



Lake Whatcom Water & Sewer District

Board Meeting Access Information

Next Meeting:

Wed February 14, 2024
6:30 - 7:30 pm

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ATTENDING A MEETING

How to Participate

MEETINGS ARE HYBRID

Our meetings are held in a hybrid format. You may attend in person at our administrative office or virtually through the GoTo platform.



COMMUNICATING WITH US



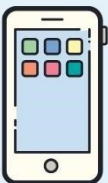
If you wish to make a public comment, you may submit it in written form via email or the contact form on our website, or utilize the public comment periods during the District's regular meetings.

ATTENDING ANONYMOUSLY

If you wish to observe a meeting, but do not plan to actively participate, you may attend anonymously. Turn off your mic & camera, and change display name to "Observation Only."



ACCESS INFORMATION



We use GoTo for virtual access to our meetings. Download the app, sign in through your browser, or use a phone to call in for audio-only participation. Access information for specific meetings is in the meeting packet.

QUESTIONS?

If you have questions about attending an upcoming meeting, please contact Administrative Assistant Rachael Hope at rachael.hope@lwwsd.org or 360-734-9224.



Public Comment Periods

Lake Whatcom Water & Sewer District's Board of Commissioners values feedback, questions, and concerns from our constituents. The public comment period is....



Regular Meetings of the Board of Commissioners are held on the second Wednesday of each month at 6:30 pm and the last Wednesday of each month at 8:00 am.



LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

February 14, 2024


6:30 p.m. – Regular Session

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Board of Commissioners. Please state your name and address prior to making comments, and limit your comments to three minutes. For the sake of time, each public comment period will be limited to 45 minutes.
4. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
5. CONSENT AGENDA
6. SPECIFIC ITEMS OF BUSINESS
 - A. Whatcom County Comprehensive Plan Update Discussion
7. OTHER BUSINESS
8. STAFF REPORTS
 - A. General Manager
9. PUBLIC COMMENT OPPORTUNITY
10. ADJOURNMENT



**AGENDA
BILL
Item 5**

Consent Agenda

DATE SUBMITTED:	February 8, 2024	MEETING DATE:	February 14, 2024
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. See below		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/OTHER <input type="checkbox"/>

****TO BE UPDATED 02.14.2024****

BACKGROUND / EXPLANATION OF IMPACT

- Minutes for the 01.10.2024 Regular Board Meeting
- Payroll for Pay Period #3 (01.20.2024 through 02.02.2024) totaling \$50,049.75
- Benefits for Pay Period #1 totaling \$55,708.27
- Accounts Payable Vouchers total to be added

FISCAL IMPACT

Fiscal impact is as indicated in the payroll/benefits/accounts payable quantities defined above. All costs are within the Board-approved 2023-2024 Budget.

RECOMMENDED BOARD ACTION

Staff recommends the Board approve the Consent Agenda.

PROPOSED MOTION

A recommended motion is:

“I move to approve the Consent Agenda as presented.”



LAKE WHATCOM WATER AND SEWER DISTRICT
1220 Lakeway Drive
Bellingham, WA 98229

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

January 31, 2024

Board President Todd Citron called the Regular Session to order at 8:00 a.m.

Attendees:	Commissioner Todd Citron (v)	General Manager Justin Clary
	Commissioner John Carter (v)	Engineering Manager Greg Nicoll
	Commissioner Bruce Ford	Finance Manager Jenny Signs
	Commissioner Jeff Knakal (v)	Operations Manager Jason Dahlstrom
	Commissioner David Holland (v)	Recording Secretary Rachael Hope

Also in attendance were:

- Ken Zangari, District Electrician & AFSCME Local 114 WD President
- Kevin Cook, District Water Treatment Plant Operator & AFSCME Local 114 WD Vice President
- Ross Ardrey, NW Management Consulting LLC

Attendees noted with a (v) attended the meeting virtually.

Change to Agenda

Clary recommended removing Item 6.C. Effective Utility Management Assessment from today's agenda. The Board agreed.

Consent Agenda

Action Taken

Knakal moved, Holland seconded, approval of:

- **Minutes for the 01.10.2024 Regular Board Meeting**
- **Minutes for the 01.10.2024 Special Board Meeting (Work Session)**
- **Payroll for Pay Period #2 (01.06.2024 through 01.19.2024) totaling \$51,591.59**
- **Benefits for Pay Period #1 totaling \$56,470.64**
- **4th Quarter 2023 Payroll Taxes totaling \$12,892.58**
- **Accounts Payable Vouchers totaling \$177,557.62**

Motion passed.

Compensation Philosophy Discussion

Clary explained that the total compensation package offered to District employees (e.g., salary, benefits, professional development opportunities) is a key component to promoting employee retention (which, in turn, is critical to maintaining institutional knowledge). In regular meetings over

the last few years, the Board has discussed the development of a formal compensation philosophy for the District. A compensation philosophy establishes agreed upon principles that guide how compensation is administered. While the District has not previously adopted a formal compensation philosophy, it has through board action adopted compensation policies that in aggregate may be considered to form a philosophy, including the salary matrix, benefits package, cost of living adjustments, and salary studies.

With the current collective bargaining agreement (CBA) between the District and AFSCME set to expire December 31, the 2023-24 Budget includes funding to conduct a total compensation study this spring as a means of facilitating negotiations of a successor CBA. The District has contracted with NW Management Consulting LLC to assist in the completion of the study. To facilitate and guide study development, a board discussion on the District's compensation philosophy and priority areas is beneficial.

Clary presented the Board with a summary of adopted policies and various compensation policy considerations, including pros and cons of the salary matrix, level of benefit contributions, cost of living allowance, and market competitiveness. Discussion followed, including contributions from Ross Ardrey of NW Management Consulting and District Employees/AFSCME representatives Ken Zangari & Kevin Cook.

Whatcom County Onsite Sewage System Inspection Program Revision Request

Clary recalled that the potential impacts of onsite sewage systems (OSS; commonly referred to as septic systems) within the Lake Whatcom Watershed has been an ongoing concern of the District for the past several years. Most recently the topic was discussed during a work session of the Board held on January 10, 2024. One outcome of the Board's discussion was consideration of submittal of a request to the Whatcom County Council to eliminate self-inspection of OSS located in the watershed. Clary presented a letter for Board consideration. Discussion followed with the Board directing staff not to issue the letter until more information may be gathered regarding the status of the County's current OSS compliance monitoring program.

General Manager's Report

Clary updated the Board on several topics, including a recent meeting with Sudden Valley Community Association management for upcoming project coordination, his attendance at recent Public Works Board day at the hill, which included meetings with 14 different Washington State legislators, and an upcoming WRIA adjudication webinar. Discussion followed.

Engineering Department Report

Nicoll highlighted several projects, highlighting the development of a new format for the monthly capital projects report, and giving updates on the Chlorine Contact Basin Replacement project and grant agreement, a well-attended pre bid meeting for the Division 7 Reservoir Replacement Project, and water system lead service line inventory progress. Discussion followed.

Finance Department Report

Signs highlighted the 4th quarter 2023 financial report, focusing on changes in policy and procedures. She also called attention to recent progress relating to the District's FEMA and Hazard Mitigation Grants, and changes to the District's investment strategy for long term investments. Discussion followed.

Operations & Maintenance Department Report

Dahlstrom reported on field crew operations, including highlights of the provided strategic business plan update from an O&M perspective, implementation of a new system tool to optimize operations at the Sudden Valley Water Treatment Plant, and coming updates to the District's sewer camera capabilities. Commissioner Ford requested an update on the Midnight Court sewer line in which the crew found a concrete-like blockage, and Dahlstrom reported that the crew is currently performing monthly inspections while a permanent solution is developed. Discussion followed.

With no further business, Citron adjourned the regular session at 10:09 a.m.

Board President, Todd Citron

Attest: _____
Recording Secretary, Rachael Hope

Minutes approved by motion at ☐ Regular ☐ Special Board Meeting on _____

CHECK REGISTER

Lake Whatcom W-S District

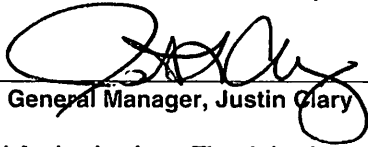
Time: 14:54:18 Date: 02/05/2024

02/08/2024 To: 02/08/2024

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
361	02/08/2024	Payroll	5	EFT		3,727.20	01/20/2024 - 02/02/2024 PR 03
362	02/08/2024	Payroll	5	EFT		4,167.13	01/20/2024 - 02/02/2024 PR 03
363	02/08/2024	Payroll	5	EFT		3,507.39	01/20/2024 - 02/02/2024 PR 03
364	02/08/2024	Payroll	5	EFT		2,088.44	01/20/2024 - 02/02/2024 PR 03
366	02/08/2024	Payroll	5	EFT		2,073.24	01/20/2024 - 02/02/2024 PR 03
367	02/08/2024	Payroll	5	EFT		3,217.87	01/20/2024 - 02/02/2024 PR 03
368	02/08/2024	Payroll	5	EFT		2,480.08	01/20/2024 - 02/02/2024 PR 03
369	02/08/2024	Payroll	5	EFT		2,427.88	01/20/2024 - 02/02/2024 PR 03
370	02/08/2024	Payroll	5	EFT		2,697.29	01/20/2024 - 02/02/2024 PR 03
371	02/08/2024	Payroll	5	EFT		2,611.29	01/20/2024 - 02/02/2024 PR 03
372	02/08/2024	Payroll	5	EFT		3,298.55	01/20/2024 - 02/02/2024 PR 03
373	02/08/2024	Payroll	5	EFT		1,457.44	01/20/2024 - 02/02/2024 PR 03
374	02/08/2024	Payroll	5	EFT		2,361.86	01/20/2024 - 02/02/2024 PR 03
375	02/08/2024	Payroll	5	EFT		4,150.46	01/20/2024 - 02/02/2024 PR 03
376	02/08/2024	Payroll	5	EFT		3,431.55	01/20/2024 - 02/02/2024 PR 03
377	02/08/2024	Payroll	5	EFT		2,777.02	01/20/2024 - 02/02/2024 PR 03
360	02/08/2024	Payroll	5	14940		1,912.82	01/20/2024 - 02/02/2024 PR 03
365	02/08/2024	Payroll	5	14941		1,662.24	01/20/2024 - 02/02/2024 PR 03
401 Water Fund						13,510.75	
402 Sewer Fund						36,539.00	
						50,049.75	Payroll: 50,049.75

I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign  Date 2/5/2024
General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

Board President, Todd Citron

Attest : _____
Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved

CHECK REGISTER

Lake Whatcom W-S District

Time: 15:01:50 Date: 02/05/2024

02/08/2024 To: 02/08/2024

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
378	02/08/2024	Payroll	5	EFT	DEPARTMENT OF RETIREMENT SYSTEMS	5,592.50	Pay Cycle(s) 02/08/2024 To 02/08/2024 - DCP; Pay Cycle(s) 02/08/2024 To 02/08/2024 - ROTH DCP
379	02/08/2024	Payroll	5	EFT	UNITED STATES TREASURY	17,334.28	941 Deposit for Pay Cycle(s) 02/08/2024 - 02/08/2024
380	02/08/2024	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	9,067.90	Pay Cycle(s) 02/08/2024 To 02/08/2024 - PERS 2
381	02/08/2024	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	3,344.37	Pay Cycle(s) 02/08/2024 To 02/08/2024 - PERS 3
382	02/08/2024	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	897.64	Pay Cycle(s) 02/08/2024 To 02/08/2024 - SUP ENF
383	02/08/2024	Payroll	5	14942	AFLAC	354.85	Pay Cycle(s) 02/08/2024 To 02/08/2024 - AFLAC PRE-TAX; Pay Cycle(s) 02/08/2024 To 02/08/2024 - AFLAC POST-TAX
384	02/08/2024	Payroll	5	14943	AFSCME LOCAL	368.28	Pay Cycle(s) 02/08/2024 To 02/08/2024 - UNION DUES; Pay Cycle(s) 02/08/2024 To 02/08/2024 - UNION FUND
385	02/08/2024	Payroll	5	14944	HRA VEBA TRUST (PAYEE)	590.00	Pay Cycle(s) 02/08/2024 To 02/08/2024 - VEBA
386	02/08/2024	Payroll	5	14945	WA ST HEALTH CARE AUTHORITY	18,158.45	Pay Cycle(s) 02/08/2024 To 02/08/2024 - PEBB MEDICAL; Pay Cycle(s) 02/08/2024 To 02/08/2024 - PEBB ADD LTD; Pay Cycle(s) 02/08/2024 To 02/08/2024 - PEBB SMK Surcharge; Pay Cycle(s) 02/08/2024 To 02/08/2024
401 Water Fund						40,275.90	
402 Sewer Fund						15,432.37	
						55,708.27	Payroll: 55,708.27

CHECK REGISTER

Lake Whatcom W-S District

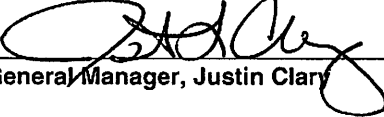
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02/08/2024 To: 02/08/2024

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.



Sign  Date 2/5/2024
General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

Board President, Todd Citron

Attest : _____
Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved

		AGENDA BILL Item 6.A		Whatcom County Comprehensive Plan Update Discussion	
DATE SUBMITTED:		February 7, 2024		MEETING DATE: February 14, 2024	
TO: BOARD OF COMMISSIONERS			FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL					
ATTACHED DOCUMENTS			1. Chapter 2, Land Use, Whatcom Co. Comprehensive Plan		
			2. Chapter 4, Capital Facilities, Whatcom Co. Comprehensive Plan		
			3. Chapter 5, Utilities, Whatcom Co. Comprehensive Plan		
			4. Chapter 10, Environment, Whatcom Co. Comprehensive Plan		
TYPE OF ACTION REQUESTED			RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The Growth Management Act (GMA) is a series of Washington State statutes, first adopted in 1990, that requires fast-growing cities and counties to develop a comprehensive plan to manage their population growth. The GMA is primarily codified under [Chapter 36.70A of the Revised Code of Washington](#) (RCW). The GMA establishes 13 goals (urban growth, reduce sprawl, efficient transportation, housing, economic development, property rights, timely permitting, enhance natural resource industries, enhance open space/recreation, protect the environment, public involvement, ensure adequate public facilities and services, and historic preservation) that serve as a basis for all comprehensive plans (a fourteenth goal, shoreline management, is added under the [Shoreline Management Act](#)).

Based upon its population and growth rate, Whatcom County is required to fully plan under the GMA. The GMA requires periodic review and update of comprehensive plans to ensure that counties and their cities and special purpose districts are adequately planning in accordance with current growth projections. The [current Whatcom County Comprehensive Plan](#) was adopted by the County Council in 2016. An update to the current comprehensive plan is required by June 30, 2025. To meet this deadline, the County is embarking on a review and update of the comprehensive plan. Of note, this update will include incorporation of several planning laws recently enacted by the state legislature and accommodation of [Whatcom County Council Resolution No. 2022-036](#), which establishes additional priorities for the plan update.

As an initial step, the County is soliciting comments from its public agency partners, including the District, on comprehensive planning policies for consideration of inclusion in the update. The County has requested agency comments by February 29, 2024.

As a provider of urban-level water and sewer service, District services overlap with planning policies defined in several chapters of the current comprehensive plan. District staff have reviewed sections of the comprehensive plan applicable to the District and offer the following to facilitate board discussion and development of comments, as the board may deem appropriate.

Land Use (Chapter 2)

Goal 2A. Ensure designation of sufficient land and densities, with consideration of water availability, to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live.

Policy 2A-12. Adoption of residential, industrial, and commercial comprehensive plan or zoning designations in rural areas must comply with the criteria for “limited areas of more intensive rural development” in the GMA (RCW 36.70A.00(5)).

District Comment: The District supports the County’s continued designation of the Sudden Valley rural community as a LAMIRD.

Goal 2D. Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.

Policy 2D-3. Streamline development regulations to eliminate unnecessary time delays.

District Comment: The District encourages retention of this policy, coupled with the County’s allocation resources necessary to implement it.

Goal 2N. Within Urban Growth Areas, outside present city limits, the County will maintain jurisdiction until annexation or incorporation of the property. During this interim period the following policies shall be in place to assure that the purposes of this plan and growth management are in fact accomplished.

Policy 2N-4. Ensure that cities or other service providers do not extend sewer or urban levels of water service to serve areas outside urban growth areas except when necessary to protect basic public health and safety and the environment and when such services are financially supportable at zoned densities and do not permit urban development.

District Comment: The District supports the County’s retention of this policy to maintain compliance with the GMA and relevant case law.

Goal 2U. Evaluate every eight years or as necessary Bellingham’s Urban Growth Area to determine if the UGA is sufficient in size to accommodate twenty-year growth projects, provide an adequate supply of affordable housing, industrial, commercial

and recreational development and recognize historical development patterns and commitments for service.

Policy 2U-1. Consider new data, research and public participation when conducting UGA review.

District Comment: Recognizing that the Geneva UGA has been identified as a Bellingham UGA since the original comprehensive plan without annexation, and that numerous public studies (the most recent of which was completed in partnership with the University of Washington's Urban Design and Planning program in 2019) identified a general opposition to annexation, the District recommends removal of the UGA designation.

Policy 2U-6. Whatcom County and Bellingham should continue to coordinate protection and development within the Watershed.

District Comment: The District supports the continuation of County and City efforts to meet this policy through implementation of the Lake Whatcom Management Program.

Goal 2EE. Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

Policy 2EE-4. Prohibit extension or expansion of municipal public sewer system outside urban growth areas and LAMIRDs except where it is necessary to protect public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

District Comment: The District supports the County's retention of this policy to maintain compliance with the GMA and relevant case law.

Goal 2HH. Establish LAMIRD Designation Criteria.

Policy 2HH-1.B. The following may serve as additional criteria for Rural Community designation: 2) Public services available to serve potential infill, such as adequate potable water and fire protection, transportation facilities, sewage disposal and stormwater control.

District Comment: The District supports the County's retention of this policy recognizing consistency with District services provided to the Sudden Valley rural community.

Goal 2JJ. Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

District Comment: The District supports the County's retention of Goal 2JJ and all associated policies recognizing that the Sudden Valley community existed on July 1, 1990.

Goal 2NN. Recognize Sudden Valley as a Rural Community (Type 1 LAMIRD) with unique challenges that require active participation in the planning process.

Policy 2NN-6. Support Lake Whatcom Water and Sewer District's effort to maintain adequate sewer capacity and control stormwater runoff in keeping with

appropriate environmental controls and the Sudden Valley Community Association's density reduction goal.

District Comment: The District supports the County's retention of policy.

Capital Facilities (Chapter 4)

Goal 4G. Coordinate with non-county facility providers such as cities, school districts and other special purpose districts to support the future land use pattern promoted by this plan.

Policy 4G-1. Establish interagency planning mechanisms to assure coordinated and mutually supportive capital facility plans from special districts, cities, and other major non-county facility providers which are consistent with this and other chapters of the comprehensive plan.

District Comment: The District supports the County's leadership in continued and regular capital facility planning coordination amongst all service providers.

Utilities (Chapter 5)

Goal 5D. Minimize the time required for processing utilities permits.

Policy 5D-1. Maintain streamlined and simplified permitting processes relating to installation of utility facilities designed to serve existing and approved development.

District Comment: As an agency that is reliant on timely permitting to mitigate impacts to our ratepayers, the District supports the County's pursuit of continuous improvement of its permitting processes.

Goal 5F. Identify and remove impediments to effective siting of necessary utility facilities.

Policy 5F-1. Periodically review existing regulations to identify and eliminate unintended or unreasonable constraints on the provision of necessary utilities as defined in this section.

District Comment: The District supports retention of this important policy.

Goal 5G. Support cost-effective conservation as a significant supply factor and implement policies that promote energy conservation measures.

Policy 5G-4. Facilitate and encourage conservation of resources, in order to delay the need for additional facilities for electrical energy and water resources, and to maintain adopted air quality standards.

District Comment: As the purveyor of potable water to approximately 10,000 Whatcom County residents and partner in the Lake Whatcom Management Program, the District supports the County's continued leadership in resource conservation.

Goal 5J. Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage use of existing utility corridors.

Policy 5J-2. Promote, when reasonable and feasible, the co-location of new public and private utility distribution facilities in shared trenches/corridors, as well as coordination of construction timing.

District Comment: The District encourages an increase in County leadership related to construction coordination amongst utility providers, including consideration of adopting a Dig-Once policy.

Water Supply Narrative.

District Comment: The reference to “Water District 10” in the fifth paragraph should be replaced with “the Lake Whatcom Water and Sewer District’s Eagleridge water system.”

District Comment: The narrative should be updated to acknowledge the pending WRIA 1 adjudication.

Goal 5P. Resolve county water issues through proactive participation in processes leading to a solution of water-related conflicts.

Policy 5P-3. Discourage extension of urban levels of water service to areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

District Comment: The District supports the County’s retention of this policy to maintain compliance with the GMA and relevant case law.

Goal 5Q. Work with water purveyors to provide service to all existing and designated urban growth or industrial areas.

Policy 5Q-5. The County should work closely with purveyors and the State Department of Health in the development and review of Comprehensive Water Plans to ensure consistency with land use urban growth area needs.

District Comment: The District supports the County’s continued involvement in ensuring Comprehensive Water Plans are developed consistently with the Whatcom County Comprehensive Plan.

Goal 5S. Reduce the incidence of on-site sewage treatment system failure through system management and enforcement of standards.

Policy 5S-1. Support state on-site sewage system regulations (WAC 246-272) which requires that local health departments implement a program ensuring proper maintenance and operation for all on-site systems.

District Comment: The District supports retention of this policy and encourages dedication of the necessary County resources to meet this obligation within the Lake Whatcom watershed.

Policy 5S-2. The maintenance and operation program should be phased in beginning with high priority areas designated by the County Council. In implementing this policy, Lake Whatcom and Drayton Harbor are high priority areas.

District Comment: The District supports retention of this policy and encourages dedication of the necessary County resources to meet this obligation within the Lake Whatcom watershed.

Goal 5T. Support development of new sewage treatment facilities, including new pipelines and extensions of existing pipelines, to areas designated for urban-level growth.

Policy 5T-1. Discourage extension of sewer lines in areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

District Comment: The District supports the County's retention of this policy to maintain compliance with the GMA and relevant case law.

Environment (Chapter 10)

Goal 10D. Strengthen the sustainability of Whatcom County's economy, natural environment, and built communities by responding and adapting to the impacts of climate change.

Policy 10D-4. Promote the efficient use, conservation, and protection of water resources.

District Comment: The District supports an increased focus on climate change resiliency within the comprehensive plan to comply with HB 1181 adopted during the 2023 session of the Washington State Legislature.

Lake Whatcom Watershed Management Narrative (pg 10-22).

District Comment: The fourth paragraph is outdated. The District recommends replacement with "Water and sewer service is provided throughout much of unincorporated portions of the watershed by the Lake Whatcom Water and Sewer District. The District operates three water systems: the South Shore system serving Geneva and Sudden Valley, and two smaller systems serving the Eagleridge and Agate Heights neighborhoods. The District collects and conveys wastewater generated in the watershed to the City of Bellingham for treatment at the City's Post Point facility. The District's sewage collection and conveyance system has the capacity to serve full build-out of Sudden Valley and Geneva."

Goal 10F. Protect and enhance water quantity and quality and promote sustainable and efficient use of water resources.

Policy 10F-1. Maintain as a high priority the protection of water quality and quantity.

District Comment: The District supports retention of this policy.

Goal 10G. Protect and enhance Whatcom County's surface water and groundwater quality and quantity for current and future generations.

Policy 10G-1. Manage surface water systems on a watershed basis.

District Comment: The District supports retention of this policy.

Goal 10I. Support water conservation, reclamation, reuse measures, and education as a means to ensure sufficient water supplies in the future.

Policy 10I-1. Support and assist water users in the development of cost-effective means of improving efficiency of water use.

District Comment: The District supports retention of this policy and encourages the County's continued leadership in water conservation through active support of the Whatcom Water Alliance.

Goal 10J. Prioritize the Lake Whatcom watershed as an area in which to minimize development, repair existing stormwater problems (specifically for phosphorus), and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.

Policies 10J-1 through -14.

District Comment: The District supports the retention of all policies supporting Goal 10J.

FISCAL IMPACT

No fiscal impact is anticipated with the board's discussion on this topic.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Community Sustainability

Water Resource Sustainability

Stakeholder Understanding and Support

RECOMMENDED BOARD ACTION

None.

PROPOSED MOTION

Not applicable.

Chapter Two Land Use

Introduction

The fundamental precepts of the Whatcom County Comprehensive Plan are to comply with the Growth Management Act (GMA), adhere to the Countywide Planning Policies and implement the Vision for Whatcom County.

*** VISION ***

Whatcom County is a place where urban growth is concentrated in urban areas, where there is a distinct boundary between urban and rural uses, where agricultural use is encouraged, and where resource lands and water resources are protected. Rural areas are peaceful and quiet with less traffic and congestion than in urban areas. There is low-density development with open spaces allowing for privacy. A sense of community is retained and local input is considered in land use decisions.

Chapter Organization

The Land Use chapter and map include a set of adopted land use designations which combine the predicted needs of future populations with the availability of land and the desires of residents. These needs and desires are expressed through the goals and policies included below as well as through implementation of the land use map. This chapter is divided into sections that address:

- Overall Land Use
- Urban Growth Areas (UGAs)
- Rural Lands
- Urban Growth Area Reserves
- Special Study Areas
- Comprehensive Plan Designations
- Open Space
- Essential Public Facilities; and
- Adult Businesses
- Historic and Cultural Resources

GMA Goals and Countywide Planning Policies

The Land Use chapter supports many of the GMA goals. The land use plan is based on a vision of Whatcom County that concentrates growth in urban areas but recognizes the need for economic diversity across the country. This chapter has been coordinated with all other chapters in the plan. Natural resource industries are encouraged and property rights and the permitting process are addressed.

Countywide Planning Policies (CWPP), found in Appendix C, are supported throughout the Land Use chapter in goals, policies, and land use designations.

The "Urban Versus Rural Distinctions" and "Urban Growth Areas" sections of the CWPP are addressed by discouraging urban levels of development outside urban growth areas, allowing small cities adequately sized UGAs, accommodating the projected population and calculating needed land area, defining rural areas and drawing distinct boundaries between rural and urban areas, and minimizing impacts on resource lands and environmentally sensitive areas.

The "Contiguous, Orderly Development and Planning in Urban Growth Areas" section of the CWPP is addressed through the urban growth area analysis and identification of areas where timely and adequate services can be provided.

The "Open Space/Greenbelt Corridors" section of the CWPP is addressed and supported in goals and policies in the Open Space section of this chapter and in the designation of Open Space Corridors.

Goal 6 of the Growth Management Act, regarding Property Rights and the "Private Property Rights" section in the CWPP have been addressed by the emphasis on incentives including transfer of development rights rather than downzoning. The Fiscal Impact section of the CWPP has been addressed by providing urban growth areas in the county, providing for economic development opportunities in the eastern portion of the county and addressing fiscal impact in interlocal agreements with cities.

The Citizen Participation goals of both the Growth Management Act and the Countywide Planning Policies have been addressed in the development of this chapter through citizen committee participation, town hall meetings, and public hearings. Also, specific goals and policies give direction for property owner notification and the establishment of on-going citizen committee input.

The Land Use chapter also incidentally addresses and is coordinated with many other Countywide Planning Policies.

Overall Land Use

Introduction

Purpose

The purpose of this section is to provide a broad, general direction for land use policy in Whatcom County. It is the foundation upon which all of the subsections of the Land Use chapter are based.

Process

The Land Use chapter was developed to address future land use in Whatcom County in accordance with Section 36.70A.070 of the Growth Management Act. It represents the county's policy plan for growth over the next twenty years. The Land

Use chapter implements many of the goals and objectives in the other plan chapters through adopted land use designations and other action recommendations.

The Land Use chapter was also developed in accordance with the Countywide Planning Policies and was integrated with the other plan chapters to ensure consistency throughout the comprehensive plan. The Land Use chapter considers the general distribution and location of land uses, the appropriate intensity and density of land uses given current development trends, and the provision of public services.

GMA Requirements

Section 36.70A.070 of the Growth Management Act requires that the comprehensive plan of a county include a land use element which designates proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. It is required to include population densities, building intensities, and projections of future population growth. Building intensity can be described in terms of such variables as lot coverage, building height, and the spacing between buildings and property lines and between buildings and other structures. The GMA also states that the goals and policies of the Shoreline Management Program are considered elements of the Comprehensive Plan (RCW 36.70A.480).

Background Summary

Most of the nonfederal land in unincorporated Whatcom County is dedicated to forestry and agricultural uses. The next largest category of land use is residential. Much smaller areas of the county are dedicated to industrial, commercial, and other uses.

The goal of growth management is to provide sufficient land area with adequate facilities and utilities either presently available or economically feasible to accommodate future growth. This means having an adequate distribution of land to provide housing, services, jobs, and resource land for the expected population. Whatcom County has almost 790 square miles of area outside of National Park and National Forest, which will accommodate the expected increase in population over the 20-year planning period in Whatcom County. However, this growth must be accommodated in ways that achieve desired land use goals.

An adequate supply of serviced industrial and commercial land must also be provided to accommodate the projected increase in employment.

A key need for meeting land demands to generate family wage employment is land that is "ready to go" for industrial development. Many potential industrial employers seeking to locate in Whatcom County require large tracts of land where the

infrastructure and site improvements are already in place. This is a major missing element of the industrial land supply.

It is important to assess the demand and supply of land planned and zoned for various types of uses to meet the economic needs of the county, as well as utilize this information to guide policy decisions regarding land use. The multiplicity of values reflected in the vision statement must all be considered, in addition to the competing goals and policies in other chapters of the comprehensive plan. Having adequate residential lands must include adequate provision of services, and it means densities that meet the mandates of the Growth Management Act to prevent urban sprawl as well as reflecting the desires of Whatcom County residents. Industrial lands should be provided in areas that have access to transportation routes and adequate infrastructure and can meet the demands of market trends. Commercial areas should also be located so as to provide the kinds of goods and services that meet the needs of local residents with consideration given to market-driven forces. Sufficient urban land must be provided to accommodate growth. Rural areas with a range of densities must also be available. All of this needs to be done in light of those aspects of the county which are most valued: water quality, productive agricultural land, economic development in rural areas, distinct boundaries between rural and urban areas, and predictability in land use plans.

Issues, Goals, and Policies

Issues for this section were drawn from the Growth Management Act and public participation.

Accommodating Growth

The Growth Management Act requires, and the Vision statement encourages, concentrating growth in urban growth areas. This allows for efficient provision of services and preservation of rural areas as quiet, open spaces where development pressures are not such that extraordinary regulations must be imposed. A distinct boundary is needed between rural and urban areas, discouraging sprawl, maintaining desired rural lifestyles, and conserving agricultural land.

Goal 2A: **Ensure designation of sufficient land and densities, with consideration of water availability, to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live.**

Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.

Policy 2A-2: Draw a distinct boundary between urban and rural uses.

Policy 2A-3: Provide a range of land use designations that consider locational and market factors as well as required quantities of land.

- Policy 2A-4: Designate land uses that reflect the best use of the land.
- Policy 2A-5: Provide predictability to property owners in land use designation.
- Policy 2A-6: Allow appropriate development in existing small self-contained communities through the use of the "Rural Community" land use designation.
- Policy 2A-7: Establish sufficient levels of developable residential, commercial, and industrial lands informed by approved population and economic forecasts, inventory of existing use, land capacity outside of critical areas and buffers, cost of infrastructure, legally available water, and goals and policies of all chapters of this plan.
- Policy 2A-8: Include business/industry parks, tourist/resort areas, and allowance for existing crossroads commercial areas within urban growth areas or limited areas of more intensive rural development.
- Policy 2A-9: Retain existing rural and heavy industrial areas in the northwestern region of the county within urban growth areas or limited areas of more intensive rural development.
- Policy 2A-10: Recognize the importance of tourism and its influence on the need for land for various types of development.
- Policy 2A-11: Ensure that the development potential of contiguous lands in common ownership is not compromised when urban growth boundaries and/or LAMIRD boundaries are designated. This should be accomplished without expanding UGA boundaries beyond that ownership and without bridging natural divisions of urban/rural land uses such as roads, rivers, and other natural features.
- Policy 2A-12: Adoption of residential, industrial, and commercial comprehensive plan or zoning designations in rural areas must comply with the criteria for "limited areas of more intensive rural development" in the Growth Management Act (RCW 36.70A.070(5)).
- Policy 2A-13: Allow for adequate economic development to provide economic sustainability, adequate employment opportunities, and services in and for the rural areas.
- Policy 2A-14: Maintain a density credit program to incentivize increased land use intensity in designated areas and decrease residential density in agricultural and rural areas by authorizing density credits. Density credits allow development incentives, such as increased density, 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 Conservation Easement Program (WCC 3.25A) in order to allow a higher density as specifically set forth in the Whatcom County Zoning Code.

Policy 2A-15: Strive to improve predictability to property owners regarding the connection between legal water use, and land use and development by:

- Supporting completion of groundwater studies that provide a better understanding of water quantities available and the connection between groundwater use and instream flow levels.
- Supporting the efforts of water purveyors to develop new legal water sources and the infrastructure and systems necessary to transport that water to existing water users that lack safe potable water or sufficient water rights.
- Encouraging a negotiated water rights quantification and settlement between the Lummi Nation, Nooksack Indian Tribe and other water users in the Nooksack River basin.
- Encouraging the Department of Ecology to protect instream flows, particularly in times of extremely low summer flows.
- Coordinating with the Department of Ecology to find solutions to provide adequate water for out-of-stream users while protecting instream flows. Potential solutions may include consideration of recycling, conservation, water banking, public water system interties, stream recharge augmentation, change in place of use, desalinization and other alternative water supply measures.
- Requesting the Department of Ecology to create a water management plan for exempt wells in closed water basins that better aligns instream flows with current water rights and legal decisions on hydraulic continuity.

Resort Communities and Master Planned Resorts

The County's resort areas are important to the economic viability of the County's tourist industry and provide numerous and varied recreational opportunities for county residents and visitors. Historically important resort areas include Birch Bay, Point Roberts, the Semiahmoo area, and the Mount Baker winter recreational area. Resort communities provide recreational opportunities for residents of the surrounding areas.

Goal 2B:	Encourage the continued viability of existing resort communities and allow the development of new Master Planned Resorts in the future.
Policy 2B-1:	Permit through the planned unit development process master planned resorts in settings of significant natural amenities within urban growth areas.
Policy 2B-2:	New large-scale resort development in rural areas outside of UGAs and outside established resort areas, should only be permitted as Master Planned Resorts and only when substantially in compliance with these policies and with RCW 36.70A.360.
Policy 2B-3:	Work with property owners in the resort communities to develop an understanding of the unique needs of these areas and evaluate land use regulations for their responsiveness to these needs.
Policy 2B-4:	New resort development and Master Planned Resorts should be developed consistent with the development regulations established for critical areas.
Policy 2B-5:	No new urban land uses should be allowed in the vicinity of Master Planned Resorts, except in areas otherwise designated as urban growth areas under the Comprehensive Plan.
Policy 2B-6:	Capital facilities, utilities, and services, including those related to sewer, water, stormwater, security, fire suppression, and emergency medical, provided onsite shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.
Policy 2B-7:	Master Planned Resorts should only include other residential uses within their boundaries if residential uses are integrated into and support the onsite recreational nature of the resorts. The density of such residential uses should be consistent with density requirements of the zoning code.
Policy 2B-8:	Master Planned Resorts should only be approved when it can be demonstrated that onsite and offsite impacts to public services and infrastructure have been fully considered and mitigated.

Policy 2B-9: Master Planned Resorts should not be located on designated agricultural lands. Master Planned Resorts should not be located on forestry resource lands designated under the Comprehensive Plan.

Capital Facilities

There should be a relationship between provision of services and land use designations. Levels of service need to be set that will assure adequate services within realistic financing capabilities. This needs to be balanced against the amount of funding which taxpayers are willing to support.

Goal 2C: Channel growth to areas where adequate services can be provided.

Policy 2C-1: Coordinate capital facilities and land use planning.

Policy 2C-2: Support the comprehensive plan with capital facility plans that facilitate urban growth in UGAs at acceptable urban levels of service.

Policy 2C-3: Preclude urban development within a UGA until public services and facilities are available.

Policy 2C-4: Prior to modifying growth allocations or UGA boundaries, ensure that capital facility plans address the following elements:

- Provide a 20-year facility plan to serve urban growth within the UGA boundaries.
- Provide financial plans addressing at least a 6-year period with funding sources.
- Address existing unserved areas as well as new UGA expansion areas.

Policy 2C-5: The County will coordinate with city, special district, and other service providers to ensure amendments to capital facility plans support the Comprehensive Plan.

Regulations

It is very important to Whatcom County citizens to maintain local control over land use decisions. Regulations should be clear, concise, and predictable with enough flexibility to allow for reasonable and efficient decision making. Regulations should be enforced. Promote and maintain incentive programs to encourage land to be used in ways that meet community goals.

Goal 2D: Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.

Policy 2D-1: Eliminate unnecessary regulations.

- Policy 2D-2: Eliminate regulations that could be more effectively achieved through incentive or education programs.
- Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.
- Policy 2D-4: Coordinate permitting requirements among jurisdictions to minimize duplication and delays.
- Policy 2D-5: Provide enforcement of regulations.
- Policy 2D-6: Review and update the Whatcom County Shoreline Management Program in accordance with the schedule in the Shoreline Management Act (RCW 90.58.080). Updates should improve the integration of the Shoreline Program with Growth Management and with the Cherry Point Aquatic Reserve Management Plan in order to provide predictability and consistency in regulation, and eliminate regulatory redundancy.
- Policy 2D-7: Incompatible uses will be discouraged adjacent to public use airports to preserve the safety and efficient use of these airports. Incompatible uses are land uses that:
- Could be impacted by airplane noise;
 - Could create or be impacted by airplane accidents; or
 - Create height hazards that could adversely impact aircraft that are taking off or landing.
- Policy 2D-8: Require disclosure of potential airport noise impacts to people who are buying or obtaining a permit on property within one mile of a public use airport.
- Policy 2D-9: Land uses that are incompatible with the operation of the Bellingham International Airport or Lynden Airport should be discouraged when Whatcom County evaluates conditional use permits and rezones. Specifically, Whatcom County should follow the process set forth below when considering whether proposed conditional use permits and rezones would allow incompatible land uses:
- Notify the applicable airport representative of the proposed conditional use permit or rezone. Consider comments submitted by the airport representative relating to compatibility of the proposed land use with the operation of the airport; and
 - Determine whether the proposed conditional use or rezone is within zone 1 (runway protection zone), zone 2 (inner approach/departure zone), zone 3 (inner turning zone), zone 4 (outer approach/departure zone), zone 5 (sideline zone),

or zone 6 (traffic pattern zone) as shown in the Safety Compatibility Zone Examples from the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, p. 9-38). Safety compatibility zone “example 1” will be applied to the Lynden Airport and safety compatibility zone “example 3” will be applied by the Bellingham International Airport; and

- Compare any proposed or potential land uses within zones 1 through 6 with the Basic Safety Compatibility Qualities and the Safety Compatibility Criteria Guidelines in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-44, 9-45 and 9-47) and identify incompatible land uses.
- The above provisions of Policy 2D-9 do not apply to property owned by the airport. However, airport owners should assess the compatibility of land uses proposed on airport property with operation of the airport.

Policy 2D-10: Discourage tall structures around public use airports that hamper the efficient and safe use of navigable airspace. Specifically, discourage structures from exceeding the height of the imaginary surfaces defined in Federal Aviation Regulations (FAR) Part 77 around airports that have mapped such imaginary surfaces (airports that have mapped Part 77 imaginary surfaces are shown in Appendix I of the Whatcom County Comprehensive Plan).

Goal 2E: Encourage both a stewardship ethic and respect for cultural resources and natural systems and processes as well as support individual responsibility to achieve community values.

Policy 2E-1: Provide education on the assets of the community and offer incentives for individual citizens to take responsibility to protect those assets.

Goal 2F: Make use of incentive programs that can effectively encourage achievement of land use goals.

Policy 2F-1: Develop a set of incentives, including economic, which encourages property owners to achieve land use goals.

Policy 2F-2: Base incentive programs on suggestions from citizens, government officials, and experts in the field.

Policy 2F-3: Revise regulations to include incentive programs.

Policy 2F-4: Review and adopt, where appropriate, incentive programs such as density bonuses in urban growth areas in association with the

- density credit program, Conservation Easement Program, transfer of development rights, and tax deferrals.
- Policy 2F-5: Monetary compensation as an economic incentive shall be based only on market value at the time of compensation, not on "possible" future value of the land.
- Policy 2F-6: Monitor incentive programs on a five-year basis to ensure the comprehensive plan goals are being achieved. Develop an alternate approach if necessary, using adaptive management steps to effect compliance with individual programs.

Public Participation in Decision Making

Goal 2G: Encourage citizen participation in the decision making process.

- Policy 2G-1: Examine and improve methods to notify affected property owners of proposed land use changes.
- Policy 2G-2: Ensure early and continuous public involvement in planning decisions through development and implementation of public participation plans for large-scale, long-range planning activities.

Property Rights

Property rights are an important issue in Whatcom County. Land can be used as desired as long as it doesn't conflict with the rights of others. It is not necessary for the preservation of property rights and protection of the environment and resources to conflict with one another. People are looking for ways to achieve all of these things. They understand that it is important to protect the community's general interest.

Goal 2H: Preserve private property rights while recognizing the importance of the rights of the community, including protecting the natural environment and conserving resources.

- Policy 2H-1: Review and retain regulations that serve to protect the public welfare, health, and safety.
- Policy 2H-2: Establish incentive programs such as density bonuses in urban growth areas in association with the density credit program and Conservation Easement Program, where appropriate, to compensate property owners if rights are unduly infringed.
- Policy 2H-3: Provide information to the public as to government's role and responsibility in relation to property rights.

Diverse Cultural Composition

Whatcom County is becoming more diverse and accepting this diversity is important.

Goal 2J: Encourage individuals to honor and respect cultural diversity in our community.

- Policy 2J-1: Encourage the preservation of cultural resources.
- Policy 2J-2: Ensure that land use policies are not discriminatory.
- Policy 2J-3: Cooperate with Tribal governments to ensure local traditions are respected in all land use decisions.
- Policy 2J-4: Protect culturally and spiritually significant places from nonessential development that is viewed as incompatible by the affected community.

Flooding

Flooding of rivers and streams in Whatcom County is a natural event due to the combination of climate, geology, and topography present in the region. Two major floods occurred in 1989 and 1990 along the Nooksack River, with damage estimates running over \$20 million for 1990 alone. The cities of Nooksack, Everson, Sumas, and Ferndale are often flooded by the Nooksack. Flood damage can also occur along smaller streams in Whatcom County, especially on those streams associated with alluvial fans.

The majority of the Nooksack River floodplain is currently used for agricultural purposes. Residential density within the floodplain is low; however, several major transportation routes cross the floodplain and may be temporarily closed during periods of flooding. Increased building development within the floodplain, and especially within the floodway where flood water velocity can be great enough to sweep away structures, could heighten the existing level of flood hazards along the Nooksack. Development on alluvial fans can also increase flood hazards. *Chapter 10: Environment*, contains more detailed discussion of flood issues, as well as goals and policies for managing flood hazards in Whatcom County.

Goal 2K: Discourage development in areas prone to flooding.

- Policy 2K-1: Limit lands in one-hundred year floodplains to low-intensity land uses such as open space corridors or agriculture.
- Policy 2K-2: Use the *Lower Nooksack River Comprehensive Flood Hazard Management Plan* as a basis to balance land use and flooding.
- Policy 2K-3: Prohibit expansion of urban growth areas into floodplains, except where allowed under the GMA, and consider danger to individuals related to flooding when designating land use in other areas.

- Policy 2K-4: Encourage multi-purpose problem solving relative to flooding, aquifer recharge, improved water quality, water for human consumption, and fish habitat. Consider the purchase of land along the Nooksack River for flood water storage that could be used by cities and water providers.
- Policy 2K-5: Development in flood prone areas must comply with adopted regulations to mitigate identified flood hazards.

Regions of Whatcom County

Not all parts of Whatcom County have the same available resources and land use options. A one-size-fits-all approach to comprehensive planning may not adequately serve the needs of different regions of the county.

Goal 2L: Recognize the important regional differences within Whatcom County.

- Policy 2L-1: Use the subarea planning process, where appropriate, to identify and support distinctions among different areas of the county.
- Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Urban Fringe, Birch Bay Community Plan, Foothills, and Point Roberts).
1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:
 - a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection “2” for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.
 - b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.
 - c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.
 - d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

- e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process. Land capacity analysis may also be updated if appropriate.
2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.
- a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County's periodic review of the comprehensive or repealed. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.
 - b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should be subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's periodic review of the comprehensive plan or repealed. Minor updates may be considered through the County's docket process in subsequent years.
 - c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:
 - i. whether update is needed for health, safety, or welfare concerns;
 - ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;
 - iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;
 - iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

- Policy 2L-3: Emphasize forestry uses with some provision for rural and agricultural uses in the south and southeastern regions of the county.
- Policy 2L-4: Support the rural economic base by permitting natural resource based industries, cottage industries, forestry, fishing and agriculture in rural areas, as well as commercial and industrial activity contained within designated Rural Communities.
- Policy 2L-5: Emphasize agriculture in the north central regions of the county.

Fish and Wildlife

Whatcom County has historically enjoyed abundant and diverse fish and wildlife populations. Maintaining healthy fish and wildlife populations is a vital goal in maintaining the quality of life in Whatcom County. Chapter 10: Environment, contains additional discussion of fish and wildlife issues, as well as goals and policies regarding fish and wildlife habitat protection and management.

Goal 2M: Protect and encourage restoration of habitat for fish and wildlife populations including adequate instream flows.

- Policy 2M-1: Ensure that new land uses do not degrade habitat of threatened and endangered species.
- Policy 2M-2: Ensure that existing land uses do not cause further degradation of habitat for threatened and endangered species.
- Policy 2M-3: Develop educational tools and incentives to encourage existing land uses to restore degraded habitat to properly functioning conditions, especially for threatened and endangered species.
- Policy 2M-4: All permits issued by the County for clearing or development activity within ¼ mile of the documented habitat of threatened or endangered species, as shown on the County Fish Distribution Map, shall include notice to the property owner of the presence of these species.
- Policy 2M-5: Require subdivisions and short plats to be designed in a manner to protect fish habitat and water quality when a fish bearing stream or river passes through the site.
- Policy 2M-6: Engage the Wildlife Advisory Committee to develop recommendations of critical habitat and species protection areas, and for a system to monitor the status of fish and wildlife habitat function.
- Policy 2M-7: Engage in efforts to better define groundwater resources and connection to surface water, current water usage, water rights, adequate instream flows, and policy barriers that create conflicts between these things.

Urban Growth Areas

Introduction

This section presents policies, map designations and rationale for the urban growth areas for Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, Birch Bay, Columbia Valley, and Cherry Point. **Map 2-1** shows designated urban growth areas.

Purpose

The Growth Management Act requires the designation of urban growth areas (RCW 36.70A.110). These areas include cities and other areas characterized by urban growth or adjacent to such areas, and are designed to accommodate the projected population growth for twenty years. Any growth that occurs outside the areas cannot be urban in nature. The Act further specifies that urban growth should, first, be located in areas that already have adequate existing public facilities and service capacity and, second, in areas where such services if not already available, can be served adequately by a combination of both existing public facilities and services and any additional public facilities and services that are provided by either public or private sources.

The purpose of this section is to establish areas within the County where growth will be directed. The boundaries, as defined, are an attempt to concentrate growth and provide urban areas in accordance with expected growth needs while ensuring the county's identified values to preserve private property rights and reduce unnecessary regulations.

Process

Planning staff worked with representatives from each city to develop the methodologies, policies, forecasts and allocations for each urban area. Each city was asked to submit a proposed Urban Growth Area, along with growth allocation requests, for the County to consider. Following receipt of those requests, the County Council held a public hearing before developing a response to city proposals and final action.

Background Summary

Each city provided information in their comprehensive plans, in work sessions with planning staff, and at public hearings and work sessions before the County Council to provide the data and assumptions used as a guide in setting Urban Growth Area boundaries. The comprehensive plans for each city and the written and oral input provided by them at the public hearings and work sessions serve as background for establishing UGAs. The cities worked with Whatcom County staff to develop a single methodology for analysis of the urban land capacity within the County. Such variables as average population per household, occupancy, residential and employment densities, infrastructure requirements, natural systems and critical

areas constraints, ownership and development trends, and appropriate market factors to assure adequate supply and affordable housing were considered.

Issues, Goals, and Policies

Overall

The Growth Management Act assigns the responsibility of designating urban growth areas to counties. Growth is to be encouraged within urban growth areas and discouraged outside them. Urban Growth Areas are set in accordance with the policies established in Chapter 36.70A RCW and applicable countywide planning policies. The County should work with cities to ensure that comprehensive plans are coordinated and consistent. Modifications have been incorporated into this plan during the UGA review based upon several criteria:

- The need to assure logical service boundaries,
- The need to avoid isolated pockets or abnormally irregular boundaries,
- Consideration of land capacity analysis of residential, commercial and industrial needs within urban areas, and
- Identification of special needs with respect to unique non-city industrial sites (Cherry Point), and County areas for which the County will actively support incorporation as appropriate (Birch Bay or Columbia Valley).

Countywide Planning Policies set guidelines for designating city urban growth areas including:

- Small cities' UGAs shall be of an adequate size to allow them to become viable economic centers.
- The size of cities' UGAs shall be consistent with their ability to provide services.
- UGAs shall include contiguous areas with urban characteristics and zoning.
- Sufficient land shall be provided within UGAs to accommodate the 20-year urban growth projection, plus a reasonable land supply market factor.
- Setting of UGAs shall minimize impacts on agricultural land, forestry, mineral resources, watersheds, water resources, and critical areas. Cities should absorb additional population at appropriate urban densities before expanding into areas where growth would adversely impact critical areas or resource lands.

In deciding appropriate ways to manage land within urban growth areas, there are some overriding guidelines in the Growth Management Act and Countywide Planning Policies.

GMA requires counties to include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Urban growth should be first located in areas already characterized by

urban growth that have existing public facility and service capacity to serve such development, second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources.

Countywide Planning Policies require establishment of interlocal agreements between the county and cities to manage development within urban growth areas until annexation takes place. Factors to be addressed in these agreements include a mechanism to compensate jurisdictions that suffer revenue losses without attendant reductions in service delivery demands, and mitigation for activities related to development. It should be assured that utilities can be delivered at urban levels of service within city urban growth areas.

Timing of required improvements and who pays for these improvements within urban growth areas are issues to be addressed between the county and cities. This is particularly difficult when costly transportation improvements are required within an urban growth area prior to annexation by a city. Transportation planning for Whatcom County assumes that costs and installation of the improvements would be completed by the city associated with the urban growth area. In the case of Bellingham where some growth will continue to occur prior to annexation, this may need to be negotiated.

Areas within designated urban growth areas which are not yet ready for urban levels of density can become a problem if they are allowed to develop at low densities. Land use patterns can become established that will disrupt later infilling at urban densities. Other areas have environmental constraints such as flood plains and sensitive watersheds which would dictate using lower densities.

Outside urban growth areas, the presence of urban levels of services can put financial pressure on rural areas to develop more densely than desired. Countywide Planning Policies restrict cities from delivering urban levels of water and sewer service for urban uses outside urban growth areas.

The Growth Management Act requires that the County plan for a 20-year population growth that is within the range projected by OFM unless the County has studies to prove that a different figure is justified. The County's population projection is within OFM's range and therefore requires no further justification.

Goal 2N: **Within Urban Growth Areas, outside present city limits, the County will maintain jurisdiction until annexation or incorporation of the property. During this interim period the following policies shall be in place to assure that the purposes of this plan and growth management are in fact accomplished.**

Policy 2N-1: Establish urban growth areas for cities, first, by determining the capacity of the existing city limits to accommodate growth in the 20 year planning period. If it is determined that additional land

is needed to accommodate the projected allocated growth, or to meet other goals of the GMA, then include contiguous areas which have urban characteristics; and, finally, by including other suitable areas that demonstrate the ability to provide adequate public facilities and services at urban levels of service to accommodate growth.

- Policy 2N-2: Reevaluate UGA boundaries when significant changes in city land uses are proposed.
- Policy 2N-3: Consider development incentives, such as density bonuses, in UGAs in association with the density credit program. Encourage cities to consider development incentives in association with a cooperative City-County density credit program.
- Policy 2N-4: Ensure that cities or other service providers do not extend sewer or urban levels of water service to serve areas outside urban growth areas except when necessary to protect basic public health and safety and the environment and when such services are financially supportable at zoned densities and do not permit urban development.
- Policy 2N-5: Protect resource lands by controlling or buffering adjacent uses and encouraging increased densities within existing city boundaries before expanding into county resource lands.
- Policy 2N-6: Encourage provision of serviced industrial sites by cities.
- Policy 2N-7: Consider mixed-use zoning, where appropriate, to encourage walkability.

Goal 2P: Whatcom County seeks to support and encourage the cities in efforts to increase residential densities within their jurisdictions throughout the planning period, as a way to increase vitality, reduce the cost of services, manage outward growth, and protect the environment. The County encourages cities to approve new residential developments at citywide average net densities as shown below, while respecting unique characteristics of each city:

- **Bellingham – six to 24 units per net acre;**
- **Ferndale – six to 10 units per net acre;**
- **Lynden – six to 10 units per net acre;**
- **Blaine – four to six units per net acre;**
- **Everson – four to six units per net acre;**
- **Nooksack – four to six units per net acre; and**
- **Sumas – four to six units per net acre.**

The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:

- **Birch Bay – five to ten units per net acre; and**
- **Columbia Valley – four to six units per net acre.**

Policy 2P-1:	Encourage cities to adopt and implement policies and development regulations that promote urban densities.
Policy 2P-2:	Consider natural limitations on the development capacity of land, such as critical aquifer recharge areas or floodplains, and other characteristics unique to each city, such as seasonal population or adjacent county urban zoning, in designating urban growth areas and densities.
Policy 2P-3:	Encourage infilling to occur in existing areas with urban characteristics in a manner which is more harmonious with existing neighborhood character.
Policy 2P-4:	Encourage housing to develop with the greatest possible mix of household incomes by utilizing such techniques as lot clustering, varied lot sizes, small scale multifamily dwellings, and responsible reductions in infrastructure requirements for subdivisions.
Goal 2Q:	Ensure that development in the Birch Bay and Columbia Valley Urban Growth Areas is of an urban level and proceeds in a logical and efficient manner.
Policy 2Q-1:	Ensure that service providers do not extend sewer or urban levels of water service to serve areas outside urban growth areas except when necessary to protect basic public health and safety and the environment and when such services are financially supportable at zoned densities and do not permit urban development.
Policy 2Q-2:	Work with urban service providers located within Urban Growth Areas to coordinate urban service and facility planning with land use planning.
Policy 2Q-3:	Encourage the establishment of an advisory committee for the Birch Bay and Columbia Valley Urban Growth Areas to provide a mechanism to interface with the County regarding their respective community development issues.
Policy 2Q-4:	Provide planning assistance to citizens of the Birch Bay and Columbia Valley Urban Growth Areas for the purpose of developing and implementing Subarea or Community Plans to further define future uses and facilitate orderly urban development.

- Policy 2Q-5: Encourage and assist the citizens of Birch Bay and Columbia Valley Urban Growth Areas with incorporation when appropriate.
- 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.**
- 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.
- Policy 2R-2: Establish procedures for development project review within urban growth areas which protect the interests of both the city and the county.
- Policy 2R-3: Responsibility for construction of capital facilities, including transportation facilities to accommodate urban levels of growth, generally, should be assigned to cities. In some cases, timing may require installation of these improvements prior to annexation. In these cases, interlocal agreements should address allocations of costs and revenues between cities and the county.
- 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 per ten acres.
- Policy 2R-5: Coordinate with cities on UGA planning, facilitating urban development, balancing commercial, industrial and residential lands in the UGA, timing of annexations, service extensions and linking greenbelts and open space.
- Policy 2R-6: Use the existing geographical information system and encourage its use and coordinate with the cities to provide a consistent and economical data base for making land use decisions.
- Goal 2S: Ensure adequate land supply is provided to accommodate twenty years of growth within urban growth areas.**
- Policy 2S-1: Review all urban growth areas at least every eight years in accordance with the Growth Management Act. Coordinate with cities to determine the population and employment growth projected to occur within the urban growth areas, and revise the urban growth area boundaries, if necessary, to ensure they are appropriately sized to accommodate the projected growth within the planning period.

Policy 2S-2	Ensure that land use plans provide for development at urban densities within the 20-year planning period.
Policy 2S-3	<p>Facilitate phasing of development within urban growth areas as follows:</p> <ul style="list-style-type: none"> • Require at least ten acre minimum lot sizes within unincorporated portions of urban growth areas until public facilities and services are provided to serve such development at urban levels of service. • Recognizing that UGAs are sized to accommodate urban growth over a 20 year period and that all land within UGAs will not be required to meet urban land needs immediately, allow Agriculture and Rural Forestry zoning designations, 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.
Policy 2S-4:	Coordinate with cities to maintain a land capacity analysis methodology that is consistently applied to all urban growth areas, including a common definition of net developable land. When determining urban land needs, assume that urban densities will be developed within UGAs over the 20-year planning period.
Policy 2S-5:	Annually monitor population growth and publish a report no later than November 1 of each year that analyzes population growth trends over five years in comparison with the adopted population growth projections. If the trend over five years indicates that population growth in urban growth areas is significantly higher than adopted projections, coordinate with the cities to consider appropriate action. Actions may include amending growth projections, or amending urban growth area densities or boundaries.
Goal 2T:	Establish Urban Growth Areas within which annexations and urban levels of development can occur and outside of which urban levels of development will not occur. This is intended to be a sprawl preventing measure.
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 the 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 into 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.

Bellingham

Bellingham's Urban Growth Area (UGA) was first established in 1997 as a result of a lengthy public involvement process. Three geographical areas comprise the City's UGA: Bellingham's Northern UGA, the Geneva/Watershed Resource Protection UGA, and the Yew Street UGA.

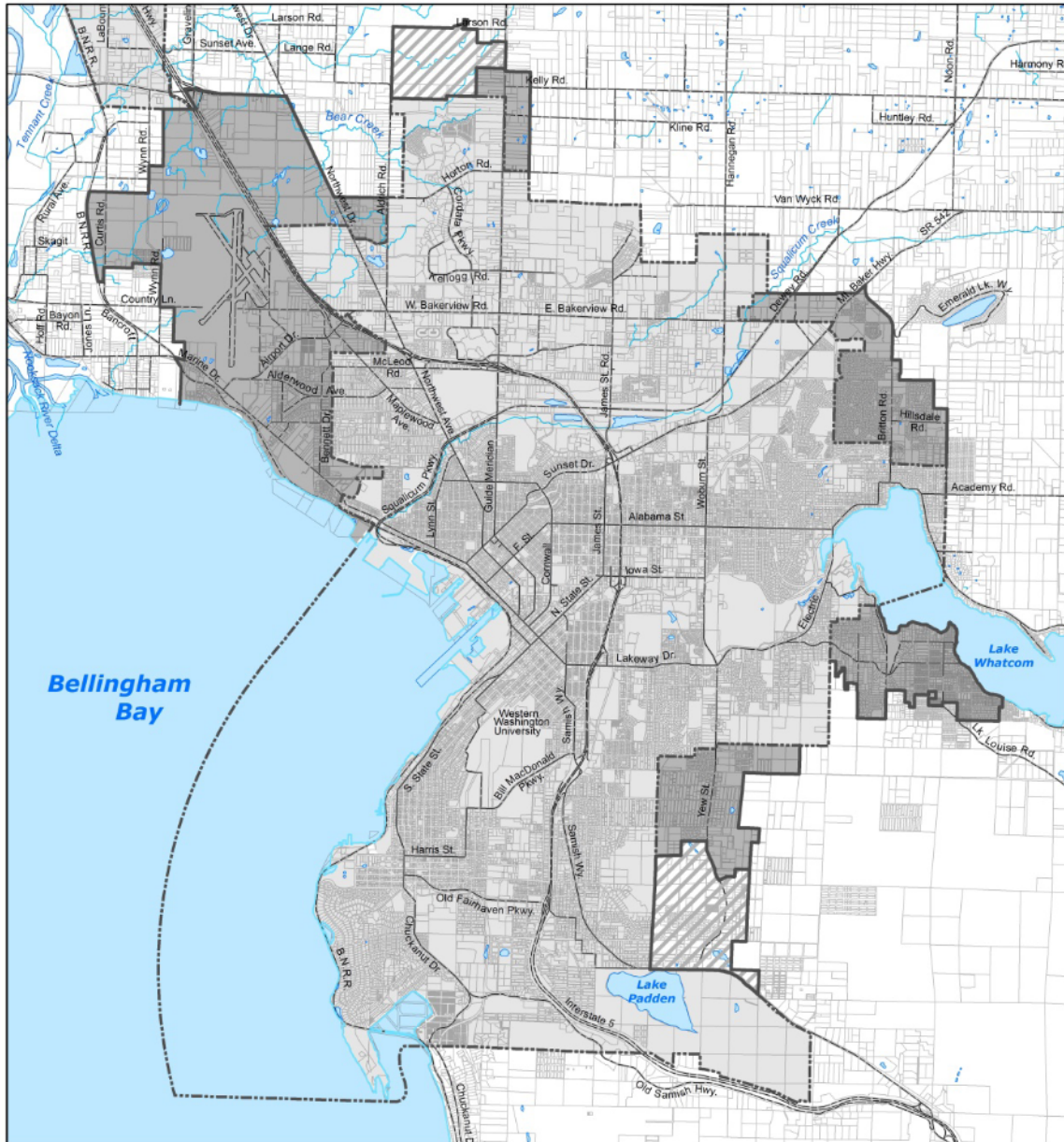
The Whatcom County Comprehensive Plan, along with the Urban Fringe Subarea Plan, provides the policy framework for addressing the impacts and opportunities of growth in Bellingham's UGA. Together, these plans address County zoning designations, comparable City zoning upon annexation, land uses, development standards and Transfer of Development Rights from the Lake Whatcom Watershed to receiving areas in the UGA. They address a number of important objectives related to plan development, public participation, land use, housing, density, the natural environment, open space, parks, recreational opportunities, transportation, utilities and other public services. Urban Fringe Subarea Plan updates will be made in the context of the Growth Management Act planning goals, the Countywide Planning Policies, the UGA goals and policies of the Whatcom County Comprehensive Plan and Bellingham's Comprehensive Plan.

Goal 2U:	Evaluate every eight years or as necessary Bellingham’s Urban Growth Area to determine if the UGA is sufficient in size to accommodate twenty year growth projections, provide an adequate supply of affordable housing, industrial, commercial and recreational development and recognize historical development patterns and commitments for service.
Policy 2U-1	Consider new data, research and public participation when conducting the UGA review.
Policy 2U-2:	Periodically update procedures for joint city/county review of development proposals in the UGA prior to annexation.
Policy 2U-3:	Work with Bellingham to identify and establish a system of neighborhood parks, greenbelts and open space to serve the urban growth area as it develops.
Policy 2U-4:	Review land supply analysis and consider appropriate urban growth area boundaries consistent with the Growth Management Act and Countywide Planning Policies.
Policy 2U-5:	<p>Review and update the interlocal agreement with Bellingham, prior to expiration of the current interlocal agreement, to provide for:</p> <ul style="list-style-type: none"> • Coordinated growth management and capital facility planning; • timing and provision of utility services and other urban services; • timing and procedures to be used for review of adequate land supply; • timing of annexations; • revenue sharing formulas prior to and after annexation; • development standards and regulations; • joint City/County review of development proposals in the UGA; • affordable housing; and • a density credit program and/or transfer of development rights within the City of Bellingham.
Policy 2U-6:	Whatcom County and Bellingham should continue to coordinate protection and development within the
Watershed.	
Policy 2U-7:	Whatcom County and Bellingham should designate areas that can accommodate density bonuses in association with a density credit program and/or receiving areas within the City of

- Bellingham and its UGA for Transfer of Development Rights from the Lake Whatcom Watershed.
- Policy 2U-8: The City and Whatcom County should designate appropriate zoning and residential densities in Bellingham’s UGA consistent with Whatcom County’s Comprehensive Plan and Bellingham’s Comprehensive Plan as amended.
- Policy 2U-9: Annexation should be considered prior to or concurrently with the extension of City sewer and water and prior to urban development. Annexations should be a logical extension of the city boundaries and not create unincorporated islands.
- Policy 2U-10: The Geneva and Hillsdale areas, located within the Lake Whatcom Watershed, are designated urban growth areas in order to allow the City of Bellingham to annex these areas. The City has a long-term interest in the water quality of Lake Whatcom because the City is responsible for providing Bellingham with safe drinking water from the Lake. Whatcom County and the community also have long-term interests in the watershed based upon the special environmental sensitivity of the Lake Whatcom Watershed as a drinking water source and the Total Maximum Daily Load (TMDL) findings requiring a reduction of phosphorus inputs into the lake. Therefore, only non-urban densities should be allowed in that portion of the Urban Growth Area within the watershed.

Whatcom County | Comprehensive Plan

Map UGA-1



- Bellingham Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Blaine

Blaine is the northwestern-most city in Whatcom County. The city is divided by Drayton Harbor into two parts: central Blaine and the Semiahmoo area to the west. These two areas are distinctly different areas of Blaine. The central area is a traditional northwestern city with a vibrant downtown surrounded by neighborhoods of single family houses. The central area includes an extension of largely undeveloped, incorporated land about 3 miles out H Street. The Resort at Semiahmoo is located in west Blaine.

Both the County and the City of Blaine are concerned about water quality in Drayton Harbor. Drayton Harbor has a rich history as a shellfish resource. Studies have shown that fecal coliform levels in Drayton Harbor are high and have led to the closure of shellfish harvesting beds. Harvest has been restricted due to fecal pollution since 1952 with closures beginning in 1988. In 1995 the Drayton Harbor Shellfish Protection District was established. Drayton Harbor was entirely closed to commercial shellfish harvest in 1999. In 2004, 575 acres were upgraded to conditionally approved with closures occurring after heavy rainfall. Currently the conditionally approved portion is closed from November through February. Several waterbodies in the watershed are on the 303(d) list, including California and Dakota Creeks. In 2007, the County adopted an update to the Drayton Harbor Shellfish Protection District Recovery Plan. This plan reflects the success of reopening some areas for shellfish harvesting in 2004 and outlines future plans for Drayton Harbor restoration. In 2014, the City initiated a three-year project intended to identify point and nonpoint sources of pollution and take corrective action. The study targets Cain Creek, which also contributes pollutants to the Harbor through tidal flushing from Semiahmoo Bay. Land uses throughout the watershed contribute to water quality in the Harbor and efforts by both the County and the City are necessary to manage water quality.

The City of Blaine provides public sewer, water, stormwater, and police services. Public schools for the area are operated and maintained by the Blaine School District. Fire protection services are provided by North Whatcom Fire and Rescue (Fire District # 21).

Areas included in the UGA – (Map UGA-2)

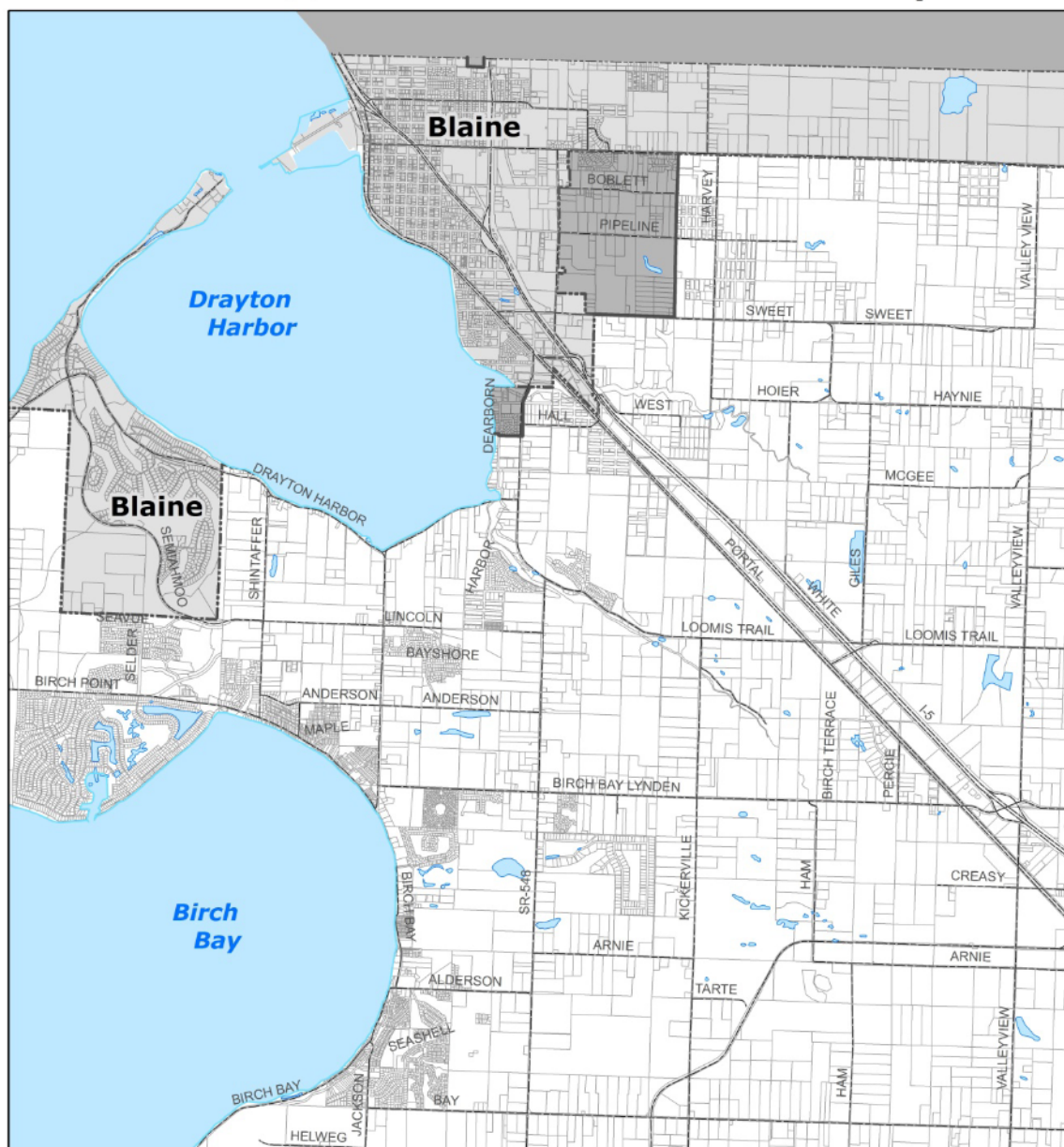
As part of the 2009 UGA Update, portions of the Blaine UGA were removed to place Blaine's land supply in closer relationship to its projected population growth. Only the eastern portion of the unincorporated UGA and a small area south of the city remain in the UGA. The rest of the UGA has reverted to a Rural designation.

Goal 2V: Provide a sufficient Urban Growth Area for Blaine to accommodate future growth needs, ensure adequate housing, commercial and industrial land supplies and meet Growth Management Act and county land use goals.



- Policy 2V-1: Work cooperatively with Blaine to increase critical area protection and water quality controls sufficient to protect shellfish harvesting and marine resources in Drayton Harbor.
- Policy 2V-2: Encourage Blaine to implement infill policies in the *Blaine Comprehensive Plan*.
- Policy 2V-3: Readjust the Urban Growth Area as urban services are planned and need is demonstrated.
- Policy 2V-4: Ensure that adequate capital facilities can be provided to the Blaine Urban Growth Area.
- Policy 2V-5: Review and update the interlocal agreement with Blaine, prior to expiration of the current interlocal agreement, to provide for:
- Coordinated growth management and capital facility planning;
 - County maintenance of 10-acre zoning for the UGA which would allow urban densities to develop only with extension of city water and sewer;
 - identification of needed capital improvements and establishment of funding mechanisms;
 - timing and procedures to be used for review of adequate land supply; and
 - consistency with the Coordinated Water System Plan.

Whatcom County | Comprehensive Plan

Map UGA-2

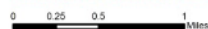


- Blaine Urban Growth Area

-  Incorporated City
-  Urban Growth Area

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Everson

Everson urban growth area is located in central Whatcom County, northeast of Bellingham. The City and its UGA serve the surrounding area as a commercial, retail and industrial center. The entire UGA is accessible by two major state highways—SR-544 and SR-9—that connect the city to the Canadian border and to points further south. The Burlington Northern railway passes through the eastern portion of the UGA.

Flood prone areas, preservation of agricultural resource land, appropriate use or reuse of adjacent mineral resource lands and provision of adequate urban level services are among the factors considered in determining the City of Everson Urban Growth Area boundary.

The City is bisected by the Nooksack River, which periodically floods and inundates parts of downtown Everson. Lying to the south of Everson are mineral resource lands and several active gravel mines.

Everson UGA is also adjacent to agricultural lands. County goals include working cooperatively with the City of Everson to enhance or maintain the county's agricultural land base.

The City of Everson provides public sewer, water, stormwater, and police services, while public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 1.

The urban growth area for Everson is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Everson to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

*Areas included in the UGA – (Map UGA-3)***East**

This area, located east and south of the existing city limits, straddles State Route 9 and adjacent rail access, and drops below the southern boundary of City of Nooksack. The proposed uses for this area are industrial to the east and residential to the west of SR 9.

North

An area northwest of Everson is included in the UGA to allow expansion of the existing Everson Riverside Park.

West

The most likely place for future development is in the upland areas located west of the city limits, adjacent to existing residential development, and with a public

school in close proximity. Proposed future zoning for this area includes a mix of uses including industrial, commercial, and residential.

South

An area to the south of the existing city limits is in the UGA. This land is outside of the floodplain and adjacent to existing residential and industrial uses.

Goal 2W: Provide an Urban Growth Area for Everson which accommodates future growth needs and recognizes constraints imposed by Nooksack River flooding and adjacent designated agriculture and mineral resource lands.

Policy 2W-1: Work with Everson to adopt measures to limit development in floodplains.

Policy 2W-2: Recognize adjacent mineral resource lands as potential urban development areas and work with Everson and land owners to develop an environmentally safe plan to facilitate this conversion.

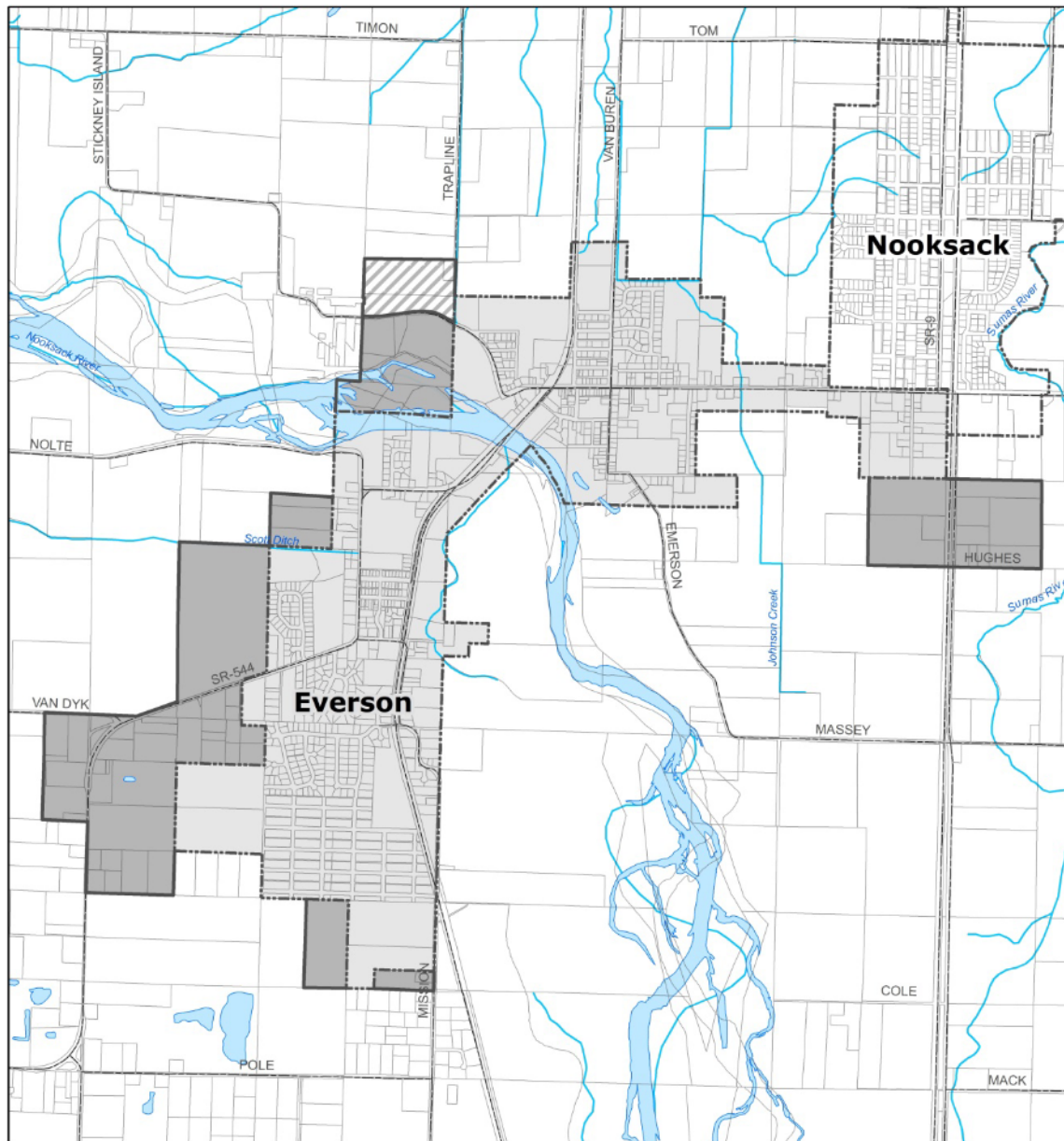
Policy 2W-3: Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Everson wellfield.

Policy 2W-4: Review and update the interlocal agreement with Everson, prior to expiration of the current interlocal agreement, to provide for:

- Coordinated growth management and capital facility planning;
- identification of needed capital facility improvements and funding mechanisms;
- timing and procedures to be used for review of adequate land supply;
- consistency with the Coordinated Water System Plan;
- cooperation regarding conversion of mineral resource lands; and
- long term measures to assure compatibility with resource lands.

Whatcom County | Comprehensive Plan

Map UGA-3



- Everson Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Ferndale

County goals encourage Ferndale to develop residentially zoned areas at overall average net densities of six to ten units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slope, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure, and open space.

Issues in defining the Ferndale Urban Growth Area include protection of wetlands, provision of serviced industrial land, inclusion of sufficient land with planned services to accommodate projected urban growth, proximity to the Bellingham UGA and proximity to the North Bellingham Rural Neighborhood.

The Grandview Industrial area is included in the urban growth area. This supports the policies in the Economics chapter of this plan to provide a sufficient supply of serviced industrial land.

Ferndale will provide most of the urban governmental services within the Urban Growth Area, including public sewer, water, stormwater and police services. Public schools for the area are operated and maintained by the Ferndale School District. Fire protection services are provided by Fire District #7.

Areas included in the UGA – (Map UGA-4)

North

The Urban Growth Area extends north to include the industrial area around the Grandview Road/I-5 interchange. A certain area between the Grandview industrial area and the Ferndale city center is designated Urban Growth Area Reserve, as this area has been identified as a logical extension of the Urban Growth Area in the future.

West

Areas west of the city are included in the UGA, as these areas are generally located in proximity to existing water lines, sewer lines, City streets and/or schools.

South

Land southeast of the City, near the intersection of I-5 and Slater Rd., is included in the UGA to accommodate commercial development. The State, Whatcom Council of Governments, Whatcom County, City of Ferndale, City of Bellingham, Lummi Nation, and Port of Bellingham are coordinating long-range transportation improvements in the Slater Rd. area.

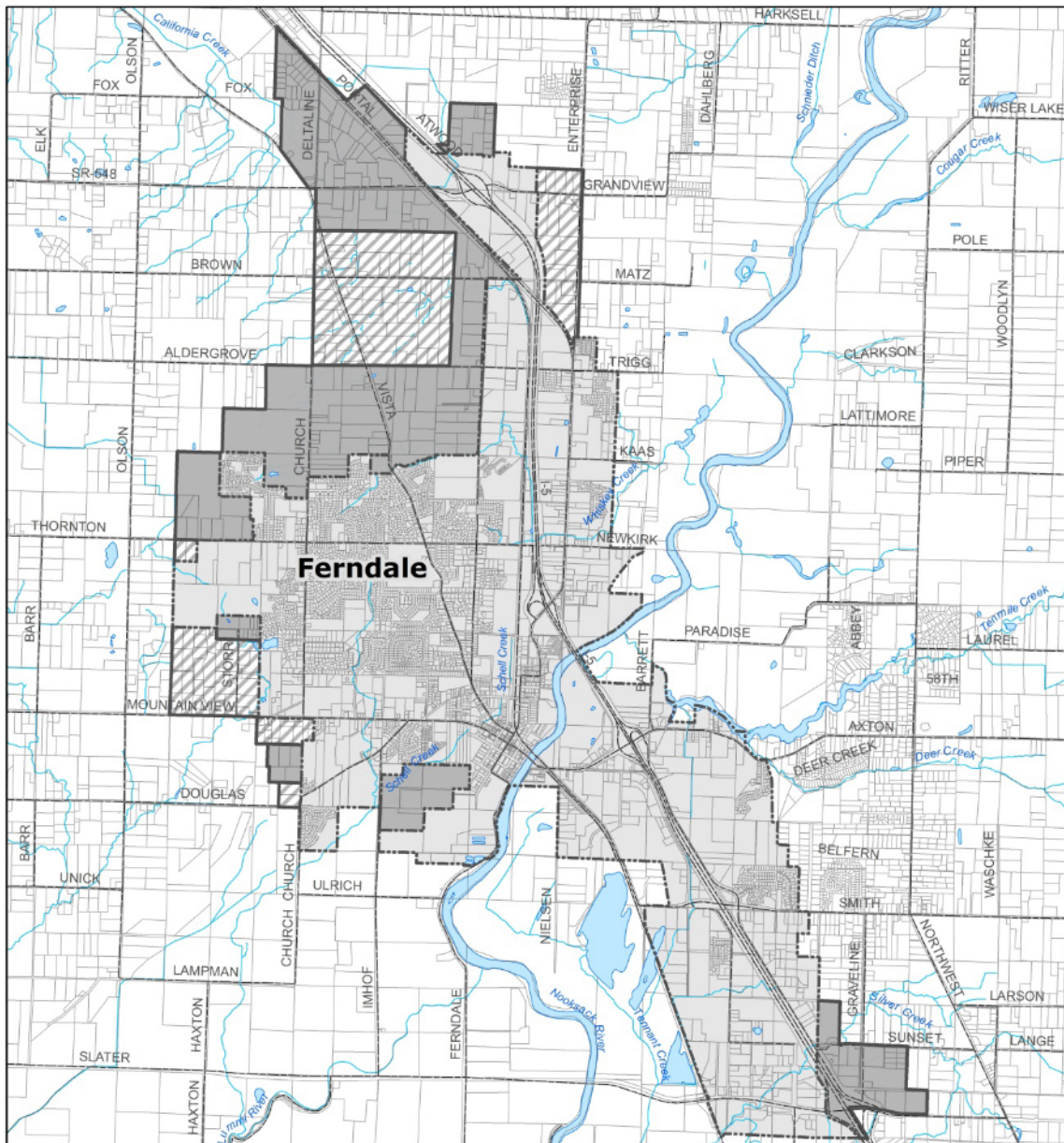
Goal 2X: Provide a sufficient Urban Growth Area for Ferndale to accommodate future growth needs, meet Ferndale’s long-term vision and attain Growth Management Act and county land use goals.

Policy 2X-1: Support City of Ferndale planning efforts for infill development within the existing city limits and development of its UGA.

- Policy 2X-2: Ensure that adequate capital facilities can be provided to the Grandview Industrial area within a timely fashion to accommodate development of the area.
- Policy 2X-3: Establish a revenue sharing agreement which fairly compensates the county if a loss of revenue from the Grandview Industrial Area exceeds reduction in associated costs.
- Policy 2X-4: Encourage Ferndale to work towards development of a "wetland bank" to mitigate impacts of development on scattered wetland areas within the city.
- Policy 2X-5: Review and update the interlocal agreement with Ferndale, prior to expiration of the current interlocal agreement, to provide for:
- Coordinated growth management and capital facility planning;
 - policies regarding utility service outside the UGA;
 - identification of needed capital facility improvements and funding mechanisms;
 - zoning designations and density within the UGA;
 - coordination with the county of greenbelts and open space;
 - timing and procedures to be used for review of adequate land supply; and
 - consistency with the Coordinated Water System Plan.

Whatcom County | Comprehensive Plan

Map UGA-4



- Ferndale Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Lynden

County goals encourage Lynden to develop residentially zoned areas at average net densities of six to ten units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure, and open space.

Issues in defining the Lynden Urban Growth Area include preservation of agricultural resource lands and accommodating projected urban growth over the planning period. Lynden is surrounded by agricultural resource lands. The Growth Management Act requires cities to protect adjacent resource lands through the adoption of buffers or the regulation of uses.

The city of Lynden provides public water, sewer, stormwater, police and fire protection services. The City of Lynden and the Washington State Department of Ecology have an existing dispute over the city's water rights. The city has entered into a memorandum of agreement (MOA) with Ecology to address long-standing water right issues. The Lynden School District also serves the area.

The Lynden Urban Growth Area has been designated to provide a sufficient land supply for Lynden and minimize impact on adjacent agricultural resource land.

Areas included in UGA – (Map UGA-5)

North

Land in the northwest area of Lynden has been included in the UGA. While this is prime agricultural land, it is logically located for service provision and is necessary to adequately accommodate Lynden's growth needs through the 20-year planning period. The City of Lynden has been the lead in developing the Pepin Creek realignment project in the UGA for the last 10 to 15 years. This has involved coordination with the County, WSDOT, WDFW, DOE, North Lynden Watershed Improvement District and other impacted shareholders. This project would realign deep roadside ditches along Benson Road and Double Ditch Road into a single stream channel roughly centered between the two. The project is intended to address flooding, fish habitat, and roadside drainage that impacts water quality and creates narrow roadways without adequate shoulders. It will also provide a new trail corridor and provide space in the existing right-of-ways for bike and pedestrian movements.

West

A large amount of land located west of Lynden is included to facilitate industrial and commercial growth for the City of Lynden and accommodate a city stormwater detention facility.

South

There are several relatively smaller areas south of Lynden in the UGA.

- Goal 2Y:** **Provide an Urban Growth Area for Lynden of sufficient size to accommodate future growth, protect the existing character of Lynden, and minimize impact on county resource lands.**
- Policy 2Y-1: Ensure that conditional uses in the agricultural zone do not discourage the development of such uses within the City of Lynden.
- Policy 2Y-2: Work with Lynden to develop long term measures to assure compatibility of adjacent uses to designated agricultural resource lands.
- Policy 2Y-3: Review and update the interlocal agreement with Lynden, prior to expiration of the current interlocal agreement, to provide for:
- Coordinated growth management and capital facility planning;
 - restrict extension of urban levels of service to the urban growth areas;
 - identification of needed capital facility improvements and establishment of funding mechanisms;
 - zoning designations and density within the UGA;
 - timing and procedures to be used for review of adequate land supply; and
 - consistency with the *Coordinated Water System Plan* and demonstration of sufficient water rights for current and projected needs.
- Policy 2Y-4: Land uses that are incompatible with the operation of the Lynden Airport should be discouraged when rezoning land in the Urban Growth Area west of Benson Rd. and south of Badger Rd. Specifically, Whatcom County should follow the process set forth below when considering whether a proposed rezone discourages incompatible land uses:
- Determine whether any land in the proposed rezone is within zone 1 (runway protection zone), zone 2 (inner approach/departure zone), or zone 3 (inner turning zone) as shown on Safety Compatibility Zone Example 1 from the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, p. 9-38).
 - Compare the land uses allowed by the proposed zoning with the Basic Safety Compatibility Qualities for zones 1, 2, and 3 and the Safety Compatibility Criteria Guidelines for zones 1, 2, and 3 in the *California Airport Land Use Planning*

Handbook (Shutt Moen Associates, January 2002, pp. 9-44 and 9-47) and identify incompatible land uses.

- Determine whether land in zone 1, 2 or 3 is proposed for a zoning district that allows residential land uses, schools, day care centers, hospitals, nursing homes, or above ground bulk fuel storage.
- Unless no alternatives are feasible, require residential land uses, schools, day care centers, hospitals, and nursing homes to be clustered or otherwise located outside of zones 1, 2 and 3 and require above ground bulk fuel storage to be located outside of zones 1, 2 and 3. The intent is to preserve as much open space as possible in zones 1, 2 and 3.

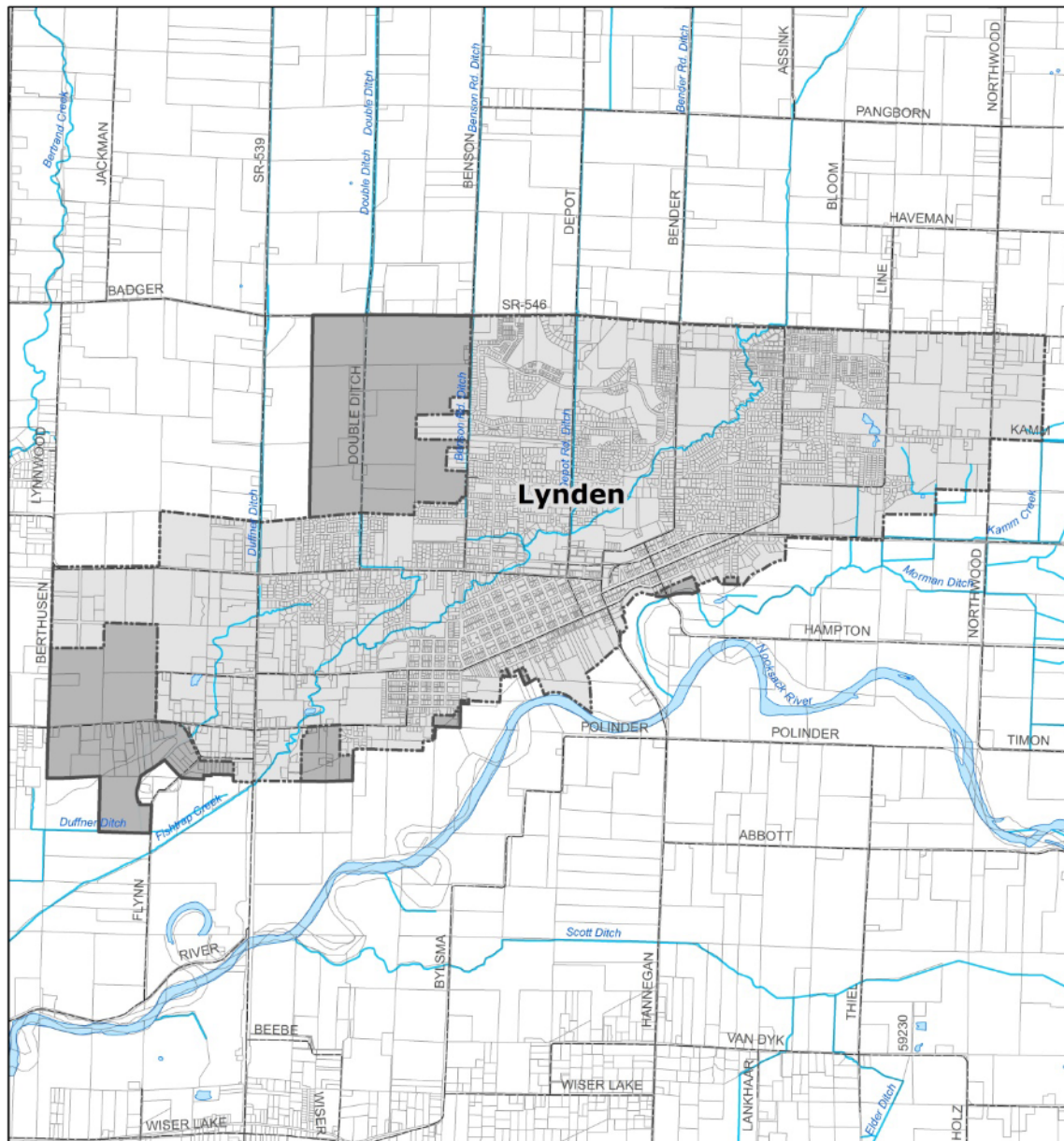
Policy 2Y-5:

Land uses that are incompatible with the operation of the Lynden Airport should be discouraged if expansion of the Urban Growth Area west of Benson Rd. and south of Badger Rd. is considered. Specifically, the Lynden Urban Growth Area should not be expanded in this area unless it can be demonstrated that:



- Residential land uses, schools, day care centers, hospitals, nursing homes, and above ground bulk fuel storage would be clustered or otherwise located outside zone 2 (inner approach/departure zone), zone 3 (inner turning zone), and zone 4 (outer approach/departure zone) as shown on Safety Compatibility Zone Example 1 from the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, p. 9-38).

Whatcom County | Comprehensive Plan

Map UGA-5



- Lynden Urban Growth Area

-  Incorporated City
-  Urban Growth Area

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Nooksack

The Nooksack urban growth area is located in central Whatcom County, northeast of Bellingham. The UGA is located immediately to the east and northeast of the City of Everson, and is served by a major state highway, SR 9 that connects the City to the Canadian border and to points further south. From points south, Burlington Northern railway passes through the town center, on the way to Canada.

The Community's expressed vision is to maintain an atmosphere of safe and friendly family living in a small town rural setting, while protecting and enjoying the natural environment and agricultural lands of the surrounding area, and promoting development of new jobs and businesses.

Flood prone areas, preservation of agricultural resource land, appropriate use or reuse of adjacent mineral resource lands, and provision of adequate urban level services, are among the factors considered in designating the City of Nooksack Urban Growth Area boundary. The Nooksack UGA is located entirely within the Sumas River watershed, with portions of the City's eastern boundary following the Sumas River as it flows north toward Sumas and British Columbia, Canada. Nooksack is surrounded on all sides by physical constraints that present challenges to development. West of the city limits is the Nooksack River floodplain with a history of recurrent flooding, and east of the city are the Sumas River, Breckenridge Creek, and Swift Creek, all of which are prone to flooding. Mineral resource designated lands with active mining operations are located northeast of the city limits. The Nooksack UGA includes areas with high aquifer recharge susceptibility, protected by City and County critical areas regulations.

Nooksack UGA is surrounded by agricultural land, or rural land with agricultural soils on nearly all sides. County goals include working cooperatively with the City of Nooksack to enhance or maintain the county's agricultural land base.

The City of Nooksack collects and transmits wastewater to City of Everson's Sewage Treatment Plant for treatment. Both cities provide funding for operation and maintenance of Everson's sewer treatment facility.

The City of Nooksack has a Water System that provides water to the City and a portion of the UGA. The City of Nooksack purchases water from the City of Sumas per the terms of a mutual supply agreement between Sumas and Nooksack and the Nooksack Valley Water Association (NVWA). Sumas has water rights to provide City of Nooksack with adequate supply necessary to support projected growth. Public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 1.

The urban growth area for Nooksack is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Nooksack to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas

with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

Areas included in the UGA – (Map UGA-6)

North

Land northwest of the existing city limits, north of Tom Rd., has been included in the Urban Growth Area. This land is mostly located outside the floodplain and, after annexation, is planned for future industrial development.

East

Land east of the existing city limits and north of Breckenridge Creek has been included in the Urban Growth Area. This land is mostly located outside floodplains, and upon annexation Nooksack has indicated a willingness to provide urban services. This area currently contains the Nooksack Elementary School and an adjacent cemetery, both of which are considered public uses. The majority of the remaining area is planned for residential development.

South

Land south of the existing city limits and east of SR 9 has been included in the Urban Growth Area. This land, formerly in the Everson Urban Growth Area, is planned for future residential and commercial development.

West

Land west of the existing city limits, adjacent to the Nooksack Valley Middle School, has been included in the Urban Growth Area. This land is located within the floodplain and, after annexation, is planned for ball fields.

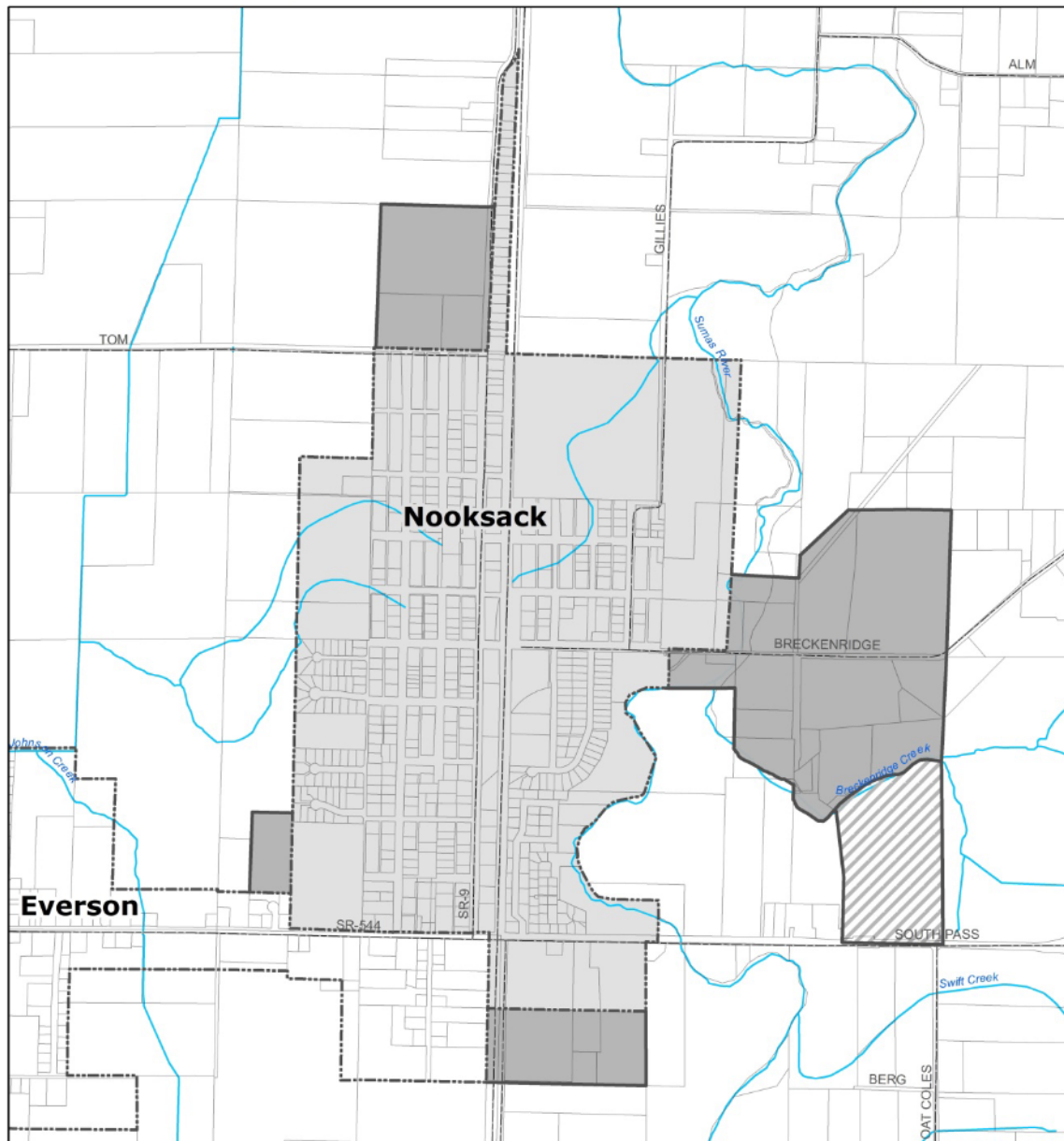
Goal 2Z: Provide an Urban Growth Area for Nooksack which accommodates future growth needs and recognizes constraints imposed by Nooksack and Sumas River flooding, and adjacent designated agriculture and mineral resource lands.

- Policy 2Z-1: Work with Nooksack to adopt measures to limit development in floodplains.
- Policy 2Z-2: Encourage Nooksack to pursue multifamily development and to adopt measures to develop within the existing city limits at increased densities.
- Policy 2Z-3: Ensure Nooksack can provide adequate urban services to accommodate projected population growth within the urban growth area.
- Policy 2Z-4: Review and update the interlocal agreement with Nooksack, prior to expiration of the current interlocal agreement, to provide for:

- Coordinated growth management and capital facility planning;
- identification of needed capital facility improvements and funding mechanisms;
- timing and procedures to be used for review of adequacy of land supply;
- consistency with the Coordinated Water System Plan;
- periodic reexamination of flood prone and agricultural areas;
- measures for protection of adjacent resource lands through control of incompatible uses and/or buffers; and
- long term measures to assure compatibility with resource lands.

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Map UGA-6



- Nooksack Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Sumas

The Sumas urban growth area is located in north central Whatcom County along the USA-Canada international border, with the communities of Everson and Nooksack to the southwest. The UGA is served by two state highways (SR 9 and SR 547) connecting the City to the Canadian border and extending to points further south and east. The Community's vision for the UGA is to take advantage of its location and function as an international border crossing to capitalize on commercial and retail economic opportunities presented by border traffic. The City has also expressed an interest in becoming a regional industrial center. The UGA is served by Burlington Northern railway.

Flood prone areas, preservation of agricultural resource land, and provision of adequate urban services, are among many factors considered in designating the City of Sumas Urban Growth Area boundary. The UGA and surrounding area consists of gently sloping terrain, tributary streams and creeks draining into the meandering northward flowing Sumas River. The UGA is also surrounded by designated agricultural land on all sides. County goals include working cooperatively with the City of Sumas to enhance or maintain the county's agricultural land base.

Urban level service capacities must be considered when establishing geographic boundaries to accommodate future urban growth. The City of Sumas has a Water System that serves the City. The City of Sumas owns and operates seven wells in two major well fields that provide a significant quantity of water within recognized water rights. City of Sumas supplies wholesale water to the Sumas Rural Water Association, the Nooksack Valley Water Association and the City of Nooksack.

City of Sumas collects and transports wastewater across the USA-Canada border for treatment in the City of Abbotsford, British Columbia, Canada, on a contractual basis. This agreement extends through the year 2028.

Public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 14.

The urban growth area for Sumas is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Sumas to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

Areas included in the UGA – (Map UGA-7)

An area south of Sumas and east of SR9 has been designated urban growth area to accommodate future growth needs.

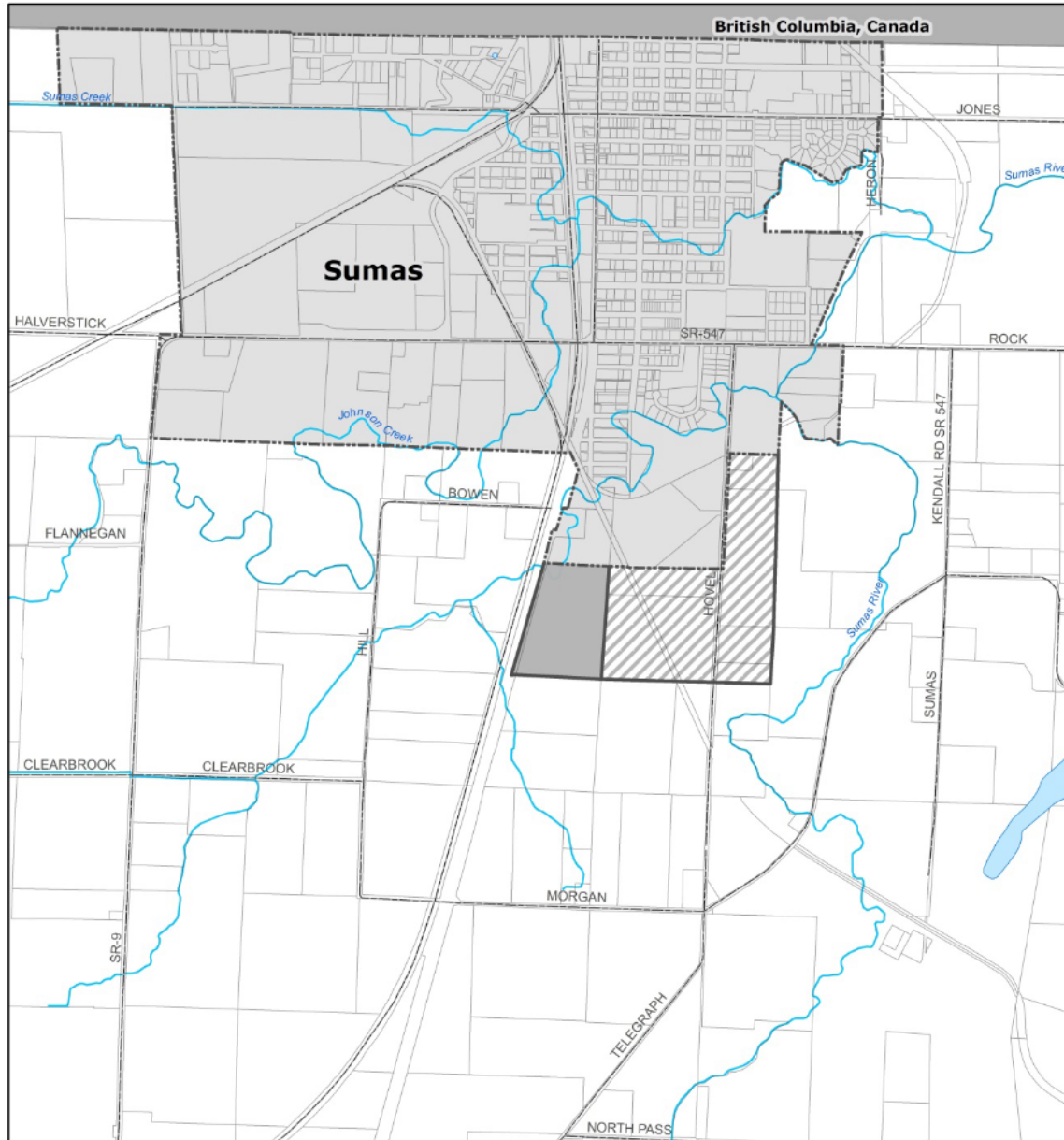
Goal 2AA: Provide an Urban Growth Area for Sumas which accommodates future growth needs and recognizes the unique constraints imposed by flooding of the Sumas

River and the Nooksack River and designated Agriculture lands.

- Policy 2AA-1: Ensure Sumas can provide adequate urban services within the urban growth area.
- Policy 2AA-2: Work with Sumas to adopt measures to limit development in floodplains.
- Policy 2AA-3: Encourage Sumas to increase densities for areas located outside the floodplain.
- Policy 2AA-4: Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Sumas City wellfield and May Road wellfield.
- Policy 2AA-5: Review and update the interlocal agreement with Sumas, prior to expiration of the current interlocal agreement, to provide for:
- Coordinated growth management and capital facility planning;
 - restriction of extension of urban levels of service outside the urban growth area;
 - identification of needed capital facility improvements and funding mechanisms;
 - timing and procedures to be used for review of adequate land supply;
 - consistency with the Coordinated Water System Plan;
 - protection of groundwater quality within the wellhead protection areas of the Sumas wellfields;
 - reexamination of the densities outside the floodplain to see if they can be increased; and
 - long term measures to assure compatibility with resource lands.

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Map UGA-7



- Sumas Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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Birch Bay and Columbia Valley Urban Growth Areas

The Birch Bay UGA and Columbia Valley UGA are unincorporated areas with sizable populations and substantial amounts of existing, residential/recreational development. These areas are characterized by a mix of permanent residents, recreational units and/or second home use, which reflects both the population growth that has occurred in the unincorporated areas of Whatcom County and the resort/recreational nature of these areas.

Birch Bay UGA

Birch Bay is a resort community which has historically been a second-home resort area with a trend toward permanent, often retirement homes. A high proportion are still second homes. However, the trend is shifting to more permanent residents because of the attractiveness of the Birch Bay area and the cost of housing in other areas of the county.

Water and sewer are provided by Birch Bay Water and Sewer District which has a network of water lines throughout most of the district. Birch Bay Water and Sewer District has the capability of providing sewer service to the entire urban growth area, but the present sewer system covers a much smaller geographic area than the water distribution system. The sewer service area also includes land which was removed from the Birch Bay Urban Growth Area.

The district purchases water under a contractual agreement from the City of Blaine. In April 2002, the District entered into a 30 year contract with the City of Blaine to purchase water adequate to serve the District's projected need for water through 2032. The District continues to work closely with Blaine as the need for water changes with updates to the population projections.

Between 2001 and 2003, a citizen group developed a Community Plan for the Birch Bay Urban Growth Area and surrounding rural area. The Birch Bay Community Plan, as revised, was adopted as a Subarea of the Whatcom County Comprehensive Plan in 2004 and provides more detailed background information and policy direction regarding growth and development within Birch Bay. Where there are conflicts between the Birch Bay Community Plan and the Whatcom County Comprehensive Plan, the County Comprehensive Plan shall prevail.

In 1992, an attempt was made to incorporate Birch Bay; however, it was defeated by the voters. In 2008, the county completed an incorporation feasibility study for the Birch Bay UGA which identified the issues with and benefits of incorporating. It concluded that Birch Bay incorporation was financially feasible given the community's tax base and service needs. The community has not made another attempt to incorporate as of 2015.

Columbia Valley UGA

Located in the northeast region of the developed portion of the county, the Columbia Valley UGA is the most populous area in the eastern part of Whatcom County.

The Columbia Valley area, like many other areas in Whatcom County, was originally developed to cater to a seasonal population, primarily Canadians who are allowed to spend up to six months per year in the United States. However, this area has become attractive for permanent residents and has transitioned to a higher percentage of year-round residents. The lots are affordable and the current and projected development will provide an available work force for economic development.

Columbia Valley includes two large subdivisions, Paradise Lakes and Peaceful Valley, which are located along both sides of Kendall Road (SR547). The UGA also includes several lakes, a wetland complex along Kendall Creek, and some undeveloped land. The Columbia Valley was originally designated as an urban growth area in 1999. Between 2000 and 2013, the population of the UGA has increased by approximately 30%. Additionally, the population increases in the summer because of the recreational units in the UGA.

Paradise Lakes has public roads and continues to utilize septic systems for sewage disposal. The Columbia Valley Water District (formerly Evergreen Water-Sewer District) provides public water service to residential and camper lots within the Paradise Lakes divisions. Peaceful Valley has private roads and a water and sewer system managed by Water District 13.

Public transit service is provided to the Columbia Valley/Kendall area by the Whatcom Transportation Authority (WTA). Local east-county law enforcement is provided by a Sheriff's Deputy that is based out of the East Whatcom Regional Resource Center. The small town of Kendall, located outside of the UGA, has a commercial district, fire station, and an elementary school.

Goal 2BB: Recognize Birch Bay and the Columbia Valley area as county urban growth areas, not associated with existing cities.

Policy 2BB-1: Work with the Birch Bay Water and Sewer District to foster water and sewer plans that are coordinated and consistent with the Whatcom County Comprehensive Plan. Work with Birch Bay Water and Sewer District and the City of Blaine to resolve any issues of jurisdiction.

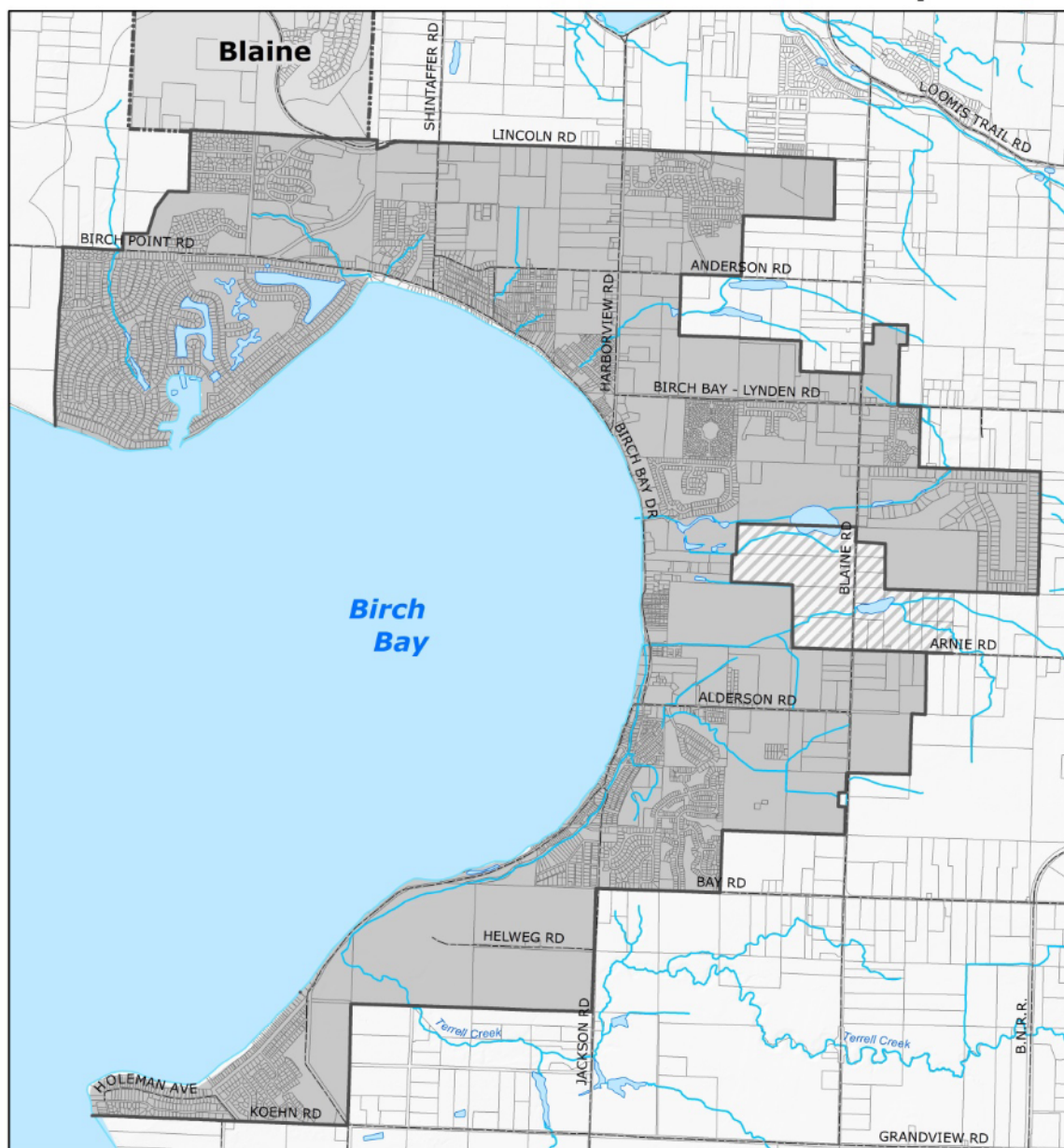
Policy 2BB-2: Work with North Whatcom Fire and Rescue, the Blaine School District, the Washington Department of Transportation and other interested parties to foster capital facility plans for the Birch Bay UGA that are coordinated and consistent with the Whatcom County Comprehensive Plan.

- Policy 2BB-3 Recognize the resort nature of Birch Bay, including the significant second home factor when analyzing land supply for urban growth area boundaries. Recognize the recreational nature of a portion of the Columbia Valley UGA when analyzing land supply for urban growth area boundaries.
- Policy 2BB-4: Birch Bay is unique with its traditional cottages on small lots that enhance the character of the area. In order to facilitate continuation of this traditional character, encourage small lot single family development in the Birch Bay UGA. Propose amendments to the Resort Commercial zoning district, applicable only to single family dwellings, that increase density to between 10 and 20 dwelling units/acre, reduce setbacks, and require pervious surfaces for driveways or other methods of stormwater infiltration.
- Policy 2BB-5 Encourage incorporation of Birch Bay when financial viability can be achieved without including the Cherry Point Industrial Area within proposed city boundaries.
- Policy 2BB-6: Recognize the impacts of tourist development on local residents in the Birch Bay and Columbia Valley UGAs and provide for mitigation of those impacts.
- Policy 2BB-7: Work with Water District 13 and the Columbia Valley Water District to foster water and sewer plans that are coordinated and consistent with the Whatcom County Comprehensive Plan.
- Policy 2BB-8 Work with Fire District 14, the Mount Baker School District, the Washington Department of Transportation and other interested parties to foster capital facility plans for the Columbia Valley UGA that are coordinated and consistent with the Whatcom County Comprehensive Plan. Capital facility plans should provide the information required by RCW 36.70A.070(3).
- Policy 2BB-9: Study the Columbia Valley UGA to identify the factors necessary to create an economically viable city, the implications of such development within the County overall, and make recommendations as to how and when incorporation should be initiated.
- Policy 2BB-10: Require unplatted areas in the Columbia Valley UGA to obtain “ability to serve” letters from schools, fire districts, and water and sewer service providers and demonstrate adequate road capacity in order to receive county approval for new subdivisions.
- Policy 2BB-11: For new subdivisions, encourage the use of clustering with adequate setbacks along Kendall Creek, Kendall and Sprague lakes, and wetlands to avoid environmental degradation of




- surface waters, to enhance/restore fish habitat relative to complying with listings under the Endangered Species Act, where they might apply, and to protect the aquifer underlying the Columbia Valley.
- Policy 2BB-12: For existing lots in the Columbia Valley UGA, encourage the use of appropriate stormwater best management practices and connection to public sewer to protect surface waters and the aquifer. Any new building permits on existing lots must be able to demonstrate that the water service is available to provide adequate water as a precondition to the issuance of a permit.
- Policy 2BB-13: Encourage use of low impact development (LID) standards in the Columbia Valley UGA.
- Policy 2BB-14: Recognize the need for light impact industrial land uses within the Columbia Valley Urban Growth Area. Consider establishing a light impact industrial zone located on the north side of Limestone Road in accordance with the policies of the Foothills Subarea Plan.
- Policy 2BB-15: Recognize the Columbia Valley UGA as a developing urban community with potential to establish a viable town center, which includes commercial uses, a variety of residential housing types, and institutional uses.

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Map UGA-8



-Birch Bay Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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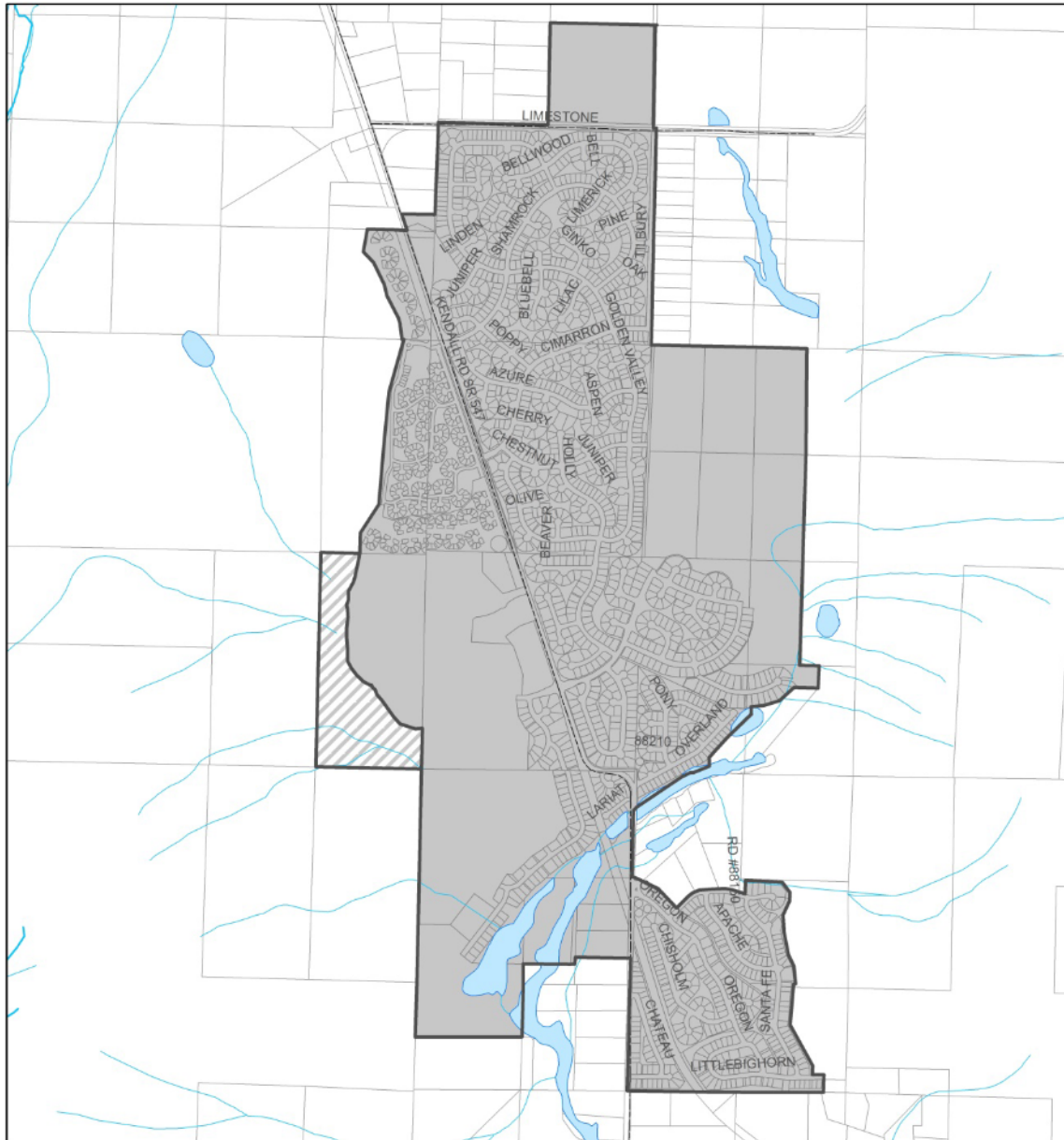
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Whatcom County | Comprehensive Plan

Map UGA-9



- Columbia Valley Urban Growth Area

- Urban Growth Area
- Urban Growth Area Reserve

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Major Industrial Urban Growth Area / Port Industrial

Cherry Point

The Cherry Point Urban Growth Area (UGA) contains approximately 7,000 acres of industrial land. The land has long been planned and designated by Whatcom County for industrial development and is currently the site of three major industrial facilities including two oil refineries and an aluminum smelter. Together, these three existing industries own about 4,400 acres of the total Cherry Point industrial lands. A fourth large tract of undeveloped land constituting approximately 1,500 acres is designated for industrial development.

Because of the special characteristics of Cherry Point, including deep water port access, rail access, and proximity to Canada, this area has regional significance for the siting of large industrial or related facilities. General Petroleum constructed the Ferndale Refinery in 1954, Alumax/Pechiney/Howmet constructed the Aluminum Smelter in 1966, and the Atlantic Richfield Company constructed the Cherry Point Refinery in 1971. The existing industries in the Cherry Point UGA, which provide significant employment, have produced and shipped refined fossil fuels and other products for decades.

Cherry Point is also important historically and culturally to the Coast Salish people, and part of the usual and accustomed fishing area for five treaty tribes, reserved under the Treaty of Point Elliot of 1855. The Lummi Nation and Western Washington University have identified an ancestral village dating back over 3,000 years ago in this area. The Cherry Point UGA contains sites of primary archeological and cultural significance.

Since the designation of this area for industrial development years ago, newer scientific study of the shoreline ecology has identified Cherry Point's unique function as part of the Fraser River/Georgia Strait and greater Salish Sea ecosystem and the associated Cherry Point Aquatic Reserve has been designated by the state Department of Natural Resources to recognize the ecological importance of the aquatic lands in this area.

Since adoption of earlier versions of this Comprehensive Plan, governments have increased their recognition of the observed and projected effects that fossil fuel extraction, transportation and use have on human health and the environment.

Environmental

The Cherry Point shoreline has great importance to the fisheries and ecology of Northern Puget Sound because it provides essential spawning habitat for what once was the largest herring stock in Washington State. This herring stock has supported important commercial fisheries in the past and provides forage for salmonids and other important marine species. In 2000, 2010, and 2017 the State Lands Commissioner ordered the Cherry Point tidelands and bedlands withdrawn from the state's general leasing program and designated them as the "Cherry Point Aquatic Reserve." The following DNR Use Authorizations are exempted from withdrawal: Lease application numbers 20-A09122 (British Petroleum), 20-A11714 (Phillips 66),

20-A08488 (Intalco Aluminum Corporation), and 20-010521 (Birch Bay Water and Sewer District). In December 2010, the DNR recognized the need to “protect the significant environmental resource of aquatic lands at Cherry Point” (CPAR Management Plan p. 1), and completed the Cherry Point Environmental Aquatic Reserve Management Plan to ensure long-term environmental protection of the Aquatic Reserve. The Reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation.

The overall purpose of the Cherry Point Aquatic Reserve (CPAR) is to ensure long-term environmental protection for local habitats and species (CPAR MP p. 1). Specific goals include protection and recovery (as applicable) of Cherry Point herring, Nooksack Chinook salmon, ground fish, marine mammals, seabird/duck and shorebird communities, Dungeness crab, and submerged native aquatic vegetation (CPAR MP p. 2). Another goal is to cooperate with other stakeholders “to minimize and reduce identified impacts of human activities on the species and habitats within the Reserve” (CPAR MP p. 2).

Much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing shoreline and upland stream and wetland functions and values are of continuing importance to the recovery and protection of species identified in the Aquatic Reserve Management Plan. The area includes undeveloped intertidal wetlands with importance to juvenile salmon and other species. Existing industries can serve the Aquatic Reserve’s objectives so long as they are managed according to the Plan and so long as the lessees actively work to further goals for the Reserve (CPAR MP p. 2).

The County and industrial users have long recognized that the Cherry Point area exhibits a unique set of characteristics that makes land there not only locally but regionally important for the siting of major industrial developments. Deep water access for shipping is a critical locational factor. These characteristics were articulated in the Overall Economic Development Plan (OEDP) for Whatcom County adopted by the Whatcom County Council of Governments in May, 1993, in the 1997 Property Counselors Report on supply and demand for industrial land in Whatcom County and at Cherry Point, the 2002 Greater Whatcom Comprehensive Economic Development Strategy, the 2003 Whatcom County Industrial Land Study, and the 2015 Whatcom County Comprehensive Economic Development Strategy.

The United States Congress approved the “Magnuson Amendment” in 1977 in order to restrict tankers carrying crude oil in the Puget Sound area. Congress found that Puget Sound and the adjacent shorelines were threatened by the increased possibility of vessel collisions and oil spills. Therefore, Congress restricted federal agencies from issuing federal permits as follows:

. . . no officer, employee, or other official of the Federal Government shall, or shall have authority to, issue, renew, grant, or otherwise approve any permit, license, or other authority for constructing, renovating, modifying, or otherwise altering a terminal, dock, or other facility in, on, or immediately adjacent to, or affecting the navigable waters of Puget Sound, or any other

navigable waters in the State of Washington east of Port Angeles, which will or may result in any increase in the volume of crude oil capable of being handled at any such facility (measured as of October 18, 1977), other than oil to be refined for consumption in the State of Washington.

Whatcom County does not enforce the Magnuson Amendment through the local permitting process. However, the County does encourage federal agencies to enforce the Magnuson Amendment. Therefore, the County will strive to make appropriate federal agencies aware of applications for development permits submitted to the County that may be subject to federal agency review under the Magnuson Amendment before issuing local permits when possible (see Policy 2CC-15).

Cherry Point UGA Features

The characteristics that make Cherry Point unique as a site for major industrial developments include the following:

Port Access

The marine waters off Cherry Point provide deepwater access for shipping. Deepwater access for shipping was a major siting consideration for the three major industries currently located at Cherry Point.

Rail Access

Cherry Point is served by a branch line of the BNSF Railway mainline serving western Washington. Rail service is considered to be vital to statewide as well as local interests for the competitive movement of freight. Rail service is particularly important in relation to waterborne commerce. The Cherry Point area has the rail access to support marine terminals and industrial users in the area. Cherry Point industries use rail to ship and receive multiple feedstocks and products. Both the Cherry Point Refinery and the Ferndale Refinery receive crude oil shipments by rail.

Proximity to Canada, Alaska and Foreign Ports

Cherry Point occupies a unique location for the siting of industry because of its close proximity to Canada and because of its shorter travel distance than other regional port facilities for shipping to and from Alaska and to other Pacific Rim locations. The large acreage, good rail access and proximity to Washington State and Canadian ports makes the remaining upland area at Cherry Point suitable for commercial or industrial production with emphasis on major sustainable clean energy manufacturing or production (see Policy 2CC-3). The Cherry Point industrial area benefits from proximity to Canada, as trade between the U.S. and Canada grows in response to the lifting of trade barriers under the Free Trade Agreement. Canadian exports to the U.S. are expected to increase and Canadian firms exporting to the U.S. are expected to seek locations in the U.S. as a way of improving access to U.S. markets. Compared to other port facilities in Washington and Canada, Cherry Point is not constrained by extensive upland development or vessel draft limitations.

Presence of Necessary Utilities and Infrastructure

Cherry Point is a major industrial area in Whatcom County. The Ferndale Refinery was constructed in 1954, the Aluminum Smelter in 1966, and the Cherry Point Refinery in 1971. The infrastructure to support these industries and future industrial users at Cherry Point is in place and includes the following:

Electric Power

Electric Power is available from three providers in the Cherry Point area: Puget Sound Energy, Public Utility District #1 (PUD #1), and Bonneville Power Administration.

Puget Sound Energy owns two electrical generating facilities at Cherry Point. The electricity generated by these two facilities can be transmitted outside the region into the grid for supply to Puget's customers or some of it can be consumed by Cherry Point customers through interties with the PUD #1. Puget Sound Energy also acquires power from outside the region and transmits it via their transmission grid into Cherry Point. The Cherry Point Refinery purchases electrical supply on the market and pays Puget Sound Energy to transmit the power and operate distribution systems to provide that power to the refinery.

PUD #1 purchases electricity from the Bonneville Power Administration and takes ownership of that power at the Bonneville substation in Bellingham and then transmits it over its transmission line to Cherry Point to serve the Ferndale Refinery.

PUD #1 and Puget Sound Energy have interties at Cherry Point allowing the transmission of power in and out of Cherry Point depending on the amount of power generated and consumed at Cherry Point.

The Bonneville Power Administration supplies power directly to the aluminum production facility.

Water

Whatcom County Public Utility District #1 currently provides industrial process water to all major industrial facilities at Cherry Point and has additional water available to provide process water to properties that are currently undeveloped. PUD # 1 also operates a small system to provide potable water to one industry (Praxair). Birch Bay Water and Sewer District provides potable water to the Cherry Point Refinery. The other industries operate their own water treatment facilities to provide potable water for their facilities. Existing industries consume large quantities of water, in many cases drawn from the Nooksack River. It is the County's policy to support renewed efforts to reduce both water consumption levels and the quantity of discharges, in favor of recycled water use (see Policy 2CC-3 and Policy 2CC-10).

Sewer

Sewer service is not typically required for large industrial developments. Most of the existing industrial users provide their own onsite sewage treatment and wastewater

treatment. Sewer service for domestic wastewater is provided to the Cherry Point Refinery by the Birch Bay Water and Sewer District. If and when sewer service should become necessary for other industries, service could be provided on a contractual basis with the Birch Bay Water and Sewer District, which borders the Cherry Point industrial area on the north.

Natural Gas

Natural gas is currently available at Cherry Point.

All-weather Roads

Grandview and Slater roads, the major east-west connectors between Cherry Point and Interstate-5, provide all-weather road access to Cherry Point.

Use Compatibility and Land Use Designation

The industries currently located at Cherry Point are a substantial part of the economic base of Whatcom County and the region and the economic welfare of the county is strongly tied to the health of these industries and their ability to flourish and expand as opportunities present themselves. These industries need to be protected from the inappropriate encroachment of incompatible uses; particularly residential uses that could affect their ability to expand, at the same time, the expansion of these industries needs to be done in ways that do not significantly impact the ecology of the Salish Sea or encourage expanded transshipment of unrefined fossil fuels. The best means for protecting these industries from incompatible adjoining uses and to assure their continued regulatory conformity is to maintain the industrial land use designation of these lands and adjoining properties currently designated for industrial development. The Cherry Point industrial lands have been designated for industrial development and as a direct result of the industrial designation, incompatible and inappropriate residential development has been curtailed.

Goal 2CC: **Maintain Cherry Point as an unincorporated urban growth area based on its unique location, characteristics and its significant contribution to the overall industrial land supply and Whatcom County's tax base.**

Policy 2CC-1: Designate Cherry Point as a major industrial Urban Growth Area to accommodate major users that need to be located away from concentrated urban residential areas and that can manage their activities in such a way that they do not conflict with the goals of the Aquatic Reserve Management Plan.

Policy 2CC-2: Encourage developments in the Cherry Point UGA to maintain and operate under management plans consistent with the Aquatic Reserve Management Plan.

Policy 2CC-3: Encourage that future developments or expansions within the Cherry Point UGA are consistent with the following:

- Clean and reduced carbon emitting technology;

- Avoidance of estuaries and near shore wetlands;
 - Archeological review;
 - Water recycling technology to minimize water use; and
 - Enhance existing and future industries.
- Policy: 2CC-4: Assure that Cherry Point's unique features of large parcelization, port access, and pipeline, vehicular and rail transportation availability are maintained and protected from incompatible development.
- Policy: 2CC-5: Require the master planning of each large parcel in advance of any development or subdivision at Cherry Point.
- Policy: 2CC-6: Require the designation and site plan for a major user (generally 40 acres or more) before the development of accessory or supporting uses to assure that accessory or supporting uses are compatible with and will not interfere with the major industrial user.
- Policy: 2CC-7: Specify 160 acres as a minimum area for planning, prior to the commitment of a parcel for a major user (40 acres or more, singularly or as a cluster or group).
- Policy 2CC-8: Permit support activities, warehousing, shipping, machine repair and service, educational services, food service and conveniences, to locate on a parcel only after the completion of a master plan, and the identification and site plan approval for the major user.
- Policy 2CC-9: Exclude Cherry Point as part of any future incorporation of Birch Bay.
- to protect interests of the property owner in terms of taxation and urban regulations;
 - to preclude urbanism near "smokestack" industries;
 - to preserve county government tax base.
- Policy 2CC-10: Continue to work with service providers that serve Cherry Point to ensure the delivery of services and to allow it to develop to its fullest potential.
- Policy 2CC-11: It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers, taking into account the need to:
- Act conservatively in land use matters at Cherry Point to prevent further harm to habitat important to the Cherry Point Herring stock and Southern Resident Killer Whales;

- Optimally implement the Whatcom County Shoreline Master Program to fulfill the Shoreline Management Act's shorelines of statewide significance policy to preserve natural character, result in long-term over short-term benefit, and protect the resources and ecology of the shoreline;
- Encourage the continued agency use of best available science;
- Support and remain consistent with the state Department of Natural Resources' withdrawal of Cherry Point tidelands and bedlands from the general leasing program and the species recovery goals of the Cherry Point Aquatic Reserve designation and Management Plan;
- Recognize federal actions upholding treaty rights;
- Protect traditional commercial and tribal fishing; and
- Prevent conflicts with vessel shipment operations of existing refineries that could lead to catastrophic oil or fuel spills.

- Policy 2CC-12: RCW 36.70A.365 requires the implementation of Traffic Demand Management (TDM) programs for the designating of a Major Industrial Urban Growth Area. Any employer in the Cherry Point Urban Growth Area that employs one hundred or more fulltime employees at a single worksite who begin their regular work day between 6:00 am and 9:00 am on weekdays for at least twelve continuous months during the year are required to meet the TDM requirements of WCC 16.24.
- Policy 2CC-13: Work with the Cherry Point industries to maximize public access to the Cherry Point beaches without compromising industrial security.
- Policy 2CC-14: Cooperate with the DNR and existing industries to monitor the effects of industrial activities on water quality and habitat functions in and adjacent to the Cherry Point Aquatic Reserve.
- Policy 2CC-15: Whatcom County will encourage federal agencies, including the U.S. Army Corps of Engineers, to enforce the provisions of the Magnuson Amendment (33 USC Sec. 476). To accomplish this the County will make appropriate federal agencies aware of applications for development permits submitted to the County that staff thinks may be subject to federal agency review under the Magnuson Amendment.
- Policy 2CC-16: The County will, through its adopted SEPA policies and applicable permitting processes, seek to limit the negative impacts on public safety, transportation, the economy, and environment from new fossil fuel facilities, including new or

expanded crude oil, coal, liquefied petroleum gases, and natural gas facilities within the Cherry Point UGA.

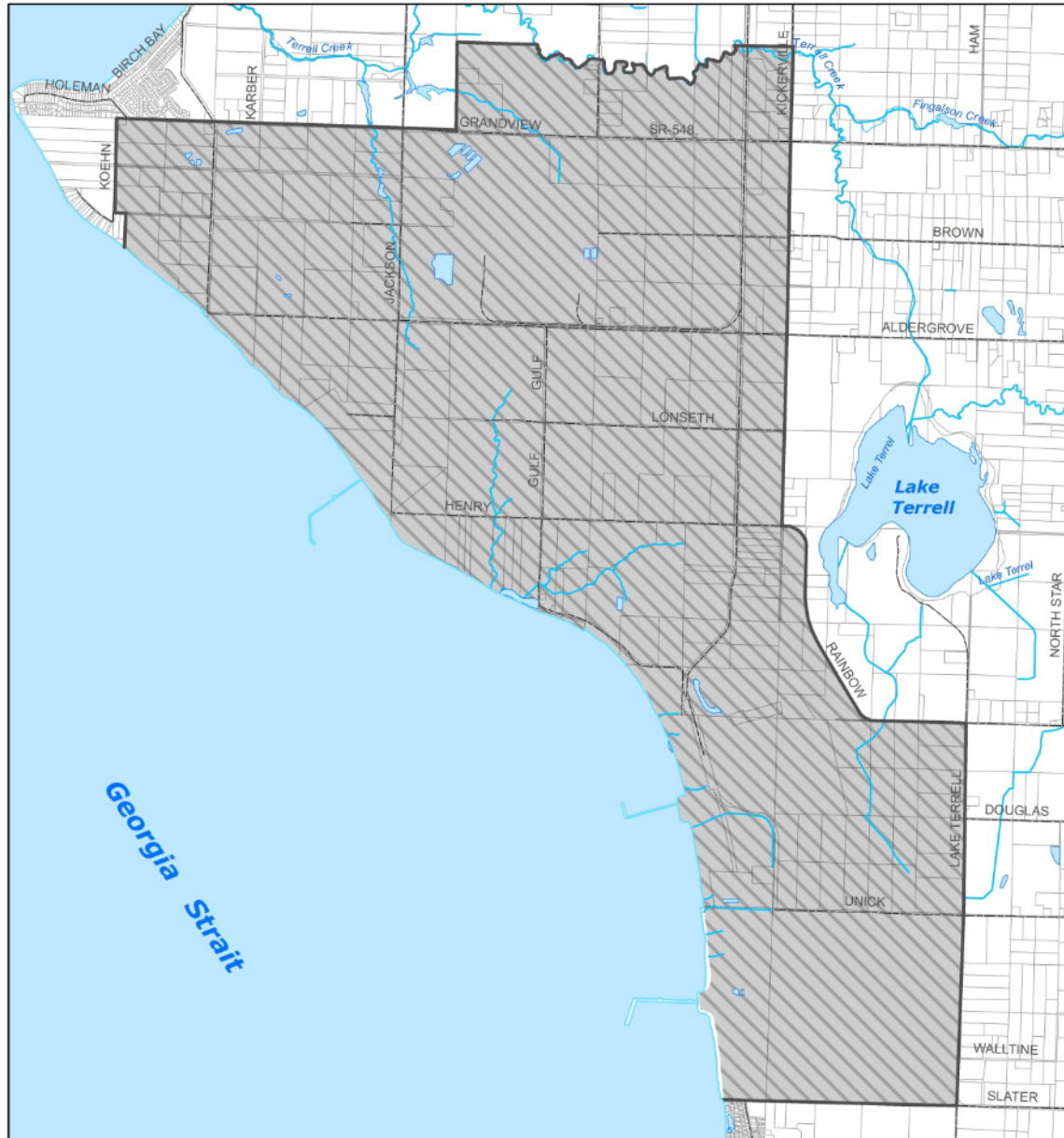
The County Administration should provide the County Council written notice of all known preapplication correspondence or permit application submittals and notices, federal, state, or local that involve activity with the potential to expand “Fossil Fuel Refinery, Renewable Fuel Refinery, Fossil Fuel Transshipment Facility, or Renewable Fuel Transshipment Facility,” as defined in the Whatcom County Code (Chapter 20.97).

Policy 2CC-17: Allow existing operations or maintenance of existing fossil-fuel related facilities operating as of August 8, 2021, with limited expansions subject to environmental review, greenhouse gas emission analysis, and conformance with Policies 2CC-3 and -11.

Policy 2CC-18: This chapter is intended to allow the on-going operation, maintenance, and repair of existing facilities, modifications designed to comply with adoption and implementation of new product standards and fuel standards, operational and site safety improvements, environmental improvements, and regulatory compliance projects.

Whatcom County | Comprehensive Plan

Map UGA-10



- Cherry Point Urban Growth Area

 Major Port/Industrial UGA

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Rural Lands

Introduction

Purpose

The purpose of the Rural Lands section is to provide direction for land use decisions in the rural areas of Whatcom County.

GMA Requirements

The state Growth Management Act (GMA) requires counties to include a Rural element in their comprehensive plan in accordance with RCW 36.70A.070. GMA defines rural lands as those that are located outside urban growth areas and which do not include designated agriculture, forestry, or mineral resource lands of long-term commercial significance. Agriculture, forestry and mineral resource lands are addressed separately in *Chapter 8: Resource Lands*.

GMA requires counties to provide for a variety of rural densities and uses in its rural areas, and to adopt measures to protect rural character. The GMA (RCW 36.70A.030(15)) defines “rural character” as “patterns of land use and development established by a county in the rural element of its comprehensive plan:

- In which open space, the natural landscape, and vegetation predominate over the built environment;
- That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- That provide visual landscapes that are traditionally found in rural areas and communities;
- That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- That generally do not require the extension of urban government services; and
- That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.”

GMA allows counties to designate “limited areas of more intensive rural development” (LAMIRDs) where more intensive uses have been established within their rural areas. Counties making such designations must adopt measures to minimize and contain the existing areas or uses of more intensive rural development. In its findings preceding the GMA, the legislature states that rural counties must have flexibility to create opportunities for business development and must have the flexibility to retain existing businesses and allow them to expand.

Rural Character and Lifestyle

Rural Whatcom County is the portion of the County not planned for either urban or resource use and its character differs from that of the County's urban and resource areas. While agriculture and forestry are practiced in the rural areas, it is generally on a smaller scale than in the resource areas that are set aside specifically for those purposes. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife habitat, and open space.

Small unincorporated communities have existed in the rural areas for many decades but have not become urban centers. Land uses in these communities are more intensive than those in the surrounding rural areas, and provide rural residents places to shop, eat, play, etc, and access public services such as schools, libraries, and post offices without having to travel to cities. The businesses in these communities are important contributors to the economy of Whatcom County. Even outside these settlements, residents of the rural areas have established home occupations, cottage industries, and small-scale businesses that are an important part of the County's traditional rural economy.

Historically, rural Whatcom County has been a place of great variety. Residential densities vary greatly from homes on 10 or 20 acre lots to lots smaller than one acre in the rural communities and neighborhoods that have been established over the years. The scale and intensity of rural businesses varies from the home occupations, cottage industries, and resource-based industries to the more intensive commercial and manufacturing uses, though the County's largest commercial and industrial uses have been established in the urban areas.

Whatcom County's rural lifestyle is one where residents enjoy views of a green landscape dotted by homes and barns, and have an appreciation for clean water and air. Residents can work and shop in small rural communities, or earn a living on their own rural lands, but these enterprises do not detract from the overall sense of openness and predominance of the landscape in the rural area. Rural Whatcom County has long been a place to raise children with the values of hard work and responsible stewardship of the land, and where residents can grow food and livestock for themselves or for market. While rural property owners do not expect to be provided with urban-level services, they enjoy a quality of life and sense of self-sufficiency not ordinarily found in the urban areas.

In the rural element of this chapter, Whatcom County establishes policy consistent with the findings of the legislature and with the above vision of rural character and lifestyle that will:

- Help preserve rural-based economies and tradition lifestyles,
- Encourage the economic prosperity of rural residents
- Foster opportunities for small-scale, rural-based employment and self-employment,

- Permit the operation of rural-based agriculture, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns,
- Be compatible with the use of the land by wildlife and for fish and wildlife habitat,
- Foster the private stewardship of the land and preservation of open space, and
- Enhance the rural sense of community and quality of life.

Goal 2DD: Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. As part of the population growth monitoring report required in Policy 2S-5, compare nonurban population growth trends with the adopted nonurban population growth projection. If the trend over five years indicates that nonurban growth is significantly higher than adopted projections, the County shall take action to address the discrepancy. Actions may include changing the allocation of the projected population growth during the comprehensive plan update required per RCW 36.70A.130(1), or changing development regulations to limit growth outside the urban growth areas. In addition, as the County and cities review the capacity for growth in the urban growth areas, the county should coordinate with the cities to ensure that policies are in place that are consistent with encouraging growth in the urban areas and reducing demand for development in rural areas.

Policy 2DD-2: Protect the character of the rural area through the County's development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County's key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

A. Measures to contain or otherwise control rural development and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development:

1. Limit the expansion of areas of more intensive development and higher rural densities through Policies 2A-8, 2A-9, 2DD-1, 2DD-8, 2GG-2, 2GG-3, 2JJ-1 through 8, 2KK 1 and 2, 2LL-1 through 4, and 2MM-1 through 4 of this plan.

2. Provide options to reserve areas of land suitable for agriculture, forestry, or open space through lots clustering in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.32.305, .310, and .320, Lot clustering, Residential Rural District;
 - b. WCC 20.34.305, .310, and .320, Lot clustering, Rural Residential Island District;
 - c. WCC 20.36.305, .310, and .320, Lot clustering, Rural District;
 - d. WCC 20.71.350, .351, and .352, Lot clustering, Water Resource Protection Overlay District.
 3. Prohibit short subdivisions outside of urban growth areas and limited areas of more intensive rural development that would require extension of public sewer except for health or safety reasons through the following Whatcom County Land Division regulations adopted herein by reference:
 - a. WCC 21.04.100, Sewage Disposal, Short Subdivisions.
 - b. WCC 21.05.090 Sewage Disposal, Preliminary Long Subdivisions.
- B. Measures to assure visual compatibility of rural development with the surrounding rural area:
1. Ensure that the visual landscapes traditionally found in rural areas and communities are preserved through limitations on structural coverage of lots in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.32.450 Lot coverage, Residential Rural District;
 - b. WCC 20.36.450 Lot coverage, Rural District.
 2. Require that lots developed under the lot clustering option be designed and located to be compatible with valuable or unique natural features as well as physical constraints of the site through standards provided in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.32.310 Lot clustering design standards, Residential Rural District;
 - b. WCC 20.34.310 Lot clustering design standards, Rural Residential-Island District;

- c. WCC 20.36.310 Lot clustering design standards, Rural District;
 - d. WCC 20.71.351 Lot clustering design standards, Water Resource Protection Overlay District.
- 3. Protect the aesthetic assets of the rural areas and soften the impact of structures through landscape buffers and setback requirements provided in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.80.200 Setback requirements;
 - b. WCC 20.80.300 Landscaping.
- 4. In the Point Roberts Rural Community, regulated visual aspects of development through the standards in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.72.350 Building setbacks/buffer areas, Point Roberts Special District;
 - b. WCC 20.72.651 Facility design, Point Roberts Special District;
 - c. WCC 20.72.653 Tree canopy retention, Point Roberts Special District;
 - d. WCC 20.72.654 Site design/view corridors, Point Roberts Special District.
- C. Measures to protect critical areas and surface and groundwater resources:
 - 1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological processes that sustain them, through WCC 16.16 Critical Areas provisions, adopted herein by reference.
 - 2. Minimize the adverse effects of discharges from onsite sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.
 - 3. Preserve and protect unique and important water resources through development standard in WCC 20.71 Water Resource Protection Overlay District and WCC 20.51 Lake Whatcom Watershed Overlay District, adopted herein by reference.

4. Protect surface and groundwater resources through stormwater management standards established in the County's Development Standards per WCC 20.80.630 through .636, WCC 20.51 and 12.08.035 referenced in the following Zoning Code provision, adopted herein by reference:
 - a. 20.32.656 Drainage, Residential Rural District;
 - b. 20.34.659 Drainage, Rural Residential-Island District;
 - c. 20.36.656 Drainage, Rural District;
 - d. 20.37.655 Drainage, Point Roberts Transitional District;
 - e. 20.44.652 Drainage, Recreation and Open Space District;
 - f. 20.59.704 Drainage, Rural General Commercial District;
 - g. 20.60.655 Drainage, Neighborhood Commercial District;
 - h. 20.61.704 Drainage, Small Town Commercial District;
 - i. 20.63.654 Drainage, Tourist Commercial District;
 - j. 20.64.655 Drainage, Resort Commercial District;
 - k. 20.67.653 Drainage, General Manufacturing District;
 - l. 20.69.655 Drainage, Rural Industrial and Manufacturing District.
5. Assure that subdivisions meet requirements for critical areas, shoreline management, and stormwater management through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
 - a. WCC 21.04.034 Application Procedures, Short subdivisions.
 - b. WCC 21.05.037 Hearing Examiner Notice Hearing and Decision, Preliminary Long Subdivisions.
6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
 - a. WCC 21.04.090 Water supply, Short Subdivisions.
 - b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions.

7. Regulate groundwater withdrawals by requiring purveyors of public water systems and private water system applicants to comply with Washington State Department of Ecology water right requirements per WCC 24.11.050, adopted herein by reference.
 8. Require evidence of an adequate water supply prior to issuance of any building permit, per WCC 24.11.060, adopted herein by reference.
 9. Determine adequacy of water supply for building permit applications proposing to use a well, spring, or surface water, per WCC 24.11.090, .100, .110, .120, .130, .160, and .170, adopted herein by reference.
 10. Limit phosphorus entering Lake Whatcom through WCC 20.51 Lake Whatcom Watershed Overlay District and Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential laws and public properties through WCC 16.32, adopted herein by reference.
 11. Protect vital drinking water, sensitive habitats, and recreational resources within the Department of Ecology's designated Western Washington Phase II Municipal Stormwater Permit area and the Lake Whatcom watershed by prohibiting illicit discharges to the county's stormwater collection system through WCC 16.36 Illicit Discharge Detection and Elimination Program, adopted herein by reference.
 12. Maintain standards for clearing activity in highly valued water resource areas, environmentally sensitive areas, or areas where natural conditions are so unstable that clearing activity in the area can result in hazardous conditions per WCC 20.80.735 Water Resource Special Management Area, adopted herein by reference.
- D. Measures to protect against conflicts with the use of agricultural, forest, and mineral resource lands:
1. Ensure separation of new residences from agricultural and forestry uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.80.255 Agricultural District, Supplementary Requirements;
 - b. WCC 20.80.256 Forestry districts, Supplementary Requirements;

- c. WCC 20.80.258 All districts, Supplementary Requirements.
- 2. Ensure separation of businesses from agricultural uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.59.600 Buffer area, Rural General Commercial District;
 - b. WCC 20.60.550 Buffer area, Neighborhood Commercial District;
 - c. WCC 20.61.600 Buffer area, Small Town Commercial District;
 - d. WCC 20.63.600 Buffer area, Tourist Commercial District;
 - e. WCC 20.64.550 Buffer area, Resort Commercial District;
 - f. WCC 20.67.550 Buffer area, General Manufacturing District;
 - g. WCC 20.69.550 Buffer area, Rural Industrial and Manufacturing District.
- 3. Require that all discretionary project permits within one half mile of areas designated in this plan as Rural, Agriculture, Commercial Forestry, or Rural Forestry, or within 300 feet of areas designated as Mineral Resource Lands, be subject to disclosure practices in the in the following Whatcom County Code provisions, adopted herein by reference:
 - a. WCC 20.40.662 Use of Natural Resources, Agriculture District;
 - b. WCC 20.42.652 Use of Natural Resources, Rural Forestry District;
 - c. WCC 20.43.662 Use of Natural Resources, Commercial Forestry District;
 - d. WCC 14.02 Right to Farm;
 - e. WCC 14.04 Right to Practice Forestry;
 - f. WCC 14.16 Mineral Resource Land Disclosure.

Policy 2DD-3: Encourage property owners to conserve forested areas, agricultural land, and open space by utilizing current-use taxation provisions (*RCW 84.34*).

- Policy 2DD-4: Conserve open space, park land, and trails for recreational use, as well as to protect essential habitat such as riparian areas and wetlands.
- Policy 2DD-5: Use an "Agriculture Protection Overlay Zone" designation in certain Rural zoned areas as a way to help achieve the goal of conserving and enhancing Whatcom County's agricultural land base.
- Policy 2DD-6: In the "Agriculture Protection Overlay Zone" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered where it would not create more conflicts with accepted agricultural practices, on a maximum of 25 percent of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.
- Policy 2DD-7: Maintain the historic character and cultural roles of each rural area and community.
- Policy 2DD-8: Allow more intensive uses in limited areas of more intensive rural development designated consistent with RCW 36.70A.070(5)(d), which provide public and commercial services and employment opportunities. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area by establishing clearly defined boundaries for these areas as well as criteria for creating or changing those boundaries consistent with RCW 36.70A.070(5)(d).
- Policy 2DD-9: Promote economic prosperity for rural areas and allow rural property owners reasonable use of their land by continuing to allow legal nonconforming uses.
- Policy 2DD-10: Adopt and maintain incentive programs, such as the Conservation Easement Program, the density credit program, and tax deferrals, to achieve desired land use policies in rural areas and in areas where there are compelling reasons to do so.

Rural Services

Development in rural areas should not receive urban levels of service except where necessary to protect public health, safety, and the environment. Services should be coordinated to ensure that rural areas receive appropriate services including law enforcement protection, fire protection, and emergency services. The Whatcom County Public Works Department maintains county roads. Most of the residential development in rural areas uses individual onsite septic systems. Some drinking water is provided by onsite wells and in other cases it is provided by water districts or water associations.

Goal 2EE:	Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.
Policy 2EE-1:	Recognize domestic water systems, volunteer fire protection, emergency services, law enforcement protection, transportation, public transit services, and public utilities typically associated with rural development as appropriate services in designated rural areas. Rural services do not include storm or sanitary sewers.
Policy 2EE-2:	Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.
Policy 2EE-3:	Pursue measures through which new development would help pay for increased demands on critical rural services such as fire and emergency service.
Policy 2EE-4:	Prohibit extension or expansion of municipal public sewer systems outside urban growth areas or LAMIRDs except where it is necessary to protect public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.
Policy 2EE-5:	Ensure that adequate onsite wells and onsite sewage and septic systems are properly installed, monitored, and maintained. Provide technical assistance to property owners, and require necessary improvements when needed to protect health, safety and environmental quality.
Policy 2EE-6:	Promote better land use practices and protect water quality by encouraging landowners and developers to investigate and implement innovative subdivision, septic system designs, and stormwater management.
Policy 2EE-7:	Ensure county coordination with service providers to determine if new or infill development will have necessary services. Require concurrent review of new development to ensure adequate level of service at rural standards are available at the time of development.
Policy 2EE-8:	Public services and public facilities necessary for rural commercial and industrial uses shall be provided in a manner that does not permit low-density sprawl. Uses may utilize urban services that previously have been made available to the site.

Rural Employment Opportunities

Many residents in rural Whatcom County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood. These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents.

Commercial and industrial uses located within Rural Communities, Rural Tourism, and Rural Business areas are also important contributors to the local economy, providing jobs and services to rural residents.

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

- Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than those permitted within rural zones as home occupations or cottage industries should be located within designated Rural Communities and Rural Business areas.
- Policy 2FF-2: Support resource-based industries that require only rural services, conserve the natural resource land base, and help maintain the rural character and lifestyle of the community. Assure adequate facilities, mitigation and buffers through development regulations.
- Policy 2FF-3: Ensure that business operations do not adversely impact adjacent residential, agricultural or forest land, or compromise water quality and quantity.
- Policy 2FF-4: Allow home-based occupations, cottage industries and small-scale tourist and recreational uses throughout the rural area provided they do not adversely affect the surrounding residential uses, agricultural uses, forestry uses, or rural character.

Land Use

Rural Designation

Lands outside the County's urban and resource areas include a variety of uses and densities. Traditionally, Whatcom County's rural areas have been characterized by a spectrum of uses ranging from farms and large-lot residential areas to recreational communities and small towns. The more intensive uses in that spectrum (commercial/industrial areas and residential areas with densities greater than one unit per five acres) are contained within the boundaries of Rural Community, Rural Tourism, or Rural Business designations (LAMIRDs) and Neighborhood designations.

The remainder of the rural areas are designated Rural and contain traditional rural residential and farm uses as well as small home-based and conditionally permitted businesses. The rural character of the lands designated as Rural should not be compromised by the encroachment of more intensive development. Commercial and industrial uses in the rural areas not contained within a Rural Community designation must meet GMA criteria for small-scale tourism or isolated business uses (RCW 36.70A.070(5)(d)(ii) and (iii)).

Portions of the rural area that historically contain larger lots have been zoned for densities of one dwelling per ten acres. These areas provide for a variety of densities important to the rural character and shall be retained. Rezones from R10A to allow higher densities are limited to those R10A areas that are adjacent to established higher densities.

Goal 2GG: Designate Rural areas to contain a variety of uses and densities while retaining their traditional rural character.

Policy 2GG-1: Provide a variety of residential choices at rural densities which are compatible with the character of each of the rural areas.

Policy 2GG-2: The Rural designation includes areas of traditional rural uses and gross residential densities at or below one unit per five acres. To reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area, more intensive development shall be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), and predominantly residential areas with established densities greater than one unit per five acres shall be contained in Rural Neighborhood designations.

Policy 2GG-3: Proposed uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if:

- A. Residential density (the average size of parcels that contained a residence as of January 1, 2013) within 500 feet of the area to be rezoned is less than 7.5 acres.
- B. The proposed rezoning area is not in a designated urban growth area reserve, and
- C. The proposed rezoning area is not within an area designated as a rural study area in the 2007 Rural Land Study accepted by the County in Resolution 2009-040.

Policy 2GG-4: Minimize potential conflicts of rural residential development near designated natural resource lands to prevent adverse impacts on resource land uses.

- Policy 2GG-5: Provide landowners with incentives and options to develop their property at densities that may be less than the underlying zone, when necessary to protect critical areas and high value resource lands.
- Policy 2GG-6: Ensure that flexible development patterns such as cluster subdivisions effectively preserve open space and agricultural land and do not create the need for more intensive rural services.
- Policy 2GG-7: Development within Rural designations shall be consistent with rural character as described in this chapter.

Limited Areas of More Intensive Rural Development (LAMIRDs)

RCW 36.70A.070(5)(d)(i) through (iii) allows counties to designate limited areas of more intensive development (LAMIRDs) for three types of development patterns in the rural areas:

- Type I:** “Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas...” Existing development is defined as that which existed on July 1, 1990.
- Type II:** “The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those...uses, that rely on a rural location and setting...”
- Type III:** “The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents...”

Areas designated in this plan as Rural Communities are Type I LAMIRDs. Rural Tourism designations are Type II LAMIRDs and Rural Business designations are Type III LAMIRDs.

The purpose of LAMIRDs is to place limits on more intensive development and prevent it from adversely affecting the character of the surrounding rural areas. Rural Communities (Type I LAMIRDs) are areas characterized by more intensive uses at the time Whatcom County began planning under GMA. Rural Tourism designations (Type II LAMIRDs) apply to lots that contain small-scale tourist uses. Rural Business designations apply to lots that contain isolated small-scale business. The criteria listed under Goal 2HH were used to designate Rural Communities and Rural Business areas (the Type I and Type III LAMIRDs) in 2010 and should be used to establish future Rural Tourism and Rural Business designations (Type II and

III LAMIRDs) and to evaluate future proposed modifications to Rural Community, Rural Tourism, and Rural Business designations (Type I, II, and III LAMIRDs).

Goal 2HH: Establish LAMIRD Designation Criteria

Policy 2HH-1: Rural Community (Type I LAMIRD) designation criteria

- A. Location Criteria. Rural Communities may be designated in an area that:
 - 1. Was characterized by existing development more intensive than surrounding rural areas (residential or non-residential) as of July 1, 1990, and
 - 2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
- B. Additional Location Criteria. The following may serve as additional criteria for Rural Community designation (relative to the specific circumstances of the area, and in combination with each other):
 - 1. The existing (1990) residential built environment was more intensively developed than surrounding areas;
 - 2. Public services are available to serve potential infill, such as adequate potable water and fire protection, transportation facilities, sewage disposal and stormwater control; or
 - 3. The area is planned for more intensive development in a post-GMA local subarea plan.
 - 4. Existing zoning prior to designation as a Rural Community, except existing zoning may not be a sole criterion for designation.
- C. Outer Boundary Criteria. For land meeting the criteria described in A and B above, Rural Community boundaries must minimize and contain areas of intensive development and be delineated predominately by the built environment, and shall include:
 - 1. Areas that were intensively developed and characterized by the built environment (including water lines or other utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.
 - 2. Areas that on July 1, 1990 were not intensively developed may be included within Rural Community boundaries if they meet any of the following conditions:

- a. Including the area helps preserve the character of an existing (built) natural neighborhood;
- b. Including the area allows the logical outer boundary to follow a physical boundary such as bodies of water, streets and highways, and land forms and contours;
- c. Including the area (or in limited cases, a portion of the parcel) prevents the logical outer boundary from being abnormally irregular;
- d. Including the area is consistent with efficient provision of public facilities and services in a manner that does not permit low-density sprawl;
- e. Including the area does not create a new pattern of low-density sprawl.

Policy 2HH-2:

Rural Tourism (Type II LAMIRD) designation criteria

- A. Location Criteria. Rural Tourism may be designated on land that:
 - 1. Consists of one lot, or more than one lot, and
 - 2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
 - 3. Is characterized by the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development, other than a dwelling unit accessory to the business for use by the owner-manager or caretaker.
 - 4. Does not exceed 20 acres.
- B. Additional Criteria The following serve as additional criteria for Rural Tourism designation:
 - 1. The area may include preexisting residential development, but not new (except for dwelling units accessory to the business for use by the owner-manager or caretaker), and
 - 2. The area may serve more than the local existing & projected rural population, and utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.
 - 3. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and

shall be provided in a manner that does not permit low-density sprawl.

Policy 2HH-3: Rural Business (Type III LAMIRD) designation criteria

A. Location Criteria. Rural Business may be designated on land that:

1. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
2. Consists of a lot or small group of lots that either:
 - a. Contain nonresidential uses and is located within a commercial, manufacturing, or industrial zoning district at the time of original county initiated designation, or
 - b. Allow for new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.

B. Additional Criteria.

1. A Rural Business designation on a lot or small group of lots containing nonresidential uses shall be separated from other LAMIRD designations, regardless of type, by no less than one-half mile by public road, except where the other LAMIRD is separated by a major physical feature such as a waterbody, freeway, major road, or other physical feature.
2. In the event that the listed criteria result in the need to choose one proposed designation over another, preference is given to a proposed use that:
 - a. Provides the greatest number of job opportunities for rural residents.
 - b. Is located at a controlled public road intersection.

Rural Communities

Rural Communities are areas that have historically served as centers of activity and services for surrounding rural areas, or have been established as more intensive rural residential development. In many cases, they are served by public services and facilities, including schools, libraries, post offices, and/or public transportation.

These areas are Type I LAMIRDs and include small unincorporated towns and other areas where a concentration of commercial and public uses have been in existence since before the adoption of the GMA in 1990. Typically, these are mixed use areas containing both residential and nonresidential uses developed at a greater intensity

than is generally found in outlying rural areas. This more intensive development is contained within the boundaries of the Rural Community designations, preventing the expansion of more intensive uses and densities into the surrounding rural areas. Because undeveloped lots may be included within Rural Community boundaries, infill development is possible, but at an intensity consistent with the development that existed in 1990.

Areas designated as Rural Communities are: Acme, Axton & Guide Meridian, Birch Bay-Lynden & Valley View, Cain Lake, Custer, Deming, Diablo, Emerald Lake, Glacier, Hinotes Corner, Kendall, Lake Samish, Laurel, Lummi Peninsula, Maple Falls, Newhalem, Nugent's Corner, Point Roberts, Pole & Guide Meridian, Sandy Point/Sandy Point Heights, Smith & Guide Meridian, Sudden Valley, Van Wyck, and Wiser Lake.

Goal 2JJ: Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

- Policy 2JJ-1: Areas designated as Rural Communities shall meet the criteria stated in this chapter and the requirements of RCW 36.70A.070(5)(d)(i), which describes limited areas of more intensive rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed use areas, including necessary public facilities and public services to serve the limited area.
- Policy 2JJ-2: Boundaries of Rural Communities shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iv), which requires limited areas of more intensive rural development to be clearly identifiable and contained within a logical outer boundary delineated predominately by the built environment as it existed on July 1, 1990.
- Policy 2JJ-3: Additional Rural Communities shall not be designated, nor shall boundaries of Rural Communities be changed unless the area of the proposed addition meets the criteria stated in this chapter, and requirements of RCW 36.70A.070(5)(d) . Designated Resource Lands should not be redesignated as Rural Communities.
- Policy 2JJ-4: Within the Rural Communities, encourage adequate economic development to provide current and future residents' employment needs, and provide rural residents places to shop, eat, and access to public services.
- Policy 2JJ-5: Within Rural Communities development or redevelopment in terms of size, scale, use, or intensity shall be consistent with the character of the area on July 1, 1990.

- Policy 2JJ-6: Lands inside Rural Community designation boundaries that are within low-density residential zones (one residence per five acres or less density) or resource zones, or are federally owned, should not be rezoned to allow more intensive uses and densities.
- Policy 2JJ-7: Land uses within Rural Communities, except for industrial uses, should be principally designed to serve the existing and projected rural population.
- Policy 2JJ-8: Encourage future public participation activities to develop additional planning goals and policies specific to residents' needs and preferences in individual Rural Communities.

Rural Tourism

Whatcom County's scenic rural areas are enjoyed by residents and tourist alike. Small scale recreation or tourist uses that rely on a rural setting provide income opportunities for rural residents and contribute to the local economy. GMA allows counties to designate new Type II LAMIRDs for new small-scale recreation and tourist uses. The Rural Tourism designation limits and contains such uses, which can be more intensive than surrounding rural uses.

Goal 2KK: Provide opportunities for small-scale recreational or tourist uses in rural areas.

- Policy 2KK-1: Lands designated for Rural Tourism shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(ii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development (other than a dwelling unit accessory to the business for use by the owner-manager or caretaker).
- Policy 2KK-2: Designated Resource Lands shall not be redesignated as Rural Tourism.

Rural Business

Many businesses have been established in commercial and industrial zones outside of Rural Community areas. These uses, which are more intensive than those found in surrounding rural areas, provide commercial services and job opportunities for rural residents. The Rural Business designation permits uses to continue while preventing the spread of businesses in sprawl development patterns.

GMA allows counties to designate new Type III LAMIRDs for new isolated small-scale businesses. To ensure that these uses remain isolated and do not lead to strip

development, criteria for Rural Business designation include spacing requirements from other Rural Business designations as well as Rural Communities.

The areas designated Rural Business under Type III guidelines are: Birch Bay-Lynden & I-5, Blue Canyon, Guide Meridian Border Crossing, North Lake Samish & I-5, Slater & Elder, Van Zandt, and Welcome.

Goal 2LL: Designate Rural Business areas to limit and contain nonresidential uses.

Policy 2LL-1: All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

Policy 2LL-2: On lots in a Rural Business area where businesses did not exist on July 1, 2012, the new businesses shall be “small-scale” as described in the development regulations. On lots where businesses existed on July 1, 2012, development regulations should not hold the business to a “small-scale” standard.

Policy 2LL-3: Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

Policy 2LL-4: Designated Resource Lands shall not be redesignated as Rural Business.

Rural Neighborhoods

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning that allows densities greater than one dwelling per five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of these areas of higher rural densities beyond their traditional limits.

This plan recognizes the unique qualities of these established Rural Neighborhoods and contains them within boundaries that reflect the extent of these areas in 2011. Unlike the Rural Communities, these areas are not LAMIRDs.

GOAL 2MM: Designate Rural Neighborhoods to recognize and contain rural areas that have been established with

predominantly residential uses with higher densities than surrounding rural areas.

- Policy 2MM-1: Areas zoned for densities greater than one dwelling per five acres shall be contained within Rural Neighborhood boundaries. Rural Neighborhood boundaries shall not be expanded beyond those established in 2012, which were drawn to include areas that were developed at higher rural densities in 2011.
- Policy 2MM-2: In the Whatcom County Code, the Rural and Rural Residential zoning districts may include Rural Residential Density Overlays that may be applied to areas within the Rural Neighborhood designation where higher density rural residential development has already occurred. The overlay should allow for infill development with lot sizes consistent with those of surrounding lots, where public water service is available. The overlay shall limit eligibility of lots based on the percentage of surrounding lots that were developed in 2011, and shall establish a maximum density that may be achieved using the overlay. The Rural Residential Density Overlays shall not be created or expanded outside of Rural Neighborhoods or into areas where higher density rural development has not occurred; such expansion is not consistent with maintaining the traditional character of the surrounding rural areas.
- Policy 2MM-3: Rural Neighborhoods are designated adjacent to Urban Growth Areas only in areas where developed densities exceeded one dwelling per 2.5 acres in 2011, and there is little potential for efficient urban development in the future.
- Policy 2MM-4: Urban governmental services shall not be extended into a Rural Neighborhood unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Urban Growth Area Reserves

The Whatcom County Comprehensive Plan Land Use Map includes the designation of Urban Growth Area Reserves. Urban Growth Area Reserves means a land use designation that may be applied to those areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which appear to be suitable for future inclusion in the respective Urban Growth Area. The purpose of the Urban Growth Area Reserve varies by urban area. Expansion of urban growth into the Reserve area may occur if criteria are met.

Upon establishing an Urban Growth Area Reserve, Whatcom County will establish land use controls intended to reserve the area for future urban densities and development by limiting the potential of the properties to be developed with

incompatible uses, densities, or public facilities which would interfere with the likely expansion of urban development in the future. Properties in these areas should generally have land use designations of no more than one unit per ten acres, and uses such as agriculture, forestry, conservation, and low density residential development, may be encouraged provided that the continuation of such uses may not be a basis for preventing future expansion of the Urban Growth Area to the Urban Growth Area Reserve.

General criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area are set forth below:

1. Need for Land Capacity. The need for additional land is necessary to accommodate projected urban growth, as documented in a land capacity analysis. A transfer from Urban Growth Area Reserve to Urban Growth Area will not be allowed which would provide capacity to accommodate substantially more than 20 years of urban growth. Additional consideration can be made regarding the mix of housing and employment opportunities that are required to serve the Urban Growth Area which could be accommodated in the Urban Growth Area Reserve and which cannot be accommodated within the Urban Growth Area.
2. Adequate Public Facilities and Services. There are plans and capacity to serve the areas with urban governmental services as set forth in the Growth Management Act. There is no requirement to extend these services prior to transferring the area from Urban Growth Area Reserve to Urban Growth Area, but the Capital Facility Plans must document the capacity and plans to serve at urban levels of service within the 20-year planning period.
3. Land Use Plans. The respective city, or county for unincorporated Urban Growth Areas, has a comprehensive plan and land use regulations in place to allow for the transition from Urban Growth Area Reserve to Urban Growth Area. The respective jurisdiction will also have in place development regulations that ensure urban densities are achieved within the existing Urban Growth Area. Urban Growth Area Reserves should be jointly planned between Whatcom County and the respective city.
4. Natural Resource Lands. Expansion into the Urban Growth Area Reserve will not allow uses that are incompatible with adjoining natural resource lands unless mitigated through buffers, increased setbacks or other measures as necessary to maintain the productivity of the adjacent resource lands. If the expansion is into lands zoned Agricultural, the city and county shall have an interlocal agreement or regulations in place that implement a program that outlines the respective roles in protecting at least 100,000 acres of agricultural land in Whatcom County.
5. Environment. Land use regulations are in place to ensure protection of the environment and sensitive watersheds.

6. Open Space Corridors. Continued provisions are made for open space corridors within and between Urban Growth Areas where not otherwise precluded by previous development patterns.

Below are issues, established by urban area that must be addressed in order to authorize areas to be redesignated from Urban Growth Area Reserve to Urban Growth Area.

Bellingham Urban Area

The south Yew St. and the south Caitac areas have been designated as Urban Growth Area Reserves. Prior to redesignating the south Yew St. area to UGA, need for additional land capacity must be demonstrated, planning for adequate public facilities and services must be completed, and potential impacts on Lake Padden water quality must be addressed. Prior to re-designating the south Caitac area to UGA, need for additional land capacity must be demonstrated and planning for adequate public facilities and services must be completed. UGA Reserve areas should retain rural zoning until such time the unincorporated area is placed in the UGA.

Birch Bay Urban Area

An area bisected by Blaine Rd., generally north of Arnie Rd., has been designated as Urban Growth Area Reserve. Prior to redesignating this area to UGA, need for additional land capacity and planning for adequate public facilities and services must be demonstrated. The area currently zoned R10A west of Blaine Rd. should maintain a density of one dwelling/10 acres in recognition of the wetlands and floodplain in this area

Blaine Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Blaine Urban Growth Area.

Cherry Point Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Cherry Point Industrial Urban Growth Area.

Columbia Valley Urban Area

An area on the west side of the UGA has been placed into an Urban Growth Area Reserve. This area is within lands designated as geologically hazardous, and suitability for urban development has not yet been demonstrated.

Everson Urban Area

Land to the north of Everson along Trap Line Road is designated as Urban Growth Area Reserve. This area was previously designated as agricultural lands of long-term commercial significance. The Everson UGA has been reduced in other areas

and those lands were put into agricultural lands of long-term commercial significance, thus not causing a reduction in the resource land designations in the Everson area. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Ferndale Urban Area

Lands in the vicinity of Enterprise Rd. have been designated as Urban Growth Area Reserve for future employment growth at the request of the City of Ferndale. A portion of the Enterprise UGA Reserve on the northeast side of the Ferndale Urban Growth Areas is within the Drayton Harbor Watershed. The City may utilize this area as a corridor to provide utilities to the Grandview area. The Enterprise Urban Growth Area Reserve includes existing rural and residential uses that must be considered when developing land use plans. Lands in the Vista/Brown, Thornton, Mtn. View and Douglas Rd. areas have been designated as Urban Growth Area Reserves for future residential growth. These Reserves are logical areas for the city to grow and should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Lynden Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Lynden Urban Growth Area.

Nooksack Urban Area

An area east of the Sumas River and south of Breckenridge Creek has been designated as an Urban Growth Area Reserve. This area is currently used primarily for agricultural uses, and includes lands that may be flooded and exposed to Naturally Occurring Asbestos (NOA) from a natural landslide adjacent to Swift Creek. This area will be kept in reserve status until the County has determined that development will not expose future residents and employees to unacceptable risk from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Sumas Urban Area

Growth of Sumas is constrained by agricultural lands. Lands in agricultural use on the south end of Sumas along Hovel Road have been designated as an Urban Growth Area Reserve. While there is sufficient land within the city to accommodate projected growth, there is little surplus, and growth outward may become necessary. This area will be kept in reserve status until the County has determined that development will not expose future residents and employees to unacceptable risk from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Special Study Areas

Sudden Valley

Sudden Valley was established in the early 1970s as a recreation/resort area located on the shore of Lake Whatcom, entirely within the Lake Whatcom Watershed. Over the last thirty years it has developed into a semi-urban residential area. Sudden Valley is organized as a homeowners association which maintains and operates common facilities and land. Despite its recreational beginnings, this unincorporated area is now composed primarily of permanent residents—numbering approximately 7000—with some recreational units and second homes as well.

Water and sewer are provided by the Lake Whatcom Water and Sewer District. Public transit service is provided by the Whatcom Transportation Authority (WTA). Natural gas is available only to limited portions of Sudden Valley. Security is provided by a very small, private, contracted force and the Sheriff's Department. There is a small commercial area surrounded by Sudden Valley, and an immediately neighboring station of the South Whatcom Fire Authority. The area includes Lake Whatcom shoreline with lake access, as well as wetlands, natural preserves, and land that will remain forever undeveloped. Of its 1,545 acres, 835 acres – over half – are permanent open space with established parks, trails, and recreational areas, with an additional 140 acres of golf course.

Sudden Valley lies within the Lake Whatcom Watershed where limiting development has been identified as desirable. As a result, Sudden Valley is not a candidate for incorporation or UGA status. However, because Sudden Valley represents a sizable population, the Sudden Valley Community Association (SVCA) is a recognized participant in County and Lake Whatcom planning.

Goal 2NN: Recognize Sudden Valley as a Rural Community (Type 1 LAMIRD) with unique challenges that require active participation in the planning process.

- Policy 2NN-1: Liaison with SVCA on issues of mutual concern in Sudden Valley.
- Policy 2NN-2: Facilitate meeting the unique needs of Sudden Valley due to its location within the Lake Whatcom Watershed.
- Policy 2NN-3: Recognize the existing parcelization and the remaining development potential of multifamily parcels in Sudden Valley.
- Policy 2NN-4: Work with the Community Association towards voluntary density reduction of additional lots within Sudden Valley.
- Policy 2NN-5: If vacant lots in the Lake Whatcom watershed come available due to a tax foreclosure the County may acquire them, remove the developments rights and then place them back on the market through the public auction process to recover any residual value.

- Policy 2NN-6: Support Lake Whatcom Water and Sewer District's effort to maintain adequate sewer capacity and control stormwater runoff in keeping with appropriate environmental controls and the Sudden Valley Community Association's density reduction goal.
- Policy 2NN-7: Work with all parties to maintain, and appropriately plan for infrastructure, public services, and stormwater retention so that Sudden Valley can develop appropriately.

Private Parcels Surrounded by National Park or National Forest

There are a number of private parcels in Whatcom County which are completely surrounded by National Forest and National Park land. Some of these have houses built on them, primarily for seasonal use, but most represent mining patents and are used, or have been used, only for mining. The majority of these parcels are located in the Mt. Baker area or the Slate Creek area near the eastern border of the county with their access primarily by Forest Service roads.

Goal: 2PP: Continue to recognize private parcels surrounded by National Park or National Forest as part of Whatcom County's jurisdiction.

- Policy 2PP-1: Increase the potential for land exchanges, and other voluntary mechanisms, in order to reduce the checkerboard ownership and jurisdictional patterns within eastern Whatcom County.

Subdivisions on the Lummi Reservation

There are over 2,000 parcels on the Lummi Reservation, many of which are owned by non-Indians. As Federal policy has changed and tribal lands have been allowed to be removed from trust to fee status, state and county regulations have become applicable. The County has made efforts to work closely with local tribes on land use directions. The requirements of the Growth Management Act cannot be applicable to reservation trust lands, even when a checkerboard pattern has developed. It is the full intent of this County, when possible, to continue working cooperatively with area tribes on land use, watershed planning, utility planning and the coordinated water system plan. Most platted areas have sewer, which is provided by the Lummi Sewer District.

Goal 2QQ: Seek solutions that satisfy the requirements of Growth Management, the needs of the non-tribal residents and the goals of the Lummi Nation.

- Policy 2QQ-1: Work with the residents and the Lummi Nation to establish adequate water and sewer for the existing platted lots.
- Policy 2QQ-2: Whatcom County will administer land use policy on fee lands and prohibit discriminatory land use practices.

Comprehensive Plan Designations Map

The Comprehensive Plan designations map (**Map 2-1**) provides direction for future land use decisions in Whatcom County. It is officially adopted as part of this document. Because of the scale of the map, specific boundaries are identified on maps in the County Planning and Development Services office.

These descriptors are intended to be general in nature. More specific criteria and explanation may be incorporated into comprehensive plan chapters or subarea plans.

Title: Urban Growth Areas

Purpose: To denote where future urban growth may occur.

Definition: Areas characterized by urban growth that have adequate existing public facility and service capacities; areas characterized by urban growth that can be served adequately by a combination of both existing public facilities and any additional public facilities and services that are provided by either public or private sources; and lands adjacent to areas characterized by urban growth.

Locational Criteria: First urban growth may be located on lands characterized by urban growth that have adequate existing public facility and service capacities; next urban growth may be located on lands characterized by urban growth that can be served adequately by a combination of both existing public facilities and services and any additional public facilities and services that are provided by either public or private sources; and finally urban growth may be located on lands adjacent to areas characterized by urban growth.

Title: Urban Growth Area Reserve

Purpose: To denote lands which appear to be suitable for future inclusion in an adjacent and contiguous Urban Growth Area when the need arises and adequate public facilities and services can be provided, and other issues identified in the comprehensive plan are addressed.

Definition: Areas that are not yet suited for urban growth but are logical areas in which the urban area would likely grow beyond current growth allocations after being properly designated as an Urban Growth Area.

Locational Criteria: Areas adjacent and contiguous to Urban Growth Areas in which urban development would likely occur beyond current growth allocations.

Title: Major Industrial Area/Port Industrial – Urban Growth Areas

Purpose: To reserve appropriate areas to attract heavy industrial manufacturing uses and provide employment opportunities while minimizing land use conflicts and offsite impacts.

Definition: Land area for large-scale heavy industry that has a high impact on the surrounding neighborhood and environment.

Locational Criteria: Industry should be located in areas adequate for its use away from residential centers, but within reasonable commuting distance; near transportation facilities and services.

Title: Master Planned Resort

Purpose: To recognize and contain resort areas that existed on July 1, 1990, or permit new master planned resort areas that depend on a setting of significant natural amenities.

Definition: Historic or new resort development that is self-contained and fully integrated, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed onsite indoor or outdoor recreational facilities.

Locational Criteria: Resorts may be located in urban or rural areas within a setting of significant natural amenities.

Title: Rural Community (Type I LAMIRD)

Purpose: To recognize rural development consisting of the infill, development, or redevelopment of commercial, industrial, residential, or mixed uses areas that existed on July 1, 1990 and limit and contain more intensive rural land uses within logical outer boundaries.

Policies on the definition and locational criteria for Rural Communities are found under Goals 2HH and 2JJ in this chapter.

Title: Rural Tourism (Type II LAMIRD)

Purpose: To recognize small-scale recreational or tourist uses in rural areas, and to limit and contain more intensive rural development on those lots.

Policies on the definition and locational criteria for Rural Tourism designations are found under Goals 2HH and 2KK in this chapter.

Title: Rural Business (Type III LAMIRD)

Purpose: To recognize development on lots containing isolated nonresidential uses or new development of isolated cottage

industries and isolated small-scale businesses, to limit and contain more intensive development on those lots.

Policies on the definition and locational criteria for Rural Business designations are found under Goals 2HH and 2LL in this chapter.

Title: Rural Neighborhood

Purpose: To recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policies on the definition and locational criteria for Rural Neighborhood designations are found under Goal 2MM in this chapter.

Title: Rural

Purpose: To provide opportunity for a variety of low-density residential development including cluster development with the flexibility to practice farming or forestry, or operate a home occupation or cottage industry; to retain a sense of community. Also to encourage agriculture and forestry activities through the use of incentives.

Policies on the definition and locational criteria for Rural designations are found under Goal 2GG in this chapter.

Title: Agriculture – Resource Lands

Purpose: To recognize and promote agriculture in Whatcom County and protect prime agricultural soils and productive agricultural lands from conversion to other uses. To prevent conflicts between residential and agricultural uses.

Definition: Commercial agriculture lands generally located on parcels 40 acres or larger, with one dwelling unit per 40 acres or legal lot of record allowed.

Locational Criteria: Agriculture designation criteria are set forth in Chapter 8, Resource Lands.

Title: Rural Forestry – Resource Lands

Purpose: To provide flexibility in use, enabling the landowner to live on the land and practice forestry and forestry-related industry.

Definition: Lands used primarily for growing trees with some low-density residential development.

Locational Criteria: Rural Forestry designation criteria are set forth in Chapter 8, Resource Lands.

Title: Commercial Forestry – Resource Lands

Purpose: To provide land base for commercial forestry activities and provide predictability of future land use to forest land owners.

Definition: Land primarily devoted to commercial timber production.

Locational Criteria: Commercial Forestry designation criteria are set forth in Chapter 8, Resource Lands.

Title: Mineral Resource Lands – Resource Lands

Purpose: To ensure a long-term supply of mineral resources and provide predictability in land use.

Definition: Lands of long-term commercial significance for the extraction of minerals.

Locational Criteria: MRL designation criteria are set forth in Chapter 8, Resource Lands.

Title: Public Recreation

Purpose: To provide the public with open space and recreational opportunities; to protect conservation areas.

Definition: Areas with unique scenic or recreational amenities.

Locational Criteria: Parcels owned or managed by public or private agencies for recreational or conservation use.

Open Space**Introduction**

Cascade peaks, forested mountains, the Nooksack drainage, farmlands, riparian corridors, lakes, shorelines and islands contain the natural beauty and character of Whatcom County's landscape. This setting contributes greatly to the quality of life enjoyed by county residents who value its elements of environmental quality, scenic beauty and recreational opportunities. Whether thought of as broadly as a mountain range and the marine waters of the Strait of Georgia, or as narrowly as a small corridor between two buildings in a small town, open spaces are essential components to the health and well-being of individuals and communities.

Purpose

This section, in keeping with the Growth Management Act, serves to identify and designate open spaces and open space corridors, and encourage their retention.

GMA Requirements

The GMA requires Whatcom County to designate the general location of open space lands, and to "encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to

natural resource lands and water, and develop parks" (GMA Planning Goal, RCW 36.70A.020 (9)). **Map 2-2** shows the distribution of lands currently enrolled under Whatcom County's open space taxation program (see below).

The act also has a requirement to identify open space *corridors* within and between urban growth areas to include "...lands useful for recreation, wildlife habitat, trails, and connection of critical areas..." (RCW 36.70A.160). This law authorizes the public purchase of such corridors.

Map 2-3 shows proposed Open Space Corridors for Whatcom County.

Background Summary

Whatcom County contains many public open space lands such as county and state parks and state and national forest lands. Whatcom County stewards over 15,000 acres of parkland. The Washington State Parks Department stewards more than 2,400 acres of state parks. The State stewards over 88,000 acres of land in Whatcom County, including two Natural Resource Conservation Areas. The forest lands are generally open to the public for recreational uses, except for seasonal and some special use restrictions. The US Forest Service and the North Cascades National Park manage over 800,000 acres of land in the eastern portion of the county for timber, recreation, wildlife habitat, fisheries production, and wilderness.

Under the provisions of the Open Space Taxation Act (RCW 84.34), Whatcom County may classify as "Open Space" farms, forests, and beneficial open lands upon request by individual land owners when such lands meet adopted criteria and policies. These adopted policies are contained in the policies established in this section. A Public Benefit Rating System that implements the policies rates each application under consideration.

Properties which qualify under the county's Open Space program are granted partial relief from property taxes in exchange for maintaining their land in open space use as defined by state law and county policies. Some open space categories require that a landowner provide public access provisions to the property while other categories do not have this requirement. According to latest Assessor's information, 119,907 acres were classified under the County's open space program in 2014, 94% of which were classified as Open Space Agriculture. Most of the forested areas in Whatcom County, however, are classified as forest lands under RCW 84.33. This law phased out the ad valorem system for taxing timber land. This act was meant to encourage forestry and reforestation of forests for the continued enjoyment of present and future generations. See **Map 2-2** for the location of these areas.

For privately held open space lands, there can be strong pressures to convert resource lands and rural areas to more urban environments. Additionally, while Whatcom County has more than 130 miles of saltwater shoreline, only about 6% is currently in public ownership and freely accessible to the public. With the county projecting a growing population and expanding development, the opportunity for additional public access is reduced almost every day.

Issues, Goals, and Policies

Open Space Areas

Whatcom County residents consider open space and the conservation of farm and timber land to be essential to the quality of life in Whatcom County. As urban growth pressures increase, open space, farms, forests, and shorelines are becoming more valuable to the residents of the county. Loss of open space is perceived by the people of Whatcom County as an adverse impact to the quality of life.

Goal 2QQ: Conserve or enhance important natural, cultural, and scenic resources.

- Policy 2RR-1: Protect and encourage voluntary restoration of streams, stream corridors, wetlands, natural shorelines, fish habitat and aquifers through education and incentive programs. For willing landowners, purchase property or acquire easements for riparian and channel migration zone areas to protect habitat of threatened and endangered species.
- Policy 2RR-2: Protect soil resources.
- Policy 2RR-3: Protect unique or critical wildlife and native plant habitat.
- Policy 2RR-4: Promote conservation principles by example or by offering educational opportunities.
- Policy 2RR-5: Enhance the values of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space lands.
- Policy 2RR-6: Enhance recreation opportunities.
- Policy 2RR-7: Preserve scenic vistas, historic, and archaeological sites.

Open Space Corridors

Retaining open spaces between and within cities and small population centers contributes to the high quality of life in Whatcom County. The need for jurisdictions to coordinate in designating Open Space Corridors in order to preserve the quality of life desired by residents, provide connector trails and public access, protect wildlife habitat, and ensure areas for recreation becomes greater as the population of the county continues to grow and urban areas continue to expand.

Goal SS: Identify and protect open space corridors within and between urban growth areas. These corridors should include trails and other lands useful for recreation, while emphasizing wildlife habitat, and connection of critical areas, where feasible.

- Policy SS-1: Identify marine, riverine, and other riparian corridors as essential elements of open space corridors.

- Policy 2SS-2: Identify contiguous forested landscapes as essential elements of open space corridors.
- Policy 2SS-3: Identify tidelands and floodplains as essential elements of open space corridors.
- Policy 2SS-4: Identify estuaries, lakes, and rivers as naturally occurring open space corridors.
- Policy 2SS-5: Plan greenway corridors within urban growth areas. Ensure development is consistent with these corridors through the permit process and incentive programs.
- Policy 2SS-6: Include common open space in which pedestrian and bicycle pathways may be integrated in new developments.
- Goal 2TT: Promote coordination among the county, cities, Port of Bellingham, and other appropriate jurisdictions in order to protect linked greenbelts, parks, and open spaces.**
- Policy 2TT-1: Encourage all jurisdictions to provide adequate neighborhood parks and play areas within safe walking and bicycling distances of residential neighborhoods.
- Policy 2TT-2: Link county open space corridors with those of adjacent jurisdictions where viable.
- Policy 2TT-3: Encourage separation of urban growth areas through planning, development regulations, open space purchase, conservation easements, and other appropriate mechanisms.

Encouraging Open Space Conservation

A variety of methods act to encourage the retention of open space. These range from regulatory restrictions to incentives and to public purchase. It has been the policy of Whatcom County to create an equitable tax climate for the landowner willing to maintain land as open space, through the use of the Open Space Taxation Act. While the Growth Management Act authorizes the purchase of open space corridors, in many cases incentive-based measures may be more flexible, productive, and desirable.

Public and private conservation organizations such as the Nature Conservancy, the Trust for Public Land, and the Whatcom Land Trust serve important functions such as assisting in negotiating with property owners, providing funding sources, and accepting conservation easements and land donations. Often such organizations can act quickly to provide interim preservation during the time period necessary for government action to occur.

Finally, protection of private property rights is an important issue for Whatcom County residents that needs to be expressed in public policy concerning open space.

Goal 2UU:	Ensure equity between the public benefit and the private burden while encouraging open space retention.
Policy 2UU-1:	Retain valuable agriculture and forestry lands by enrollment in Whatcom County's open space taxation program.
Policy 2UU-2:	Recognize that some parcels in the open space taxation program, while key components of the open space system, may not be open to the public.
Policy 2UU-3:	Support the conservation of fish and wildlife habitat through enrollment in Whatcom County's open space taxation program.
Policy 2UU-4:	Support the retention of open space and open space corridors through the use of education and incentives, such as Conservation Easement Program, density bonuses within UGAs in association with the density credit program, cluster development, and acquisition of easements.
Policy 2UU-5:	Augment land use regulations by engaging in a proactive program of public investment, landowner incentives, and other actions aimed at preserving open space.
Policy 2UU-6:	Improve public access to shorelines and other lands using such mechanisms as the Conservation Easement Program, density bonuses within UGAs in association with the density credit program, and open space tax status.
Policy 2UU-7:	Evaluate conservation opportunities, comparing conservation alternatives, and developing a list of priority sites.
Policy 2UU-8:	Make expenditures for public purposes, such as open space, parks or greenbelts, with existing public funds and other sources as appropriate. New local taxes for these purposes should be imposed only upon the vote of the people.
Policy 2UU-9:	Support the conservation of unique environmental features through the creative use of cluster subdivisions.
Policy 2UU-10:	Support the incorporation of stream greenbelts into subdivision design as common open space and provide incentives for stream buffers greater than those legally required.
Policy 2UU-11:	Support the important role of public and private conservation organizations.
Policy 2UU-12:	Support public and private land trusts in acquiring conservation easements that provide open space attributes, consistent with the intents of property owners.
Policy 2UU-13:	Review the goals of <i>Preserving a Way of Life: A Natural Heritage Plan for Whatcom County</i> , endorsed by the Whatcom County Council in 1991 and continue to implement those goals which

are appropriate, beneficial, consistent with this plan, and within the County's fiscal capabilities.

Policy 2UU-14: Consider an update to *Whatcom County Open Space Policies and Criteria and Public Benefit Rating System* (as amended in 1995 under Ord. No. 1995-040) to further incentivize voluntary fish and wildlife habitat enhancement and protection on privately owned lands and shorelines.

Open Space Corridors Map

The Open Space Corridors (**Map 2-3**) indicates both areas of interest for acquisition or easements to implement the open space objectives and other areas which will remain private but because of their nature serve as visual or wildlife corridors. This does not imply that all sites will be acquired, nor have their development potential reduced. Property owners may or may not have been contacted regarding potential public access.

Essential Public Facilities

Introduction

Essential public facilities are those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020 (RCW 36.70A.200, Siting of essential public facilities). The county has also designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities.

Purpose

This section of the Land Use chapter outlines a process for identifying essential public facilities, defining locational criteria for such facilities, selecting sites for them, and establishing an appeal mechanism as required by the RCW. The process emphasizes avoidance of process duplication, considers the long- and short-term impacts of such siting, provides for effective public review and participation, and stresses compatibility with neighboring land uses.

Process

This section was prepared with consideration of information and procedures adopted by other jurisdictions. An Essential Public Facilities Advisory Committee composed of citizen, business, health care and government representatives met in 2001-2002 and recommended modifications to this chapter to refine the process for siting essential public facilities. The original essential public facilities ordinance was adopted in 2004 and has since been amended.

GMA Goals and Countywide Planning Policies

The GMA goal of encouraging citizen participation and coordination is served by this section. This section has been prepared to satisfy that goal while also meeting the intent of the Countywide Planning Policies (CWPPs). The CWPPs require identification of appropriate land for public facilities, a cooperative and structured process to consider siting of essential public facilities of a regional or statewide nature. Adoption of this section and implementation of its goals and policies satisfies Growth Management goals and Countywide Planning Policies.

GMA Requirements

RCW 36.70A.200 requires that each county include a process for identifying and siting essential public facilities. The RCW defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities for sex offenders. Additionally, the county has designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities. This section meets the requirements of the Growth Management Act.

Background Summary

Essential public facilities include those facilities considered difficult to site because of potential adverse effects related to size, bulk, hazardous characteristics, noise, or public health and safety. The Growth Management Act (RCW 36.70A.200) and the Washington Administrative Code (WAC 365-195-550) indicate that essential public facilities:

- Are typically difficult to site;
- Provides a public service, including a local service; and
- Are provided, substantially funded or contracted for by government or subject to public service obligations.

Countywide Planning Policies (CWPP) stipulate that the county and cities must identify appropriate land for public facilities meeting the needs of the community.

Adopted CWPPs require the county and cities to develop a cooperative and structured process, including public involvement at an early stage, to consider siting of public facilities of a regional or statewide nature. Any new facilities or major expansions of existing facilities must conform to these local siting procedures.

The CWPPs also address the desirability of shared rights-of-way when not in conflict with wildlife, technical, or public health and safety concerns.

Issues, Goals, and Policies

Siting Essential Public Facilities

Essential public facility siting may not be prohibited by any local plan or regulation; the Growth Management Act, however, empowers local government to determine those plans, policies, and regulations that are most appropriate to county communities.

An equitable distribution of public facilities is important to avoid an unfair concentration of any such facilities within the county. A well-defined appeal process must be part of any siting process. Some essential public facilities, federal facilities for example, must meet multiple levels of siting and permitting approval; coordination is important to avoid unnecessary and costly delays brought about by redundant processes.

Goal 2VV: Utilize the established process for siting essential public facilities.

Policy 2VV-1: Adhere to the process for essential public facility site selection as outlined in the comprehensive plan and zoning ordinance. This process is summarized as follows:

- An applicant for an essential public facility should consult with the Whatcom County Planning & Development Services Department very early in the process of developing a proposal to determine the siting criteria and County permit requirements for the proposed facility.
- Essential public facilities that are allowed as a permitted use are processed administratively by the Planning & Development Services Department.
- Essential public facilities that require a conditional use permit require a public hearing before the hearing examiner.
- Siting criteria in the comprehensive plan and zoning ordinance will be applied when deciding where to site essential public facilities.

Policy 2VV-2: Where possible, use essential public facilities sites jointly for public benefit; trails or open space, for example, could share a corridor or site used primarily for transportation.

Policy 2VV-3: The Growth Management Act identifies certain essential public facilities and the County Council has taken legislative action, with the assistance of an essential public facilities advisory committee, to identify additional essential public facilities. A proponent or government agency shall apply for a

comprehensive plan amendment to add a particular land use to the adopted list of essential public facilities. In order to be added to the list of essential public facilities, the applicant must demonstrate that the facility:

- Is typically difficult to site;
- Provides a public service, which may be a local service; and
- Is provided, substantially funded or contracted for by government or subject to public service obligations.

Policy 2VV-4: If significant amendments to the essential public facility siting process are proposed in the future, an essential public facilities committee consisting of citizen, business, health care, and government representatives, as appropriate, will be appointed by the County Executive to make recommendations relating to the proposed amendments.

Goal 2WW: Utilize the established siting criteria for essential public facilities.

Policy 2WW-1: Locate essential public facilities that generate traffic equal to or greater than similar sized residential or commercial development near major transportation corridors.

Policy 2WW-2: Do not site essential public facilities where they would have a probable significant adverse impact on critical areas or designated resource lands.

Policy 2WW-3 Site essential public facilities on property where needed expansion of the facility, based upon population forecasts, level of service standards or projected facility needs, can be accommodated within a 20-year planning period.

Policy 2WW-4 State and regional highways in unincorporated Whatcom County that have been designated as essential state or regional transportation facilities are I-5, State Route 539 (the Guide Meridian), State Route 546/9 (Badger from the Guide to Sumas), and State Route 20 to eastern Washington. Other transportation facilities in unincorporated Whatcom County that have been designated as essential public facilities are Amtrak Cascades passenger rail service, the Burlington Northern Santa Fe railroad tracks, and the Cherry Point marine port facilities. Such facilities in the City of Bellingham include Fairhaven Station (intercity passenger rail terminal), Bellingham Cruise Terminal (Alaska Ferry), and the Port of Bellingham (marine port). Additionally, State Route 543 (the truck route at the Blaine border) is an essential public facility located within the city limits of Blaine.

Widening of existing state highways or railroad tracks (including construction of sidings) and siting new state highways or railroad tracks should be planned in the Washington Highway System Plan, Amtrak Cascades Plan and the Freight Rail Plan. The state will invite the Regional Transportation Planning Organization and the County to participate in planning studies, review design plans, and provide comments when siting new or expanded state highways or railroad tracks.

Highways and railroad tracks that qualify as essential public facilities should be sited in accordance with all of the following principles. These facilities should be located:

- In a manner that minimizes or mitigates noise impacts to surrounding residential areas.
- Outside of the Lake Whatcom Watershed, unless there are no viable alternatives.
- In a manner that allows continued fish passage beyond the road or railroad tracks or restores blocked passage.
- In a manner that avoids or mitigates wetland impacts.
- In a manner that minimizes impacts of additional impervious surfaces by treating stormwater runoff.
- In a manner that encourages a vibrant economy by facilitating the efficient movement of people and freight.
- In a manner that accommodates pedestrians, bicycles, and transit.

Major passenger intermodal terminals should be located in General Commercial, Airport Operations, Urban Residential-Medium Density or industrial zones.

Freight railroad switching yards and terminals should be located in industrial zones.

Marine port facilities should be located within the Heavy Impact Industrial zone of the Cherry Point Major/Port Industrial Urban Growth Area. Allow existing facilities and limited expansions consistent with the State of Washington Department of Natural Resource Cherry Point Aquatic Reserve Management Plan.

Policy 2WW-5:

Airports in Whatcom County are the Bellingham International Airport and the Lynden Municipal Airport. Bellingham International Airport, which is in unincorporated Whatcom County, serves both general aviation traffic and commercial airline traffic. Lynden airport, which is within the city limits,

serves general aviation traffic. There is also a sea plane base called Floathaven on Lake Whatcom.

Within unincorporated Whatcom County, general aviation and commercial airports will be sited in the Airport Operations District. Compatibility of surrounding land use, including evaluation of height hazards, safety based upon aircraft accident data, and noise impacts, will be evaluated when a new Airport Operations District or an expansion of an existing Airport Operation District is proposed, as follows:

- Height hazards – Towers and other objects that penetrate the imaginary surfaces established in *14 CFR Part 77 Safe, Efficient Use, and Preservation of the Navigable Airspace*, shall be identified and mapped by the applicant. The applicant shall demonstrate to the County that existing objects that penetrate the imaginary surfaces as defined in *14 CFR Part 77* will not create a hazard to operation of the proposed airport. The applicant shall also demonstrate to the County that objects that could be allowed by zoning to penetrate the imaginary surfaces as defined in *14 CFR Part 77* will not create a hazard to operation of the proposed airport.
- Safety – Aircraft accident data shall be evaluated in the context of the densities and types of existing land uses and land uses allowed by zoning that are in proximity to the proposed airport. Specifically, for general aviation airports or commercial airports that also serve general aviation traffic, existing land uses and zoning around the proposed Airport Operations District shall be compared to the Safety Compatibility Zone Examples, Basic Safety Compatibility Qualities, and Safety Compatibility Criteria Guidelines in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-38 to 9-40, 9-44, 9-45, and 9-47). Special attention shall be given to whether or not the proponent has purchased the land in safety compatibility zone 1 as identified in the *California Airport Land Use Planning Handbook* (Shutt Moen Associates, January 2002, pp. 9-38 to 9-40).
- Noise – The applicant shall map the projected 55, 60 and 65 DNL noise contours. The County shall evaluate noise impacts to existing land uses and land uses allowed by zoning within the mapped 55, 60 and 65 DNL noise contours.

- The County shall consult with and consider the comments of the Federal Aviation Administration and the Washington Department of Transportation – Aviation Division.
- Mitigation, such as removing objects that create height hazards, will be encouraged to achieve compatibility with surrounding land uses.

Policy 2WW-6: State education facilities in Whatcom County are Western Washington University, Whatcom Community College and Bellingham Technical College and related facilities. The main campuses of these state education facilities are located within the city limits of Bellingham. It is anticipated that they will remain within Bellingham over the planning period. However, research, recreational, satellite educational and other facilities associated with these institutions may be located outside of Bellingham within unincorporated Whatcom County.

State education facilities should generally be located in commercial, rural, residential, light impact industrial, or general manufacturing areas. They should only be allowed in the Airport Operations zone if related to airport operations training. They should not be located on resource lands, except that educational facilities related to forestry should be allowed in the forestry designations and educational facilities relating to agricultural operation training should be allowed in the agriculture designation.

Policy 2WW-7 Correctional facilities in Whatcom County are the Public Safety Building (County Jail), the minimum security correction facility, and the juvenile detention facility in the County Courthouse. These three facilities are in Bellingham.

Within unincorporated Whatcom County, new correction facilities should be sited in accordance with all of the following principles. New facilities should be located:

- With convenient access to major transportation corridors;
- With convenient access to frequent transit service;
- In areas that will not create excessive traffic, noise, or glare impacts on surrounding residential properties;
- In areas that have access to adequate utilities and infrastructure;
- In areas where there is convenient access to the courts, the sheriff's office, law offices, medical services, fire protection services, and community & social services.
- Outside the 100-year floodplain;

- Outside seismic hazard areas. If no suitable sites are available outside of seismic hazard areas, correction facilities may be located within such areas if adequate mitigation measures are undertaken;
- Outside of landslide hazard areas;
- Outside of mine hazard areas;
- Outside of alluvial fans;
- Outside the 65 DNL noise contour of airports;
- At least 500' from gas pipelines with a maximum operating pressure 500 or greater pounds/square inch gage (psig);
- At least 100' from gas pipelines with a maximum operating pressure between 251 – 499 psig;
- At least one quarter mile from public and private schools.

Policy 2WW-8:

Solid waste handling facilities in Whatcom County currently include two primary transfer stations, drop box collection stations, moderate risk waste fixed facilities (small business and household hazardous waste collection), a vector waste transfer station, and composting and recycling facilities. Additionally, there are anaerobic digesters, biosolids land application facilities, private industrial landfills, and landfills in post-closure status. The two primary transfer stations are located within the City of Ferndale. Municipal solid waste transported to these transfer stations, by either self-haulers or one of two local certificated haulers, is transported to landfills located outside of Whatcom County.

Within unincorporated Whatcom County, solid waste handling facilities will be sited in accordance with all of the following principles:

1. Type III solid waste handling facilities as defined by WCC 20.97.429, including but are not limited to municipal solid waste landfills, incinerators, and transfer stations (but excluding uses set forth in subsection (2)) will be located:
 - a. Within industrial and forestry zones. They may be located within a rural zone only when the site has been identified for such a solid waste facility in the adopted subarea plan;
 - b. At least 1,500' from all zoning district boundaries, except commercial forestry and industrial zones;
 - c. At least 1,500' from public parks, public recreation areas, or publicly owned wildlife areas;

- d. At least 1,500' from archeological and historical sites that are registered with the State Office of Archeology & Historic Preservation;
 - e. At least 1,500' from shorelines that are within the jurisdiction of the Shoreline Management Program;
 - f. At least 1,500' from rivers, streams or creeks that contain documented threatened or endangered fish species;
 - g. Outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;
 - h. Outside the Lake Whatcom watershed;
 - i. Outside the 100-year floodplain;
 - j. In accordance with *Hazardous Wildlife Attractants on or Near Airports* (Federal Aviation Administration Advisory Circular 150/5200-33), solid waste facilities and sites that handle putrescible waste will be located:
 - i. At least 10,000' from airports serving turbine-powered aircraft (Bellingham International Airport);
 - ii. At least 5,000' from airports serving piston-powered aircraft (Lynden Municipal Airport).
2. Inert material landfills will be located:
- a. Within industrial and forestry zones. They may be located within a rural zone only when the site has been identified for such a solid waste facility in the adopted subarea plan;
 - b. At least 500' from all zoning district boundaries, except commercial forestry and industrial zones;
 - c. At least 500' from public parks, public recreation areas, or publicly owned wildlife areas;
 - d. At least 500' from archeological and historical sites that are registered with the State Office of Archeology & Historic Preservation;
 - e. At least 500' from shorelines that are within the jurisdiction of the Shoreline Management Program;
 - f. At least 500' from rivers, streams or creeks that contain documented threatened or endangered fish species;
 - g. Outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;
 - h. Outside the Lake Whatcom watershed;

- i. Outside the 100-year floodplain.

Commercial composting facilities are solid waste handling facilities, but do not qualify for essential public facility status.

Policy 2WW-9: Personal wireless communication facilities and broadcast towers have been constructed at various locations around Whatcom County.

Personal wireless communication facilities, such as cell phone towers, shall be sited in accordance with Whatcom County Code 20.13.

Broadcast towers, such as TV and radio towers, are allowed with a conditional use permit in all zoning districts.

Proximity to airports and potential hazards to aviation will be considered when siting new towers or increasing height of existing towers.

Policy 2WW-10: Sewage treatment plants in Whatcom County currently serve cities, water & sewer districts, the Lummi Nation, and a state park.

Within unincorporated Whatcom County, sewage treatment plants will be sited in accordance with all of the following principles:

1. New sewage treatment plants will be located outside of the 100-year floodplain, unless the applicant demonstrates that alternative sites are not feasible;
2. New sewage treatment plants will be located outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;
3. New sewage treatment plants will be located, in accordance with *Hazardous Wildlife Attractants on or Near Airports* (Federal Aviation Administration Advisory Circular 150/5200-33), as follows:
 - a. At least 10,000' from airports serving turbine-powered aircraft (Bellingham International Airport);
 - b. At least 5,000' from airports serving piston-powered aircraft (Lynden Municipal Airport);
4. New sewage treatment plants will be buffered from existing high-density residential land uses. Expansion of existing sewage treatment plants will provide buffering from existing high-density residential land uses to the extent possible;

5. New sewage treatment plants and expansion of existing sewage treatment plants will be constructed in a manner to shield light and glare from surrounding land uses.

Policy 2WW-11: Water treatment plants in Whatcom County are currently operated by cities, water & sewer districts, water associations and other public water system operators such as industries at Cherry Point.

Within unincorporated Whatcom County, water treatment plants will be sited in accordance with all of the following principles:

1. New water treatment plants will be located outside of the 100-year floodplain, unless the applicant demonstrates that alternative sites are not feasible;
2. New water treatment plants and expansion of existing water treatment plants will be constructed in a manner to shield light and glare from surrounding land uses.
3. New water treatment plants will be located:
 - a. At least 500' from natural gas pipelines with a maximum operating pressure of 500 or greater pounds/square inch gage (psig).
 - b. At least 100' from natural gas pipelines with a maximum operating pressure between 250 and 499 psig;
 - c. At least 500' from pipelines that carry liquid gas, oil or other petroleum products.

Policy 2WW-12: Water storage facilities owned and operated by a public water utility for the sole purpose of providing required fire flow are a permitted use in all zoning districts provided:

- Volume does not exceed 50,000 gallons; and
- Height does not exceed 12 feet above the ground level measured within 20 feet in all directions of the tank.

Other water storage facilities for potable water and/or fire flow owned and operated by a public utility are allowed with a conditional use permit in all zoning districts.

Policy 2WW-13: Substance abuse facilities, mental health facilities, and group homes have been constructed at various locations around Whatcom County.

1. In compliance with RCW 36.70A.410, Whatcom County will not treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.

"Handicaps" are as defined in the federal fair housing amendments act of 1988.

2. Within unincorporated Whatcom County, substance abuse crisis facilities and mental health crisis facilities will not be located within 600' from any of the following:
 - Public schools;
 - Private schools;
 - School bus stops,
 - Licensed day care
 - Licensed preschool facilities;
 - Public parks;
 - Publicly dedicated trails;
 - Sports fields;
 - Playgrounds;
 - Recreational and community centers;
 - Public libraries; and
 - Public and private youth camps

Policy 2WW-14: There are currently no secure community transition facilities for sex offenders located in Whatcom County.

Within unincorporated Whatcom County, secure community transition facilities for sex offenders will be sited in accordance with all of the following:

1. Secure community transition facilities shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of existing risk potential facilities, which are:
 - Public schools;
 - Private schools;
 - School bus stops,
 - Licensed day care
 - Licensed preschool facilities;
 - Public parks;
 - Publicly dedicated trails;
 - Sports fields;
 - Playgrounds;
 - Recreational and community centers;
 - Churches, synagogues, temples or mosques;

- Public libraries;
- Public and private youth camps; and
- Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020(13).

“Within the line of sight” shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600’ shall be considered to be within the line of sight. Line of sight may be considered to be less than 600’ if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

1. No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.
2. The average response time of emergency services to a proposed secure community transition facility will be balanced against the proximity of the proposed secure community transition facility to the above risk potential facilities. Great weight will be given to sites that are farthest removed from the risk potential facilities listed above.
3. In identifying potential sites within a county for the location of a secure community transition facility, the State Department of Social and Health Services shall work with local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:
 - a. The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and
 - b. The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

“Equitable distribution” means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant.

- Whatcom County should seek a financial mitigation agreement from the Department of Social and Health Services for costs associated with law enforcement training, emergency procedure training and other expenses identified under RCW 71.09.344.
- Policy 2WW-15: If significant amendments to the essential public facility siting criteria are proposed in the future, an essential public facilities committee consisting of citizen, business, health care, and government representatives, as appropriate, will be appointed by the County Executive to make recommendations relating to the proposed amendments.
- Goal 2XX: Provide for broad participation in the siting process by affected agencies, citizens and any other interested parties.**
- Policy 2XX-1: Assure that any specific procedure for siting facilities considered as regional or essential is consistent with county comprehensive plans and Countywide Planning Policies.
- Goal 2YY: Utilize the established review or appeal procedure to resolve differences of opinion regarding facility site selection.**
- Policy 2YY-1: Appeals relating to essential public facility siting shall be decided by the Hearing Examiner and/or County Council, in accordance with the zoning ordinance, prior to proceeding with any appeals to Superior Court.
- Policy 2YY-2: County regulations will not preclude the siting of essential public facilities in designated zoning districts.

Adult Businesses

Introduction

Purpose

The purpose of the adult business section is to prevent crime, protect residential areas and sensitive uses from incompatible uses, protect retail trade, maintain property values, preserve the quality of life in Whatcom County, protect gateways, corridors and connections in the community, preserve rural character and protect children from increased hazards created by adult businesses.

Process

Because of adverse secondary effects of adult businesses, the County Council established a year-long moratorium in 1998 on accepting new applications until appropriate policies and regulations could be established governing adult businesses. Whatcom County Planning Division staff originally drafted this section in

response to the moratorium. It was reviewed with a representative of the Whatcom County Prosecuting Attorney's office with regard to Constitutional issues. The Planning Commission held a public hearing before final adoption by the County Council.

GMA Requirements

The GMA does not require a Comprehensive Plan to address adult businesses. However, a county is authorized to plan for land use in general (RCW 36.70A.070). Additionally, the Comprehensive Plan can include any elements relating to the physical development within its jurisdiction (RCW 36.70A.080).

Background Summary

Whatcom County provides an outstanding quality of life that is worthy of preserving for future generations. This quality of life is partially dependent upon controlling crime, protecting residential areas, protecting businesses, preserving rural character and maintaining property values. Adult businesses can adversely impact the quality of life and, therefore, Whatcom County should regulate where such uses are allowed.

Issues, Goals, and Policies

Location of Adult Entertainment Establishments

Adult businesses have been shown to create adverse secondary effects upon the community in the form of crime, harming other forms of retail trade, impacting property values and causing deterioration in the quality of life. Such secondary effects can intensify when adult businesses are located in close proximity to one another. Regulating the location of adult businesses is necessary in unincorporated Whatcom County in order to protect the quality of life and minimize adverse secondary impacts of such businesses.

Goal 2ZZ: Utilize the established criteria for the location of adult businesses.

Policy 2ZZ-1: Adult businesses will be allowed with administrative approval use permits in Light Impact Industrial zoning districts that are located within City Urban Growth Areas. Adult businesses will not be allowed in the Light Impact Industrial zone immediately southeast of the Bellingham International Airport because, as the main entrance to the airport, it serves as a gateway to the community.

Policy 2ZZ-2: Adult businesses will not be allowed in other zoning districts.

Policy 2ZZ-3: Adult businesses will not be allowed within 1,000 feet of a school, day care, church, park, library, residential zoning district, rural zoning district, Interstate-5, or state highway.

- Policy 2ZZ-4: An adult business will not be allowed within 1,000 feet of any other adult business.
- Policy 2ZZ-5: Nonconforming adult businesses were terminated by operation of the Whatcom County Code in 2000. A maximum of four one-year extensions could have been granted if needed to recoup financial expenditures made in the business.

Historic and Cultural Resources

Cultural resources contribute materially to a sense of place and identity and civic pride. Economic dividends come from cultural tourism and downtown revitalization. Whatcom County recognizes a number of benefits which result from cultural resource preservation. A strong cultural resources management program enables the County to fulfill its legal obligation to avoid potential harmful impacts on cultural resources. The preservation of historic and archeological resources contributes to Whatcom County's rural and cultural character. Historically significant lands, sites and structures, which are part of and help illustrate the collective culture of the people, are important resources for the County. One of the Planning Goals of the GMA is to "Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance."

Goal 2AAA: Recognize Whatcom County's historical and archeological attributes and identify and encourage the preservation of lands, sites, and structures that have historic or archeological significance.

- Policy 2AAA-1: Whatcom County shall prepare a cultural resource inventory to identify and document archeological and historic resources.
- Policy 2AAA-2: The County's cultural resource inventory shall be updated on a continuing basis to ensure the inventory's usefulness as a historic preservation and land use tool.
- Policy 2AAA-3: The County's cultural resource inventory shall be coordinated with similar programs maintained by municipalities and Tribes within the county to ensure the comprehensiveness of the inventory.
- Policy 2AAA-4: Consistent with its resources and based on the standards of the cultural resources inventory, the County shall provide technical assistance to local groups whose work can be incorporated into the County's inventory.
- Policy 2AAA-5: The County shall seek to preserve and enhance archeological, historic, and cultural resources by enacting a qualifying historic preservation ordinance and carrying out the mandates of that ordinance.

- Policy 2AAA-6: The County shall meet its cultural resource management obligation under federal, state, and local regulations in an efficient and effective manner.
- Policy 2AAA-7: Consistent with its resources, the County shall provide technical assistance on cultural resource matters.
- Policy 2AAA-8: The County shall promote preservation of identified archeological, historic, and cultural resources.
- Policy 2AAA-9: On projects under its authority, the County shall consistently seek to mitigate negative impacts to cultural resources.
- Policy 2AAA-10: The County shall undertake through a public/private partnership a coordinated long-range planning in conjunction with representatives of arts, heritage, and tourism organizations, to develop strategies for preserving and enhancing cultural resources.
- Policy 2AAA-11: The County shall continue to cooperate with cultural groups and the organized representatives of the tourism industry to promote cultural tourism and ensure that cultural tourism projects remain eligible for funding assistance through its hotel/motel tax fund program.

Chapter Four Capital Facilities

Introduction

Capital facilities as defined here, and for purposes of the plan, include facilities owned by Whatcom County and other public entities. Capital facilities typically have long useful lives, significant costs, and are not mobile. Whatcom County capital facilities include buildings, land, parks, and roads (transportation facilities, including roads, are addressed in chapter 6). Capital facilities provided by other public entities may be addressed in this plan. Those capital facilities may include water, sewer, fire protection, stormwater, and schools.

Purpose

This chapter contains policies to guide Whatcom County in providing adequate public facilities and services within the county's financial capability, and provides a unifying framework for facilities planning. It also establishes levels of service for certain capital facilities. The cities and other public owners of capital facilities are encouraged to use the *Whatcom County Comprehensive Plan* as a guide in preparing their own plans and capital improvement programs, particularly with respect to designated urban growth areas (UGAs).

GMA Goals and Countywide Planning Policies

The goals and policies in this chapter contribute to achievement of several of the GMA planning goals, including those considering urban growth, open space and recreation, and public facilities and services. The chapter has been written to satisfy those goals while also meeting the intent and requirements of the Countywide Planning Policies (CWPP).

Although CWPPs do not separately address capital facilities, as defined in this chapter, they are addressed within a number of the policies. Policies requiring fiscal and physical ability to provide adequate public facilities, services, and infrastructure are satisfied in this chapter. The interlocal agreements specified in the policies must address reasonable criteria for annexation and ensure adequate public services including transportation, parks, administrative services and corrections facilities.

GMA Requirements

The Growth Management Act mandates that counties required to plan under the Act adopt comprehensive plans including an inventory of facilities, a forecast of future needs for such facilities, the proposed location and the capacities of expanded or new facilities, minimum levels of service, a six-year plan for financing those facilities with indication of sources for that funding, and a requirement to re-assess the Land Use chapter if there are funding shortfalls. The Land Use element must be consistent and coordinated with the capital facilities plan. These Growth Management Act requirements are addressed in this chapter of the Comprehensive Plan, the Whatcom County 20-Year Capital Facilities Plan (Appendix E) and in the *Six-Year Capital Improvement Program for Whatcom County Facilities* (Appendix F).

Background Summary

Capital facility cost is estimated based on studies, adopted level of service standards, or other planning assumptions. Availability of revenue from existing sources may not be sufficient for needed facilities. Mechanisms for additional funding may be developed or proposed; these mechanisms may include new or additional taxes, or impact fees.

The GMA expressly authorizes cities and counties to impose impact fees on new development to help finance the capital facilities required to serve new development. This authorization applies only to capital facilities owned or operated by government entities: (a) public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

If the adopted level of service cannot be achieved without acquiring major debt, raising taxes beyond acceptable levels or establishing unacceptably high impact fees, then the level of service standard must be adjusted, facility costs must be reduced, or growth must be curtailed until a balance is achieved. Adjusting land use to achieve level of service standards is one means of attaining concurrency. Concurrency, as required by the GMA, means that adequate facilities as defined by adopted levels of service are available at the time that the impacts of development occur or within a specified time thereafter. The GMA, at minimum, requires concurrency for transportation facilities. Concurrency is preferred for all other capital facilities as well in providing for new development while maintaining an acceptable quality of life that people desire.

Goals and Policies

Goal 4A: Within the county's financial capacity, adopt a carefully planned program of county services and facilities.

Policy 4A-1: Plan appropriate county facilities commensurate with the ability of the county to fund them.

Policy 4A-2: Provide County facilities and services in a manner that supports future urban growth in urban growth areas (UGAs).

Policy 4A-3: Evaluate all types of county facilities to determine whether they should serve countywide or strictly unincorporated areas.

Policy 4A-4: The land use element of the comprehensive plan must be reassessed to ensure that land use is coordinated and consistent with the financing plan within the capital facilities element and to ensure probable funding does not fall short of meeting existing needs.

Goal 4B: Develop a six-year financing program for capital facilities that meets the requirements of the GMA, achieves the county's adopted levels-of-service, and is within financial capability as determined by projected financial resources.

- Policy 4B-1: Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.
- Goal 4C: Locate county facilities which require urban infrastructure, serve primarily urban populations, and are urban in character within identified urban growth areas (UGAs).**
- Policy 4C-1: Evaluate all new capital facilities requiring a new site for urban characteristics and limit selection of sites for urban projects to designated UGAs.
- Goal 4D: Develop and implement a coordinated program of facility improvements and/or expansion for the departments and agencies which together carry out the county's law enforcement and corrections functions.**
- Policy 4D-1: Complete those capital improvement projects necessary to correct any space deficiencies in law enforcement facilities and corrections facilities.
- Policy 4D-2: Maintain Sheriff's Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. The number of jail beds in adult corrections facilities will be determined after review of multiple factors, including projected population growth, State sentencing laws, alternative programs, treatment diversion programs, early release programs, the need to separate violent inmates, the need to separate inmates by gender, the need to separate inmates by other classification considerations, average length of stay, peak inmate populations and available funding. Existing facilities may be expanded, remodeled and/or new facilities developed in response to changing need.
- Policy 4D-3: Maintain juvenile detention facilities and alternative corrections programs to provide safe and secure methods to provide accountability and support for minors who break the law. Existing facilities may be expanded, remodeled and/or new facilities developed in response to changing need.
- Policy 4D-4: Maintain adequate facilities for daily emergency management activities and, during an emergency or disaster, for the emergency operations center. The facilities will provide sufficient space for activities relating to emergency/disaster planning, mitigation, response and recovery. Existing facilities may be expanded, remodeled and/ or new facilities developed in response to changing need.

- Goal 4E:** **Develop and carry out a realistic long-range program of facility expansion or improvement to accommodate the county's projected staffing requirements for departments and agencies.**
- Policy 4E-1: Include in the capital facilities plan, a program of building and space improvements to efficiently provide quality work space for projected staffing levels through the 20-year planning period.
- Policy 4E-2: Investigate alternatives to capital facility construction through the private sector, and pursue technologically feasible alternatives.
- Goal 4F:** **Achieve level of service standards for parks and trails identified in this chapter. Support objectives and priorities identified in the *Comprehensive Parks, Recreation and Open Space Plan*, in the *Natural Heritage Plan*, and in this plan.**
- Policy 4F-1: The following level of service standards are adopted for parks and trails:
- developed parks 9.6 acres per 1,000 population
trails 0.60 of a mile per 1,000 population
- Policy 4F-2: Seek non-capital opportunities to acquire, enhance and maintain park lands, trails, and other recreational facilities. Consider partnering with cities, school districts, park & recreation districts and others when planning and implementing park and trail projects.
- Policy 4F-3: Include acquisition and development costs in the six-year CIP for future park and trails projects.
- Policy 4F-4: Place a high priority on improvements to existing county recreational sites and facilities and using them to their full potential, including those outlined in the *Whatcom County Comprehensive Parks, Recreation and Open Space Plan*, before investing capital in the acquisition and development of new facilities.
- Policy 4F-5: Continue to provide and support activity centers, including senior centers, to serve the growing population of Whatcom County by the following methods, as needed, which are listed in priority order: (1) implementing programming changes, (2) adding space to existing centers, and/or (3) establishing new centers.
- Goal 4G:** **Coordinate with non-county facility providers such as cities, school districts and other special purpose districts to support the future land use pattern promoted by this plan.**

- Policy 4G-1: Establish interagency planning mechanisms to assure coordinated and mutually supportive capital facility plans from special districts, cities, and other major non-county facility providers which are consistent with this and other chapters of the comprehensive plan.
- Policy 4G-2: In consultation and coordination with special districts, cities, and other major non-county facility providers, review and update as appropriate capital facility plans supporting UGAs in conjunction with the UGA Review.
- Policy 4G-3: The UGA review process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County cannot be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered.
- Policy 4G-4: Urban levels of service for fire protection shall be a response time of 8 minutes 80% of the time when the department covering the urban area has staffed the fire station. When the fire station is not staffed the response time shall be 10 minutes 80% of the time, or a WSRB Rating of 6.
- Rural levels of service for fire protection shall be a response time of 12 minutes 80% of the time when the department covering the rural area has staffed the fire station. When the fire station is not staffed the response time shall be 14 minutes 80% of the time, or a WSRB Rating of 8.
- Staffed station shall be a fire station that is staffed 24 hours a day 7 days a week 365 days a year. Staff may be paid, volunteer, or combination of the two.
- Goal 4H: Maintain effective concurrency measures and procedures for all facilities and services necessary for development.**
- Policy 4H-1: Based on established levels of service for all road segments under control of the county, administer a concurrency management program that provides for consistent and predictable evaluation of the impacts of future proposed development.
- Goal 4I: Consider alternative funding sources for needed county facilities.**
- Policy 4I-1: After all other financing options have been exhausted, consider the use of bonded indebtedness to finance major capital investments in infrastructure.
- Policy 4I-2: Identify and promote public private partnerships to provide and enhance the provision of necessary services.

Goal 4J: Ensure that capital facilities provide protection for threatened and endangered fish and wildlife species.

Policy 4J-1: Fish and wildlife habitat should be carefully considered when selecting projects for the Six-Year Capital Improvement Program.

Policy 4J-2: Projects selected for the Six-Year Capital Improvement Program shall not degrade habitat for threatened and endangered species.

Policy 4J-3: Projects selected for the Six-Year Capital Improvement Program should strive to restore degraded habitat for threatened and endangered species, when the projects are in direct contact with such habitat. The County Council will determine when such restoration is financially feasible through adoption of the six-year capital improvement program and the County budget.

Goal 4K: Enable school districts and fire districts to receive mitigation fees or impact fees to fund a proportionate share of system improvements reasonably related to new development by adopting into this plan their capital facilities plans.

Policy 4K-1: The capital facilities plan for the Bellingham School District, adopted by the district on August 27, 2015, is adopted into the comprehensive plan by reference.

Policy 4K-2: The capital facilities plan for the Ferndale School District, adopted by the district on April 12, 2013, is adopted into the comprehensive plan by reference.

Policy 4K-3: The capital facilities plan for the Lynden School District, adopted by the district on February 11, 2016, is adopted into the comprehensive plan by reference.

Policy 4K-4: The capital facilities plan for the Meridian School District, adopted by the district on June 24, 2015, is adopted into the comprehensive plan by reference.

Policy 4K-5: The Capital Facilities Plan for Whatcom County Fire District #5 (Point Roberts), adopted by the District on July 11, 2018, is adopted into the comprehensive plan by reference.

Goal 4L: Adopt special district and County capital facility plans for unincorporated UGAs, not associated with a city, into this plan by reference when consistent with the Whatcom County Comprehensive Plan.

Policy 4L-1: The Birch Bay Water and Sewer District Comprehensive Water System Plan, dated March 2009, is adopted by reference into the comprehensive plan.

- Policy 4L-2: The Birch Bay Water and Sewer District Comprehensive Sewer System Plan, dated May 2009, is adopted by reference into the comprehensive plan.
- Policy 4L-3: The Birch Bay Comprehensive Stormwater Plan, dated July 2006, is adopted by reference into the comprehensive plan.
- Policy 4L-4: The Blaine School District Capital Facilities Plan, dated December 2015, is adopted by reference into the comprehensive plan.
- Policy 4L-5: The North Whatcom Fire and Rescue and Fire District # 4 Capital Facilities Plan, dated May 2016, is adopted by reference into the comprehensive plan.
- Policy 4L-6: The Public Utility District No. 1 Comprehensive Water System Plan, dated October 2004, is adopted by reference into the comprehensive Plan.
- Policy 4L-7: The Columbia Valley Water District 2013 Water System Plan Update is adopted by reference into the comprehensive plan. This water system serves a portion of the Columbia Valley UGA.
- Policy 4L-8: The Water District No. 13 Small Water System Plan, dated August 2012, is adopted by reference into the comprehensive plan. This water system serves a portion of the Columbia Valley UGA.
- Policy 4L-9: The Water District No. 13 Comprehensive Sewer Plan, dated August 2012, is adopted by reference into the comprehensive plan. This sewer system serves a portion of the Columbia Valley UGA.
- Policy 4L-10: The public stormwater facilities sections relating to the Columbia Valley UGA in the Water Quantity and Quality Report Foothills Subarea (Aspect Consulting, July 18, 2008, pp. 2-3, 36-39, and 55-56) are adopted by reference into the comprehensive Plan.
- Policy 4L-11: The Whatcom Fire District No. 14 Capital Facilities Plan, dated August 2015, is adopted by reference into the comprehensive Plan.
- Policy 4L-12: The Mount Baker School District Capital Facilities Plan, dated May 2013, is adopted by reference into the comprehensive plan.
- Policy 4L-13: The Whatcom County Fire District No. 7 Capital Facilities Plan, dated February 2016, is adopted by reference into the Comprehensive Plan.

Chapter Five Utilities

Introduction

Utilities, as defined herein and for purposes of the plan, include all lines and facilities used to distribute, collect, transmit, or control electric power, natural gas, petroleum products, information (telecommunications), water, and sewage. Most utilities in Whatcom County are operated by special-purpose districts, private companies, or by cities. The County's responsibility for utilities provided by other agencies ranges from regulating land use to managing activities in public rights-of-way.

Electricity, natural gas, petroleum, and some other utilities treated herein are inherently regional and are regulated directly and indirectly at several levels, including by the Washington Utilities and Transportation Commission (WUTC) and the Federal Energy Regulatory Commission (FERC). At every level, changing regulations affect the way utilities will be managed through the planning period. Changes in the utility marketplace, together with new and varying utility needs, can be expected to affect the way other utilities are marketed, transmitted, and used.

Purpose

This section contains policies to guide Whatcom County in reviewing private utility development proposals and regional transmission proposals, and in reviewing and regulating utility services and facilities provided by other public agencies and the private sector. This section also provides a general framework for utility-specific comprehensive plans including those prepared by entities other than Whatcom County. The cities, Puget Sound Energy, Cascade Natural Gas, Public Utility District No. 1 (Whatcom PUD) and other special-purpose districts are encouraged to use the Whatcom County Comprehensive Plan in preparing their own plans and capital improvement programs.

It is the intent of this plan to support providers of electricity, natural gas, petroleum, telecommunications, and other utilities in fulfilling their public service obligations required by state law to provide service on demand to existing and future customers. It is also the intent of this plan to minimize any negative effects resulting from the provision of that service on the residents, infrastructure, and the environment of the county.

GMA Goals and Countywide Planning Policies

The goals, policies, and action plans in this chapter contribute to achieving several of the GMA planning goals, including those considering urban growth, reduction of sprawl, open space and recreation, and public facilities and services. The chapter has been written to satisfy those goals while also meeting the intent and requirements of the Countywide Planning Policies (CWPP) and general guidelines of Visioning Community Value Statements.

Although CWPPs do not address all utilities as a separate category, various types of utilities are addressed within a number of sections. Specifically, the policies encourage sharing of corridors for utilities, trails, and other transportation rights-of-way. The CWPPs also call for cities to develop plans, in cooperation with existing water purveyors and other municipal corporations providing water or sewer services, affording urban-level water and sewer services within their Urban Growth Areas (UGAs). The interlocal agreements specified in the policies must address reasonable criteria for annexation and ensure adequate services including water and sewer utilities. The CWPPs specify that cities will not extend water and sewer utilities without an adopted program for annexation and an adopted Capital Facilities Plan. Exceptions may be made in cases where human health is threatened. The CWPPs require that if water extensions are made, they must be consistent with the service area boundaries and other provisions of the *Coordinated Water System Plan*. Outside of Urban Growth Areas, cities and other public and private utilities may extend water only at rural levels of service. If rural levels of service are extended, availability of pipeline capacity to meet local supply needs shall not be used to justify development counter to countywide land development patterns and shall not be considered in conversions of agriculture land, forestry, or rural lands. These and other water quantity and quality issues covered in the CWPPs are addressed directly and supported in the goals, policies, and action plans of this chapter.

The Growth Management Act, in conjunction with CWPPs, clearly identifies the County in a decision-making role when it comes to utility provisions. This is implemented through the County's authority to set urban growth boundaries and can be specified through the Interlocal Agreements assigned in the CWPPs. It should be noted that the CWPPs are locally adopted and could be subject to change in the future.

GMA Requirements

The Growth Management Act mandates that counties required to plan under the act adopt comprehensive plans including "a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines." The utilities element will include maps illustrating existing and proposed facilities and define goals and policies concerning those facilities and future proposed locations for utility facilities and corridors. By future proposed locations, it is the interpretation of Whatcom County that "proposed" means projects that have been submitted to the appropriate Whatcom County agency seeking permits or approval. See **Map 5-1**, which shows existing and planned electrical facilities; **Map 5-2**, natural gas facilities; and **Map 5-3**, communications facilities.

This plan does not address all the issues regarding energy or energy policy. As required by GMA, this plan addresses only those issues that are considered utility issues of Whatcom County. Therefore, this document does not address coal, automotive-oriented, or other non-utility energy issues except with regard to transmission corridors.

Whatcom County is not a municipal purveyor of electric power or water. While this chapter addresses provision of electric power and other utilities by private and public purveyors, it does not address water supply other than as might be provided by Whatcom PUD or through other various water districts, associations, or private wells with one or more connections. Water supply and coordination affected by these organizations or parties is largely addressed in the *Whatcom County Coordinated Water System Plan (CWSP)*. Maps showing locations of water purveyors' pipelines and service areas, and locations of existing sewer system areas, are adopted as they presently exist or are modified.

Background Summary

Whatcom County is in a special situation due to its unique location between Canada and major utility users to the south. This creates a situation where utility services move through Whatcom County for their products to reach from the source to the destination. Whatcom County can be viewed as a gateway for utilities entering from Canada to reach demand elsewhere. This is especially true for natural gas, petroleum products, and electricity.

Utility services in Whatcom County are provided by a number of private and public utility operators. The main purveyor of electrical power within Whatcom County is Puget Sound Energy, but there are other providers as well, notably Whatcom PUD and the cities of Blaine and Sumas. Cascade Natural Gas provides natural gas for the county; however, there are locations throughout the county where natural gas is not available. Such locations have to rely on electricity, propane, or other means to meet their energy needs. Telecommunications are provided by multiple telephone, cable television, internet, and wireless communication companies. Water is obtained from private and public systems. Sewage treatment is primarily by septic system in the unincorporated areas of the County. There are areas of the County where consumers have the choice between multiple providers of the same utility service. Whatcom County supports free market competition for services, when such competition benefits the County consumers.

Whatcom County strongly encourages utilities to develop in a safe and rational manner based on the demand requirements of development consistent with the County Comprehensive Plan.

The 20-Year Capital Facilities Plan (Appendix E) provides additional information relating to water systems, sewer systems, and solid waste management.

Issues, Goals, and Policies

Locational Criteria for Siting Utilities

Countywide Planning Policies, open space, greenways, the environment, zoning, existing development patterns, urban growth areas, and other physical, political, business, economic, and geographical constraints, and plans will demarcate both the need for and the locations available for any new electric power and/or natural gas corridors. Electric power, communications and natural gas purveyors are part of regional systems that are demand-driven and are regulated at the State and, to

some degree, at the Federal levels. This chapter provides for general locations of utility facilities needed in the future. Precise locations will be determined in the future and will be evaluated through existing regulatory and review processes including conditional use and environmental review.

It is the County's preference that utility corridors must be located in areas of least impact to the public and environment as measured by proximity to populous and environmentally sensitive areas.

While it is in the best interest of Whatcom County citizens to plan for the location of utility services in future growth areas, every effort must be made to avoid undesirable effects of locating those facilities in areas where the health or safety of Whatcom County residents may be adversely affected, where the development is prohibitively expensive, or where environmental costs may be too high. Utility corridors shall be shared by compatible utilities when safely possible.

Goal 5A: Specify a clear process for determining appropriate locations for future needed utility facilities, including electric power facilities greater than 55 kV.

- Policy 5A-1: Use the existing conditional use, major project permit, and environmental review processes to evaluate and determine the suitability of proposed suitable locations for any new utility facilities above the distribution level during the planning period.
- Policy 5A-2: When expansion or improvements of utility systems are being considered, Whatcom County prefers the following in the order provided:
- upgrading of existing facilities in existing corridors;
 - replacing facilities in existing corridors where appropriate;
 - sharing existing corridors.
- Policy 5A-3: Encourage utility purveyors to consider underground installation of distribution facilities consistent with WUTC rates and tariffs.
- Policy 5A-4: To the extent that installation of utility facilities affects growth patterns, utility services should be located and designed appropriate to the land use designation..
- Policy 5A-5: Discourage siting utility facilities in known natural hazard areas unless public benefit outweighs the risk.
- Policy 5A-6: Ensure that utilities and power generating facilities are sited where they will not adversely impact the ecological regime needed for threatened and endangered species.

Trends in Utility Technology

Changing technology will affect the costs and types of utility services and systems available. Technologies can evolve very rapidly, particularly when breakthrough discoveries occur. It is likely that new technologies will emerge and existing technologies will evolve within the planning period.

Goal 5B: Support the development and use of new utility and information technologies.

- Policy 5B-1: Facilitate the use of new technologies by allowing flexibility in regulations and policies affecting utility facilities when it can be shown that a net benefit to the public is likely to result.
- Policy 5B-2: Support development and use of new technologies.
- Policy 5B-3: Recognize the economic opportunities and benefits communication services access provides to the community.
- Policy 5B-4: Support development regulations that are flexible and receptive to innovations and advances in communication technologies and that recognize the positive impact of moving information rather than people.
- Policy 5B-5: Work closely with major utility providers to enhance the County and private geographic information systems (GIS) databases.

Electric Power, Natural Gas, Petroleum, and Telecommunications

All Whatcom County residents should have access to utilities as defined in this section. The WUTC requires equitable availability and controls the price of electric power and natural gas services provided by investor-owned utilities. FERC does so for electric, natural gas and petroleum facilities crossing state lines. Additionally, the Energy Facility Site Evaluation Council (EFSEC), the Department of Labor and Industries (DLI), and the US Department of Energy (DOE) regulate utility siting and operations. Goals relating exclusively to natural gas and hazardous liquid lines are addressed separately.

Changes in the utilities marketplace will probably create a need for recognition of a variety of service needs and for new models of how energy is distributed, stored, and used. Regulations concerning provision of utility services to consumers should remain flexible and offer opportunities for review with respect to changes in utility industry dynamics dictated by market forces and regulations at the state and federal levels.

Goal 5C: Facilitate accessibility of utilities.

- Policy 5C-1: Support user access to natural gas, electric, and communications utilities.
- Policy 5C-2: Review the policies in this chapter as necessary in order to keep them current with market and regulatory changes.
- Policy 5C-3: Encourage the processing of utility permits concurrent with the processing of Major Development Permit and Planned Unit Development permit applications, when applicable.
- Policy 5C-4: Make use of advanced technology to assist government operations and enhance public accessibility.

- Policy 5C-5: Encourage regional planning of public facilities and utilities that will facilitate coordinated land-use management and capital facility construction.
- Policy 5C-6: Support capital facilities to correct existing deficiencies and to accommodate new growth in an efficient, cost effective, and timely fashion.
- Policy 5C-7: Public facilities and utilities will be designed and located in a manner that protects the integrity of planned land uses, existing land forms, drainage ways, natural systems, critical areas, and resource lands.
- Policy 5C-8: Extension of urban utility services shall be limited to areas designated for urban development.
- Policy 5C-9: Appropriately scale public utility systems to accommodate anticipated population growth.

Permitting Process Efficiency

Time required for permitting processes can increase development costs and can impede the timely provision of electric power and other utilities to residential, commercial, and business users. Any new utility installation requires precisely designed and selected components to complete and bring a facility on line. Careful planning is necessary to ensure the proper components are available as needed. Delays in obtaining permits can disrupt planning cycles and can result in utility services not being available when needed. Local permit processing should not interfere with or cause long delays for the provision of utilities to residents, industry, or business.

Goal 5D: Minimize the time required for processing utilities permits.

- Policy 5D-1: Maintain streamlined and simplified permitting processes relating to installation of utility facilities designed to serve existing or approved development.
- Policy 5D-2: Avoid duplication of criteria in permits.

Goal 5E: Reduce unnecessary obstacles to land use development applications.

- Policy 5E-1: County Planning and Development Services will notify and seek comment from utility operators concerning land use development applications adjacent to existing major utility facilities and will take comments received under advisement.
- Policy 5E2: Require evidence of compliance by the applicant with all relevant easement provisions as a condition of all discretionary and non-discretionary land use approvals.
- Policy 5E3: Utility companies shall provide notification of proposed projects to abutting landowners consistent with by County code.

Impediments to the Provision of Utilities

The ability of utility purveyors to meet the mandates of WUTC and FERC could be affected by all of the following: GMA regulations, goals, and policies; plat covenants, conditions, and restrictions; infrastructure requirements; zoning; Countywide Planning Policies; and environmentally sensitive areas.

Goal 5F: Identify and remove impediments to effective siting of necessary utility facilities.

Policy 5F-1: Periodically review existing regulations to identify and eliminate unintended or unreasonable constraints on the provision of necessary utilities as defined in this section.

Regulatory Controls Encouraging Energy Conservation

Conservation is considered a substantial contributor to regional and local energy supplies. Generally, there are two components of conservation: *regulatory issues* and *infrastructure*. Regulatory issues include the efficiencies created by zoning density, development standards, establishing minimum energy efficiency standards, and energy code enforcement. Infrastructure issues include existing utility facilities and privately owned equipment ranging from purveyor-owned hardware to consumer-owned appliances. While energy demand increases as a result of growth, conservation plays a large role in limiting the quantity of that new demand.

Goal 5G: Support cost-effective conservation as a significant supply factor and implement policies that promote energy conservation measures.

Policy 5G-1: Land use regulations shall be consistent with the conservation and other goals in this chapter.

Policy 5G-2: Encourage and support the use of conservation-based methods and technologies.

Policy 5G-3: Support energy conservation and energy efficiency in all proposed residential, commercial, and industrial projects by improving the energy efficiency of new construction and the existing building stock through building codes and practices, and support refurbishing and remodeling projects to include energy efficient components via expedited permitting and assistance.

Policy 5G-4: Facilitate and encourage conservation of resources, in order to delay the need for additional facilities for electrical energy and water resources, and to maintain adopted air quality standards.

Policy 5G-5: The County shall consider funding and promoting energy education services in order to inform citizens on energy conservation and the use of renewable energy sources.

Policy 5G-6: Consider use of renewable energy sources in County facilities. Improve energy efficiency in County facilities, vehicle fleets, and

equipment consistent with the measures identified in the Whatcom County Climate Protection and Energy Conservation Plan (2007).

Goal 5H: Support cost-effective renewable energy projects and implement policies that promote renewable energy projects.

Policy 5H-1: Land use regulations shall be consistent with the renewable energy and other goals in this chapter.

Policy 5H-2: Encourage and support the development of renewable energy projects and technologies, including pursuing renewable energy supply portfolios for the County from power suppliers as well as small local renewable energy projects such as anaerobic digesters and solar and wind energy, where applicable.

Policy 5H-3: Support renewable energy incentives to businesses and groups for comprehensive renewable energy efforts.

Policy 5H-4: Locate solar energy generation equipment on County facilities where cost/benefit analyses prove advantageous over the life cycle of the facilities.

Utility Corridors

Where feasible, multiple land uses in utility corridors should be encouraged. The potential for shared use of utility corridors should be realized to the greatest practical extent. While some corridor uses have proven incompatible, others work well. Some uses are clearly mutually exclusive, but others are unaffected, and in some cases enhanced, by proximity to other uses thereby serving multiple needs.

Questions have been raised concerning potential for long-term, adverse health effects associated with exposure to 60Hz electric and magnetic fields. Many studies have been conducted concerning those effects and many are in process; results are mixed.

Goal 5J: Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage use of existing utility corridors.

Policy 5J-1: Encourage utility providers to explore expanded and/or joint use of existing utility corridors before seeking sites for new rights-of-way.

Policy 5J-2: Promote, when reasonable and feasible, the co-location of new public and private utility distribution facilities in shared trenches/corridors, as well as coordination of construction timing.

Policy 5J-3: Allow for recreational use of utility corridors where practical.

Policy 5J-4: Encourage utility companies to notify impacted residents of vegetation control measures.

Goal 5K: Be responsive to new information on electric and magnetic field (EMF) research progress.

Policy 5K-1: As new information regarding EMF becomes available consider the need for new standards.

Policy 5K-2: Educate the public with regard to any new information concerning possible EMF health effects.

Goal 5L: Support direct and indirect economic benefits to Whatcom County originating with energy or utilities in general.

Policy 5L-1: Recognize economic benefits derived from coordination of utilities with established and projected residential, commercial, and industrial growth patterns in the County.

Policy 5L-2: Require a utility proponent to show how the proposal provides local or regional benefit.

Natural Gas and Hazardous Liquid Transmission Pipelines

Transmission of hazardous liquids and gases by pipeline is an efficient and convenient transportation mode for transporting these products. However, pipelines pose a risk of ruptures and uncontrolled leaks of products which are highly flammable, explosive, or toxic and therefore require careful consideration of pipeline siting, nearby land uses, and protection of pipelines from excavation damage.

The goals of Whatcom County regarding pipelines are: to protect the health, safety and welfare of County residents; to provide predictability for future pipeline siting; and to encourage communication and coordination with pipeline operators, landowners, and county, state and federal agencies.

The County is not able to control all issues regarding pipelines, as there are other agencies with jurisdictional authority (such as the Energy Facility Site Evaluation Council and the Federal Energy Regulatory Commission), as well as demand from areas outside of Whatcom County, which preclude the County from having the ultimate authority. Nonetheless, goals and policies for the County are appropriate and incorporated herein.

The following goals and policies shall apply to all natural gas and hazardous liquid transmission pipelines as defined by state and federal regulations. The goals and policies presented herein should be interpreted in conjunction with the general utility policies of this chapter where applicable, with priority and deference given to these policies which are specific to natural gas and hazardous liquid pipelines where they appear contradictory. *The Natural Gas and Hazardous Liquid Pipelines Background Report* contains more detailed information regarding pipelines and related issues. Map 5-2 indicates a notification area of 1,000 feet (500 feet from each side of the pipeline) for natural gas and hazardous liquid transmission pipelines, which may be of value to the public.

Goal 5M: Protect the citizens and the environment of Whatcom County through informational, educational, and regulatory measures.

- Policy 5M-1: Seek intervener status on all pipeline proposals which may not be within the County's regulatory authority, so as to preserve the County's legal right to retain a voice in the proposal. The County will review a pipeline proponent's application and file comments with the reviewing bodies according to the appropriate procedure and within the timelines provided. Staff shall engage in continual and ongoing communication with the regulatory authorities regarding the project as the need or occasion arises.
- Policy 5M-2: Carefully scrutinize new or updated franchise agreements. Review and evaluate model franchise agreements, if available, for provisions to be incorporated into negotiation discussions regarding proposed provisions in future franchise agreements. Consider the adoption of a franchise agreement ordinance for consistency and guidance if multiple new agreements are anticipated.
- Policy 5M-3: Provide information, education, and notification programs to alert the public of pipeline location and safety considerations when making land purchase or development decisions adjacent to transmission pipelines.
- Policy 5M-4: Require transmission pipeline operators to provide accurate 'as-built' pipeline maps as a condition of approval for any county development permit. In addition to scaled plan maps which shall be accurate to the parcel level, pipeline information (pipe size, allowable pressure, fuel type, etc.) shall also be required. Whatcom County's GIS staff is to provide update copies of all major pipeline routes to Whatcom County's Division of Emergency Management.
- Policy 5M-5: Require, early in the transmission pipeline permitting process, that the proponent provide funds to the County, adequate to cover the cost of an informational session which will be conducted by an independent third-party to be selected by the County on the topics of eminent domain and right-of-way acquisition. Pipeline proponents shall also be required to conduct "open house" and "town hall" style public meetings as a part of any land use development permit process for a new or major transmission pipeline expansion.
- Policy 5M-6: Require transmission pipeline proponents to notify all fire, water, and sewer districts and jurisdictions with urban growth areas where the siting of new pipelines crosses those service areas.
- Policy 5M-7: Monitor transmission pipeline construction to ensure pipelines are installed in accordance with all applicable critical area regulations.
- Policy 5M-8: Encourage the Office of Pipeline Safety to enact stronger safety measures for transmission pipelines, and to encourage pipeline applicants to voluntarily enact stronger safety measures than required by federal law.

- Policy 5M-9: Require land division and land use applicants to show transmission pipelines on application maps when any part of the property involved in the application is located within 500 feet of the centerline of the pipeline corridor.
- Policy 5M-10: Encourage communication between property owners and transmission pipeline operators to minimize the risk of inadvertent damage to transmission pipelines and to provide guidance to property owners about minimizing further risk through site design or construction. Require notification of transmission pipeline operators at the earliest possible stage of application review (at least concurrent with other land use application notifications).
- Policy 5M-11: Require protection of the pipeline corridor by prohibiting land disturbance and construction within defined rights-of-way except by express written consent from the pipeline operator.
- Policy 5M-12: Verify applicant's use one-call locator services in accordance with state law prior to issuing any land disturbance or construction permits abutting pipeline rights-of-way, and require physical protection of the pipeline corridor during construction.
- Policy 5M-13: Encourage ongoing coordination and communication between pipeline operators and the emergency response community including the Local Emergency Planning Committee, Health Department, Fire Districts, and Sherriff Department to promote education, awareness, emergency response and evacuation planning with regard to the environmental and health impacts of potential spills or leaks. Require pipeline operators to share detailed specifications about their pipelines and products with the emergency response community to facilitate better emergency preparedness.

Goal 5N: Develop locational siting criteria specific to special conditions regarding transmission and large distribution pipelines.

- Policy 5N-1: Use GIS-based siting criteria for evaluating transmission pipelines consistent with the policies for transmission pipelines and the recommendations in the *Natural Gas and Hazardous Liquid Pipeline Background Report*.
- Policy 5N-2: Encourage transmission pipelines to locate adjacent to established corridors where possible. Require applicant justification for proposed deviations.
- Policy 5N-3: Transmission pipelines are inappropriate and discouraged in urban growth areas and areas of intense rural development.
- Policy 5N-4: No transmission pipeline facilities should be constructed or located in critical areas without fully mitigating the project impact.

- Policy 5N-5: Designated agricultural and forestry lands are preferred locations for transmission pipelines, provided special attention is paid to facilitating and not impeding agricultural drainage.
- Policy 5N-6: Restrict the location of transmission pipelines in high-risk landslide areas where evidence of instability could be ascertained by recent events or verifiable geological conditions.
- Policy 5N-7: Prohibit new land uses with high on-site populations that are difficult to evacuate or new essential public facilities from being located nearer than 500 feet from the centerline of a transmission pipeline.
- Policy 5N-8: Require expanded land uses and facilities located nearer than 500 feet from the centerline of a transmission pipeline to not increase the level of risk from a pipeline failure and use site design, building, technological, and/or operational techniques to reduce or minimize risk.
- Policy 5N-9: To allow continued use of property, especially agriculture, pipelines must be installed and maintained deep enough and in a manner that maximizes the ongoing use of the land consistent with the zoning in place at the time the pipeline was approved.

Water Supply

Whatcom County residents obtain domestic water from public and private water systems. For the purpose of this discussion, the term "public" refers to the State Department of Health (Health) definition, and not to ownership of the system. This distinction is important and can often be confusing. Public systems, as defined by the State Health Department, must comply with specific regulations designed to protect the health of people using the supply. Private systems do not have to meet these same requirements. However, the County Council, acting as the Board of Health, adopted the Whatcom County Drinking Water Ordinance in 2002, which established standards for private water systems used for new development. This ordinance includes siting criteria, such as setbacks from septic tanks, and initial water quality sampling requirements. It does not impose on-going water quality monitoring on private water systems.

The complete definition of a public water system is found in WAC 246-290 and WAC 246-291. In general, State Health regulations define a public water system as all systems *except* those serving only one single family residence or a system with four or fewer connections all of which serve residences on the same farm. However, the regulations do allow systems with only two connections to be exempted from State Health rules at the discretion of local/State Health. Whatcom County has taken advantage of this allowance and, in certain circumstances, does not require residential systems with two services to meet public systems requirements. However, these two-party wells that are exempt from state rules must still comply with the County's Drinking Water Ordinance.

Over 80 percent of Whatcom County residents obtain potable water from a municipality or public water system. The rest obtain their drinking water from

private water supplies including wells, surface water, and rainwater catchment.. Water is critical to Whatcom County agriculture; irrigation is necessary for all high-value crops. Livestock must be watered year round, and dairy equipment and facility cleanup also go on all year. Some industries are also large-scale water users, and they may need both potable and non-potable water.

Four major water systems, Whatcom County PUD #1, City of Bellingham, Lake Whatcom Water and Sewer District and City of Lynden, draw surface water from the Nooksack River and Lake Whatcom. Most of the rest rely on groundwater as their source. This is not as distinct a difference as it seems, since Whatcom County water resources are an interconnected system. Water supply for public water systems in the county is identified in the *Coordinated Water System Plan*. The current Whatcom County Coordinated Water System Plan (CWSP) coordinates the plans of the county's public water purveyors (e.g., forecasting demand, identifying supplies and service areas) with the objective of ensuring the County has an adequate supply of potable water to serve planned domestic, commercial, and industrial uses, provided by public water systems. The CWSP must be consistent with this Comprehensive Plan, including land use designations, permitted densities, and related growth management policies, including identifying sufficient water supplies to accommodate projected growth for the next 20 years.

The largest purveyor in the county is the City of Bellingham. Bellingham directly supplies water to about 76,000 people, relying primarily on water from Lake Whatcom and the Middle Fork of the Nooksack River via a diversion pipeline. However, Bellingham also sells water to Water District 2, Water District 7, Water District 10 and the Lummi Water & Sewer District. If water sold to these districts were included, Bellingham provides water to approximately 88,000 people. The City also has the largest collection of water rights of all purveyors in the county. This large water right portfolio could enable it to continue its role as a major purveyor in the future.

The Public Utility District No. 1 (PUD), which obtains water from the Nooksack River, has the second largest collection of rights in the county. The PUD is a public water utility authorized under RCW Chapter 54 which provides retail service within its designated service boundary and has the potential to provide wholesale water on a county-wide basis. The PUD currently provides both direct retail and wholesale water supplies to customers within the county. The PUD holds water rights for municipal water supply purposes – including residential, commercial, industrial, and agricultural use. Pursuant to state law, the PUD develops and provides water supply within its service area in accordance with authoritative demand and/or population projections.

The PUD will consider petitions for service or assistance from all areas in Whatcom County which are not presently claimed by cities, water districts, or other purveyors operating within the county. The level of service to be provided to PUD customers requesting service or new supply will be consistent with their water rights and relevant capital facility and/or land use plans and policies in existence at the time of service extension.

Regardless of size, public or private, many water purveyors in Whatcom County face common challenges in meeting existing and future demands. Water quality concerns which have been identified include nitrates, arsenic, bacteria, iron/manganese, sea water intrusion, and pesticides/VOCs. Quantity concerns include legal limitations on supplies and questions regarding actual amounts and depletion of water. Regulatory requirements under the Safe Drinking Water Act, for example, further challenge the ability of purveyors to meet new demands.

Meeting existing and future water demands throughout the county will require careful integration of land use and water resource planning. The County's strategy to meet existing and future water demands throughout the county include:

- Periodically updating the Coordinated Water System Plan to identify future supply, demand, and delivery requirements for the public water systems that supply the majority of potable water supplies in the County;
- Implementing the WRIA 1 Management Project's 2005 WRIA 1 Watershed Management Plan, the 2007 WRIA 1 Detailed Implementation Strategy, and the 2010 Lower Nooksack Strategy, including pursuing water rights negotiations, developing a groundwater model to better understand groundwater supply potential and continuity with surface waters, and identifying future non-public water system needs such as agriculture and private well owners;
- Adhering to the various protection and management strategies discussed in *Chapter Eleven: Environment, Water Resource Section*;
- Incorporating the updated comprehensive water plans developed by water purveyors; and
- Implementing the Capital Facilities Plans and Interlocal Agreements developed by the cities and County under the *Growth Management Act to facilitate delivery of water to urban growth areas*.

Although the various tools noted above will assist in helping to meet water demands, there is work to be done in both completing the specific elements and ensuring their consistency with each other.

With so many uncertainties and so few clear answers, caution is necessary in making water-related decisions. It is likely that much dialogue, coordination, and clear understanding will be necessary to work through a myriad of water-related issues and decisions. Changing priorities, organization, and regulations at state and federal levels make comprehensive decision-making yet more arduous. County staff and elected officials must participate in all processes aimed at quantifying, regulating, or managing water in any way to protect the best interests of our citizens. Specifically, the WRIA 1 Watershed Management Plan, WRIA 1 Detailed Implementation Plan, and Lower Nooksack Strategy were developed to address issues of water quantity, water quality, fish habitat, and in-stream flows. Additionally, Whatcom County created the Water Resources Division of the Public Works Department in 1999 to address water issues.

Water rights are a significant issue in planning for adequate facilities. Treaty rights with the tribes, minimum instream flows for adequate protection of fish, and use and protection pursuant to state water laws all affect the issuance of new water rights. The County will review plans periodically to ensure consistency with the growth and population projections of this plan, and changes in the availability of water or permits that may affect the ability to serve.

Because of concerns about water supply and requirements of state law, development will be contingent on providing evidence of adequate water supplies.

Goal 5P: Resolve county water issues through proactive participation in processes leading to a solution of water-related conflicts.

Policy 5P-1: Plan for interlocal agreements with other agencies to manage failing water associations that fall into receivership.

Policy 5P-2: Encourage and actively participate in forums, workshops, and other water-related planning activities.

Policy 5P-3: Discourage extension of urban levels of water service to areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

Policy 5P-4: The County should periodically examine its role as a potential purveyor of water and sewer service in order to determine if increased involvement may be needed to help solve some of the utility problems in the county.

Policy 5P-5: Investigate the opportunity for multiple solutions to other issues such as flood management when looking towards acquiring additional water supplies and rights.

Policy 5P-6: Evaluate and, where feasible, support alternative supplies of water such as desalinization, re-use of treated wastewater, and storage of floodwater. Investigate reservoir holding ponds that take advantage of floodwater when needed for beneficial uses such as fisheries, agriculture, domestic and industrial water supplies.

Goal 5Q: Work with water purveyors to provide service to all existing and designated urban growth or industrial areas.

Policy 5Q-1: Work with the appropriate jurisdictions to ensure adequate water rights and supplies to the Urban Growth Areas and designated industrial areas in northwest Whatcom County. Consider all options, including but not limited to, extension of water service areas, conjunctive management of surface and groundwater, artificial storage and recovery and reclamation of wastewater.

Policy 5Q-2: Ensure provision of urban levels of water service to urban growth within areas designated for urban growth.

- Policy 5Q-3: Periodically review Urban Growth Areas to ensure adequate water supplies.
- Policy 5Q-4: Encourage annexation of areas zoned for urban densities concurrent with extension of urban level services.
- Policy 5Q-5: The County should work closely with purveyors and the State Department of Health in the development and review of Comprehensive Water Plans to ensure consistency with land use and urban growth area needs.
- Policy 5Q-6: The County will work with the Department of Ecology, City of Bellingham, the Port of Bellingham, the PUD, and local, regional, and state economic development agencies to ensure an adequate water supply to areas planned for industrial development.
- Goal 5R: Ensure that potable water supplies required to serve development are available at the time the development is available for occupancy and use.**
- Policy 5R-1: Building permit applicants, new subdivisions, short plats, and binding site plans will be required to provide evidence that adequate and legal (in consultation with the Department of Ecology) supplies of water are available prior to their approval by the County.
- Policy 5R-2: Work with purveyors to assist them in modifying their systems, as required, to support the land use element of the comprehensive plan.

Sewage Treatment

Whatcom County does not currently own, operate, or maintain a sewage treatment facility or associated pumping stations or pipelines. Sewage treatment in the unincorporated county is primarily by septic system. While adequately designed and installed on-site septic systems can be appropriate for rural-level development, maintenance of such systems varies from excellent to none-at-all. Poorly maintained septic systems are a source of ground and surface water pollution and have been identified at both the state and the local level as significant contributors to high nitrate levels in soil and coliform bacteria in surface water. Some systems can be in a failure mode for years before being noticed. "Package" sewage treatment systems and multiple-user septic systems may be a desirable alternative to the single-user, on-site system. Larger sewage treatment facilities are more appropriate for urban levels of growth. Whatever type of system is used, adequate maintenance is the best deterrent to system failure and to pollution of ground and surface water.

- Goal 5S: Reduce the incidence of on-site sewage treatment system failure through system management and enforcement of standards.**
- Policy 5S-1: Support state on-site sewage system regulations (WAC 246-272) which requires that local health departments implement a program ensuring proper maintenance and operation for all on-site systems.

Policy 5S-2: The maintenance and operation program should be phased in beginning with high priority areas designated by the County Council. In implementing this policy, Lake Whatcom and Drayton Harbor are high priority areas.

Policy 5S-3: The development and implementation of the maintenance and operation program should consider use of the private sector where possible.

Goal 5T: Support development of new sewage treatment facilities, including new pipelines and extensions of existing pipelines, to areas designated for urban-level growth.

Policy 5T-1: Discourage extension of sewer lines in areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

Policy 5T-2: For those areas designated as Rural Communities and wishing to infill, work with the communities to create sewer and water districts as necessary to manage both utilities. Public water and sewer service shall be limited to areas where existing lot sizes and development patterns make public water and sewer appropriate and shall not be extended outside of the Rural Community.

Policy 5T-3: Assist sewer and water districts in environmental review and mitigation and in preparing grant applications to obtain package sewer services that can be developed in a phased and cost-effective manner to serve designated Rural Communities.

Policy 5T-4: Support the development of new technology and alternative sewage disposal methods as an alternative to expensive sanitary sewer systems to assure groundwater quality is maintained.

Solid Waste Management

State law (RCW 70.95.010) requires counties to plan an integrated solid waste management system that emphasizes waste reduction and recycling. Management of solid waste that cannot be recycled can be incinerated or placed in a landfill. Whatcom County Health Department is the lead planning agency for solid waste planning in the County as of January 1, 2015, taking on the responsibility formerly with the Public Works Department. The County prepared a Comprehensive Solid and Hazardous Waste Management Plan in 2008 and began the process of updating the plan in 2014. That plan has been prepared to meet the requirements of RCW 70.95.

Private collection, processing, and disposal services managed in accordance with the provisions of county ordinances and city contracts constitute Whatcom County's solid waste management system. Adopted Disposal and Collection Districts, and a

Service Level Ordinance serve as the foundation for county waste management. The Lummi and Nooksack Reservations and the Newhalem area are not included in the County's waste management plan.

Generally, County waste management system priorities are met by waste prevention, recycling and source-separated composting, market development to increase local use of recyclables, collection, transfer, export, and land-filling.

The county includes several waste-prevention programs as part of its highest waste management priority, including waste reduction and re-use, education, legislation, and governmental waste-prevention activities. Education is directed at school-age children through in-school programs; at shoppers; and at the general public through awareness programs, videos, demonstration sites, and awards programs.

Whatcom County and the City of Bellingham jointly provide a hazardous waste management program including education, technical assistance, and operation of a moderate risk waste (MRW) facility. The MRW facility receives household hazardous waste and small quantities of commercial hazardous waste and prepares the waste for off-site treatment.

Goal 5U: Support waste prevention for both solid waste and hazardous waste as a primary focus prior to waste management.

Policy 5U-1: Support solid waste source reduction activities including conservation education programs, source reduction programs for county agencies, a waste exchange and materials re-use clearinghouse, and home composting and other activities related to yard debris.

Goal 5V: The County's waste diversion goal is to reach 50 percent source-separated recycling, with additional diversion potentially available through waste processing of non-source-separated recyclables.

Goal 5W: Make safe, effective, economical, and environmentally sound techniques for solid and hazardous waste disposal available using existing and future technologies.

Policy 5W-1: Support best management practices for disposal of household, commercial, and industrial solid and hazardous wastes.

Policy 5W-2: Maintain and enforce standards for disposal of bio-solids, including management of the amount of heavy metals and other pollutants and management of impacts to sensitive areas.

Stormwater Management

Stormwater management is treated in *Chapter 10: Environment* and is not included in this Utilities Chapter.

Chapter Ten Environment

Introduction

Each person in Whatcom County has a fundamental right to a healthful and safe environment in which to live and grow. With this right comes a responsibility to contribute to the protection and enhancement of our natural environment. Consequently, an important goal of the Whatcom County Comprehensive Plan is to protect or enhance the county's environmental quality. This means that, individually and collectively, we have the obligation to protect these resources for our children and their children. Essential to this is the establishment of safe development practices and patterns that do not significantly disrupt ecosystems and that ensure the continuation of ample amounts of clean water, natural areas, farmlands, forest lands, and fish and wildlife habitat.

Chapter Organization

This chapter is composed of an introduction and four sections organized by topic heading. The first section, entitled "General Environmental Management," addresses general environmental goals and policies. The remaining three sections deal with Natural Hazards, Water Resources, and Ecosystems. Together, the sections of this chapter provide the direction necessary to ensure and promote long-term sustainability of the environment in Whatcom County.

Purpose

Whatcom County's natural environment, with its seasonally abundant supply of water, its beauty, and its other natural resources, has attracted people to our community for generations. This setting is important to our sense of well-being, to our health, to our economic well-being, and to our future. Sustaining these assets in the face of increasingly intense human activity becomes more difficult each year. The challenge of protecting this environment while accommodating growth requires maintaining guidelines for development so that growth does not ultimately overrun the very assets that brought most of us here. The purpose of this chapter is to create such guidelines.

GMA Goals and Countywide Planning Policies

GMA Planning Goal 10, "Environment" (RCW 36.70A.020(10)), provides the directive for much of this chapter. It requires Whatcom County to "protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." In addition, some of the goals and policies of this chapter support Planning Goal 9, "Open Space and Recreation" (RCW 36.70A.020(9)), which directs the county to "conserve fish and wildlife habitat."

Relative to environmental protection, Whatcom County's Countywide Planning Policies (CWPP) give the most attention to water issues. They state, "The quality of life and economic health of Whatcom County communities depend on the maintenance of a safe and reliable water supply. All jurisdictions and water

purveyors should cooperate to ensure the protection and quality of the area's water resources." Specific policies address water, promoting inter-jurisdictional cooperation in conserving, protecting, and managing the water resource, and in reducing water pollution (CWPP Policies N.1 – 6). The CWPPs also support protecting wildlife habitat and corridors, natural drainage features, and "other environmental, cultural and scenic resources."

GMA Requirements

The GMA requires Whatcom County to identify and manage critical areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life. The GMA has identified Critical Areas to include the following areas and ecosystems:

- Wetlands
- Critical Aquifer Recharge Areas
- Fish and wildlife habitat conservation areas
- Frequently flooded areas
- Geologically hazardous areas

Environmental Setting

Whatcom County bedrock geology can be divided into five bedrock geologic provinces. From east to west these provinces are the Methow terrain, the Cascade Crystalline Core, the Northwest Cascades System, the Fraser Lowland, and the San Juan Island system. Tectonic activity over the past 15 million years has created the present North Cascades and the formation of Mount Baker, a 10,000-foot high composite volcano.

The mountains of Whatcom County, as well as the streams, lakes, valleys, hills, and shoreline features are the result of millions of years of geologic events. Over 2.5 million years ago, during the Ice Ages, glacial ice invaded the Puget Sound lowlands from the north at least four times, with the last major glacial event, the Fraser Glaciation, ending approximately 12,000 years ago. A minor advance of glacial ice, the Sumas Advance, ended approximately 10,000 years ago. The ice formed from the accumulation of snow in the British Columbia Coast Range and interior of British Columbia. Numerous glaciers are still present within the mountains of Whatcom County, and some of these mountain glaciers formerly extended far down the mountain valleys of the County. The underlying bedrock was deeply eroded during these glacial events creating very steep mountainsides, and in some areas, particularly in northwestern Whatcom County, a thick sequence of glacial related sediments was deposited. The glacial ice was approximately 6,000 feet thick in the vicinity of Bellingham.

Two main glacial advances are the most important to our area, the Salmon Springs glaciation and the later Vashon glaciation. Each time the massive glacier advanced, it dammed up the Puget lowlands to form a huge lake. As the floating ice melted, sand, gravel, clay and occasional boulders would melt out of the ice and fall to the sea floor. This deposit, the Bellingham Drift, covers the ground surface over a large area of western Whatcom County. Each time the Ice Age glacier advanced, it also compacted underlying sediments with its great weight. It created a concrete-like

material called "till" (also known as "hardpan") beneath it. Because the Bellingham Drift consists primarily of clay and silt, it is relatively impermeable; water tends to accumulate on the ground surface. Wetlands are common on the Bellingham Drift.

On the bottom of the lake, "rock flour", the finely ground remains of rocks pulverized by glacial action, settled out. These deposits became the familiar "blue clays" of the Puget lowland. The milky color of the Nooksack River is due to the same kind of rock flour, created by glacial activity on the slopes of Mount Baker.

Additionally, each time the glacier retreated, water from the melting ice deposited thick layers of sand and gravel known as "outwash." The outwash areas are typically where we find our most productive aquifers, since these loose sands and gravel are porous and drain rapidly. While these areas absorb rainwater for our later use from wells, they are also vulnerable to contamination. An example of this phenomenon is found in the outwash sands and gravels resulting from the Sumas Advance. Large meltwater streams and rivers flowed from this glacier depositing the Sumas Outwash sands and gravels. The Sumas Outwash sands and gravels make up the best non-floodplain farmland in the County and some of the highest quality construction gravel deposits. Abandoned outwash channels were formerly used as sources of peat.

Each of these glacial sediments, lake bed deposits, till and outwash is present in various places and in varied combinations in Whatcom County. These sediments provide both the formations that hold the groundwater for many of the area's wells, and the parent material for most of the different soils.

Out of these long physical processes a complex natural ecology has emerged that supports a diversity of wildlife. Many of our lakes, rivers, and streams support fish including, but not limited to, native species such as the five pacific salmon (Chinook, Coho, Sockeye, Chum, Pink) as well as Steelhead, Rainbow Trout, Cutthroat (coastal and resident), Bull Trout, and Dolly Varden. Every year salmon return to spawn in the streams and rivers of Whatcom County. Whatcom County is located within the Pacific Migratory Flyway and serves as a stopover and critical habitat area for many migratory birds. Bufflehead and goldeneye ducks winter here. Additionally, numerous bird species including scoters, snow geese, trumpeter swans, canvasbacks, cormorants, grebes, loons, and other migrating waterfowl pass through every spring and fall as they travel between their breeding grounds in Alaska and Canada and their wintering grounds in California and Mexico. Mallards, Canada geese, great blue herons, and numerous songbirds live in the county year-round. Maintaining these unique resources is a high priority for both present and future county residents. Whatcom County is home to a distinct subspecies of the Great Blue Heron, which has the third largest colony in the Puget Sound area. The wetlands, fields, streams, and nearshore habitat in the county support many birds of special concern, such as the bald eagle (protected under the Bald and Golden Eagle Protection Act), the pileated woodpecker (candidate for State threatened list), and the peregrine falcon (ESA candidate species). The National Audubon Society has designated Semiahmoo, Drayton Harbor, and Birch Bay as "Important Bird Areas."

Environmental Management

Introduction

General environmental goals and policies are intended to provide guidance for environmental management that will promote environmental protection and good stewardship practices through a balance of public education and involvement; incentives, acquisition, and voluntary programs; land use planning and regulations; environmental monitoring; and intergovernmental cooperation. These goals and policies are also intended to provide guidance to County government as it assists its citizens in maintaining a balance between individual property rights, economic development, and environmental protection.

Background Summary

Development in the last 100 years has had a significant impact on the natural environment in Whatcom County. At the turn of the 20th century, some areas surrounding Lynden, Sumas, and Ferndale were logged, drained, and converted to agricultural land and other types of development. In the intervening years, many of the remaining forests were logged, many streams re-routed and channelized, and much of the native vegetation removed and replaced with a wide variety of introduced vegetative types. Roads now crisscross most areas, with homes, farms, businesses, and industries scattered throughout the county.

Issue, Goals, and Policies

There are designated lands in Whatcom County that can still accommodate development. Whatcom County also has areas that are sensitive to human activity, including wetlands, streams, lakes, and marine shorelines, and lands that can pose a hazard to the community, including floodplains and unstable slopes. In these areas development must be carefully planned or limited to maintain environmental quality and public safety. This can be done through the creation and implementation of goals and policies that seek to reduce hazards and prevent adverse environmental impacts.

Community and Environmental Protection

The elements of the natural environment: water, air, soil, plants, and animals; are interconnected and interdependent, functioning as one dynamic ecosystem. Environmental resources within this ecosystem are extensive and, in some cases, irreplaceable. They provide important beneficial uses to the community such as: the supply of clean drinking water; management of stormwater run-off and flood hazard management; support for a wide variety of fish and wildlife; fresh air; and a sense of place in which residents invest, enjoy, and expect.

Some of these same resources result in serious environmental constraints or pose a hazard to development and a danger to the community. Flooding in the Nooksack River is frequent and impacts much of the valley floor. There are numerous wetlands and hydric soils throughout the lowlands that provide critical wetland functions and are generally unsuitable for development. The steep gradient and

geologic structure of the mountain ranges in conjunction with heavy annual precipitation can contribute to slope instability and flood-prone drainage basins.

Much of the environmental degradation and destruction to property occurs as a result of a lack of information or understanding rather than willful action. Ecosystems are subtle and complex. Too often both their benefits and hazards are not readily apparent to the community. Additionally, baseline information is not always available to help identify the real costs or hazards of building in Whatcom County. There is a need for further research and education.

Goal 10A: Protect natural resources and systems, life, and property from potential hazards.

- Policy 10A-1: Support good stewardship of Whatcom County lands, and apply this principle to the management of public lands.
- Policy 10A-2: Protect the environment through a comprehensive program that includes voluntary activity, education, incentives, regulation, enforcement, restoration, monitoring, acquisition, mitigation, and intergovernmental coordination.
- Policy 10A-3: Continue to identify, designate, and protect Critical Areas and other important environmental features.
- Policy 10A-4: Manage designated Critical Areas as needed, to minimize or protect against environmental degradation and reduce the potential for losses to property and human life.
- Policy 10A-5: Actively pursue voluntary, cooperative, and mutually beneficial efforts aimed at advancing county environmental goals.
- Policy 10A-6: Aim to meet or exceed national, state, and regional air quality standards. Work with the Northwest Clean Air Agency to ensure compliance with applicable air quality standards.
- Policy 10A-7: Using Best Available Science, support efforts to educate and inform the public as to the benefits of a healthy and viable environment, ecologically fragile areas, and their economic and social value.
- Policy 10A-8: Lead and/or coordinate efforts with property owners, citizen groups, and governmental and non-governmental agencies in furthering Whatcom County's environmental goals and policies.
- Policy 10A-9: Cooperate with state and federal agencies and neighboring jurisdictions to identify and protect threatened and endangered fish and wildlife species and their habitats.
- Policy 10A-10: Support acquisition, conservation easements, open space, and other such programs to protect high-value natural areas as identified through the GMA planning process, the Natural Heritage Plan, the state Priority Habitats and Species (PHS) program, the Lake Whatcom Management Program, and other sources.

- Policy 10A-11: Designate high-value open space and natural areas for acquisition, conservation easements, open space, and other such programs to protect these natural areas upon request or consent of the property owner.
- Policy 10A-12: Broadly inform the people of Whatcom County of the locations of potential development constraints associated with natural conditions. Information should include known natural hazards and an assessment of the potential danger to both the property owner and the public.

Administration and Regulation

There are currently a multitude of regulations and administrative processes at the federal, state and local level that, together, have become excessive and difficult to understand. Conflicting regulations and complicated administrative processes can create undue hardship on community members and result in reduced levels of environmental protection.

Goal 10B: Simplify and harmonize regulations relating to the identification, delineation, and protection of environmental features.

- Policy: 10B-1: Develop, as a significant component of a comprehensive environmental management program, non-regulatory measures that include voluntary activity, education, incentives, restoration, acquisition, advanced mitigation (i.e., mitigation done in advance of impacts), and intergovernmental coordination.
- Policy 10B-2: Provide incentives for good stewardship of the land through the use of non-regulatory and innovative land use management techniques.
- Policy 10B-3: Support education as an important tool in developing public appreciation for the value of ecosystems and provide the public with informational materials and presentations relating to natural system functions, regulations, and issues.
- Policy 10B-4: Promote cooperation and coordination among involved government agencies when multiple agencies have jurisdiction over aspects of a single project.
- Policy 10B-5: Process the environmental review of building and development permit applications within an established timeframe that is predictable and expeditious.
- Policy 10B-6: Provide clear, timely, appropriate, and understandable direction to citizens, developers, and property owners.
- Policy 10B-7: Ensure regulations are as simple and easy to understand as possible and maintain effective inspection, compliance, and enforcement measures as necessary.

Policy 10B-8: Recognize the policies of the Whatcom County Shoreline Management Program as constituting a “Shoreline Element” of this plan. The shoreline program regulations and policies shall be considered to be consistent with this plan.

The Environment and Property Rights

Prior to the 1970s, growth in Whatcom County was relatively slow and received little management. As a result, private property owners were left to their own resources as they determined how best to use their land. However, as increasing numbers of people moved to this area and settled, a greater demand was placed on Whatcom County's natural resources.

The problems that arise from this situation have caused many to realize what one person does with his/her property may have an impact on the larger environmental system that sustains us as a community and on the rights of other property owners.

Land use decisions can no longer be considered exclusively private matters. We are aware public actions impact every private citizen in Whatcom County and private actions may have public consequences as well. To that end, the law must protect the public good from detrimental private actions. Nevertheless, the right of the individual to use his or her property, within the bounds permitted by law, is a value supported by law and the community and must be recognized when making land use decisions in Whatcom County.

Goal 10C: **In implementing environmental policies, provide for protection of private property rights, economic opportunities, and plan appropriately for growth.**

Policy 10C-1: Actively pursue voluntary and cooperative efforts that advance Whatcom County's goals in a mutually beneficial manner.

Policy 10C-2: When adopting new environmental protection programs, consider multiple economic parameters including development objectives, impacts, and the economic benefits of the natural environment as both a resource and an amenity.

Policy 10C-3: Emphasize an approach to environmental protection by encouraging the use of conservation easements, open space taxation, land acquisition, the density credit program, and other mechanisms that assist affected property owners.

Policy 10C-4: Avoid standards and procedures likely to require compensation to property owners or invalidation of such rules.

Climate Change

Climate change is a global phenomenon that has the potential for significant local impacts to natural resources, ecosystem functions, as well as human health, infrastructure, and the economy. In Washington State, the Climate Impacts Group (CIG), a consortium of scientists at the University of Washington, has done the most extensive analysis of potential local climate change impacts in the Pacific

Northwest. Based on a range of climate change model projections, as well as peer-reviewed scientific publications, the CIG concludes that during the next 20-40 years the Pacific Northwest climate may change significantly. See *Climate Change Impacts and Adaptation in Washington State: Technical Summaries for Decision Makers*, Climate Impacts Group, University of Washington, December 2013. The CIG confirms that global climate models project mid-21st century temperatures in the Pacific Northwest higher than the natural range of temperature observed in the 20th century. The CIG reports that as a result of likely climate change, causing slightly higher average annual temperature, impacts to the Pacific Northwest will likely affect a broad spectrum of the natural environment, but most notably changes to water resources, including:

- More precipitation falls as rain rather than snowfall in the Cascades due to an increased snow-line elevation;
- Decreased (winter) mountain snowpack and earlier (spring) snowmelt;
- Higher winter streamflow in rivers that depend on snowmelt;
- Higher winter streamflow in rain-fed river basins resulting in scouring floods that negatively affect salmon populations if winter precipitation and rain-on-snow events increases in the future as projected;
- Earlier peak (spring) streamflow in rivers that depend on snowmelt;
- Lower summer streamflow in rivers and streams; and,
- Decreased water in summer for irrigation, fish, human consumption and recreational use (more drought-like conditions).

Climate change impacts are likely to include longer-term shifts in forest types and species, potentially increasing wildfire risk and greater exposure to insects and disease. Nearshore and riverine fisheries may be subjected to increased stress due to even lower average summer stream flows (and higher summer stream temperatures) and increased acidity in Puget Sound. Agricultural sector concerns include the cost of climate adaptation, development of more climate-resilient technologies, and management and availability of adequate water supplies. Susceptibility to natural hazards is also expected to intensify due to climate change, including increased landslides, erosion, and coastal and riverine flooding due to more winter rainfall, and potential rising sea levels.

In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas emissions and increasing energy conservation efforts in response to potential climate change.

In addition many insurance industry experts are now factoring in the costs of climate change into insurance premiums as the increase in the frequency and severity of extreme weather events around the world results in a corresponding increase in claims costs.

Local government, residents and businesses must anticipate that as the climate changes, more frequent and severe damage to private and public infrastructure will

occur. Maintenance costs and insurance premiums can be expected to increase accordingly.

Goal 10D: Strengthen the sustainability of Whatcom County's economy, natural environment, and built communities by responding and adapting to the impacts of climate change.

Policy 10D-1: Whatcom County's natural resource-based economic sectors, ecosystems, water resources, infrastructure, emergency management, and public health all face climate change related risks in the future. The County should consider potential long-range climate change implications into its on-going functional planning and implementation actions. The County should:

1. Study the resilience of its natural and built environments to the potential impacts of climate change;
2. Identify the relative vulnerability of these sectors to climate change; and,
3. Examine the adaptive capacity of these sectors to cope with or mitigate climate change and take advantage of any beneficial opportunities.

Policy 10D-2: Develop strategies that encourage a diversified and sustainable economy that is resilient to the impacts of climate change.

Policy 10D-3: Promote the efficient use, conservation, and protection of water resources.

Policy 10D-4: Pursue strategies to reduce the vehicle miles traveled (VMT) in the county by encouraging expanded availability and use of public transportation, carpooling, and non-vehicular modes of transportation.

Policy 10D-5: Establish land use patterns that minimize transportation-related greenhouse gas emissions and encourage preservation of natural resource lands and the protection of water resources.

Policy 10D-6: Convene a climate impact advisory committee by 2017. The advisory committee should consist of (but not be limited to) experts in energy efficiency and carbon emission reduction, representatives from Whatcom County, and interested community members. The committee will be tasked with:

- Evaluating Whatcom County's compliance with meeting targets set forth in the 2007 Climate Plan;
- Establishing new targets that meet or exceed state and federal climate impact goals;
- Updating the Climate Plan, at minimum every five years, or as needed to meet targets;
- Recommending updates to the Whatcom County

Comprehensive Plan in accordance with meeting Whatcom County's emission reduction goals;

- Ensuring that Whatcom County government facilities and operations are designed to meet or exceed goals and standards resolved in the current Climate Protection and Energy Conservation Action Plan; and
- Recommend updates to Whatcom County land use policies and development regulations to support renewable energy development goals.

Policy 10D-7: Encourage sustainability by developing strategies and practices to increase the use of renewable, net-neutral carbon energy in Whatcom County facilities and County vehicles, with a goal of net zero man-made carbon emission by 2050.

Policy 10D-8: Encourage sustainability by developing strategies and practices to reduce landfill waste from Whatcom County government facilities to near zero.

Policy 10D-9: Identify responsible parties and agencies and encourage them to identify and properly seal and/or burn methane that is escaping into the atmosphere from wells.

Policy 10D-10: Create updates to Whatcom County land use policies and development regulations to support renewable energy development goals.

Natural Hazards

Introduction

The location, climate, and geology of Whatcom County combine to create many natural hazards to people and their developments. Earthquakes, volcanoes, landslides, and flooding are some of the major natural hazards found in our region. Additionally, old mines are scattered around the county that could be dangerous to the community. Natural Hazards goals and policies are intended to provide guidance to county government as it assists its citizens in effectively managing natural hazards in a manner that minimizes the danger to each member of this community, while continuing to provide for economic opportunities.

Background Summary

Natural Hazards include the following (**Map 10-4**):

Landslide Hazards – The geologically recent retreat of glaciers from the Whatcom County landscape, succeed by contemporaneous geomorphic processes of erosion, sediment transport, deposition, isostatic rebound and tectonic uplift, has left many hillsides over-steepened and susceptible to naturally occurring and human-triggered slope failure and erosion. Several large, well-known landslides are presently active in Whatcom County, such as the Swift Creek Slide on Sumas Mountain. In addition, numerous large-scale, pre-historic slope failure deposits

have been mapped by past workers and are readily identified in more recently available LiDar imagery. Various slope failure processes contribute to the mosaic of landslide hazards present in the county and the potential exists for a multitude of impacts ranging from periodic small- to large-scale rockfall and slides, massive debris slides and avalanches, destructive debris flows, and deep-seated earthflows, slumps and slides. These landslide processes act on large- and small-scale, and though much less catastrophic in nature, smaller landslides occur more frequently and pose a continual hazard to County residents and infrastructure. Certain types of geologic conditions and formations commonly cause landslides, namely the Chuckanut Formation and the Darrington Phyllite, but are also frequently observed in unconsolidated glacial sediments, in the presence of day-lighting groundwater seams and springs, on slopes in excess of 35 percent, along coastal bluffs, and in areas of fluvial erosion.

Alluvial Fan Hazards – Alluvial fan hazards areas exist where steep mountain streams flow onto floodplains or into lakes and deposit debris and sediment. Because these streams are steep and flow in confined canyons, they can carry more sediment and debris than a similar-sized stream flowing over flat land. During a large storm, streams on alluvial fans can create catastrophic flooding and debris floods, such as were experienced in 1983 in the Lake Whatcom area. During this storm event, the Sudden Valley development on Lake Whatcom incurred significant damage to property from flooding and debris flows on the Austin Creek alluvial fan.

Flood Hazards – Heavy winter rains and a transient snowpack combined with the steep and sometimes unstable slopes of Whatcom County's foothills create conditions ideal for flooding and debris flows along many of our rivers and streams. The Nooksack River floodplain alone covers 38,000 acres in Whatcom County. In 1989 and 1990, the Nooksack River overflowed and flooded lowland Whatcom County causing millions of dollars of damage. During some extreme floods, the Nooksack River overflows near Everson and adversely impacts residents along Johnson Creek in Sumas, and in the Abbotsford area of British Columbia. It is projected that climate change will increase flood risk, due to increased sea level and changes in rainfall patterns. Significant damage may result from such floods. In 1991, Whatcom County formed a countywide Flood Control Zone District to address the major flooding issues in the county.

Volcanic Hazards – The presence of Mt. Baker is an asset to our region. Its 10,778-foot peak is one of the dominant features of Whatcom County's landscape. However, Mt. Baker is also considered one of the most active volcanoes in the Cascade Range, and of the six major volcanoes in the range, Mt. Baker is considered by geologists to be very hazardous during and after an eruption. Pyroclastic flows, ash flows, and especially volcanic mudflows, also known as lahars, are believed to be the greatest dangers to human life and development in Whatcom County. Geologic evidence indicates that an eruption on Mt. Baker caused a major lahar about 6,600 years ago that inundated the Middle Fork Nooksack Valley from its headwaters downstream past the confluence with the North Fork at Welcome. The same lahar is now known to have been over 300 feet deep in the upper reaches of the Middle Fork and extended as far west as Nugent's Corner. A

major lahar along the Nooksack would divert the river from its channel and cause mass flooding. Fortunately, volcanic eruptions are infrequent with periods of hundreds and thousands of years between events, but this infrequency also makes forecasting a volcanic eruption extremely difficult. However, a major eruption of Mt. Baker would pose a serious threat to human life and property. The deeply weathered nature of the rocks forming Mt. Baker may also fail, triggering a mudflow that would travel rapidly down the stream channels ringing the volcano and result in damage similar to that from a volcanic eruption trigger. Mapping over the past decade of other Cascade volcanoes has demonstrated massive mudflows extending from the volcanoes to Puget Sound, and from Mount Rainier and Glacier Peak.

Earthquake Hazards – Whatcom County lies within the influence of the convergent plate margin between the Pacific and North American Plate termed the Cascadia Subduction Zone. Regionally-extensive and damaging earthquakes, termed mega-thrusts, are possible when stress generated between the subducting Pacific Plate and over-riding North American Plate is released. A mega-thrust earthquake is capable of generating an earthquake of magnitude 9, or greater, and research has indicated an approximate recurrence interval of 500-600 years. Associated with the stresses generated at the convergent plate margin are shallow, crustal faults that are mapped throughout Whatcom County. Earthquake activity on these fault systems is much more frequent than that observed at the Cascadia Subduction Zone, and the Deming area is considered one of the most seismically active areas in Washington. Recent research has shown these crustal faults are capable of generating a magnitude 7 earthquake with an average recurrence interval of 30 to 50 years. While all buildings are susceptible to damage from seismic-shaking, structures built on peat soils, large areas of non-structural fill, or liquefiable soils are prone to more severe shaking during an earthquake. If the shaking is strong enough, or of sufficient duration, structures may collapse or become damaged due to building fatigue, ground settlement/liquefaction, and/or lateral spreading. In addition to seismic hazards posed by the Cascadia Subduction Zone, a significant mega-thrust earthquake has the potential to generate a large and destructive tsunami that has the potential to affect most low-bank areas of the County.

Mine Hazards – Mine hazard areas are sites of abandoned underground mine shafts, adits, and mine tailings. Coal mining was a major industry in Whatcom County in the early part of the 20th century, and several major mines were developed in various parts of the county. All of the formerly active mines are now no longer worked and are abandoned. For the most part these mine locations are known and mapped, such as the extensive coal mines under the northern part of the City of Bellingham and in the Blue Canyon area of South Lake Whatcom.

Issues, Goals, and Policies

Landslides – Siting human development on or adjacent to known landslide hazard areas can create health and safety risks. The risks can be elevated due to extreme weather events and earthquakes, but may also occur with little or no warning. In the case of the Swift Creek Landslide, the release of asbestos-laden sediment poses

an additional risk to public health. Development activity can de-stabilize naturally unstable slopes and impact ecosystems. However, predicting the exact timing, location, or extent of a damaging landslide is difficult, and in particular areas of the county landslide hazards are not possible to completely mitigate or avoid. In some circumstances, the development of upland properties may place downslope neighbors and ecosystems at risk from rockfall or landslides. A similar relationship holds true for development at the toe of a potentially unstable slope. In either event, development in proximity to landslide hazards must proceed in consideration of potential impacts in order to ensure life safety and preserve and protect public and private infrastructure.

Alluvial Fans – Because alluvial fan areas are associated with streams, are generally gently sloping and elevated above the adjacent floodplain, and are located at the base of mountains, they have historically been popular places to develop. However, once every 10-25 years, a large storm event occurs in our area and streams flood homes and developments, causing damage to property, ecosystems, and sometimes loss of lives.

Flooding – Floodwaters from the Nooksack River can damage homes, agricultural areas, businesses, and industries in the small cities situated along the river; fish and wildlife habitat and other ecosystems; and disrupt transportation and utility corridors. Storm tides can flood homes and roads along low, exposed marine shorelines in the Birch Bay, Sandy Point, Point Roberts, and Gooseberry Point areas. Homes along Lake Whatcom, Lake Samish, and Cain/Reed Lakes have also been impacted by flooding during extreme storm events. Property and public safety are also impacted by rapid channel morphology events.

Volcanos – A volcanic eruption or mudflow at Mount Baker could potentially severely affect river flow on the Nooksack River or Baker River and cause severe property damage near the volcanoes or along lahar routes. A lahar is an extremely rare and unpredictable occurrence. Evacuation routes should be planned and made public. Development should be regulated according to the Critical Areas Ordinance.

Earthquakes – A major earthquake may likely and significantly affect Whatcom County. If the shaking is strong enough, buildings may collapse, roads could be damaged, and/or communications, power, and utilities could be severely disrupted, mud and rock slides could occur on unstable slopes, and local sea levels may change as shorelines assume altered post-quake elevations.

Mines – Some abandoned mine areas may pose a risk of ground subsidence from the collapse of abandoned mine shafts. Air and water pollution may also be hazards associated with abandoned mine tailings and trapped toxic gases. Development on or near mine hazards could be adversely impacted.

Gas wells – Several exploratory oil & gas wells have been drilled around the county over the last 70+years. Some of these present potential environmental hazards due to ongoing leakage of gas.

Old Landfills – There are known abandoned landfills in the County and possibly some that are unknown. There are also several sites around the County that

contain large numbers of abandoned vehicles and other debris. As with most landfills these locations pose some degree of risk of hazardous substances leaking into local aquifers.

Balanced Management – A central issue common to all development in natural hazard areas is the need for Whatcom County to balance the responsibility of local government to protect the public interest and provide for a safe and healthy environment while safeguarding the rights of private property owners.

Economic Impact – Damage to private and public property resulting from the siting of human development in areas of natural hazards is significant to the people of Whatcom County. The 1990 Nooksack River floods caused over \$20 million dollars in damage to roads, bridges, buildings, and farmland. Disaster relief efforts are expensive and dangerous to conduct during an emergency. Public efforts to reduce hazards, such as the establishment of the Flood Control Zone District, are also expensive.

Goal 10E: **Minimize potential loss of life, damage to property, the expenditure of public funds, and degradation of ecosystems resulting from development in hazardous areas such as floodplains, landslide-prone areas, seismic hazards areas, volcanic impact areas, abandoned mine and exploratory gas well locations, potentially dangerous alluvial fans, and other known natural hazards by advocating the use of land acquisition, open space taxation, conservation easements, growth planning, regulations, and other options to discourage or minimize development, or prohibit inappropriate development in such areas.**

Policy 10E-1: Avoid or minimize public investments for future infrastructure development on known natural hazard areas.

Policy 10E-2: Use Best Available Science and data to research and investigate the nature and extent of known natural hazards in the county and make this information available to the general public and policy makers in an accessible and understandable form.

Policy 10E-3: Broadly inform the people of Whatcom County of the locations of known natural hazards, and the potential for adverse impacts of such natural hazards to the health, safety, and welfare of people and their properties.

Policy 10E-4: Establish acceptable levels of public risk for development in known natural hazard areas based upon the nature of the natural hazard and levels of public risk, and maintain regulatory criteria for approving, disapproving, conditioning, or mitigating development activity.

Policy 10E-5: Prohibit the siting of critical public facilities in known natural hazard areas unless the siting of the facility can be shown to

- have a public benefit that outweighs the risk of siting in the particular hazard area.
- Policy 10E-6: Maintain a comprehensive program of regulatory and non-regulatory mechanisms to achieve Natural Hazard goals and policies. This program should include such mechanisms as education, tax incentives, zoning, land use regulations, conservation easements, and public acquisition.
- Policy 10E-7: Be consistent with the Natural Hazard goals and policies and consider the locations of Natural Hazard Areas when establishing or changing zoning patterns and densities.
- Policy 10E-8: To address the causes of flooding and avoid expensive and maintenance-intensive bank protection measures, the County should prioritize its floodplain property acquisition program.
- Policy 10E-9: Discourage new development in the floodplain.
- Policy 10E-10: Require applicants for development permits located in natural hazard areas to provide development plans designed to minimize the potential to exacerbate the natural hazard as well as the risk of damage to property or threats to human health and safety. In natural hazard areas where engineering solutions cannot be designed to withstand the forces expected to occur under the design event of a particular natural hazard, or off-site adverse impacts to adjacent properties or ecosystems cannot be adequately mitigated, Whatcom County may deny development permits intended for permanent or seasonal human habitation as described in the Critical Areas Ordinance.
- Policy 10E-11: Consider conducting a public process with affected citizens, technical experts, and decision-makers to establish recommended levels of public risk for each of the identified natural hazards. In developing recommended levels of public risk for natural hazards, consider the appropriate variables affecting developments in hazardous areas. These variables may include:
- Specific types of risk associated with the particular hazard area;
 - The gradation of hazards associated with a particular geo-hazard;
 - Level of detail necessary to map hazard areas;
 - Different levels of risk associated with different ownership classes (e.g. public ownership versus private ownership);
 - Different levels of risk associated with different types of land uses; and,
 - Mitigation measures related to specific adverse impacts of development in hazard areas.

- Once a set of risk levels has been identified, propose these risk levels for adoption of legislation by the County Council as the level to which future development must be designed.
- Policy 10E-12: Consider establishing acceptable levels of public risk for use in approving and conditioning development activity in known natural hazard areas. The established level of risk may be expressed as the potential hazard posed as determined by scientific and historical methods applicable to each specific natural hazard.
- Policy 10E-13: Review the findings and recommendations of alluvial fan hazard evaluations and make appropriate recommendations for land use and zoning regulations to the County Council to assist in reducing the hazards posed on these fans. Whatcom County has completed or nearly completed alluvial fan evaluations of Canyon Creek, Jones Creek, and Glacier-Gallop Creeks.
- Policy 10E-14: Review the findings and recommendations of the Comprehensive Flood Hazard Management Plan (CFHMP) and make appropriate recommendations for land use and zoning regulations to the County Council to assist in the implementation of the CFHMP.
- Policy 10-15E: Identify known locations of abandoned wells that could produce methane and/or other hazardous substances and where immediate danger of methane and hazardous substance leaking exists, condition development approvals on affected parcels to mitigate those impacts.

Water Resources

Introduction

Water resources refer to the numerous surface waters such as lakes, streams, wetlands; groundwater; estuaries; and marine waterbodies within Whatcom County (**Map 10-1**). These waterbodies are often integrally linked through the complex network referred to as the water cycle. The water cycle describes the series of transformations that occur in the circulation of water from the atmosphere onto the surface and into the subsurface regions of the earth, and then back from the surface to the atmosphere. Water resources of Whatcom County provide: natural beauty; recreation; habitat for fish and wildlife; water for drinking, agriculture, and industry; and other benefits essential to the quality of life and economic health of the community. The quality of life and economic health of our county's communities depend on the maintenance of a safe and reliable water supply. Decisions affecting any element of the water environment must be based on consideration of the effects on other elements.

Background Summary

Whatcom County has 16 major freshwater lakes, 3,012 miles of rivers and streams, over 37,000 acres of wetlands, 134 miles of marine shoreline, and aquifers containing an undetermined amount of groundwater. These water resources serve multiple uses, including providing a source of drinking water for the people of Whatcom County. Surface water sources such as Lake Whatcom, the Nooksack River, and Lake Samish provide water to more than half the county residents, with the remainder relying on groundwater, either from individual wells or from about 300 public water systems. Agriculture relies on both ground and surface water for a variety of uses, including irrigation and drinking water for livestock. Businesses and industries may also require water, sometimes in substantial quantities, from non-potable and potable supplies. Water is also essential to meet many of what are referred to as "instream" uses, such as recreation, shellfish growing and harvesting, fish and wildlife habitat, aesthetics, and other uses and benefits.

Groundwater is contained in aquifers, which are subterranean layers of porous rock or soil. Most of the surficial aquifers in Whatcom County are replenished by rainwater. Aquifers are often integrally linked with surface water systems and are essential for meeting instream and out-of-stream water needs such as for drinking water, agriculture, industry, and other uses.

Rainfall that runs into drainage courses such as ditches, streams, wetlands, rivers, lakes, and the Strait of Georgia supports local surface and marine waters. Natural drainage systems have many important functions, including storing excess water flow, purifying surface water, recharging groundwater, conveying water, and supporting important biological activities. As more areas in Whatcom County are being urbanized, natural water resource systems are being replaced with built systems, leading to permanent changes in hydrology.

Whatcom County government has a major role in helping to maintain these benefits through its many responsibilities and programs, particularly in the areas of health, safety, land use, and development. The intent of the following goals and policies is to provide guidance to Whatcom County government as it assists its citizens in effectively managing our water resources in a manner that ensures that the benefits of those resources are maintained far into the future. The water resource section focuses primarily on groundwater and surface water management. Surface water management relates generally to watershed protection and stormwater/drainage systems. However, some policy direction may indirectly be provided for areas such as wetlands, estuaries, streams, and marine waterbodies within the Water Resource section. Some of these areas are covered in more detail in other sections within the Environment Chapter.

Whatcom County Water Resource Programs

Whatcom County has and/or participates in numerous water resource programs aimed at protecting and enhancing water quality and quantity, including:

- WRIA 1 Watershed Management Project;
- Lake Whatcom Watershed Management;

- Groundwater Protection & Management;
- Flood Hazard Management; and,
- Stormwater Management.

WRIA 1 Watershed Management Project

The WRIA 1 Watershed Management Project is the result of the 1998 Washington State Watershed Management Act, which required all participating local governments to address water quantity, with the option of addressing water quality, instream flows, and fish habitat. The WRIA 1 Watershed Management Project has brought together citizens, local governments, tribes, and state and federal agencies to address these issues.

The framework for watershed management in the state is based on geographic areas known as Water Resource Inventory Areas (WRIAs). WRIA 1 includes the Nooksack River basin and several adjoining smaller watersheds, such as the coastal drainages of Dakota and California Creeks, as well as Lake Whatcom.

Watershed planning in WRIA 1 started in 1998 with the signing of a Memorandum of Agreement (MOA) between the *Initiating Governments*. In the WRIA 1 the Initiating Governments are Whatcom County, City of Bellingham, Public Utility District No. 1, Lummi Nation, and Nooksack Tribe (the latter joining slightly later through a Letter of Agreement). The role of the Initiating Governments was to review a recommended Watershed Plan and take it to their governments' councils for adoption.

Historical Organization (1999-2016)

WRIA 1 Joint Board

In 1999, an Interlocal Agreement further formalized the government-to-government relationship essential to the tribes' participation in the process by creating a *Joint Board*. The Joint Board is comprised of the Initiating Governments, including the mayor of the City of Bellingham, executive for Whatcom County, manager of Public Utility District No. 1, and designated policy representatives of Lummi Nation and Nooksack Tribe. The Board manages the project's administrative functions such as contracts and budgets. Members of the Joint Board also sit on the Joint Policy Boards.

WRIA 1 Joint Policy Boards

The WRIA 1 Joint Policy Boards are comprised of members of the WRIA 1 Joint Board and Salmon Recovery Board. This organizational level interacts with federal, state, and regional organizations at a policy-level to coordinate the implementation and management of the WRIA 1 Watershed Management Plan – Phase 1, the WRIA 1 Salmonid Recovery Plan and other related activities.

Local Integrating Organization (LIO)

The Whatcom Local Integrating Organization (LIO) is a function of the WRIA 1 Watershed Joint Board and WRIA 1 Salmon Recovery Board (Joint Policy Boards). Local integrating organizations are designated by the Puget Sound Partnership. The two WRIA 1 Boards accepted the function of the Whatcom LIO in October 2010

under the integrated program structure, and was officially recognized by the Puget Sound Partnership's Leadership Council in November 2010. The purpose of the Whatcom LIO is to coordinate implementation of Puget Sound Action Agenda priorities that are consistent with or complement local priorities. One of its functions is to provide a local update to the Action Agenda for Puget Sound. Local updates are intended to identify local priorities in the form of near-term actions (NTAs), which are priority actions with measurable outcomes that can be implemented in the next two years and that align with strategies in the Action Agenda for Puget Sound.

WRIA 1 Planning Unit

The Initiating Governments established the Planning Unit to ensure representation of a broad range of water resource interests. The Planning Unit's role is to recommend actions for a Watershed Plan and to contribute knowledge, interests, technical expertise, and other resources to its development. The Planning Unit is made up of representatives from the Initiating Governments, other governments, and various caucuses. There are 16 total caucuses on the WRIA 1 Planning Unit.

Organizational Update (2016)

Through an interlocal agreement entered into in 2016, the Watershed Management Project Joint Board and the WRIA 1 Salmon Recovery Board were dissolved and the duties and functions of those boards were assumed by the new WRIA 1 Watershed Management Board, consisting of one representative from the Lummi Nation, the Nooksack Tribe, the Washington State Department of Fish and Wildlife, Whatcom County, Whatcom County PUD No. 1, and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas.

The primary functions of the WRIA 1 Watershed Management Board are to:

- Facilitate implementation and adaptive management of the WRIA 1 Watershed Management Plan-Phase 1 as currently constituted or subsequently amended;
- Coordinate the implementation and adaptive management of the WRIA 1 Salmonid Recovery Plan and associated implementation documents,
- Serve as the WRIA 1 Salmon Recovery Lead Entity pursuant to RCW 77.85,
- Coordinate participation in Puget Sound salmon recovery efforts,
- Coordinate the development, implementation and adaptive management of WRIA 1 watershed chapters of recovery plans for ESA listed salmonids and other salmonid species as warranted;
- Coordinate planning, implementation, monitoring and adaptive management of ecosystem recovery actions in WRIA 1 consistent with agreed local goals and objectives,
- Serve as the WRIA 1 Local Integrating Organization and a partner in the Puget Sound Partnership in representing WRIA 1 goals and priorities; and
- Participate in other related activities as agreed to by the Board.

The roles of the Local Integrating Organization and Planning Unit did not change.

2005 WRIA 1 Watershed Management Plan – Phase 1

The 2005 WRIA 1 Watershed Management Plan was approved in 2005 by the Joint Administrative Board, Planning Unit (by consensus), and the County Council. Pursuant to subsequent state requirements, a WRIA 1 Watershed Detailed Implementation Plan was approved by the Joint Administrative Board, Planning Unit, and County Council in 2007. It provides a roadmap for addressing water quantity, water quality, instream flow, and fish habitat challenges. The goals of the WRIA 1 Watershed Management Project are: water of sufficient quantity and quality to meet the needs of current and future human generations; restoration of salmon, steelhead, and trout populations to healthy harvestable levels; and the improvement of habitats on which fish and shellfish rely. These goals are addressed more specifically below:

- **Water Quantity** – To assess water supply and use, and develop strategies to meet current and future needs. The strategies should retain or provide adequate amounts of water to protect and restore fish habitat, provide water for future out-of-stream-uses, and ensure adequate water supplies are available for agriculture, energy production, and population and economic growth under the requirements of the state’s Growth Management Act.
- **Water Quality** – To ensure the quality of our water is sufficient for current and future uses, including restoring and protecting water quality to meet the needs of salmon and shellfish, recreational uses, cultural uses, protection of wildlife, providing affordable and safe domestic water supplies, and other beneficial uses. The initial objectives of the water quality management strategy will be to meet the water quality standards.
- **Instream Flow** – To supply water in sufficient quantities to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.
- **Fish Habitat** – To protect or enhance fish habitat in the management area and to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.

In 2010, the WRIA 1 Joint Board adopted a work plan, budget, and financing strategy, called the Lower Nooksack Strategy, to advance a negotiated settlement of Tribal and state instream flow water rights on the mainstem of the Nooksack River, while maximizing the economic and environmental benefits of out-of-stream water use in the Lower Nooksack sub-basin. The Joint Board adopted the Lower Nooksack Strategy consistent with WRIA 1 Watershed Management Plan priorities.

Lower Nooksack Strategy Objectives:

- Develop and implement a process for negotiating settlement of water rights on the Mainstem Nooksack River.
- Update and verify the Lower Nooksack River sub-basin water budget and develop a groundwater model.
- Determine out-of-stream water user needs:

- Public water system needs determined by updated the Whatcom County Coordinated Water System Plan (CWSP).
- Other out-of-stream user needs (e.g., agriculture, private domestic wells, industrial, etc.) determined through a regional water supply planning process.
- Continue and, if appropriate, enhance targeted streamflow and water quality sampling.
- Advance work on tools that foster water resource allocations consistent with long-term economic and environmental land-use goals for implementation in five years.

Streamflow Restoration Act (ESSB 6091)

The Streamflow Restoration Act (ESSB 6091), enacted by the Washington State Legislature on January 18, 2018 and effective on January 19, 2018, directs the Department of Ecology to work with the initiation governments (i.e., the WRIA I Watershed Management Board), in collaboration with the planning unit established pursuant to chapter 90.82 RCW, on updating the WRIA 1 Watershed Management Plan for approval by the Whatcom County Council by February 1, 2019.

The Act requires that the updated plan include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Such recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

At a minimum, the watershed plan must include those actions determined to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions determined to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

Until the updated watershed plan is approved and rules are adopted by the Department of Ecology, the County, in issuing building permits under RCW 19.27.097(1)(c) or approving subdivisions under chapter 58.17 RCW in WRIA 1, will comply with all of the specific requirements of ESSB 6091.

Lake Whatcom Watershed Management

Lake Whatcom is a large multi-purpose reservoir that is the source of drinking water for the City of Bellingham, Lake Whatcom Water and Sewer District, several other smaller water districts/associations, and about 250 homes that draw water directly from the lake. The lake provides water to about half the population of Whatcom County.

Lake Whatcom is a multiple use lake and watershed. In addition to providing water for drinking, commercial, and industrial uses, the lake is used for boating, swimming, and fishing. The majority of the watershed is forested, mainly surrounding the large southernmost portion of the lake. Other land uses include residential development (approximately 5,300 homes are located within the watershed), limited agriculture and commercial development, parks, and other public facilities. The on-going management challenge is trying to determine the extent to which these practices can occur while maintaining safe, clean drinking water. The challenge is further complicated by possible requirements related to the Endangered Species Act, tribal water rights, and the potential impact these issues may have on how the City's diversion from the Nooksack River is operated.

The watershed contains four developed areas: the City of Bellingham, which straddles the upper portion of the northern-most basin of the lake; Geneva, which is immediately south and east of Bellingham's city limits and is part of the city's urban growth area; Hillsdale, which is immediately north and east of Bellingham's city limits and is also part of the city's urban growth areas; and the Sudden Valley Rural Community. In addition, it includes a variety of other zones, including resource, rural, and residential rural zones. Outside the Bellingham City limits, approximately 70% of the watershed is in Forestry zoning and more than 75% of the current land use is forestry.

Water and sewer service are provided by the Lake Whatcom Water and Sewer District. Capacity problems in the district's sewer line, which serves Geneva and Sudden Valley, have caused overflows into the lake in the past. An aggressive program to preclude stormwater infiltration has reduced the overflow problems to a large extent. In addition, the district has a contractually limited flow capacity to Bellingham. The Lake Louise Road sewage interceptor was constructed in January 2003 to carry waste water from Sudden Valley and Geneva and serves as a complement to the Lake Whatcom Boulevard trunk line. The interceptor was designed to service full build-out of Sudden Valley and Geneva.

The City of Bellingham and Lake Whatcom Water and Sewer District are responsible for ensuring drinking water standards are met for their customers. To date water supplies have consistently met standards. The ability to continue to economically meet drinking water standards requires maintaining source water that requires minimal treatment. For this reason the City of Bellingham maintains an on-going source water-monitoring program. Other agencies including Western Washington University, Department of Natural Resources, Department of Fish and Wildlife, Department of Ecology, Lake Whatcom Water and Sewer District, and Whatcom County, have also conducted monitoring, studies, and/or evaluations of the lake and watershed.

Studies on Lake Whatcom conducted over a number of years indicate water quality in the lake has declined. In 1998, the Washington State Department of Ecology listed Lake Whatcom as an impaired water body and placed Lake Whatcom on the Federal Clean Water Act 303(d) list because of low oxygen levels in the Lake and high bacteria levels in streams that flow into the Lake. The 303(d) listing requires the establishment of a Total Maximum Daily Loads (TMDLs). The Department of Ecology issued the “Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads: Volume 1, Water Quality Study Findings” in 2008. This study documented Lake Whatcom is impaired for dissolved oxygen due to phosphorus loading and that streams flowing into Lake Whatcom do not meet fecal coliform bacteria standards. Loading capacities for total phosphorus and bacteria reduction targets were set forth in this document. In 2013 The Department of Ecology issued a draft “Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads: Volume 2, Water Quality Improvement Report and Implementation Strategy.” This report identifies how much phosphorus can be discharged to the Lake and identifies how the bacteria load should be allocated between the County and City of Bellingham, in order to meet water quality standards.

A significant cause of declining oxygen levels has been from residential development in the watershed. Past development permitted by the City of Bellingham and Whatcom County has led to increased phosphorus loading into the lake, which stimulates algae growth. Bacteria that consume the dying algae deplete the dissolved oxygen, leading to lower oxygen levels in the lake. Past poorly managed forest practices may have led to significant increases in phosphorus loading to the lake.

Whatcom County has taken a number of actions to reduce phosphorus and otherwise address Lake Whatcom water quality. These include rezoning land to allow less development in the watershed, adoption of the Lake Whatcom Comprehensive Stormwater Management Plan, revising stormwater management standards for private development to significantly reduce potential phosphorus runoff, construction of stormwater capital improvement projects and adoption of regulations that restrict the application of commercial fertilizers.

In 2014, approximately 8,800 acres of forest lands around Lake Whatcom were transferred to Whatcom County from the Washington Department of Natural Resources through reconveyance. These lands will provide passive recreation opportunities with hiking and biking trails connecting various communities, neighborhoods, and parks throughout the watershed. Under County ownership, the forests will be allowed to mature to an older growth environment benefiting the watershed and helping to stabilize steep slopes that surround the lake.

In 2004, the Department of Natural Resources (DNR) Board on Natural Resources adopted the Lake Whatcom Landscape Plan. This plan provides additional protections on remaining state managed lands within the Lake Whatcom watershed. The plan provides additional protections on streams and potentially unstable slopes not normally included in forest practices in Washington State.

Lake Whatcom Watershed Management Program

A variety of agencies, organizations, and individuals play a role in managing and protecting Lake Whatcom. In an effort to coordinate efforts of these various players, in 1990, the City of Bellingham, Whatcom County, and Water District 10 (now known as the Lake Whatcom Water and Sewer District) began meeting to develop a joint management strategy for the Lake Whatcom watershed.

In November/December 1992, a joint resolution was passed by the Bellingham City Council, Whatcom County Council, and the Lake Whatcom Water and Sewer District (formerly Water District 10) Commissioners, which reaffirmed this position with six general goal statements and a set of specific goal statements in various categories. The specific goal statements for urbanization were the following:

- Prevent water quality degradation associated with development within the watershed.
- Review and recommend changes in zoning and development potential that are compatible with a drinking-water reservoir environment.
- In addition to zoning, identify and promote other actions to minimize potential for increased development in the watershed (i.e. land trust, development rights, cost incentives, etc.).
- Develop specific standards which reduce the impacts of urbanization, such as minimal lot clearing; clustered development to reduce infrastructure; collection and treatment of stormwater before entering the lake.
- Develop appropriate interlocal agreements with governing agencies to prohibit the potential for additional development once an agreed upon level is set.

The joint resolution included goals for watershed management that extended beyond urbanization. Goals were included for stormwater management, on-site waste systems, conservation, forest management, spill response, hazardous materials transport and handling, data/information management, education/public involvement, and other topics. A joint strategy was approved for developing specific plans to meet the adopted goals. Eight high priority goals were selected first and plans have been completed and jointly adopted for each of the goals.

In 1998, the City, County, and District 10 formalized their joint commitment to protect and manage the lake through the joint adoption of an interlocal agreement and allocation of funding toward protection and management efforts in the watershed. A five-year program plan was developed for ten program areas. Specific priority was placed on activities related to watershed ownership, stormwater management, and urbanization/land development.

The resulting Lake Whatcom Management Program guides actions to protect Lake Whatcom as a long-term supply of drinking water for the City of Bellingham and portions of Whatcom County. The program emphasizes protection over treatment in managing Lake Whatcom and its watershed. The structure of the Lake Whatcom Management Program includes legislative bodies, a management team, an interjurisdictional coordinating team, agency staff, and advisory committees.

The Lake Whatcom Watershed Management Program website (<http://www.lakewhatcom.whatcomcounty.org/resources>) contains the management plans, reports, and work programs, as well as the jurisdictions' pertinent regulations and brochures on the different programs aimed at the various efforts to improve water quality.

Sudden Valley

Sudden Valley is a community within the Lake Whatcom Watershed. It was established in the early 1970s as a recreation/resort area but over the last thirty years has developed into a significant residential area.

Since 1985, Sudden Valley has mandated the use of appropriate stormwater best management practices through standards for individual stormwater detention for all new construction. Any new building permits on existing lots must be able to demonstrate that stormwater detention is included in the plan as a precondition to issuance of a permit. Sudden Valley is also subject to additional regulatory protections that apply to the Lake Whatcom Watershed under the Water Resource Protection Overlay District, Stormwater Special District, and Water Resource Special Management Area requirements. Under the provisions of these special districts, potential impacts from impervious surfaces, stormwater runoff, and clearing activities are required to be addressed either on-site or through a community-wide process.

Groundwater Protection & Management

Groundwater is contained in aquifers, which are subterranean layers of porous rock or soil. Most aquifers are replenished by rainwater, though some may contain water trapped during glacial periods. Aquifers are often integrally linked with surface water systems and are essential for meeting instream and out-of-stream water needs, such as for drinking water, agriculture, and industry. Whatcom County residents rely heavily on groundwater for drinking water, agriculture, and commercial and industrial needs. Groundwater also plays an important role in maintaining stream flows.

Many studies have been conducted related to groundwater quality in Whatcom County documenting water quality issues, such as exceedances of standards for nitrate, ethylene dibromide (EDB) and 1,2-dichloropropane (1,2-D), pesticides, iron and other agricultural-related contaminants, particularly in the northern portion of the County. In general, groundwater in Whatcom County is very vulnerable to contamination because much of the County's groundwater lies within a shallow unconfined aquifer. Activities that occur on the surface of the ground directly affect groundwater quality. Shallow wells that draw water from unconfined water table aquifers are at highest risk.

Whatcom County's Critical Areas Regulations protect Critical Aquifer Recharge Areas (CARAs) during the development process, by precluding certain uses in CARAs and/or requiring certain precautions be taken in handling certain chemicals.

Flood Hazard Management

A comprehensive approach to flood hazard management planning provides a better understanding of the river and floodplain system. It also ensures flooding and channel morphology problems are not simply transferred to another location within the basin, but are addressed in a comprehensive, basinwide manner. This approach directs future flood hazard management expenditures in the most efficient and cost effective manner.

Whatcom County Public Works coordinates with the Flood Control Zone District Advisory Committee (FCZDAC) to identify and characterize flooding problems and provide recommendations for achieving consistent, long-term flood hazard reduction strategies. Some activities typically involved in developing a Comprehensive Flood Hazard Management Plan (CFHMP) include data collection, hydraulic modeling, alternatives analysis, floodplain mapping, and meander limit identification. In addition to the technical components in comprehensive flood planning, extensive coordination with the public and other agencies is required throughout the planning process.

Other County flood management programs include:

Early Flood Warning – Work with the United States Geological Survey (USGS) to maintain a network of early flood warning stations to help citizens prepare and take appropriate measures to protect lives and property from flood damages.

Flood Hazard Reduction Program – Implement projects to reduce future flood damages and public expenditures to repair damaged areas. Examples include construction of setback levees and overflow spillways, and designation of overflow corridors in overbank areas. Two alluvial fan studies have been completed for Jones Creek and Canyon Creek. For Jones Creek, review of potential mitigation measures and concept design of a preferred approach has also been completed.

Comprehensive Flood Hazard Management Planning – Identify flooding problems and provide recommendations for achieving long-term flood hazard reduction strategies. The Lower Nooksack River Comprehensive Flood Hazard Management Plan was adopted in 1999. Implementation of the plan is ongoing.

Preparedness and Response – Plan for and implement a coordinated response during flood events to ensure public safety and minimize flood damages.

National Flood Insurance Program – Participate in the Congress-initiated National Flood Insurance Program (NFIP) of 1968, to make affordable flood insurance available to citizens of communities that adopt approved flood management regulations.

Repair and Maintenance Program – Address problem areas with rivers, streams, and coastlines of Whatcom County, and mitigate future flood damages in a proactive and cost-effective manner.

Technical Assistance – Provide technical assistance regarding drainage and flood issues to private citizens and businesses located along the many waterbodies within Whatcom County.

Organization

Flood Control Zone District (FCZD)

Following the severe floods of 1989 and 1990, in 1992 Whatcom County created the countywide Flood Control Zone District (FCZD), including both incorporated and unincorporated areas of the County. The FCZD is a quasi-municipal corporation that is a separate legal entity from Whatcom County government. Even though this legal separation exists, the Whatcom County Council and the County Executive (Board of Supervisors) and the Public Works Department (staff) perform the governance and administrative support for the district.

The primary purpose of the FCZD is flood hazard management. Revenue generated to for this purpose is accomplished in two ways: (1) a county-wide uniformly applied tax; and, (2) supplemental revenue generated within localized Diking Districts and Sub-Flood Districts where specific local project activity is planned.

While the primary purpose of the FCZD is flood hazard management, the district is allowed to address a wide variety of water resource issues. Due to this ability, revenue generated by the district is currently used to finance additional water supply and water quality related improvement projects.

Pertinent Documents

Lower Nooksack River Comprehensive Flood Hazard Management Plan (CFHMP)

In 1999, the county adopted the Lower Nooksack River Comprehensive Flood Hazard Management Plan (CFHMP). The CFHMP identifies projects, programs, and other recommendations aimed at reducing future flood damages along the Lower Nooksack River.

Critical Areas Regulations (WCC 16.16)

Whatcom County's Critical Areas Regulations aim to protect people and property in Frequently Flooded Area (FFAs) by requiring development in these areas conforms to WCC Title 17, Flood Damage Prevention.

Stormwater Management

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the land surface. The addition of roads, driveways, parking lots, rooftops, and other surfaces that prevent water from soaking into the ground greatly increases the runoff volume created during storms. This runoff is swiftly carried to our local streams, lakes, wetlands and rivers and can cause flooding and erosion. Stormwater runoff also picks up and carries with it many different pollutants that are found on paved surfaces, such as sediment, nitrogen, phosphorus, bacteria, oil and grease, trash, pesticides, and metals.

County Stormwater Management Programs

National Pollutant Discharge and Elimination System (NPDES) Phase II Permit

Stormwater runoff picks up pollutants as it travels over our developed landscapes and is a major source of water quality problems. In 1987, the Federal Clean Water

Act was amended to address stormwater pollution. As a result, the United States Environmental Protection Agency (EPA) created the National Pollutant Discharge Elimination System (NPDES) to address stormwater runoff. States are required to administer permits to local jurisdictions to regulate runoff as part of the NPDES Program. The Permit is referred to as the "NPDES Phase II Permit" or "Phase II Municipal Stormwater Permit".

In February of 2007, the Washington State Department of Ecology issued Whatcom County's Phase II Municipal Stormwater Permit. This permit regulates discharges from Small Municipal Separate Storm Sewers, and is part of the National Pollutant Discharge and Elimination System (NPDES) and State Waste Discharge General Permit. It sets forth requirements of municipalities to address stormwater runoff in areas determined to have population densities reaching urban standards. Whatcom County is required to implement various stormwater management strategies to comply with this State permit.

The current Permit boundary covers approximately 15,000 acres and generally includes the following areas (Figure 1):

- Bellingham Urban Growth Area
- Sudden Valley
- Portions of the Hillsdale and Emerald Lake area
- Portions along North Shore Drive on Lake Whatcom and Lake Whatcom Boulevard
- Ferndale Urban Growth Area
- Portions along Chuckanut Drive and Chuckanut Bay
- Birch Bay Urban Growth Area

Additionally, though not within the NPDES permit area, the County has made the entire Lake Whatcom watershed is subject to the illicit discharge detection and elimination requirements of the Permit through ordinance and agreement with the Department of Ecology.

Jurisdictions are allowed to discharge runoff into waterbodies of the State (such as rivers, lakes, and streams) as long as they implement programs that protect water quality by reducing pollutants to the maximum extent possible through requirements of the NPDES Phase II Permit. Those requirements are reported and submitted to the Department of Ecology through the Stormwater Management Program (SWMP) and the Annual Compliance Report.

The Western Washington Phase II Municipal Stormwater Permit is required by the State of Washington Water Pollution Control Law Chapter 90.48 RCW, and the Federal Water Pollution Control Act Title 33 United States Code (Clean Water Act). The Permit is administered by the Washington State Department of Ecology.

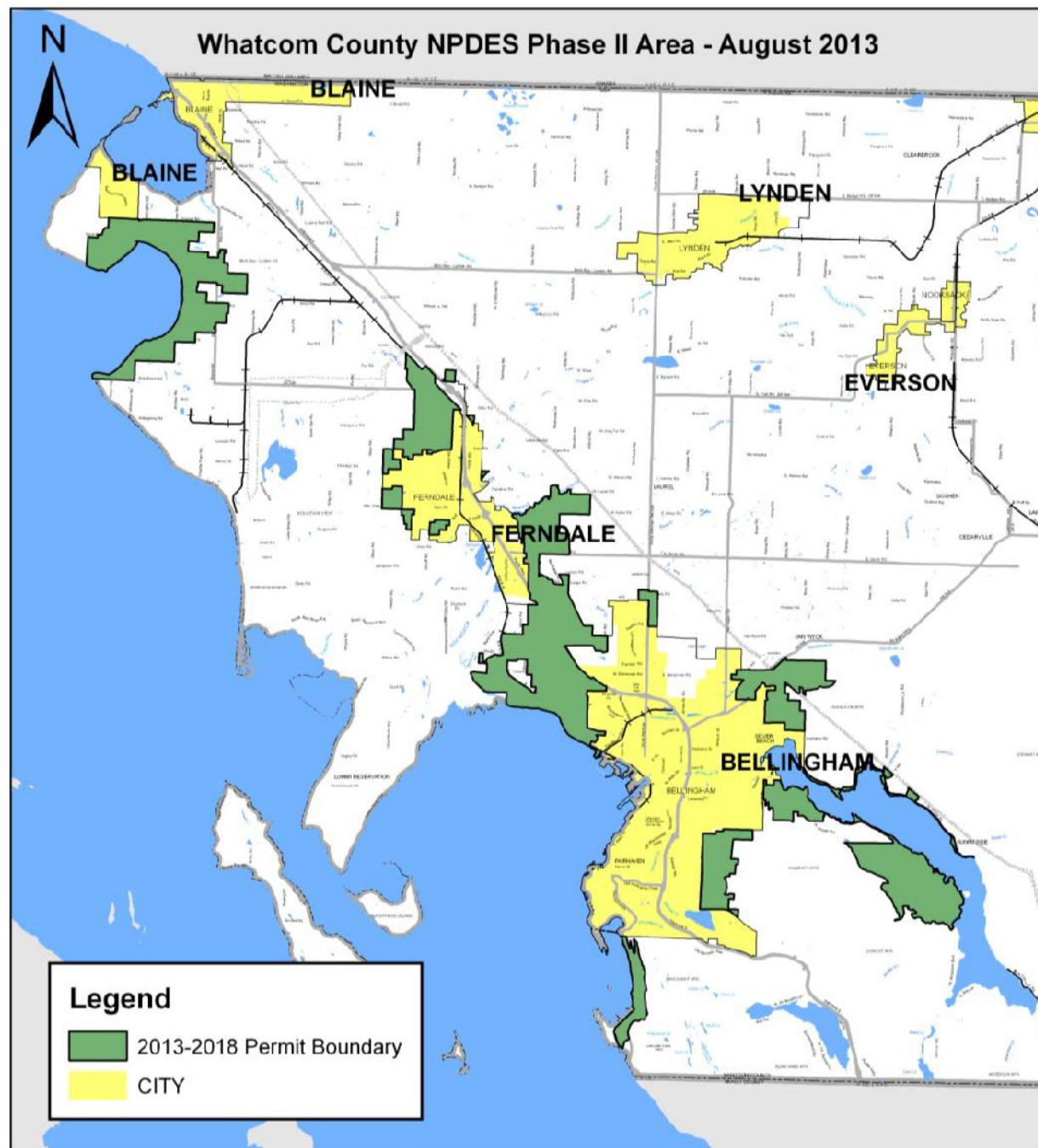


Figure 1. NPDES Phase II Boundaries

Pollution Identification and Correction (PIC) Program

Clean water supports healthy drinking water, safe recreational uses, quality water for irrigation and livestock, healthy fish, and shellfish that are safe to consume. Currently, many streams in Whatcom County do not meet water quality standards for fecal coliform bacteria. Fecal coliform bacteria are found in the intestinal tract of warm-blooded animals and when found in streams are an indicator of human or animal waste in the water. The higher the bacteria level, the greater the public health risk to people drinking water, wading, fishing, or consuming shellfish. The

Pollution Identification and Correction (PIC) Program was created to help implement community solutions to clean water.

Pollution – The key potential sources of bacteria that have been identified in Whatcom County coastal drainages are (1) **animal waste** from agricultural operations, domestic pets, waterfowl, and wildlife, and (2) **human sewage** from failing on-site sewage systems (OSS), leaking sewers, or cross-connections.

Identification – Whatcom County coordinates a routine water quality monitoring program at approximately 90 stations in watersheds that discharge to marine waters. Samples are collected on at least a monthly basis and analyzed for fecal coliform bacteria. Results are evaluated annually to identify focus areas with the largest bacteria problems. Within the focus areas, stream segments are monitored and potential bacteria sources are identified.

Correction – Technical and financial resources are offered to landowners to identify and implement solutions on their property. Residents can help improve the community's water quality by inspecting and maintaining septic systems and by fencing animals out of streams, ditches and swales. By actively managing pastures, creating protected heavy use areas, and covering manure storage areas, residents can prevent manure-contaminated mud from polluting surface water. Planting shrubs and trees along stream banks and picking up after dogs also contributes to better water quality.

Issues, Goals, and Policies

Watershed Planning and Management

Goal 10F: **Protect and enhance water quantity and quality and promote sustainable and efficient use of water resources.**

Policy 10F-1: Maintain as a high priority the protection of water quality and quantity.

Policy 10F-2: Actively participate in and support efforts to coordinate local, federal, tribal, and state agencies to achieve integration and/or consistency between the various levels of environmental regulations relating to the County.

Policy 10F-3: Work cooperatively with Federal, State, and local jurisdictions, Tribal governments, municipal corporations, and the public to implement the goals and policies of the Comprehensive Plan as well as state water resources and water quality laws.

Policy 10F-4: Participate in the coordination of all local water and land management efforts, plans, and data to ensure adequate oversight of water quantity and quality issues.

Policy 10F-5: Manage water resources for multiple instream and out-of-stream beneficial uses, including instream flows set by the State Department of Ecology.

Policy 10F-6: Actively promote and participate in education, research, and information opportunities that improve our understanding of the

- county's complex water resource systems. New information should be considered in the development and evaluation of management actions.
- Policy 10F-7: Pursue the most effective methods for protecting water quantity and quality, through both regulatory (e.g. zoning, enforcement, fines) and non-regulatory approaches (education, incentives, and technical/financial assistance). Emphasis shall be placed on non-regulatory approaches where possible and effective.
- Policy 10F-8: Track the development of policies and regulations at the local, state, and federal level. Provide input to those regulations and policies as necessary to ensure that the interests of Whatcom County are considered.
- Policy 10F-9: In conjunction with all jurisdictions, develop and adopt programs to protect water quality and quantity within watersheds, aquifers, and marine waterbodies that cross jurisdictional boundaries.
- Policy 10F-10: Promote awareness and participation in management and protection efforts by individual citizens and the community as a whole.
- Policy 10F-11 Pursuant to ESSB 6091, Whatcom County will work through the Planning Unit and WRIA 1 Watershed Management Board and its established processes to update the WRIA 1 Watershed Management Plan, consistent with ESSB 6091, for approval by the Whatcom County Council by February 1, 2019. The updated plan shall include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids.
- At a minimum, the watershed plan must include those actions determined to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions determined to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.
- Watershed plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and

developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

Until the updated watershed plan is approved and rules are adopted, the County, in issuing building permits under RCW 19.27.097(1)(c) or approving subdivisions under chapter 58.17 RCW in WRIA 1 will comply with all of the specific requirements of ESSB 6091.

Surface Water and Groundwater

Goal 10G: Protect and enhance Whatcom County's surface water and groundwater quality and quantity for current and future generations.

Policy 10G-1: Manage surface water systems on a watershed basis.

Policy 10-2G: Coordinate efforts to bring all water users in Whatcom County into compliance with state and federal water laws in a way that enhances stream flows, water quality, and fish and wildlife habitat while advocating for adequate water for existing agriculture.

Policy 10G-3: In conjunction with the public and appropriate local, state, Tribal, and federal jurisdictions, define, identify, and develop management strategies for watershed basins and subbasins that may require special protection. These areas may include aquifers, critical aquifer recharge areas as defined under the Growth Management Act, Groundwater Management Areas, wellhead protection areas, and high priority watersheds such as those specified under WAC 400 (Local Planning and Management of Non-point Source Pollution), WRIA Watershed Management Planning, and under legislative policy direction (e.g. Nooksack Basin, Lake Whatcom, Lake Samish and Drayton Harbor).

Policy 10G-4: Management efforts should consider both water quality and quantity. Water quality efforts should help reduce the likelihood that potential contaminant sources will pollute water supplies. Water quantity efforts should include consideration and protection of recharge areas and potential effects on stream flow.

Policy 10G-5: Support the implementation of local and state Watershed Management Plans, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRIA Watershed Management Projects.

- Policy 10G-6: Pursue the adoption and implementation of ground and/or surface water management plans and their integration into local comprehensive plans. Designate the Lake Whatcom and Lake Samish Watersheds as high priorities in this effort.
- Policy 10G-7: Oppose the use of hydraulic fracturing in oil and gas wells (also known as “fracking”) to avoid the potential degradation of water quality in aquifers and other groundwater.
- Policy 10G-8: Monitor, prevent, and reduce the establishment of invasive species in Whatcom County waterbodies.
- Policy 10G-9: Identify and/or update wellhead protection areas and critical aquifer recharge areas and incorporate into the Critical Areas Ordinance. This information should be available to the public.

Stormwater and Drainage

Goal 10H: Protect water resources and natural drainage systems by controlling the quality and quantity of stormwater runoff.

- Policy 10H-1: Manage stormwater runoff to minimize surface water quality and quantity impacts and downstream impacts on channel morphology, property owners, and aquatic species and habitats.
- Policy 10H-2: Maintain or enhance, when appropriate, natural drainage systems and natural water storage sites in order to better protect water quality, moderate water quantity, minimize environmental degradation, and reduce public costs.
- Policy 10H-3: Limit the alteration of natural drainage systems and natural water storage sites without mitigating measures. Such measures should not degrade water quality or fish and wildlife habitat and should not increase hazards to the community.
- Policy 10H-4: Support the use by resource industries—such as agriculture, forestry, and mineral resource extraction—of management practices that minimize erosion and sedimentation, and significantly reduce pollutants.
- Policy 10H-5: Evaluate the role of watersheds in the maintenance of water quality and quantity and determine what cumulative impacts development activity may have on watershed hydrology.
- Policy 10H-6: Develop specific stormwater management programs for each drainage basin within the county's jurisdiction that may be impacted by urban levels of development. Recognize the Lake Whatcom Watershed, Lake Samish, and Drayton Harbor as high priorities in this effort. Coordinate efforts with the Lake Whatcom Policy Group, the various shellfish protection districts, and other watershed management entities.

- Policy 10H-7: Establish, as a high priority, a stormwater maintenance program that ensures that stormwater systems are adequately maintained and function at or near design capacity.
- Policy 10H-8: Strongly incentivize the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, grassed, street swales and rain gardens instead of curbs and gutters. Where feasible, encourage alternate surfacing options and other techniques associated with low impact development (see Glossary).
- Policy 10H-9: Develop and administer stormwater management standards as required by the NPDES Phase II Permit.
- Policy 10H-10: Develop and administer regulations and incentives such that there is no net loss of ecological functions and values of regulated wetlands and fish and wildlife habitats.
- Policy 10H-11: Place a high priority on integrating impervious surface reduction incentives into policies, regulations, and standards.
- Policy 10H-12: Develop and implement comprehensive stormwater management programs and strategies designed to address runoff from all private and public developments and facilities within regulated and sensitive watersheds.
1. Implement the Western Washington Phase II Municipal Stormwater Permit as part of the National Pollutant Discharge Elimination System (NPDES) Program. Incorporate watershed considerations into the development of a comprehensive stormwater management strategy for designated areas.
 2. Review Stormwater Special Districts Standards, Watershed Protection Districts, and other related codes that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds with the Technical Advisory Committee and other appropriate agencies. Coordinate efforts for ongoing monitoring and evaluation within the sensitive watersheds and NPDES areas.
 3. Amend subdivision, zoning, and other land use regulations and design standards to encourage that land use activities minimize the amount of impervious surface.
 4. Identify and implement a long-term funding source to provide for water resource protection services, including non-point source identification and enforcement of applicable county regulations.
 5. Focus on the Lake Whatcom watershed as a high priority in developing a stormwater management program. Develop a

stormwater management plan that achieves a uniform level of protection throughout the Lake Whatcom watershed. Ensure coordination and communication with the public and affected jurisdictions, such as the Lake Whatcom Water and Sewer District, the Sudden Valley Community Association, and the City of Bellingham.

6. Ensure existing stormwater standards are adequately enforced within Stormwater Special Districts, Watershed Protection Districts, and the NPDES areas.
7. Prioritize stormwater polluting areas and develop retrofits for areas most likely to impact sensitive waters.

Water Conservation

Goal 10-I: Support water conservation, reclamation, reuse measures, and education as a means to ensure sufficient water supplies in the future.

- Policy 10I-1: Support and assist water users in the development of cost-effective means of improving efficiency of water use.
- Policy 10I-2: Support efforts to establish and protect sustainable water supplies to meet existing and future demands for water in the county.
- Policy 10I-3: Develop and implement plans to comply with the Department of Ecology's instream flow and water management rules and water resources management programs.
- Policy 10I-4: Coordinate local water and land management efforts, plans, and data to ensure adequate oversight of water quality and quantity issues.
- Policy 10I-5: Quantify water use to promote conservation.
- Policy 10I-6: Use water use data to encourage conservation and maintain availability of water for agriculture and instream flow.
- Policy 10I-7: Encourage the Department of Ecology to provide flexibility in the application of the water relinquishment rule simultaneous with establishing a water bank/water exchange program in Whatcom County in cooperation with stakeholders.

Lake Whatcom Watershed

Goal 10-J: Prioritize the Lake Whatcom watershed as an area in which to minimize development, repair existing stormwater problems (specifically for phosphorus), and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.

- Policy 10J-1: Work with property owners to find acceptable development solutions at lower overall densities than the present zoning allows.
- Policy 10J-2: Develop and implement the fair and equitable funding mechanisms called for in the 2008 Lake Whatcom Comprehensive Stormwater Plan to support lake water quality protections by 2018.
- Policy 10J-3: Recognize that all users of Lake Whatcom water have an interest in the resource and should share in the cost of its protection.
- Policy 10J-4: Work cooperatively with the City of Bellingham, the Lake Whatcom Water and Sewer District, and applicable associations and organizations to identify, review, and, as appropriate, recommend changes to existing monitoring programs to better improve lake water quality.
- Policy 10J-5: Evaluate and pursue, as appropriate, the use of incentives to encourage voluntary lot consolidation, transfer or purchase of development rights, current use taxation, and participation in open space conservation programs.
- Policy 10J-6: Do not allow density bonuses within the Lake Whatcom Watershed.
- Policy 10J-7: Work cooperatively with the City of Bellingham and the Lake Whatcom Water and Sewer District to develop and track benchmarks to determine: the effectiveness of management options; when goals have been achieved; and/or when additional actions are necessary.
- Policy 10J-8: Continue to develop and refine structural and non-structural best management practices (BMPs), both voluntary and required, to minimize development impacts within the Lake Whatcom watershed.
- Policy 10J-9: Work to keep publicly-owned forest lands within the Lake Whatcom watershed in public ownership, and support managing forestry on these lands in a manner that minimizes sediment and phosphorus yields from streams, and is consistent with Best Available Science (BAS) data, in order to protect and enhance water quality.
- Policy 10J-10: Encourage the location of public services, such as schools, libraries, parks/open space, and post offices within Sudden Valley in an attempt to reduce the vehicle miles traveled within the watershed.
- Policy 10J-11: Continue to work with Bellingham and Lake Whatcom Water and Sewer District to protect and manage the Lake Whatcom watershed in accordance with the 1998 jointly adopted interlocal

- agreement. Focus on continued implementation of the 5-Year Work Plans of the Lake Whatcom Management Program. In addition, work with the affected jurisdictions and secure funding for programs that protect and enhance water quality.
- Policy 10J-12: Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions to streamline regulations that improve and protect water quality.
- Policy 10J-13: The existence of sewer lines in the Rural and Rural Forestry comprehensive plan designations will not be used to justify rezoning property in the Lake Whatcom watershed to allow higher density land uses.
- Policy 10J-14: Existing Urban Growth Areas shall not be designated or expanded nor new Urban Growth Areas designated within the Lake Whatcom Watershed, and rezones that allow greater residential densities will not be allowed.

Ecosystems

Introduction

Ecological systems, or ecosystems, refer to the natural systems that have developed within the geologic and geographic setting of Whatcom County. Whatcom County contains a significant number of distinct ecosystem types, with associated fish, wildlife, and plant species, as well as many other living organisms. This biodiversity has evolved and adapted according to the specific physical and climatic conditions of the county (Map 10-2, Map 10-3). Ecosystem goals and policies are intended to provide guidance to county government as it assists people to manage and protect these ecosystems. Additionally they ensure other benefits are maintained far into the future.

Background Summary

Whatcom County provides a wide variety of natural habitats that support and shelter a diverse array of fish and wildlife species. The county's wildlife is particularly varied and abundant when compared to many other areas of Washington State. There are a number of factors that have contributed to this: abundant water resources, rich soils, mild climate conditions, and a moderate degree of urbanization are among the most important. Among the habitats of importance to fish and wildlife are the following:

- wetlands, lakes, and streams;
- nearshore, intertidal, estuarine habitats, and marine habitats including, but not limited to, kelp and eelgrass beds;
- riparian areas and other travel corridors;
- snags and downed logs;
- forested habitats in a variety of successional stages;

- caves, cliffs, rocky balds, and talus slopes;
- grasslands and cultivated fields; and,
- thickets and fence rows.

Aquatic habitats include rivers, streams, ponds, lakes, and their riparian borders. Together, these habitats are essential to Whatcom County's fish and wildlife. Twenty-six species of fish—including twelve economically important stocks of salmon and trout—inhabit fresh water in Whatcom County for all or part of their life cycles. Healthy flowing streams and rivers, as well as off-channel wetland habitats, are essential to the survival of the majority of these fish. Wetland ponds, especially beaver ponds, provide optimal habitats for rearing and over-wintering of young fish, particularly Coho salmon and cutthroat trout juveniles.

Most wildlife species regularly use aquatic and riparian habitats for breeding, feeding, shelter, and migratory activities. Of this large grouping, over half are dependent upon wetland habitats at some point in their life cycles, and would decline or disappear in the absence of wetlands. Wetlands also contain unique vegetative communities that harbor many species of rare and unusual plants.

Fish and Wildlife Populations and Habitat

Optimum habitat for Pacific Northwest salmon and other fish is one that resembles the riparian landscape of pre-settlement times: braided streams wandering freely through nearly continuous forest; trees overhanging and partly fallen into streams; stream beds with abundant logs, step waterfalls, pools, and cutbanks; and vegetated marine and estuarine communities. In most cases, it is not realistic to return to that state. However, measures can be taken to retain or regain those features that provide the minimum requirements of a viable fishery.

The best habitat for native wildlife includes native plants, which are more closely matched to local soils, climate, and wildlife. They provide the right kinds of food, shelter, and diversity needed by wildlife. Native plants frequently need less watering, spraying, pruning, fertilizing, or other maintenance than do exotic or imported plants. Loss of native vegetation through conversion to ornamental vegetation and non-native species can result in loss of wildlife habitat, increased competition to native wildlife from introduced species, such as starlings, and increased maintenance needs. Loss of native vegetation also can occur through invasions of non-native species, such as the spread of *Spartina*, which can drastically displace important native eelgrass and mudflat communities.

Salmon Recovery Program

The decline of salmonids throughout Washington and the Pacific Northwest over the past century is well established. Since 1991, numerous evolutionarily significant units (ESUs) of Pacific salmonids have been listed as endangered or threatened under the Endangered Species Act (ESA), including those of chinook, coho, chum, sockeye, and steelhead. Decline in wild salmonid abundances have been attributed to widespread loss and degradation of habitat, due to hydropower, residential and urban development, agriculture, forestry, and fishing and hatchery production.

In the Nooksack basin, abundances of several salmonid stocks have diminished substantially from historical levels. The declines in local salmonid stocks, especially Chinook salmon, have had profound economic, cultural, and social impacts on the greater WRIA 1 community. Direct impacts include reduced jobs and income for commercial fisherman, severe curtailment of tribal and subsistence catch, and loss of tourism associated with recreational fishing. In addition, ESA listings impose constraints on the activities of local and tribal governments, businesses, the agricultural community, and citizens, who must seek to avoid or minimize take of listed species. Nonetheless, salmon remain an integral part of the natural and social landscape of Whatcom County and the Nooksack River Watershed. Recent watershed recovery planning and restoration efforts by federal, state, local, and tribal governments, non-profit organizations, businesses, and private citizens demonstrate a commitment to salmon recovery in WRIA 1.

The WRIA 1 Salmon Recovery Program is a multi-government planning effort with a WRIA-wide scope to address salmon recovery and protection of ESA and non-ESA listed salmonids.

WRIA 1 Salmon Recovery Strategy

The ultimate goal for salmon recovery in WRIA 1 is to recover self-sustaining salmonid runs to harvestable levels through the restoration of healthy rivers and natural stream, river, estuarine, and nearshore marine processes; careful use of hatcheries; and responsible harvest, with the active participation and support of local landowners, businesses, and the larger community. The purpose of the *WRIA 1 Salmonid Recovery Plan* is to identify the actions necessary to recover WRIA 1 salmonid populations, especially listed species, and to outline the framework for implementation of recommended actions that have been agreed to by local, state, tribal, and federal governments and stakeholders in WRIA 1. In the near term, the objectives are to:

1. Focus and prioritize salmon recovery efforts to maximize benefit to the two Nooksack early chinook populations;
2. Address late-timed Chinook through adaptive management, focusing in the near-term on identifying hatchery versus naturally-produced population components;
3. Facilitate recovery of WRIA 1 bull trout and steelhead by implementing actions with mutual benefit to early chinook, bull trout, and steelhead, by removing fish passage barriers in presumed bull trout and steelhead spawning and rearing habitats in the upper Nooksack River watershed; and
4. Address other salmonid populations by (a) protecting and restoring WRIA 1 salmonid habitats and habitat-forming processes through regulatory and incentive based programs; and (b) encouraging and supporting voluntary actions that benefit other WRIA 1 salmonid populations without diverting attention from early chinook recovery.

Focusing efforts on early chinook is consistent with regional salmon recovery, current abundance and productivity for the two populations is very low and

recovery of both populations is critical to delisting and recovery of the Puget Sound Evolutionarily Significant Unit (ESU) for Chinook salmon.

Salmon Recovery Board (SRB)

WRIA 1 Salmon Recovery Board membership includes the County Executive, Bellingham Mayor, Mayors of the Small Cities of Whatcom County, the regional director of the Washington Department of Fish and Wildlife, and policy representatives from Lummi Nation and Nooksack Indian Tribe.

The WRIA 1 Salmonid Recovery Plan (2005), a chapter of the Puget Sound Salmon Recovery Plan, guides restoration in the Nooksack River and adjacent watersheds. This plan was developed in partnership with Nooksack Tribe, Lummi Nation, Washington Department of Fish and Wildlife, Bellingham, Whatcom County Government, and the small cities of Whatcom County. Chinook salmon populations (listed as threatened with extinction under the Federal Endangered Species Act) are prioritized, yet the plan also provides the template for recovery of threatened steelhead and bull trout and the other salmon and trout populations native to Whatcom County.

The salmon plan was developed in parallel with the WRIA 1 Watershed Management Plan. Salmon habitat is intricately linked to watershed management; salmon recovery will be most successful when fish habitat objectives are carefully coordinated with watershed management objectives. Integrating salmon recovery with flood hazard management and restoring fish passage under County roads are two primary areas of focus.

Marine Resources Management

Marine habitats include all saltwater bodies and their shorelines, kelp and macro algae beds, eelgrass meadows, salt marshes, beaches, and mudflats. These habitats play a vital role in the health of the local environment, as well as of the broader Puget Sound region. They provide spawning, rearing, and feeding grounds for a wide variety of marine life, as well as refuge for juvenile and adult fish, birds, and shellfish. The vegetation on back-shore marshes and within estuaries buffers adjacent upland areas by absorbing wave energy and slowing erosion.

Symptoms of ecosystem stress include: declining stocks of salmon, bottomfish, and forage fish; closures of recreational and commercial shellfish beds; degradation and losses of eelgrass beds, kelp forests, and other marine habitats; and dwindling populations of seabirds and marine mammals.

The Northwest Straits Marine Conservation Initiative was authorized by Congress in 1998. The Initiative established the Northwest Straits Commission and Marine Resources Committees (MRCs) in seven western Washington counties, including Whatcom County. The MRCs' main purpose is to guide local communities, using up-to-date information and scientific expertise, to achieve the important goals of resource conservation and habitat protection within the Northwest Straits. The Whatcom County MRC acts as an advisory committee to the Whatcom County Council.

Shellfish Recovery

Many of the marine waterbodies in Whatcom County support natural and cultured bivalve shellfish, including oysters and many species of clams. The warm, nutrient-rich tide flats in and around Lummi, Portage, and Birch Bays; Drayton Harbor; and Eliza and Lummi Islands represent unique water resources in this regard. Commercial shellfish growers, recreational clam and oyster harvesters, and Native Americans have used this resource for many years. It is an important part of our community's heritage.

Our ability to grow and harvest shellfish that is safe for human consumption is directly linked to surface water quality and the influence it has on marine waters. The primary measure of water quality for shellfish harvesting is bacterial contamination. There are many potential sources of fecal bacteria, such as municipal sewage treatment plants, on-site sewage systems, boat waste, farm animals, pets, and wildlife. Since 1995, valuable shellfish beds in Portage Bay and Drayton Harbor have been downgraded (harvest prohibited) due to non-point pollution impacting recreational, tribal, and commercial harvesting. In 2014, Portage Bay was identified as a threatened Shellfish Growing Area by the Washington Department of Health. (Washington Department of Health, 2014)

Shellfish Protection Advisory Boards

Whatcom County has three Shellfish Protection District Advisory Committees, one for each of the Shellfish Protection Districts: Birch Bay, Drayton Harbor, and Portage Bay. Each advises the County Council on proposed actions and operations relating to the restoration of water quality in their respective watersheds.

Shellfish Recovery Plans

Shellfish Recovery Plans have been created for each of three districts. The plans outline the primary sources of bacteria and actions to improve water quality:

- Drayton Harbor Shellfish Recovery Plan (2007)
- Portage Bay Shellfish Recovery Plan (2014), Portage Bay Initial Closure Response Strategy (1998)
- Birch Bay Initial Closure Response Strategy (2009)

Pertinent Documents

- Whatcom Marine Resources Committee 2011 - 2015 Strategic Plan (2010)

This document outlines the MRC's mission, vision, values, goals, objectives, and strategies for achieving them.

Shoreline Management Program

The State Legislature passed the Washington State Shoreline Management Act (SMA) in June 1971. The SMA was overwhelmingly passed by public initiative in 1972. Under the SMA, each county and city was required to prepare a shoreline "master program" in accordance with the shoreline guidelines issued by the State Department of Ecology in 1972.

The Whatcom County Shoreline Management Program (SMP), WCC Title 23, is the document that implements the goals and policies of the SMA at the local level. It was adopted in 1976 in accordance with RCW 90.58. The goals and policies of the

Whatcom County Shoreline Management Program also constitute the shoreline component of the Whatcom County Comprehensive Plan.

Under the provisions of the SMA, all development along shorelines of the state is required to comply with the provisions of local shoreline master programs. The Whatcom County Shoreline Management Program works with other chapters of the Whatcom County Code to protect and preserve saltwater and freshwater shorelines throughout the county by managing natural resources and directing development and land use suitable for the shoreline environment.

The Whatcom County Shoreline Management Program jurisdiction includes:

- More than 130 miles of marine shoreline;
- More than 60 miles of lake shoreline;
- More than 220 miles of stream channels; and,
- All wetlands and floodways associated with the above shorelines, together with all upland areas within 200-feet of the Ordinary High Water Mark (OHWM).

Whatcom County and the Washington State Department of Ecology (DOE) share joint authority and responsibility for the Whatcom County SMP. Whatcom County Planning and Development Services is the primary agency responsible for implementation of the Whatcom County Shoreline Management Program.

Issues, Goals, and Policies

General – Ecosystems

Development and urbanization of the land base have and may continue to result in the degradation and reduction of ecosystem functions. Wetlands and estuaries continue to be lost incrementally. Streams and their adjacent riparian habitat are affected by land clearing, ditching, erosion, and road building. Lakeshore development degrades the foreshore environment for waterfowl and other species, as well as negatively affecting water quality. It is estimated that Washington has also lost approximately one-third of its historic eelgrass beds from a variety of causes, including dredging, shading, and filling. Large-diameter snags and downed logs, an essential feature for dozens of wildlife species, are lost during clearing or intensive forest management. Forested habitats are lost to a number of development processes including urbanization, agriculture, increased rural/suburban housing density, and timber harvesting. The delicate environment of cliffs and caves may be affected by housing development, mining, and other activities. Conversely, grasslands, thickets, fields, and fence rows are habitats largely provided and enhanced by human activities, and are thus fairly abundant and stable within the developing county. The existence of farms, in particular, has contributed to an abundance of these more open, pastoral habitats.

Many stream systems in Whatcom County have been altered by agriculture, forestry, development, and flood control practices, contributing to low stream flows, fisheries loss, water pollution, sedimentation and other problems. These impacts can directly affect the fisheries resources by depositing silt and debris into spawning beds, by removing trees that shade and cool the water, bank armoring,

interfering with the recruitment and establishment of large woody debris (LWD), by obstructing fish passage with culverts and roads, by altering natural channels through filling, bank hardening, and channelizing. In addition, the physical processes that create functional habitats for fish life stages are altered by increasing flows through stormwater runoff or consuming water volume for other out-of-stream uses.

Finally, a healthy and functioning ecosystem, including forests, wetlands, fish, wildlife, and native plants they harbor, is an identified resource. A healthy ecosystem supports diverse and abundant wildlife, fish, and plant populations, and is necessary. The gathering of fish, game, and other natural resources forms a central aspect of many cultures in Whatcom County. The mere presence of these natural resources constitutes a community amenity that is a substantial part of our local economic base.

Goal 10K: Protect and enhance ecosystems, which provide economic, ecological, aesthetic, and cultural benefit.

Policy 10K-1: Define and identify species, habitats, and habitat features important to a balanced and sustainable web of life, biodiversity, and especially important to fish, native plants, and wildlife. Create, and regularly update an Ecosystem Report.

Policy 10K-2: Develop and adopt programs that protect habitats essential to the conservation of species that have been identified as endangered, threatened, or sensitive by the state or federal government as well as habitats identified as necessary in the Ecosystem Report. These programs should maintain and encourage restoration of habitat conditions for listed species of concern, as well as habitats identified as having significant biodiversity, connectivity, and other important features and functions.

Policy 10K-3: Develop incentives for protection of environmentally fragile areas or critical plant and wildlife habitats as well as habitats that provide connectivity (corridors).

Policy 10K-4: Where feasible, incorporate fish and wildlife habitats into public capital improvement projects.

Policy 10K-5: Provide measures to mitigate negative water quality and quantity impacts from both public and private alterations of natural drainage systems.

Policy 10K-6: Consider sensitive fish, shellfish, and wildlife species and their habitats when establishing zoning densities and patterns.

Policy 10K-7: Promote voluntary fish and wildlife habitat enhancement projects through educational and incentive programs, such as purchase of development rights or habitat conservation easements. These projects, which can be done by individuals, organizations, and businesses, will buffer and expand fish, plant, and wildlife habitat.

- Policy 10K-8: Give careful consideration to the siting of industrial, commercial, residential, and other land use designations when located near important marine, terrestrial, or other critical habitats.
- Policy 10K-9: Protect, retain, and enhance the beneficial uses and functions of streams and rivers. Define and identify the beneficial uses and functions of streams and rivers, including wildlife and fisheries habitat, water quality, open space, aesthetics, and recreation.
- Policy 10K-10: Protect and enhance ecosystem functions when flood hazard management measures are used.
- Policy 10K-11: Regulate the operation of river gravel extraction activities in such a manner so as to provide long-term protection of fish and wildlife habitat and water quality.
- Policy 10K-12: Ensure design and development of residential and industrial development minimizes disturbance to rivers, streams, and functioning riparian areas.
- Policy 10K-13: Evaluate the full value of the fishery; including its cultural and economic value; in land use decisions that may impact that fishery. Unavoidable impacts to an individual habitat or fishery shall be mitigated.
- Policy 10K-14: Continue to consider the value of wildlife populations for which habitat conservation areas have been identified in PDS's wildlife habitat mapping, their associated habitats, and connectivity in land use planning that may impact them. This is not intended to require landowners to pay for any additional studies.
- Policy 10K-15: Mitigation to Habitat Conservation Areas should be tracked and monitored to ensure no net loss to natural area.
- Policy 10K-16: Monitor Habitat Conservation Areas to obtain a baseline of current conditions and to ensure no net loss and avoidance of cumulative impacts.

Fish and Wildlife Populations and Habitat

Goal 10L: Protect and enhance ecosystems that support native fish and wildlife populations and habitat.

- Policy 10L-1: Strongly discourage any activity that might cause significant degradation of the fishery resource or habitat.
- Policy 10L-2: Support the protection and enhancement of significant fish spawning and rearing habitat, food resources, refugia (shelter), and travel passages.
- Policy 10L-3: Establish non-regulatory mechanisms and incentives for development that accommodates the habitat needs of fish and wildlife and encourages good stewardship practices.

- Policy 10L-4: Support protection and enhancement of fish and wildlife habitat through site design in new development.
- Policy 10L-5: Native vegetation and soils on streambanks and shorelines should be disturbed as little as possible. In situations where re-vegetation is necessary to restore streambank or shoreline stability and provide shading, site-specific native plants should be used. Retention of vegetated riparian areas on all lake and marine shorelines shall also be encouraged.
- Policy 10L-6: Discourage shoreline armoring. Instead, encourage natural or bio-engineering solutions such as planting native vegetation, engineered log jams/LWD, and beach nourishment along eroding banks to address stream and shoreline bank erosion problems. Riparian buffers should be replanted with suitable native vegetation as a part of all bank stabilization projects.
- Policy 10L-7: Encourage native vegetation and soil retention and plantings that provide or maintain the beneficial uses and functions of streams, rivers, lakes, and marine shorelines.
- Policy 10L-8: Maintain and encourage restoration of habitat functions for threatened and endangered fish species.
- Policy 10L-9: Use Best Available Science to inform the creation of regulations to mitigate adverse impacts of development adjacent to rivers, streams, and marine shorelines.
- Policy 10L-10: Encourage landowners to voluntarily protect surface water quality with filter strips or other appropriate water cleansing mechanisms installed between lawns, landscaping, livestock pens, or agricultural fields and waterbodies.
- Policy 10L-11: Formulate and implement a comprehensive, landscape-based, environmental management program to protect fish and wildlife. The program should include the following:
1. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies;
 2. Investigate and develop programs for acquisition and restoration of important fish and wildlife habitat areas;
 3. Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions to identify and protect ecosystems;
 4. Identify and map important habitat corridors and connectivity throughout the county; and,
 5. Support the development of educational materials which list, describe, and characterize the appropriate use of native vegetation to enhance ecosystem functions in Whatcom County.

- Policy 10L-12: Consider establishing formal meander limits for the Nooksack River, precluding additional development within this zone, and promote the River and Flood property acquisition program within these areas.
- Policy 10L-13: Diligently work to prevent and/or reduce the establishment and/or spread of invasive species.
- Policy 10L-14: Actively participate in and support WRIA 1 Salmon Recovery efforts to return self-sustaining salmonid runs to harvestable levels through: the restoration of healthy rivers, marine shorelines, and natural processes; the careful use of hatcheries; and responsible harvest.
- Policy 10L-15: Participate in protection and improvement of biodiversity.
- Policy 10L-16: Consider important habitat areas (as set forth in best available science and Wildlife Advisory Committee recommendations) in the Conservation Easement Program Guidelines site evaluation criteria.
- Policy 10L-17: Mitigation of wetlands should be reviewed and tracked over time to ensure no net loss of wetland function.
- Policy 10L-18: A baseline of wetland identification and function should be made to track and prevent net loss and avoid cumulative impacts.

Wetlands

Wetlands are crucial environmental features in Whatcom County. Wetlands provide invaluable functions in aquifer recharge, groundwater storage, floodwater detention, pollutant removal and purification of water supplies, as well as provision of fish and wildlife habitat. Loss of wetlands has been due to many factors, including urbanization, agricultural development, and drainage projects.

A plethora of complex and often confusing laws govern the definition, delineation, and protection of wetlands. These laws originate at national, state, and county levels. Land managers and private citizens often experience difficulty in interpreting, synthesizing, and applying wetland regulations. In general, however, state regulations must comply with federal standards and local regulations must comply with both federal and state standards.

Goal 10M: Conserve and enhance regulated wetlands.

- Policy 10M-1: Recognize natural wetlands such as swamps, bogs, saltwater marshes, and ponds for their value in cleaning water, reducing flood damage, providing valuable habitat for plants, fish and wildlife, and as sites for groundwater recharge.
- Policy 10M-2: Develop and adopt criteria to identify and evaluate wetland functions that meet the Best Available Science standard and that are consistent with state and federal guidelines.
- Policy 10M-3: Biological functions of wetlands are complex and interwoven. Evaluate the full range of potential and immediate economic

impacts in land use decisions relating to wetlands, including fisheries, wildlife, recreation, farmlands, sustainable resources, air and water quality, flood hazard management, real estate, cultural attributes, and other uses.

- Policy 10M-4: Encourage land development to avoid wetland impacts. Impacts to regulated wetlands should be contingent upon full mitigation measures that equitably compensate for wetlands impacts, on a case-by-case basis. Approved mitigation measures shall include resources for long-term monitoring and adaptive management of mitigation outcomes to assure effectiveness. Strongly discourage alteration of land that results in the degradation of type 1 and 2 wetlands.
- Policy 10M-5: Property rights and public services are essential components of our political and economic system. Where such rights and public services are significantly compromised by the goal of wetland preservation, adverse wetland impacts may be permitted through standardized mitigation. This may include avoidance, impact minimization, restoration, enhancement, creation, or off-site compensation for loss of wetland functions in accordance with mitigation sequencing.
- Policy 10M-6: Recognize beneficial wetland uses, functions, and values. Support protection of fish and wildlife habitat, water quality, plant diversity, flood attenuation and low-flow contribution, and water storage through planning, acquisition, incentive programs, and mitigation.
- Policy 10M-7: Development applications should be assessed on a case-by-case basis so that marginal wetlands are not preserved at the expense of upland areas with higher habitat value.

Marine Habitat

Goal 10N: Protect and enhance marine ecosystems and resources in Whatcom County.

- Policy 10N-1: Support the Whatcom County Marine Resources Committee in its pursuit of the Northwest Straits Commission benchmarks as follows:
- Broad county participation in MRCs;
 - A net gain in high-value habitat and ecosystem functions;
 - A net reduction in shellfish bed closures;
 - Measurable increases in factors supporting bottomfish recovery;
 - Population increases in other key indicator species;
 - Coordination of scientific data;
 - Successful public education and outreach efforts; and,

	<ul style="list-style-type: none"> • The establishment of a regional system of Marine Protected Areas (MPA's).
Policy 10N-2:	Promote naturalized shoreline buffers and restoration of riparian vegetation.
Goal 10P:	Protect and enhance shellfish habitat in commercial and recreational areas to ensure a productive resource base for long-term use.
Policy 10P-1:	Identify and designate marine shellfish habitat for commercial and recreational uses.
Policy 10P-2:	Restore degraded waters within the drainage basins of shellfish growing areas to a level that allows/supports shellfish harvesting by work with the Department of Ecology, Tribes, Department of Health, Department of Fish and Wildlife, and affected property owners to improve water quality.
Policy 10P-3:	Protect shellfish resources by means of pollution prevention and enforcement when necessary. This should include surface and groundwater monitoring for early detection of pollution to minimize the damage and cost of resource restoration.
Policy 10P-4:	Improve knowledge of the importance of protecting, preserving, and improving the quality of shellfish habitat within the County. Seek out valuable partnerships that will raise awareness, provide education, and enhance shellfish habitat.
Policy 10P-5:	Develop Low Impact Development standards in shellfish habitat areas.
Policy 10P-6:	Identify and encourage the use of stormwater treatment systems and Best Management Practices to reduce fecal coliform bacteria levels in stormwater discharging directly into shellfish habitat areas.
Policy 10P-7:	Solicit input from the Shellfish Protection District advisory committees and appropriate state, federal, and tribal agencies when considering updates to the Comprehensive Plan that relate to shellfish protection.
Policy 10P-8:	Identify and restore functions, selected through best available landscape-based science, of key wetland areas.
Policy 10P-9:	Modify county roadside ditch maintenance procedures to protect water quality.
Policy 10P-10:	Continue to partner with jurisdictions in British Columbia to minimize impacts on water quality, including what affects shellfish habitat.
Policy 10P-11:	Work within the structure of County programs such as the WRIA Watershed Management Planning process to achieve

- improvements in land use Best Management Practices that will positively affect change in marine water quality.
- Policy 10P-12: Continue to develop programs that identify potential pollution sources and ensure timely and science-based approaches are used in response to problems as they arise.
- Policy 10P-13: Develop educational tools and opportunities to raise public awareness of marine issues and to inform them of how they can have a positive impact by helping preserve these marine resources.
- Policy 10P-14: Identify areas (such as wetlands and the nearshore environment) that are important to shellfish habitat preservation. Also identify river and stream processes that adversely impact shellfish habitat. Use this information when making land use management and preservation decisions.
- Policy 10P-15: Create a tracking mechanism to document progress made toward improving downgraded shellfish areas. This information will be useful not only in supporting an upgrade when water quality shows improvement, but also in preventing degradation in currently approved shellfish areas.
- Policy 10P-16: Work with the County Shellfish Advisory Committees, Marine Resources Committee, Salmon Recovery Fund Board, WRIA Watershed Management Board, and other local, state, federal, and tribal agencies to address issues associated with shellfish, shellfish area closures, and shellfish habitat.
- Policy 10P-17: Consider establishing the Drayton Harbor Watershed as an area for directed Conservation Easement Program investments and encourage the cities of Blaine and Ferndale to establish density credit programs that provide funding to the County Conservation Easement Program.
- Policy 10P-18 Support the Department of Health's On-Site Sewage System (OSS) Program as a means to lower degradation of our waterways.

Other Marine and Marine Dependent Organisms and Systems


Our Marine system supports not only local, critical, and global fisheries resources, but also a myriad of interdependent organisms, the importance of which we lack the capacity to fully grasp. The Marine ecosystem is a complex web of life that is increasingly affected by anthropogenic impacts. Toxics, hormones, heavy metals, and other harmful substances flushed into nearshore and marine environments with stormwater have been shown to have deleterious cumulative impacts on a range of aquatic and marine dependent organisms. Whatcom County will take steps to halt the practice of treating its streams and rivers as a storm sewer and the marine system as a water treatment facility.

Policy 10P-19: Promote Best Management Practices, land use, and stormwater policies that result in a minimal release of harmful chemicals and metallic substances into surface water and the marine environment.



**AGENDA
BILL
Item 8.A**

**General Manager's
Report**

DATE SUBMITTED:	February 8, 2024	MEETING DATE:	February 14, 2024
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. General Manager's Report 2.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL/OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Updated information from the General Manager in advance of the Board meeting.

FISCAL IMPACT

None.

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None.



LAKE WHATCOM WATER AND SEWER DISTRICT
General Manager's Report
Upcoming Dates & Announcements
Regular Meeting – Wednesday, February 14, 2024 – 6:30 p.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Feb 28, 2024	8:00 a.m.	Board Room/Hybrid
Employee Staff Meeting	Thu Feb 15, 2024	8:00 a.m.	Board Room/Hybrid Commissioner Holland to attend
Investment Comm. Meeting	Wed Feb 28, 2024	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Thur Feb 22, 2024	8:00 a.m.	Board Room
Lake Whatcom Management Program			
Policy Group Meeting	Wed Jun 5, 2024	3:00 p.m.	City of Bellingham Pacific St Ops Center, Rm 111/Hybrid
Joint Councils Meeting	Wed Mar 27, 2024	6:30 p.m.	Bellingham City Council Chambers, 210 Lottie Street
Other Meetings			
WASWD Section III Meeting	Tue Feb 13, 2024	6:00 p.m.	Bob's Burgers 8822 Quil Ceda Pkwy, Tulalip, WA
Whatcom Water Districts Caucus Meeting	Wed Feb 21, 2024	2:00 p.m.	Remote Attendance
Whatcom County Council of Governments Board Meeting	Wed May 8, 2024	3:00 p.m.	Council of Governments Offices 314 E Champion Street/Hybrid

Committee Meeting Reports

Safety Committee:

- No committee meeting has been held since the last board meeting.

Investment Committee:

- No committee meeting has been held since the last board meeting.

Upcoming Board Meeting Topics

- Whatcom County onsite sewage system compliance monitoring program presentation
- Whatcom County comprehensive plan update comments
- Effective Utility Management assessment work session
- SVWTP chlorine contact basin design/permitting contract award
- Division 7 reservoir replacement project construction contract award
- Rate modeling software discussion
- Euclid sewer lift station improvements project contract closeout
- Facility security assessment presentation

2024 Initiatives Status

Administration and Operations

Strategic Planning

- Conduct the AWWA Effective Utility Management (EUM) assessment process, which will inform the next revision to the six-year strategic business plan.
District management, and staff completed the EUM assessment process on January 23 and 29, respectively. The board is scheduled to undergo the assessment process March 13. Following discussion of assessment results with the board, District staff will update the six-year strategic business plan.

Collective Bargaining Agreement

- Negotiate a successor agreement with AFSCME Local 114WD by December 31, 2024.
The District, with AFSCME input, has contracted NW Management Services to assist in the completion of a total compensation study, which will be completed in Spring 2024 to inform a critical component of agreement negotiations with AFSCME in Summer/Fall 2024.

Management Team Support

- With the 2022 and 2023 departures of the District's O&M Manager and Engineering Manager, respectively, devote time to coordinating and assisting Mr. Dahlstrom and Mr. Nicoll in their relatively new roles.
Monthly one-on-one check-in meetings are scheduled throughout 2024; both J Dahlstrom and G Nicoll are considering applicable leadership/management training opportunities (in addition to J Dahlstrom's participation in the yearlong APWA emerging leaders academy).

Water Right Adjudication

- Represent the District in the water right adjudication process to ensure that its certificated and permitted rights are protected.
The Department of Ecology plans to file for adjudication in Spring 2024; J Clary continues to monitor the status and attend associated webinars/meetings (the most recent of which was held on January 31).

Records Management System

- Implement new records management system.
The District executed a personal services agreement in December 2023 for purchase and implementation of the selected enterprise content management (ECM) system (Laserfiche); conversion to the new system is anticipated to be complete Spring 2024.

Safety Program Update

- Continue systematic review and revision of District's safety programs by updating eight programs in 2024.
Staff is finalizing review of the wildfire smoke safety program.

Capital Improvement Program Support

- Support the Engineering Department through management of specific capital improvement project(s).
Due to workload issues within the Engineering Department, J Clary has taken on a support role (either in the form of project manager or providing technical support) for several District capital improvement projects.

Emergency Response/System Security

Emergency Readiness

- Continue use of Whatcom County Department of Emergency Management services to hold tabletop and/or field emergency response field exercises.
To be scheduled for 2024. Note—with the retirements of Whatcom County Sheriff and Emergency Management Department Manager, the District will assess the effectiveness of the final year of the existing contract with Whatcom County throughout 2024.

Business Continuity Plan

- Finalize a District-specific business continuity plan following FEMA guidance that leads District transition from emergency response (District Emergency Response Plan) to return to normal operation following a disruptive event.
A draft of the plan is complete, with exception to identifying all essential District records and their location to ensure access throughout recovery from a disruptive event.

Community/Public Relations

General

- Website
The District's web content is reviewed and updated on a regular basis.
- Social Media
Posts are made to District Facebook, LinkedIn, and Nextdoor pages regularly; Nextdoor is also regularly monitored for District-related posts.
- Press Releases
None to-date; press releases will be issued based upon need.

Intergovernmental Relations

- *J Clary attended a WRIA 1 water rights adjudication webinar on January 31.*
- *J Clary met (virtual) with Representative Alicia Rule on February 5.*
- *J Clary attended the WASWD quarterly general managers' meeting (virtual) on February 6.*
- *J Clary, G Nicoll, and J Dahlstrom met with the Sudden Valley Community Association management team on January 22 to coordinate upcoming projects of each agency.*
- *J Clary scheduled to attend the WASWD Section III meeting in Marysville on February 13.*

Lake Whatcom Water Quality

Lake Whatcom Management Program

- Participate in meetings of Lake Whatcom Management Program partners.
J Clary attended the Policy Group meeting on February 7 and Data Group meeting on February 8.