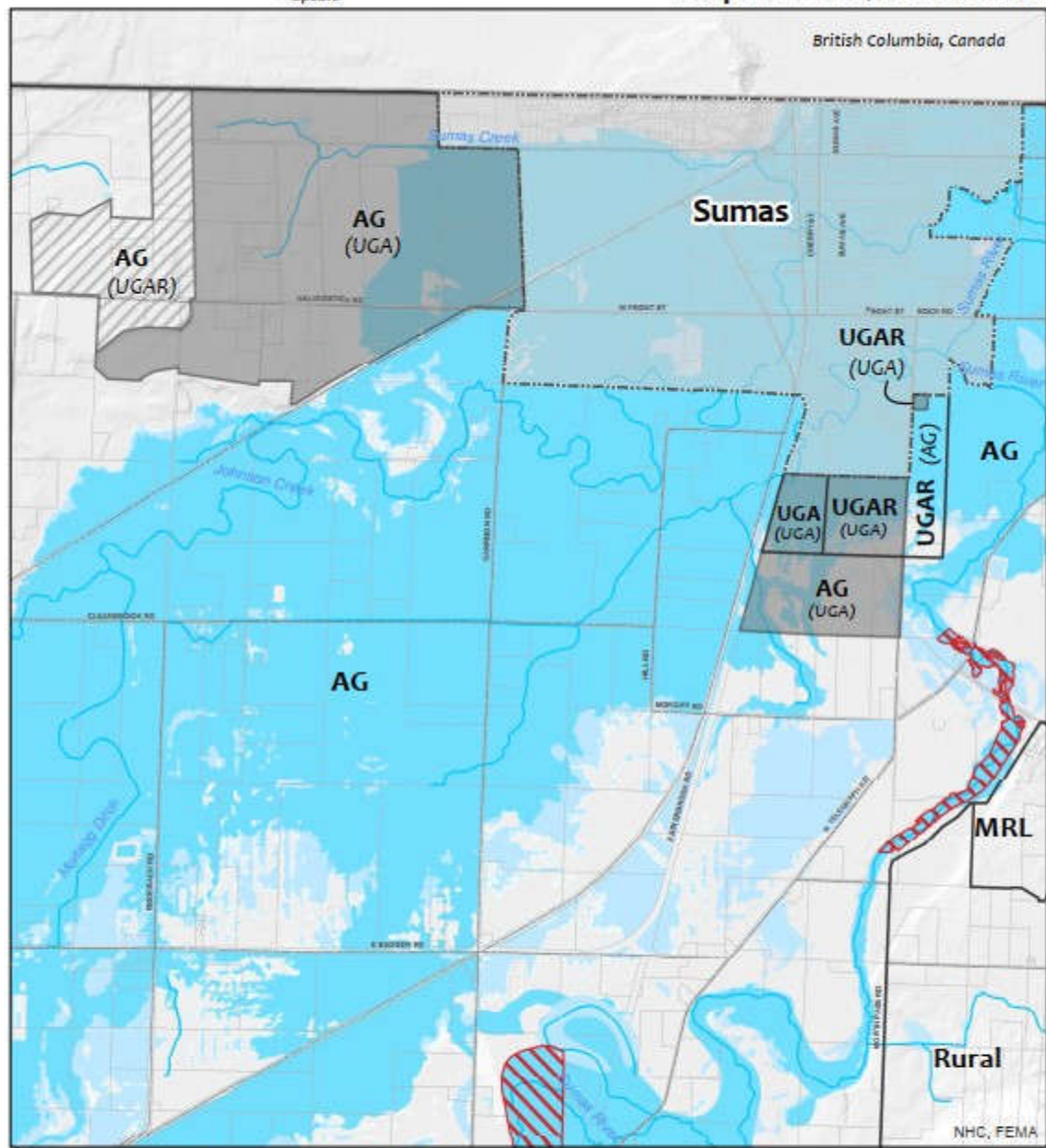
First, any naturally occurring asbestos that makes its way into the UGA Reserve would have to come by way of a flood from the Sumas River. In late 2021, the Sumas River did flood but was unable to reach the section of the UGA Reserve due to the presence of Hovel Road blocking the water from reaching that area. Because of this and other first-hand accounts, the City is confident that the area of UGA Reserve that we are proposing to give full UGA status is safe from exposure to naturally occurring asbestos.

VI. Floodplain

The County has raised a concern that the proposed UGA expansion areas 2, 3, 7, and 9 include expansions into the floodplain of the Nooksack River. The City is aware of these expansions into the floodplain and feel that to do so is necessary for the future of Sumas. Sumas is in a unique situation in that virtually all areas surrounding Sumas' existing UGA are within the floodplain. The proposed expansion area to the south and a small portion of the expansion area to the west are the only portions surrounding the Sumas UGA that are not within the existing floodplain. This has left Sumas with incredibly few options for where the boundaries of our UGA may be able to grow.

RCW 36.70A.110(10)(b) provides certain exceptions to the restriction that UGAs cannot be expanded into a floodplain, shown above in Section II of this document. One of these exceptions provides that jurisdictions may expand UGA into floodplains on the condition that areas of the proposed UGA expansion located within a floodplain are owned by the jurisdiction or that the land's development rights have been permanently extinguished and must be used for open spaces or other similar such purposes.

As the areas of the Sumas UGA expansion which are located within the floodplain are virtually all used for agricultural purposes, these uses would continue after annexation. The City does not own these areas and their development rights have not yet been extinguished. However, the City is working with the owners of these properties to ensure that those areas will have their development rights extinguished prior to adoption of the Comprehensive Plan.

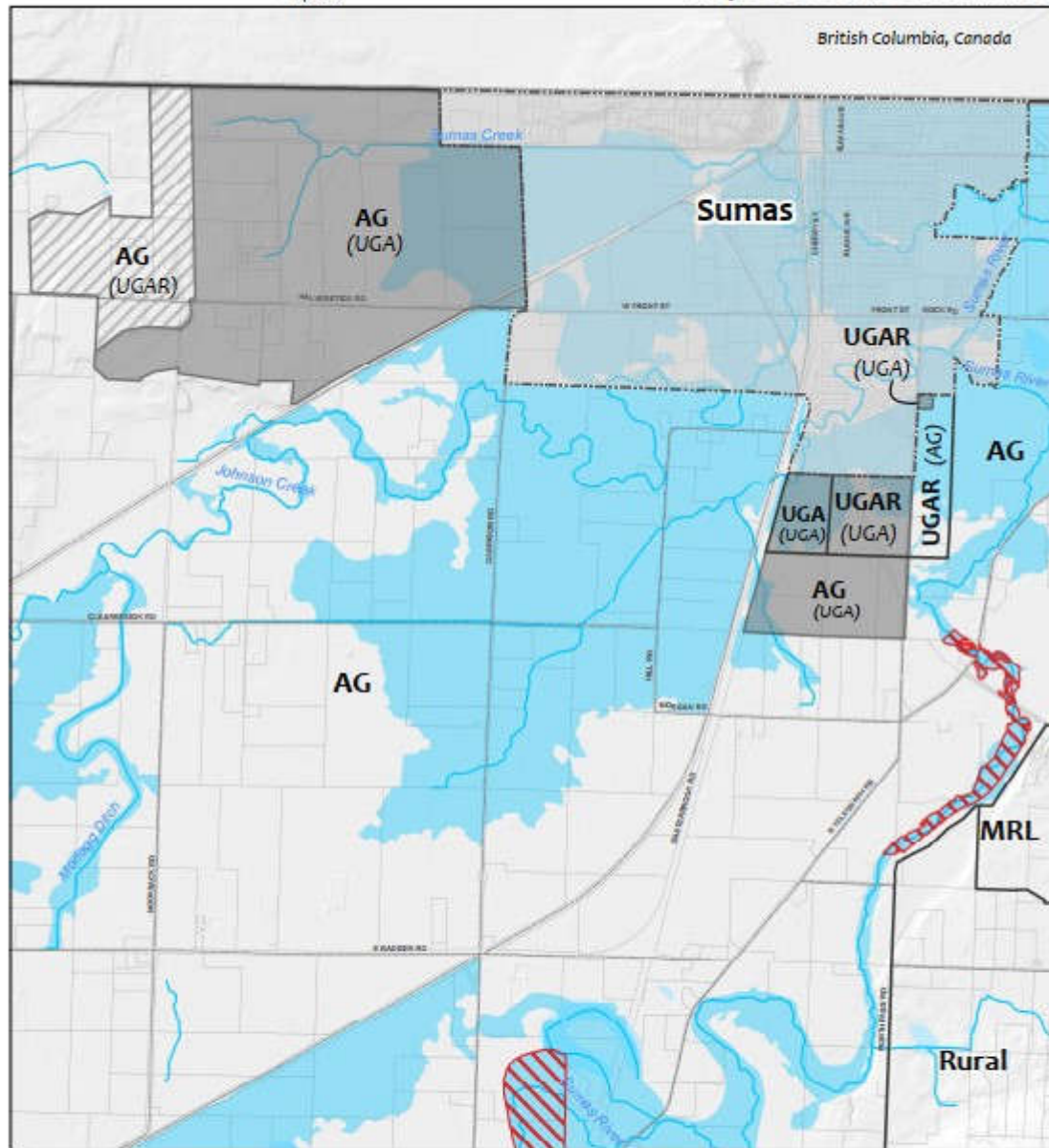


- Sumas Urban Growth Area

-  City of Sumas
  Draft Floodway (2024-2025)
-  Proposed Urban Growth Area
  Draft SFHA (2024-2025)
-  Proposed Urban Growth Area Reserve
  Nookack 1p75x 100 Year Flood
-  Comprehensive Plan Designations (Proposed in **()**, Current in **bold**)
- Net change in AG designation - 702 ac. to UGA/UGAR

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- Sumas Urban Growth Area

-  City of Sumas
-  Proposed Urban Growth Area
-  Proposed Urban Growth Area Reserve
-  Comprehensive Plan Designations (Proposed in **()**, Current in **bold**)
-  Effective Floodway
-  Effective Flood Zone
- Net change in AG designation - 702 ac. to UGA/UGAR

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VII. Agricultural Land

As stated in the City's UGA Proposal, all lands surrounding Sumas are zoned Agriculture by the County. The County's Agricultural zoning somewhat conforms to the requirements of a natural resource lands designation, the criteria for which are listed in Chapter 8 of the Whatcom County Comprehensive Plan. In order to change the designation of a natural resource land to UGA, there is a specific set of criteria related to designating agricultural lands that must be addressed in order to have the property de-designated. Below are a list of those criteria and the City of Sumas' response to those criteria in italics:

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).
 - i. *The land to the west is not characterized by urban growth, but a majority of the area is made up of residences and not characterized by agricultural uses.*
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.
 - i. The UGA expansion areas are all generally capable of being used for agricultural production.
3. The land has long term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:
 - a. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
 - i. *The UGA expansion area to the west of town is primarily Laxton soil which is characterized as being good soil for agricultural use but also good for buildings and development. The City of Sumas has developed residential neighborhoods on these same types of soils atop Moe Hill on Ridgeview St and Arthurs Way.*
 - b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
 - i. *Although portions of the proposed UGA areas are located within the 100-year flood, a majority of the areas are not. Please see*

Section VI of this document which provides more information on this issue.

- c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices.
 - i. *These proposed UGA expansion areas are characterized by both urban and agricultural settlement patterns in their general vicinity. The areas to the south are currently used for agriculture, and the areas to the west are used for a mix of hobby farms and rural residential development.*
- d. A majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985.
 - i. *The UGA expansion areas to the south of town were composed of agricultural operations prior to 1985, however a majority of the UGA expansion areas to the west do not have a history of agricultural operations prior to 1985.*
- e. The predominate parcel size in the area is large enough to adequately maintain agricultural operations.
 - i. *The average parcel size in the UGA expansion areas to the south of town is 12.4 acres. This parcel size is somewhat adequate to maintain agricultural operations. The average parcel size in the UGA expansion areas to the west is 18.7 acres. This parcel size is similarly somewhat adequate to maintain agricultural operations.*
- f. The availability of public services.
 - i. *The UGA expansion areas are close in vicinity to Sumas City Limits. They are near the Sumas City road network, including State Route 9 to the south, and are already serviced by Sumas City Water through our wholesale agreements with the Sumas Rural Water Association in the South and the Nooksack Valley Water Association in the West. Services that would need to be extended to those areas include sanitary sewer and storm sewer.*
- g. The availability of public facilities such as roads used to transport agricultural products.
 - i. *The UGA expansion area to the south is bordered to the west by State Route 9, a regional highway featuring high speeds, and to the east by Hovel Road, a County road which features lower speeds but provides access to Sumas' Hovel Estates housing*

development. The UGA expansion area to the west exists along either side of Halverstick Road, a County road that provides connection from Sumas to the farmlands farther west of town, and eventually to Lynden.

- h. Special purpose districts that are oriented to enhancing agricultural operations such as drainage improvement, watershed improvement, and flood control exist.
 - i. *Sumas and the surrounding areas lie within the Sumas Watershed Improvement District (SWID) which handles waterway improvements, drainage, and some amounts of flood control.*
- i. The area has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.
 - i. *The UGA expansion area to the south of town is actively used for agricultural operations and does include the use of irrigation and drainage, although there are no barns on those properties. The UGA expansion area to the west of town has some agricultural operations but a majority of the area is not used in that capacity. Many of those residences do have barns and support buildings to service their hobby farms, but none of those buildings are of a commercial nature.*
- j. The area contains a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.
 - i. *A majority of the UGA expansion areas to the south and west have the tax designation of OSAG Dairy. Some of the areas to the west have the tax designation OSAG Ranches, DESIG Forest, and RESIDENTIAL.*
- k. The area's proximity to urban growth areas.
 - i. *All UGA expansion areas are either directly adjacent to the Sumas UGA or are within 1 mile of the Sumas UGA.*
- l. The area's proximity to agricultural markets.
 - i. *None of the proposed UGA expansion areas are close to major agricultural markets, but rather, all of these areas are quite close to Sumas.*
- m. Land value under alternative uses.

- i. Generally, land value tends to rise significantly when land is included into a UGA. Even more so when annexed into a jurisdiction. All properties included in the UGA expansion area would see their property values go up significantly.*

VIII. Setback/Buffering from Ag Lands

The County's concern regarding setbacks and buffering from agricultural lands pertains only to the City's proposal to convert the existing UGA Reserve to full UGA status. It is the City's assumption that this concern is intended to reduce potential conflicts between new uses in the City and ongoing agricultural activities in the county. No specific comments or concerns from the owners of properties located adjacent to the UGA Reserve (Area 2) have been provided by the County, nor have any such concerns been received by the City. Additionally, there would be no parcels immediately adjacent to Area 2 which would be zoned Agriculture by the County. Area 2 is bordered to the north by Sumas City Limits, to the west by Sumas' existing UGA, to the east by Hovel Road, and to the south by additional areas of the Sumas UGA proposal.

If the County can provide a solid basis for needing increased setbacks or buffering between residential and adjacent agricultural uses, the City would be willing to discuss establishing such zoning provisions prior to annexation of the current UGA Reserve.

IX. Re-Designation Criteria – Changed Conditions

Whatcom County Comprehensive Plan Policy 8A-6 states the following:

Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands.

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

The City of Sumas has expanded its city limits towards these UGA expansion areas. In 1997 and 1999, the City of Sumas annexed property to the west of town, expanding Sumas' Industrial District. In 2003, the Washington State Department of Transportation (WSDOT) re-aligned State Route 9, having the route use Easterbrook Road to approach Sumas, as opposed to Garrison Road farther west. In 2006 and 2009, the City of Sumas annexed property to the south of town,

expanding Sumas' residential base and building a new community park and baseball fields along the re-aligned State Route 9. The City has not expanded its boundaries since that 2009 annexation. Prior to these annexations, the proposed UGA expansion areas were near Sumas but not directly adjacent. Now, they are adjacent, making them more suitable for Urban Development.

X. Withdrawal of UGA Reserve Proposal

The current UGA expansion proposal shows that the City would like to change the designation of the land labeled Area 10 from Agriculture to UGA Reserve. In consultation with Whatcom County Planning and Development Services, the City of Sumas is willing to postpone adding Area 10 to UGA Reserve, as well as leaving Area 10 off the UGA proposal all together, with the intent of revisiting the proposal following the conclusion of this Comprehensive Plan Update process. This will save time and resources on a proposal which is not required at this time and can be revisited later.

XI. Conclusions

The City of Sumas is currently in an unfortunate situation in which a lack of land capacity to accommodate future population growth is forcing the City to propose expansion of our UGA into lands designated agriculture and located within the Nooksack River floodplain. This expansion proposal is not perfect, but a lack of residential capacity and risks associated with flooding are forcing us in the current direction. The City is willing to work with Whatcom County and the State of Washington to take any steps necessary to see this proposal come to fruition, within reason. In this UGA Proposal Addendum, the City has provided information that should supplement the information included in the City's initial UGA Proposal. This additional information has been provided in response to requests received from County Planning and Development Services. The City will continue to work in cooperation with the County to provide all of the information needed to support the City's UGA Proposal.

Appendix F

November 2025 Clark County Agricultural Land Study by EConorthwest
Appendix A Case Law Review

Appendix A. Case Law Review

Washington's Growth Management Hearings Board (GMHB) has issued numerous decisions that interpret how counties must evaluate agricultural resource lands under the Growth Management Act. The following cases are particularly relevant to Clark County as it considers designation updates. The Board has consistently ruled that:

- ◆ Proper designation or de-designation of Agricultural Lands of Long-Term Commercial Significance (ALLTCS) uses the three-part test defined in *Lewis County v. WWGMHB* (2006)
- ◆ Countywide analysis is required; parcel-by-parcel based reviews undermine the GMA's intent (*Friends of Pierce County v. Pierce County*, 2016; WAC 365-190-040(10)(c) and WAC 365-190-050(1) were amended in 2023 to require a countywide analysis.

CITY OF REDMOND V. CENTRAL PUGET SOUND GMHB (1998)⁴⁴

This landmark case established a critical principle for evaluating agricultural land. GMA defines agricultural land as "primarily devoted to the commercial production" of a large variety of farm products, and that has "long-term commercial significance" (LTCS) for agricultural production. In this case, the agriculturally zoned land in question had been purchased by investors for industrial and mixed-use development and had lain fallow for years. The Court held that land is devoted to agricultural use under GMA if it is in an area that is actually used or capable of being used for agricultural production. Neither the current use of the land nor the landowner's intent to develop it for nonagricultural purposes is conclusive as to whether it is "primarily devoted" to commercial ag production. Even if a property owner does not wish to farm, or finds it unprofitable, the land itself can still be farmed and can possess LTCS. This precedent prevents counties from de-designating viable farmland based on landowner preference or short-term market conditions.

LEWIS COUNTY V. WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD (2006)⁴⁵

This foundational court case reached the Washington State Supreme Court after Lewis County failed four times to satisfy the Board that it had properly designated agricultural lands for conservation under the GMA. The Washington State Supreme Court decision established a three-part definition of agricultural lands, which states agricultural land is land:

- a) not already be characterized by urban growth;

⁴⁴ City of Redmond v. Central Puget Sound Growth Mgmt. Hrgs. Bd., 136 Wn.2d 38, 979 P.2d 321 (1998). Available at <https://case-law.vlex.com/vid/city-of-redmond-v-894094770>

⁴⁵ Lewis County v. Western Washington Growth Mgmt. Hearings Bd., 157 Wn.2d 488, 139 P.3d 1096 (2006) . Available at <https://law.justia.com/cases/washington/supreme-court/2006/76553-7-1.html>



- b) that is 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;
- c) that 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.

The decision also provided support for local control and flexibility within the GMA, noting that “...the GMA does not dictate how much weight to assign each factor in determining which farmlands have long-term commercial significance.” The decision is frequently cited by the Board to mandate that counties perform the three-part test.

KARPINSKI V. CLARK COUNTY (GMHB) (2008)⁴⁶; CLARK COUNTY V. WWGMHB (COURT OF APPEALS) (2011)⁴⁷, CLARK COUNTY V. WWGMHB (SUPREME COURT) (2013)⁴⁸.

This case clarified the legal standards for de-designating agricultural lands. Petitioners challenged Clark County’s de-designation of 4,351 acres of designated agricultural resource lands and the addition of this acreage to Urban Growth Areas (UGAs). The decision by GMHB found that 11 of the de-designated areas were not characterized by urban growth and that the County’s action violated the GMA. The decision was appealed to the Clark County Superior Court whose decision was appealed to the Court of Appeals. Not appealed to the Court of Appeals was the validity of the annexations of de-designated agricultural lands, but the Court addressed that question regardless, and struck down the annexations.

In 2013 the Washington Supreme Court granted review of the case in part, addressing only whether the Court of Appeals had correctly considered the issues that no party had appealed to it. The Supreme Court vacated the Court of Appeals holding that the annexations had been invalid and remanded the matter to the GMHB.⁴⁹

On remand, the Board reversed its earlier decision that two of the areas the County had studied for de-designation were not characterized by urban growth. The Board also concluded that one of the areas under consideration did have long-term commercial significance for agricultural production following review of all WAC factors. In the remand decision, the board emphasized that designation and de-designation must be based on all the WAC 365-190-050 criteria, including physical capability for production and long-term commercial significance, not just market demand or development pressure.⁵⁰

⁴⁶ *Karpinski v. Clark County*, WWGMHB, Case No. 07-2-0027 (Amended Final Decision and Order, June 3, 2008). Available at https://clark.wa.gov/sites/default/files/dept/files/council-meetings/2014/PH_Washougal2.pdf

⁴⁷ *Clark County v. WWGMHB*, 161 Wn.App. 204, 254 P.3d 862 (2011). Available at <https://www.casemine.com/judgement/us/5914af3cadd7b0493474bbc5/amp>

⁴⁸ *Clark County v. WWGMHB*, 177 Wn.2d 136, 298 P.3d 704 (2013).

⁴⁹ *Clark County v. WWGMHB*, 177 Wn.2d 136, 298 P.3d 704,(2013). Available at <https://case-law.vlex.com/vid/clark-ctny-wash-v-892217150>

⁵⁰ *Karpinski v. Clark County*, WWGMHB, Case No. 07-2-0027 (Final Decision and Order on Remand, March 11, 2014). Available at https://clark.wa.gov/sites/default/files/dept/files/council-meetings/2014/PH_Washougal2.pdf



CLARK COUNTY CITIZENS UNITED, INC. V. CLARK COUNTY (WWGMHB) (2017)⁵¹, CLARK COUNTY V. WWGMHB (COURT OF APPEALS) (2019)⁵²

This case involved wide-ranging challenges to Clark County's 2016 Comprehensive Plan Update, including its approach to agricultural land de-designations and up-zoning. The Board concluded Clark County did not meet RCW 36.70A requirements on urban growth expansions, buildable lands, urban reserve overlays, agricultural land de-designations, up-zoning agriculture and forest resource lands, variety of rural densities, and industrial land banks. The Board imposed a finding of invalidity on several of the county's actions, including the de-designations of agricultural lands to allow urban growth expansions near La Center and Ridgefield.

In addition to Clark County Citizens United, Futurewise and Clark County appealed the GMHB's decision and in 2019 the case went before the Washington Court of Appeals. The court held that certain de-designations and UGA expansion challenges became moot once the lands had been incorporated into cities (Ridgefield and La Center). The court accepted Clark County's position that, once an area in dispute had been annexed, the County no longer had jurisdiction over that area, and so the County could not cure a violation of GMA regarding that area. Consequently, the County could no longer be challenged under GMA for the de-designations or the UGA expansions. Review of this decision was denied by the Washington Supreme Court in 2020, leaving a procedural pathway that allowed annexed lands to fall outside of the scope of the GMHB until the legislature added a new section of GMA in 2022.⁵³ New RCW 36.70A.067 provides that county decisions to de-designate or designate ag lands, or to add to urban growth boundaries are not effective until either the deadline has passed for a GMHB appeal, or if there is a GMHB appeal, until after the GMHB issues a final decision and order. A quick annexation, in other words, cannot occur because the land is not within the UGA; an attempt to annex would no longer immunize a county from an appeal regarding the annexed land.

Additionally, the GMHB ruled that a county must apply WAC criteria requiring area-wide or countywide analysis of how the de-designation would affect the viability of the agricultural industry in the county as a whole, striking down the County's attempt to de-designate agricultural land for a rural industrial bank. The GMHB also ruled that the County's attempt at reducing agricultural minimum lot sizes to 10 acres had violated the GMA. The Court of Appeals upheld those rulings.

BUCHANAN FARMS AND RANDY BUCHANAN V. WALLA WALLA COUNTY (2018)⁵⁴

Petitioners challenged Walla Walla County's ordinance adopting a site-specific comprehensive plan and zoning map amendment. The ordinance de-designated a 160-acre property from agricultural lands of long-term commercial significance (ALLTCS) to Industrial

⁵¹ *Clark County Citizens United, Inc. v. Clark County*, WWGMHB Case No. 16-2-0005c (Final Decision and Order, March 23, 2017). Available at https://clark.wa.gov/sites/default/files/dept/files/council-meetings/2017-Q1-Q2/032917WS_Clark_FDO_Final.pdf

⁵² *Clark County v. WWGMHB*, 10 Wn.App. 2d 84, 448 P3d 81 (2019).

⁵³ Washington State Legislature, RCW 36.70A.067, <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.067>

⁵⁴ *Buchanan Farms v. Walla Walla County*, EWGMHB Case No. 18-1-0001 (Final Decision and Order, July 2, 2018)



Agriculture and added it to the Attalia Industrial Urban Growth Area (UGA), while also removing another 160-acre property from the same UGA and changing its zoning from Industrial Agriculture to ALLTCS. The Board found Walla Walla County compliant with GMA criteria because the lands swap was conducted under a county-wide process and there was no net loss of acreage designated as ALLTCS. In 2024, the Washington Legislature amended RCW 36.70A.110 to add a new subsection specifically authorizing UGA changes and designations made by land swaps, subject to numerous requirements that had not been considered in *Buchanan Farms*.

KITSAP ALLIANCE OF PROPERTY OWNERS ET AL. V. KITSAP COUNTY (2025)

Petitioners challenged Kitsap County's 2024 periodic update of its Comprehensive Plan, which included failure to adopt criteria for designation of ALLTCS after amendments to WAC 365-190-040(10)(c) and WAC 365-190-050(1) criteria. The Board found Kitsap County had not violated the GMA criteria, noting their designations mirror the state's.⁵⁵ This case illustrates that aligning local criteria directly with updated state standards is legally permissible, even when the result is no net change in agricultural land area.

⁵⁵ Washington State Growth Management Hearings Board, Case No. 25-3-0005c, (Final Decision and Order, August 8, 2025).

