



April 20, 2026

Whatcom County Council Members,

Subject: 2025 Comprehensive Plan: Land Use Element

Council Members,

Please accept this letter providing more detail in regard to the City of Ferndale's position on growth within Whatcom County for your consideration during the 2025 Comprehensive Plan Whatcom County Land Use Element. As you work to finalize the Comprehensive Plan we wanted to continue to communicate our desires, concerns, and recommendations for our community and the future of our region. This letter builds upon the comments already provided throughout the process.

We have both general and specific comments regarding the County's proposed Land Use Element for the Comprehensive Plan. The City is reviewing and commenting on the *Chapter 2 – Preliminary Council Draft for 4.28.2026*. The primary focus of our comments will be to work to transition towards better management of the unincorporated Urban Growth Area (UGA) and the Urban Growth Area Reserve (UGARs) to better enable annexation and urbanization with city services. City staff are available to discuss the comments presented in the letter in more detail.

Urban Growth Area Reserves (UGARs):

The City of Ferndale supports planning for a 40 year supply of Industrial, Commercial, and Residential land within our Urban Growth by using the Urban Growth Area Reserve (UGARs). Thank you for including policy language in support of this. We believe in order for the UGARs to be effective in managing growth, they need to be protected, which is something that is not occurring. Ferndale recommends the following:

- Establishing a 20-year planning horizon for the development of UGARs
- The City advocates for a simplified approach to projecting population growth for UGARs, such as a straight line projection using the Office of Financial Management medium projection.
- Use the existing Land Capacity Analysis (LCA) model for each community to determine appropriate sizing for the UGARs
- Once these areas are identified, they need to be protected to ensure the ability to efficiently urbanize. This requires either the establishment of a new zone that reduces the uses permitted and the ability to further divide the land or the application of the Agriculture District zoning to the UGARs.

- We support policy 2S-6 identifying a pathway for this discussion.

Protecting the UGA and UGARs:

The UGAs and UGARs need to be managed to maintain large tracts of land, to facilitate annexation, and allow for efficient urbanization of these areas. Equally important is to reduce the amount and intensity of development that can occur on these properties, which in turn reduces investment before urban infrastructure, utilities, and City-compatible zoning can be applied to them. The City of Ferndale was under the impression that the County lacked the appropriate zone to protect UGAs and UGARs prior to annexation. This is not the case, Whatcom County Code (WCC) 20.40 is specifically intended to:

“...serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the urban development consistent with the protection of resource land.” [WCC20.40.010](#)

A small portion of the City of Ferndale UGA is currently zoned Agriculture District (WCC 20.40). County staff reached out to the City to discuss proposed zone changes within the UGA associated with the current update effort, City staff communicated the desire for WCC 20.40. It was communicated that this could not occur at this time, since it had not been identified within the Environmental Impact Statement (EIS). The City understands the County is concerned about the potential for appeal; however the City has consistently been requesting County action on this front since 2022. If not now, then when?

The northwest corner of Ferndale’s UGA is a perfect example of why these areas need to be protected. At present this area is parcelized and built out, using septic systems, and without urban facilities. The likelihood of all the owners of this area wanting to annex to the City is now low, as property owners have been able to develop their properties to near-urban densities due to the permissive zoning in the UGA. The ability to redevelop this area into urbanized employment land is greatly reduced, as the investment that has occurred there will either need to be respected (left in place), or incorporated into the cost to redevelop (structures removed, increasing the overall cost to develop, higher purchase cost to account for the value, real or perceived, of the improvements that have already been built). Much of the development in this area is likely to remain for some time, and the opportunity to implement city standards, such as sidewalks, is now gone, and the ability to try and provide these improvements will require significant effort and cost.

We have other areas of the UGA that have also been impacted by development that complicate the ability to annex like the Nubgaard Road area of the city. The Nubgaard Road area was permitted to be divided to one (1) acre parcels, leaving little if any perceived benefit to annexation for property owners who now oppose the process. It appears the County is now proposing to permit ADUs, potentially tripling the current UGA density without connections to public water and sewer. While the City acknowledges the need to assist with providing more housing in the region, it should not be done at the expense or ability to efficiently urbanize land

in UGA with City services, which is far more likely to result in efficient densities than an ADU-based approach which would likely be adopted by a small minority of residents, though still large enough to prevent annexations or the efficient development of the remaining area. We need to take a more comprehensive approach to how we manage land to reduce costs, mitigate impacts from development, and provide housing that is more affordable. ADUs in the UGA should be permitted only when clustered close to existing residences and only when public water and sewer can be made available.

The GMA recognizes that the key to effectively and efficiently developing a UGA is the provision of urban services; including but not limited to water, sewers, streets, sidewalks, bike facilities, and parks. When you allow development that is not coordinated and does not include these services you create a development pattern that inhibits the placement and increases the cost of these facilities in the future. On the following page, there is a graphic that demonstrates what occurs when these principles are not adhered to. All of this development should have been coordinated and designed with urban services. This is essentially leapfrog development that has occurred that has resulted in an inefficient development pattern. The failure to properly regulate growth within the UGA has resulted in an inefficient development pattern that will require significant investment by future taxpayers (likely City residents) to urbanize this area. The existing investment will need to be respected, which is less than what could have occurred with urban services, or the investment that has occurred on these properties will need to be rolled into the cost to redevelop these areas, increasing the overall cost of development.



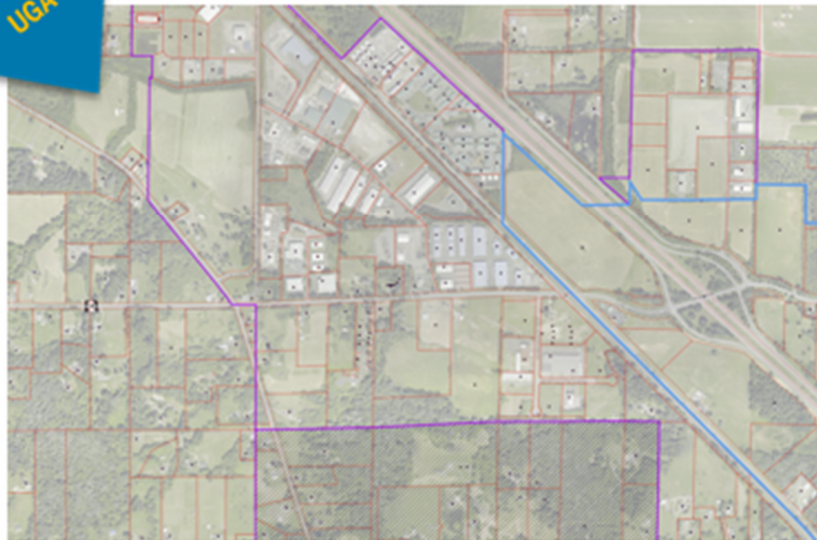
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ALL
GROWTH
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UGA



We need to stop this pattern of growth and protect these areas to maintain large tracts of land and facilitate development at urban densities. This will also help the annexation process by reducing the number of people who are involved.

Cherry Point UGA:

In reviewing the Environmental Impact Statement supporting the update process the City identified some changes that were being examined for the Cherry Point UGA. The City would like to raise the following concerns:

- The City would prefer that the focus of the Cherry Point UGA be on provision of heavy industrial uses and not shifting to employment (light industrial or commercial) that would compete with those uses that are permitted within the adjacent cities. What is built or not built in the Cherry Point UGA has a direct impact on the City of Ferndale.
- If heavy industrial uses are no longer viable or desired within this UGA, perhaps the County could consider new uses that do not conflict with existing uses or compete with adjacent UGAs. The region is in need of a regional fire training facility, a regional public safety training facility and gun range. Regional wetland mitigation banks have also been discussed and may provide another potential use for this area, should heavy industry no longer be an option.
- Could the Cherry Point UGA be reduced in size and the projected long term employment needs be obligated to existing City UGAs with better access to rail, I-5, and/or airport access?

Agricultural land designation:

The process of examining how and where new agricultural land can be designated “Resource Land” in the comprehensive plan concerns the City of Ferndale. Two of these potential areas are located to the east and west of the City of Ferndale UGA. We support this project overall as we are tremendously supportive of preserving agricultural and forestry land within the county.

We do believe it is appropriate to make sure that we do not create a situation where we box in Ferndale (or another community), similar to what has occurred in Sumas. The County should be deliberate in designating any new agricultural lands within the comprehensive plan to ensure the long term viability of those lands. Additionally, the County must also consider the implications to future County Councils who may need to undesignate “agricultural” lands that have inadvertently boxed the cities in. This means providing adequate space for communities to continue to grow beyond the 20-year planning horizon of the comprehensive plan. The City remains concerned about the designation of new agricultural land near our Urban Growth Area. The long term needs of the City to be able to grow should restrict where you designate new agricultural land, not the other way around.

Extending urban services into the UGAs prior to annexation:

Concerns have been discussed regarding the community’s ability to facilitate annexation in our region. In response to this concern, the City of Ferndale is willing to consider a process to facilitate extension of urban services ahead of annexation. Currently the City precludes this from occurring within the Ferndale Municipal Code. The City has developed a draft framework

in coordination with the Whatcom Environmental Council under which we would consider this approach and are willing to discuss this in more detail with County staff.

Specific Comments on Comprehensive Plan Goals and Policies:

Policy 2N-3 Consider development incentives, such as expedited permitting or density bonuses, in UGAs in association with the density credit program. Work with the cities to coordinate permitting processes and encourage cities to consider development incentives in association with a cooperative City-County density credit program.

Comment: While this may be beneficial in some instances, the decision to offer incentives prior to annexation in the UGA should be at each city's discretion. Where annexation cannot occur because of ownership and/or existing development, this may be a good solution, however, we do not want to see a program like this in which it complicates the ability to annex in the future. Rather it is better suited as an option in instances where annexation is complicated or not feasible.

Policy 2P-1 Encourage cities to adopt and implement policies and development regulations that promote urban densities. Coordinate with cities on policies and development regulations in the city adjacent UGAs for consistency.

Comment: The City interprets this language to support the City having a stake in how the UGA is managed prior to annexation. The decision to allow urban or quasi-urban levels of development within the UGA should be coordinated and dependent on the provision of services (water and sewer at a minimum). If the intent of this policy is to facilitate development of the UGA prior to annexation without city consent and services, the City objects to this language.

Policy 2Q-3 Support the Birch Bay Community...

Comment: This should be Birch Bay.

Goal 2R Establish an interlocal agreement with each city which sets out general guidelines to address revenue sharing, the provision of services, management of growth, annexation, protection of critical areas, and designation of open space within urban growth areas.

Comment: The city requests the revenue sharing be removed from this statement. The current revenue sharing provisions incentivize uncoordinated development within the UGA, can result in development that is not consistent with the overall development plan for the area, and/or has infrastructure improvements that are not to City standards. The City does not support a process where the County allows development that is not supported by the City, and then desires to share revenue after annexation. From our perspective, we are losing revenue that is needed to support the urbanization of this area because of decisions the County

has made. If the language needs to remain in place due to statutory reasons, we request the County acknowledge our position and decide that revenue sharing is not appropriate under this scenario.

Policy 2R-1 Include in interlocal agreements, a clear, predictable, and fair formula for revenue sharing agreements which compensates jurisdictions that suffer revenue loss without attendant reduction in service demands as a result of annexation

Comment: See comments above.

Policy 2R-4 Limit development within urban growth areas with no municipal sewer and water service through zoning at a density no greater than one unit and two ADU's per parcel so long as the development meets all applicable building and construction, development and land use, and health codes.

Comment: The policy appears to allow development of two ADUs per parcel without connection to public water and sewer. Additional density should not be authorized in an unincorporated UGA without the provision of water and sewer. Without a connection to a public sewer this will result in new and/or expanded onsite septic systems. This will also result in additional investment that will complicate the ability to urbanize the UGA at a later date. The City supports this language provided that the requirement for municipal water and sewer is a prerequisite to ADUs. There should also be corresponding zoning regulations that require clustering of dwellings and associated outbuildings.

Policy 2S-3 Facilitate phasing of development within the urban growth areas as follows:

- *Require a maximum gross density of one dwelling/ten acres within the unincorporated portions of the urban growth areas until public facilities and services are provided to serve such development at urban levels of services.*
- *Recognizing that UGAs are sized to accommodate urban growth over a 20 year period and that all land within the UGAs will not be required to meet urban land needs immediately, allow Agricultural and Rural Forestry zoning designation, on an interim basis, within UGAs. These zones function as holding districts that will allow continued resource land uses in the near term while protecting these areas from suburban sprawl. It is anticipated that they will be rezoned to allow phased urban development within the 20-year planning period when public facilities and services can be provided at urban levels of service.*

Comment: The City requests that the lands within the Ferndale unincorporated UGA be zoned Agriculture District consistent with this policy. The City also requests that this zoning also be permitted to be applied in UGARs.

Policy 2T-1 Land within a UGA that is not served by public water and sewer will have the following limitations on development which shall be included in County development regulations:

- *Development shall be done in a manner which will not preclude development at urban levels of density when the area is annexed in the city.*
- *No residential development shall occur at a gross density greater than one dwelling unit per ten acres.*
- *All residential land divisions will be developed as cluster subdivisions. All clustered lots will be grouped together in one cluster. Clustered lots will be as small as possible in order to maintain a large reserve tract available for future urban development. Wells, sewage disposal systems, and easements associated with these facilities may be placed on the reserve tract only if it is not feasible to place them within the boundaries of the clustered lots.*
- *When public water and sewer serve the site, the reserve tract of a cluster subdivision may be developed with urban densities allowed in the zoning district.*
- *If the clustered lots are served by wells, sewage disposal facilities and/or associated easements that are located on the reserve tract, then the clustered lots will be required to hook up to public water and sewer when the reserve tract is developed with urban densities. The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.*

Comment: The permitted density within an UGA should remain no higher than 1 dwelling unit per ten acres without public water and sewer. Allowing ADUs in these areas without water and sewer will lead to larger lots encumbered with improvements, more investment that will complicate urbanization, and less land available for urbanization. Allowing ADUs without services will likely complicate the ability to annex and urbanize these properties and will also likely increase the cost to urbanize these areas.

Policy 2X-3 Work with the City of Ferndale to establish County zoning regulations within the unincorporated Urban Growth Area and Urban Growth Area Reserves to protect large tracts of land and limit development until such time as water and sewer can be provided.

Comment: Thank you for including this policy. The County already has a zone, Agriculture District (WCC 20.40) that is specifically intended to apply within UGAs to accomplish this policy. It is unclear if this zone can be applied in the UGARs. Please amend this policy to reflect application of this zone in both the UGAs and UGARs. Please remove any barriers to applying this zone in the UGARs.

Page 2-78 All Weather Roads Grandview and Slater roads, the major east-west connectors between Cherry Point and Interstate 5, provide all weather access to Cherry Point.

Comment: Main Street also receives a fair amount of traffic heading to and from Cherry Point. All of these roads run through the City of Ferndale, increased trips to or from Cherry Point impact our transportation system, this is especially evident when Slater is closed during flood events. Consider:

Main Street, Grandview, and Slater roads, the major east-west connectors between Cherry Point and Interstate-5, provide all-weather road access to Cherry Point through the City of Ferndale.

Many, not all, of these concerns and proposed policies have been discussed with County staff. City Staff are available to discuss these concerns and recommendations with the County Council and/or staff. We believe our concerns and proposed policies are in alignment with many of the stakeholders involved in the current process and can assist the region in addressing our long term housing and employment needs.

Respectfully,



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