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April 2, 2026

The Honorable Kaylee Galloway, Council Chairperson
Whatcom County Council
311 Grand Ave., Suite 105
Bellingham, Washington 98225

Dear Council Chairperson Galloway:

Subject: Comments on the Whatcom County Comprehensive Plan 2025 Update Chapter 8
Resource Lands with specific policies.

Sent via email: KGallowa@co.whatcom.wa.us; KOos@co.whatcom.wa.us;
KSmith@co.whatcom.wa.us

Thank you for the opportunity to comment on the 2025 Comp Plan Update. I understand the Whatcom County Council will discuss Chapter 8 Resource Lands on March 31, 2026. This letter focuses on our recommendations for Chapter 8. While we support the update to Chapter 8, we do have recommendations to improve it.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters across Washington State including Whatcom County.

Summary of Futurewise Comments and Recommendations

- Policy 8A-12 should be updated to reflect current data on farm worker housing preferences and the most effective ways of developing housing for farm workers. Please see page 2 of this letter for more information.
- Policy 8A-15 needs to clarify that natural resource lands can only be dedesignated if they no longer meet the criteria for agricultural lands of long-term commercial significance. This is necessary to comply with the Growth Management Act and to protect the county's working farms. Please see page 3 of this letter for more information.
- Policy 8A-16's small-lot agriculture zone must comply with the Growth Management Act requirements to conserve agricultural lands of long-term commercial significance. Please see page 4 of this letter for more information.
- Better measures are needed to protect working farms and forests from nearby incompatible uses. This is necessary to comply with the Growth Management

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Act and to meet community goals. Please see page 6 and page 8 of this letter for more information.

- Additional policies should be adopted to maintain water for agriculture and agricultural industries. This is necessary to comply with the Growth Management Act and to meet community goals. Please see page 7 of this letter for more information.
- Goal 8L and Policy 8L-1 must assure that incompatible uses do not locate on or near mineral resource lands. Better measures are also needed to protect mineral resource lands from incompatible uses. This is necessary to comply with the Growth Management Act. Please see page 9 of this letter for more information.

Recommendations on Chapter Eight Resource Lands

Policy 8A-12 should be updated to reflect current data on farm worker housing preferences and the most effective ways of developing housing for farm workers. See page 8-14 of the Planning Commission Final Recommendations January 22, 2026.

The *Washington Farmworker Housing Needs Assessment* found that:

Farmworkers have a variety of housing preferences. Year-round workers who live in and around agricultural areas often prefer to be in a central location and look for work on different farms. Many of these workers have families and would prefer to be close to amenities such as schools, churches and other employers. Temporary migrant workers often prefer a shorter commute and housing close to their worksites.¹

So for temporary workers, on-farm housing may make sense. For year-round workers, housing in cities makes more sense.

For these reasons, the *Washington Farmworker Housing Needs Assessment* recommended that to provide more affordable farm worker housing cities should

¹ BERK Consulting, *Washington Farmworker Housing Needs Assessment* p. 180 (The Washington State Department of Commerce: Jan. 2022) last accessed on March 23, 2026, at: https://www.commerce.wa.gov/wp-content/uploads/2022/04/CommerceReports_CSJD_FarmworkerHousing_Final_4.26.22.pdf and at the link on the last page of this letter with the filename: "CommerceReports_CSJD_FarmworkerHousing_Final_4.26.22.pdf."

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be encouraged “to increase zoning and infrastructure investments for multi-family housing within urban growth areas.”² The assessment also recommended that cities remove “barriers to the development of rental housing.”³ “Encouraging cities to identify and remove barriers to rental housing development is an important strategy to address housing needs for farmworkers.”⁴

Consistent with these recommendations, we recommend that Policy 8A-12 call for cities to plan and zone for more multifamily housing within urban growth areas and remove barriers to the construction of that housing. Policy 8A-12 can also call for on-farm housing for seasonal farm workers or workers in remote locations. Our suggested additions are double underlined.

Policy 8A-12: Support the development of safe, affordable on-farm and near farm housing for farmworkers and their families, and improve access to transportation and healthcare for both farmers and farmworkers in rural areas. Cities should plan for and remove barriers to more multifamily housing affordable to farm workers and their families.

Policy 8A-15 needs to clarify that natural resource lands can only be dedesignated if they no longer meet the criteria for agricultural lands of long-term commercial significance. See page 8-15 of the Planning Commission Final Recommendations January 22, 2026.

Natural resource lands can only be dedesignated if they do not meet the criteria for designating natural resource lands.⁵ Policy 8A-15 needs to clarify that dedesignation and mitigation are only allowed if the land no longer qualifies as natural resource lands. Our recommended additions are double underlined below.

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 because they no longer meet the

² *Id.* p. 184.

³ *Id.*

⁴ *Id.*

⁵ *Yakima Cnty. v. Eastern Washington Growth Management Hearings Bd.*, 146 Wn. App. 679, 688 – 89, 192 P.3d 12, 16 – 17 (2008); *City of Arlington v. Central Puget Sound Growth Management Hearings Bd.*, 164 Wn.2d 768, 780 – 81, 193 P.3d 1077, 1083 – 84 (2008).

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criteria for agricultural resource lands of long-term commercial significance that result in an overall net loss of agricultural designated lands.

[No additional suggestions at this time]

Policy 8A-16's small-lot agriculture zone must comply with the Growth Management Act requirements to conserve agricultural lands of long-term commercial significance. See Policy 8A-16 on page 8-15 of the Planning Commission Final Recommendations January 22, 2026.

Agricultural resource lands must be conserved. As the Washington State Supreme Court held: "The County was required to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products."⁶

Policy 8A-16 on page 8-15 calls for considering a small-lot agriculture zone that allows for a maximum of one dwelling unit/20 acres (Ag-20) within applicable Rural Study Areas. The adopted minimum lot size and allowed uses must protect farmland. As the American Farmland Trust explains:

To make substantial progress protecting farmland in the Puget Sound region, minimum parcel size would be at least 40 acres and preferably larger. This would ensure that parcels will remain large enough to allow commercial agriculture in the future, help prevent residential development of farmland, and keep per-acre land values down to a level affordable to farmers.⁷

Professor Arthur Nelson agrees writing that "[l]ot sizing for agriculture at up to 40-acre densities merely causes rural sprawl."⁸ Agricultural zoning should have a

⁶ *King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.

⁷ Dennis Canty, Alex Martinsons, and Anshika Kumar, *Losing Ground: Farmland Protection in the Puget Sound Region* p. 9 (American Farmland Trust: Jan. 2012) last accessed on March 23, 2026, at: <https://farmlandinfo.org/publications/losing-ground-farmland-protection-in-the-puget-sound-region/> and included in the link on the last page of this letter with the filename: "AFTLosingGroundReportWeb-1_1.pdf."

⁸ Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467, 471 - 74 (1992) included at the link on the last

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minimum lot size and density that will conserve agricultural lands. Farmworker housing should be allowed at higher densities.

The American Farmland Trust also explains that:

Non-agricultural uses of land in agricultural zones can lead to conflicts between farmers and other residents over the sounds, smells, and appearance of normal agricultural activities. However, it is important that farmers be allowed to operate businesses associated with farm production, such as farm stands and processing facilities. In general, a short list of allowable uses restricted to farming, farm-related businesses and other compatible uses is desirable.⁹

We support these recommendations. The zoning called for in Policy 8A-16 must be evidence-based to comply with the Growth Management Act requirement to conserve agricultural land.¹⁰

In addition, the Washington State Supreme Court has held that “[t]he County was required to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products.”¹¹ To protect working farms, adjacent nonagricultural uses should be setback at least 100 feet from fields and other agricultural uses and buffers and fencing provided and maintained on the nonagricultural lands to protect the working farms from incompatible uses.

Policy 8A-16: Evaluate the potential for designating additional agricultural natural resource lands of long-term commercial significance through creation of an ~~small lot~~ agriculture zone that protects agricultural land from non-agricultural uses through allowed uses and minimum lot sizes, and buffers and setbacks on adjacent non-resource lands ~~allows for a maximum of one~~

page of this letter with the filename: “Preserving Prime Farmland in the Face of Urbanization Lessons from Oregon JAPA.pdf.” The Journal of the American Planning Association is a peer-reviewed journal. Journal of the American Planning Association Instructions for Authors webpage p. 1 of 8 included at the link on the last page of this letter with the filename: “JAPA Instructions for Authors.pdf.”

⁹ Dennis Canty, Alex Martinsons, and Anshika Kumar, *Losing Ground: Farmland Protection in the Puget Sound Region* p. 9 (American Farmland Trust: Jan. 2012).

¹⁰ *King Cnty. v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000).

¹¹ *King Cnty. v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.

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~~dwelling unit/20 acres (Ag 20) within applicable Rural Study Areas. The evaluation should include the consideration of potential transfer of development rights to urban growth areas rural areas zoned R5A or R10 outside UGA with one or more of the following: 1) NON APO soils 2) Access to public water 3) Less or lower wetlands 4) Better septic soils.~~

Better measures are needed to protect working farms and forests from nearby incompatible uses. See Goal 8D and related policies on pages 8-18 and 8-19 of the Planning Commission Final Recommendations January 22, 2026.

The Washington State Supreme Court held: “The County was required to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products.”¹² Right-to-farm laws are not sufficient.

At best, [right to farm laws] give short-term protection to farmers at the urban-rural fringe. But a farmer could win all the legal battles in court only to lose the proverbial war to expense and wariness. Moreover, the law of trespass has so evolved as to potentially undermine right-to-farm legislation altogether (Leutwiler 1986; Bradbury 1986). The problem is that farmers and urban residents do not coexist. Right-to-farm laws are not likely to be effective in preserving farmland in the long term (Leutwiler 1986; Hagman and Juergensmeyer 1987; Lapping and Leutwiler 1987; Rose 1984; Bradbury 1986; Nelson 1990a).¹³

Additional protections are needed. These should include requiring adjacent nonagricultural uses to be setback at least 100 feet from fields, agricultural buildings, and other agricultural uses and buffers and fencing provided and maintained on the nonagricultural lands to protect the working farms from incompatible uses.

The American Farmland Trust also raised concerns about allowing conditional use permits for asphalt and concrete batching and surface mining which are

¹² *King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.

¹³ Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467, 470 (1992).

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inconsistent with conserving agricultural land.¹⁴ These uses should not be allowed on agricultural lands of long-term commercial significance. Our recommended additions are double underlined and our deletions are double struck through.

Goal 8D: Reduce land use conflicts between Whatcom County's agriculture and non-agricultural landowners, ensuring that only agricultural and supportive land uses are allowed ~~is prioritized~~ on agricultural lands of long-term commercial significance.

Policy 8D-1: ~~Strive to reduce~~ Reduce potential conflicts between incompatible agricultural activities by maintaining zoning regulations that protect productive agricultural lands of long-term commercial significance from conversion to non-agricultural and non-accessory-compatible uses, require at least 100 foot setbacks on adjacent nonagricultural uses from fields, agricultural buildings, and other agricultural uses, and require 100 foot buffers and fencing on adjacent non-natural resource lands.

Water for Agriculture and Goal 8F and related policies. See pages 8-21 and 8-22 of the Planning Commission Final Recommendations January 22, 2026.

Water is extremely limited in Rural Areas and on Resource Lands in Whatcom County. “[W]ater availability is limited throughout the Nooksack Watershed during the low flow season and year-round in certain areas.”¹⁵ In the summer of 2023, at least three water systems ran dry.¹⁶

¹⁴ Dennis Canty, Alex Martinsons, and Anshika Kumar, Whatcom County Agricultural Protection scorecard p. 23 (American Farmland Trust, Seattle WA: Jan. 2012) last accessed on March 23, 2026, at: <https://s30428.pcdn.co/wp-content/uploads/sites/2/2019/09/AFT-Losing-Ground-Report-Appendix-B-County-Scorecards.pdf> and enclosed at the link on the last page of this letter with the filename: “AFT-Losing-Ground-Report-Appendix-B-County-Scorecards.pdf.”

¹⁵ State of Washington Department of Ecology, Water Resources Program, *WRIA 1 Nooksack Watershed Water Availability* p. 3 (Publication 20-11-001 Revised Sept. 2022) last accessed on March 23, 2026, at: <https://apps.ecology.wa.gov/publications/SummaryPages/2011001.html> and enclosed at the link on the last page of this letter with the filename: “2011001.pdf.”

¹⁶ Julia Lerner, *Whatcom water shortage slams hundreds as wells run dry: Drought emergency hits 3 public water systems, 3 others 'on the fringe'* *Cascadia Daily News* p. 1 (July 26, 2023) last accessed on March 23, 2026, at: <https://www.cascadiadaily.com/2023/jul/26/whatcom-water-shortage-slams-hundreds-as-wells-run-dry/> and enclosed at the link on the last page of this letter with the filename: “Whatcom water shortage slams hundreds as wells run dry _ Cascadia Daily News.pdf.”

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Two of the most effective steps that Whatcom County should take to maintain water for agriculture is to limit rural uses which compete with farms for water and to prohibit transferring agricultural water for non-agricultural uses in rural areas and natural resource lands. A policy prohibiting transferring agricultural water for non-agricultural uses in rural areas and natural resource lands should be adopted. We recommend the following new policy:

Policy 8F-6: Do not allow the transfer of agricultural water rights to rural development and match the development capacity of rural areas with available water resources to reduce competition with water rights for farms and ranches and salmon.

Goal 8I and related policies for forest land need to better protect forest lands of long-term commercial significance. See page 8-30 of the Planning Commission Final Recommendations January 22, 2026.

The Growth Management Act in RCW 36.70A.060(1)(a) provides that “[e]ach county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.” RCW 36.70A.060(1)(a) also provides that “[s]uch regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.” The county currently relies on right-to-forestry laws and notices, which have the same problems as right-to-farm laws. The county also has good zoning regulations to reduce the potential to convert forest land. But more is needed to protect forest land from adjacent uses. Non-forestry uses should be setback from the property lines and include effective buffers to reduce incompatibilities. We recommend the following new policy:

Policy 8I-6: Require at least 100 foot setbacks on adjacent non-forestry uses from forests, forestry buildings, and other non-natural resource uses, and require adequate buffers and fencing on adjacent non-natural resource lands.

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Goal 8L and Policy 8L-1 need to assure that incompatible uses do not locate on or near mineral resource lands. Please see page 8-35 of the Planning Commission Final Recommendations January 22, 2026.

We support Goal 8L and Policy 8L-1 which focus on protecting nearby uses from mineral resource mining. This is important to maintain land use compatibility and the public health and safety. It also makes it more likely that mineral resource uses can thrive over the long-term and so is in the industry's interest.

The Growth Management Act in RCW 36.70A.060(1)(a) provides that “[e]ach county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.” RCW 36.70A.060(1)(a) also provides that “[s]uch regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.” Policies should be adopted requiring that newer uses do not interfere with mineral resource operations including setbacks, buffers, and requirements to access the uses in ways that do not create conflicts on haul roads.

Unfortunately, Goal 8L is proposed to substitute “minimize” for “ensure” on the grounds that the County cannot “ensure” people don’t feel adversely affected by gravel mining. But Goal 8L is correctly focused on impacts, not feelings. And the GMA requires the County to “adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.”¹⁷ Minimize is not consistent with these requirements. Goal 8L should use “ensure” or “assure” as the GMA requires.

Goal 8L: Ensure ~~Ensure~~ ~~Minimize~~ any objective adverse impacts of mineral extraction industries do not adversely affect on the neighboring people and other properties in the vicinity, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

¹⁷ RCW 36.70A.060(1)(a).

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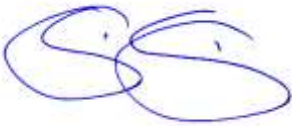
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Policy 8L-1: Avoid significant impacts of mineral extraction on adjacent or nearby land uses, public health and safety, or natural resources from mineral extraction. These measures must include buffers and setbacks on non-mineral resource lands for uses and land divisions approved after the designation of mineral resource lands.

Thank you for considering our comments. If you require additional information, please contact me at email: tim@futurewise.org or telephone (206) 343-0681.

Very Truly Yours,



Tim Trohimovich, WSBA No. 22367
Director of Planning & Law

Enclosures at this link:

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