

WHATCOM COUNTY

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Mark Personius, AICP
Director

Agricultural Advisory Committee **Meeting**

LOCATION

**Hybrid Meeting: Zoom (details below) and
Northwest Annex Conference Room
Whatcom County Planning and Development Services
5280 Northwest Drive, Bellingham, WA 98226**

Date: January 10, 2024

Time: 3:00-5:00 P.M. Pacific Time PM Pacific Time (US and Canada)

Whatcom County PDS is inviting you to a scheduled in person or Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85076941496>

Meeting ID: 850 7694 1496

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Agricultural Advisory Committee Meeting Agenda

for
January 10, 2024

3:00-5:00 P.M.

1. Roll Call & Introductions (5 min)
 - o Determination of Quorum
2. Agenda Review & Adjustments (5 min)
3. Open Public Session (5 min)
4. Review & Approval of Previous Meeting Minutes (5 min)
 - o December 13, 2023
5. Identification of Committee Member Motivations & Objectives (15 min)
 - o What are your concerns & priorities regarding the future of agriculture in Whatcom County? How do these priorities relate to the ag sector you represent?
6. Discussion of Possible AAC Code Changes to Facilitate Full Membership (10 min)
 - o Adding one more “consumer of ag products” position in place of one “ag producer” position. Plus some additional minor edits.
7. 2025 Comprehensive Plan Review - Kickoff (20 min)
 - o PDS staff will provide an overview of the task and process for the Committee’s review of the Agricultural Land section of Chapter 8, Resource Lands.
8. Discussion of Ag Strategic Plan Priorities (30 min)
 - o Ongoing Agricultural Programs in Whatcom County
 - o Conservation Easement Program (presentation by Lauren Templeton)
 - o Open Space Programs (presentation by Priscilla Drewry)
 - o Current Ag Zoning Code (presenter TBD)
 - o Other Programs (CPAL, Comp Plan, Ag Short Plat, Ag Protection Overlay, etc.)
9. Staff Updates (5 min)
10. New Business (5 min)
11. Action Items & Next Agenda (5 min)
12. Adjournment

See attachments on following page

Attachments:

- Draft minutes for AAC Meeting 12/13/23
- Notated AAC Code with Suggested Edits
- Comp Plan Packet
 - 12/14/23 Memorandum on 2025 Comp Plan Periodic Update
 - County Executive's Memo to Advisory Committees 11/28/23
 - County Council Resolution 2022-036
 - Advisory Committee Review Guidelines for 2025 Comp Plan Update
 - Current Whatcom County Comprehensive Plan - Chapter 8: Resource Lands (pg 1-15) - also viewable at the link below:
<https://www.whatcomcounty.us/DocumentCenter/View/24082/Chapter-8-resource-lands?bidId=>
- 2019 Ag Strategic Plan (See pg 5-7 for Current Programs)
https://www.whatcomcounty.us/DocumentCenter/View/36414/2018_AgStratPlan_FINAL_ADOPTED
 - Conservation Easement Program website:
<https://www.whatcomcounty.us/573/Conservation-Easement-Program>
 - Open Space Information Sheet:
<https://wa-whatcomcounty.civicplus.com/DocumentCenter/View/7038/Open-space-information-sheet?bidId=>
 - WCC 20.39 Current Ag Zoning code
<https://www.codepublishing.com/WA/WhatcomCounty/#!/WhatcomCounty20/WhatcomCounty2040.html#20.40>
- Other Relevant County Code (for review as needed)
 - WCC 20.38 - Ag Protection Overlay
<https://www.codepublishing.com/WA/WhatcomCounty/#!/WhatcomCounty20/WhatcomCounty2038.html#20.38>
 - WCC 21.04.180 - Ag Short Plat
<https://www.codepublishing.com/WA/WhatcomCounty/#!/WhatcomCounty21/WhatcomCounty2104.html#21.04.180>
 - WCC 20.36 Current Rural Zoning code
<https://www.codepublishing.com/WA/WhatcomCounty/#!/WhatcomCounty20/WhatcomCounty2036.html#20.36>
 - WCC 16.16.800 Conservation Program on Agricultural Lands
<https://www.codepublishing.com/WA/WhatcomCounty/#!/WhatcomCounty16/WhatcomCounty1616.html#16.16.800>

Individuals who require special assistance to participate in the meetings are asked to contact AAC staff at least 96 hours in advance at: dstranik@whatcomcounty.us, 360-778-5911.

Attachment 1:

Draft Minutes for

AAC Meeting

12/13/23

**Agricultural Advisory Committee
Meeting Summary
December 13, 2023**

Start Time:	3:12 p.m.
Location:	Hybrid Meeting – Zoom & at Whatcom County Planning & Development

Meeting Highlights
There were 13 people in attendance (Voting members: 6 of 9, Staff members: 4, Ex-Officio: 2).

Attendees – Members	Affiliation	Present
Chapman, Alan	Whatcom Conservation District Board	<input checked="" type="checkbox"/>
McDermott, Matthew	Ag Producer	<input checked="" type="checkbox"/>
Gill, Jagwinder	Ag Producer	<input type="checkbox"/>
Hento, Barbara	Ag Producer	<input type="checkbox"/>
Kubalek, Roger	Ag Producer	<input checked="" type="checkbox"/>
Singh, Gurjit	Ag Producer	<input type="checkbox"/>
Harron, Elli	Consumer of Ag Products	<input checked="" type="checkbox"/>
Welch, Chantel	Ag Programs	<input checked="" type="checkbox"/>
Groen, Steve	Ag Producer	<input type="checkbox"/>
VACANT	Ag Producer	<input type="checkbox"/>
VACANT	Ag Producer	<input type="checkbox"/>
VACANT	Ag Processor	<input type="checkbox"/>
VACANT	Whatcom Family Farmers	<input type="checkbox"/>

Quorum Present	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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Attendees – Ex-Official/Contributing	Affiliation	Present
Corina Cheever	Whatcom Conservation District	<input checked="" type="checkbox"/>
Chris Benedict	WSU Extension	<input type="checkbox"/>
Alex Hall	NRCS	<input checked="" type="checkbox"/>
Brooklyn Hallberg	FFA Youth	<input checked="" type="checkbox"/>

Attendees - Staff	Present
Dakota Stranik, Planner PDS	<input checked="" type="checkbox"/>
Steve Roberge, Assistant Director PDS	<input checked="" type="checkbox"/>
Lauren Templeton, Planner PDS	<input checked="" type="checkbox"/>
Lucas Clark, Planner PDS	<input checked="" type="checkbox"/>
Priscilla Drewry, Planner PDS	<input checked="" type="checkbox"/>
Ali Jensen, Program Specialist HCS	<input checked="" type="checkbox"/>

Others Present	
Kim Hallberg	Ty Vanderyacht
Dannon Traxler	Steven Harrell
Denver Vanderyacht	

Roll call and introductions

A quorum was present.

Open session to take public comment on agricultural issues

There was no public comment on general issues. Comment on the proposed change to Ag Zoning Code was held until that agenda topic was discussed.

Agenda Review & Adjustment

An alternative agenda was presented by the chair and no objections were heard. The new agenda included the entirety of the previously posted agenda, incorporating a revised order of agenda items and adding a few new items for discussion. New items added were a review of the existing AAC Business Rules, an application for the ex-officio seat for FFA Youth, discussion of possible edits to AAC Code (WCC 2.34), and an item at the end of the meeting to review Next Steps and Actions Taken during the meeting.

Discussion of Proposed Amendment to WCC 20.40.150 (Ag Zoning Code)

The committee began with a short presentation on the proposed code amendment by Lucas Clark, Long Range Planner at Whatcom County Planning & Development Services.

In response to a request from County Council (see AB2023-668 and Resolution 2023-005 from Oct 10, 2023 County Council Meeting), Whatcom County Planning Development Services asked the AAC to provide review and comment on the proposed zoning amendment. These comments will be considered when the proposal is taken before the Planning Commission and ultimately the County Council. The AAC is to provide review and recommendations.

Under resolution item 2023-033 Council amended the Comp Plan & Zoning Code docket to include a review of propane reload, storage, and distribution facilities in the Agriculture Zone as a conditional use under certain circumstances. Proposed code to allow for this change in use was drafted by PDS planners and presented to the AAC for review and comment. These comments will be taken into consideration by County Council when deciding whether or not to adopt the changes.

The new code was drafted with the intent to protect lands in active agricultural use and only allow propane distribution on sites that have compatible pre-existing infrastructure through the conditional use permitting process. Any site that applies for a conditional use permit for propane sales and distribution will have to fit the nine conditional use criteria as well as the eight criteria on the proposed code, and will go through public notice and public hearing as well as to the hearing examiner before it is ultimately approved or denied. The proposed amendment is consistent with Whatcom County Comprehensive Plan Goals & Policies, specifically Goal 8A, & Policies 8A-5, 8A-10, & 8C-2.

After the presentation Alan prompted the committee for questions and comments, specifically if this code amendment is eroding the value of the code in protecting ag lands or if it is a negligible change. Alan pointed out that the Comp Plan is under review and the goals and policies mentioned may be changed in the near future.

Alan asked about the level of urgency for the change and how this proposed change might intersect with the upcoming Comp Plan Update. Steve Roberge, Assistant Director at PDS,

clarified that this is a very distinct piece of code that Council asked PDS to look at, and addressed the Comp Plan process. He clarified that this specific item is not part of the Comp Plan Update, but that the Comp Plan is an overarching document that is referenced when making decisions and changes such as the proposed amendment.

Alan again asked for committee comment, anticipating that there are two possible views, (1) that it does not greatly impact the protections under the code and (2) that it is beginning an erosion of the protections that will be difficult to prevent in the future because there will be precedent for moving lands out of agriculture.

Roger commented that given it is a conditional use permit and proposals would need to meet all of the criteria rather than just some, that gives him some sense of safety around protecting agricultural lands. He commented that there is a tinge of feeling that this could be an opening of Pandora's box of some sort, but acknowledged the conditional use permit process requiring the meeting all of conditions as well as public noticing and comment that would give nearby stakeholders a chance to stop something that was going to be majorly disruptive to the ag community. He stated that agriculture itself is an energy dependent operation. Roger concluded that he doesn't see any major issues to note right now with the way this is drafted.

Matt commented there's concern about the death by a thousand cuts as you start chipping away at the ag zone and the integrity of that land base. However benign it might seem at the time, there's a concern that in the future there will be implications that you couldn't have foreseen at the time. That said, he acknowledged that the conditions that have been outlined try to address those issues and maintain the integrity of the land base in the ag zone, and not be significantly disruptive to it. Matt concluded he feels that the code is well written to help ensure that we're staying true to the ag zone.

Chantel commented that her main concern is the same as Matt's, the death by a thousand cuts when you can see the need and demand for a service and it's hard to say where does it stop once the code is amended, what are we not able to see in this moment. Those points give her an initial hesitation. She questioned the code language of "the use shall only be allowed to expand into pervious surfaces when said expansion will have a minimal impact on the agricultural land base and any current agricultural use". She asked how the word "minimal" will be defined. Lucas clarified that the definition of "minimal impact" would be at the discretion of the permit reviewer. He clarified that the Conditional Use Permit is a rather robust permitting process. Chantel concluded that having seen what can happen when you can't foresee future changes to code, she is having some hesitation to supporting this change.

Elli commented that there are industrial sites that are available that can accommodate extended propane distribution, so she is not sure why we have to change the agricultural code to accommodate additional sites. Her feeling is that to change an important agricultural code in order to expand propane distribution doesn't seem to be consistent with protecting agricultural lands, and doesn't seem to be in the best interest of Whatcom County. She continued that the term "minimal" depends on who is asking and she feels that the committee needs concrete numbers in order to determine the impacts of this change. She expressed that we are already losing agricultural lands and she is concerned

that this has the potential to open us up to even more negative impacts on prime agricultural lands.

After initial comment from committee members, an opportunity for public comment was given.

Dannon Traxler introduced herself as an attorney for Vanderyacht Propane. She commented that the amendment is really narrowly designed to avoid impacts to ag lands, and that's the reason for all the criteria that's listed. The conditional use process is a very robust, stringent permitting review process that goes through planning first, with recommendations on a permit. So it would be strenuously reviewed first by planning, with a recommendation to the hearing examiner, and then a public hearing where any affected parties can comment. The review would be on a case by case basis, so issues with a particular piece of property can be addressed during the permitting review process to ensure that the impacts are very restricted. The hearing examiner has the ability to impose even more conditions that aren't in the code, as part of the conditional use process. It is designed to have little impact, and there are properties in the ag zone that are not being used for ag, and ag is an energy driven use. She stated that propane does support ag in so many ways, and that is stated very well in the ordinance. She suggested that Denver Vanderyacht, present, could speak about the particular property that his family owns, and how ag can exist at the same time as propane, especially in these pieces of property that have already been impacted almost industrially, where there isn't active ag use and probably cannot be active ag use in certain portions of the property. She stated that she thinks they can peacefully coexist together in a really restricted way on not very many pieces of property that will fit these criteria.

Denver Vanderyacht of Vanderyacht Propane commented that this particular piece of property that prompted this request is the old EPL grain mill off of Lawrence Rd, right off of Siper Rd. It looks like an industrial site, however stated that he respects and hears the concerns and takes them to heart because he wants to protect ag land as much as the AAC does and he wants to reserve every right for a farmer to protect it too. On this particular property, the majority of the land is used as a grain mill, so it has the industrial look and its own private spur. It has the whole functionality of light industrial, however there is a piece of the property, 1.5-2 acres, that is being farmed in corn. He stated that that area they don't want to touch at all, and they want to continue to allow that farmer who is leasing that land to continue growing corn or some other sort of ag product if he doesn't want to renew the lease. He stated that they don't want to harm any pre-existing ag land, that's why the draft code is drafted as such. He stated that the only properties that they would be interested in are the properties that have pre-existing buildings on them and that have already been developed and permitted for that particular use, with the rail siting, shop space, storage, and pre-existing infrastructure. They would maintain it, do a little face lift on it, make it look more presentable to the public, because right now it basically is abandoned and the only use right now is that 1.5-2 acres of corn. He stated that they don't want to touch any ag land, probably in the future they would not be looking at any other ag land whatsoever, but in order to go through the proper channels, draft code needed to be showing propane as a direct supplemental business to the ag community. He stated that between Northwest Propane and Vanderyacht Propane, just in Whatcom County alone they serve multiple farmers and potentially over 250,000 gallons, so this is an opportunity to potentially reserve fuel for the farming community.

Alan commented: I think the issue is not with your particular plan, it's whether these code issues pose any future threat. I'll ask Chantel and Elli if they feel that the assurances of the permitting processes have changed their concerns any.

A member of the public, Steven Harrell, raised a hand for comment: I'm not a farmer but I'm interested in agriculture and I'm also a member of the Climate Impact Advisory Committee and some people suggested to me that I should start listening in on Ag Committee meetings, so thank you for having me here. I had one question, whether making this more detailed, more explicit, more quantitative might help, to put a specific limit on the size of a facility or something like that. Whether that's good or bad I don't know, but it seems like a possibility. The other question that I think is going to come up more and more in the near future is solar power installations that might impinge on ag land. I wonder if there is any concern that if propane facilities are permitted like that it might influence one way or another the question that's definitely going to come up about solar power.

Roger commented: I had a similar question I was going to ask, if there's anybody that knows what other conditional uses are allowed on ag lands, if there are similar industrial type uses other than farming itself that are conditional uses on ag land.

Alan responded that there have been past allowances for housing for workers and for dog kennels.

Matt commented: Steve does bring up an interesting point of energy generation and farmland, and it certainly begs the question of if a large solar array or solar farm were to be set up how that would be treated through the permitting process and if there are any similarities to this. I guess in that case it would be more directly taking land out of direct agricultural production versus a situation like this. Hard to say, but probably in the pipeline in our near future.

Steven Harrell commented: There's also the question of wind turbines, and it's in process right now I think a revision to the county code to make it easier to install wind turbines. But I'm not sure what the specific relationship to ag land is in that code revision. But of course, they don't take much land compared to a large solar array which would take a lot of land.

Alan commented: This is a very hot topic throughout the state, and my understanding is these issues are governed by a state elite commission, so it's something that will probably come to us in the future but I don't think it's tied up with this particular activity so see if we can move along and see if we've resolved any of the concerns that Chantel and Elli have raised.

Elli commented: The eight proposed criteria definitely give a lot of support to making this specific, but my concern is still that once this is opened how many of these exemptions will there be.

Alan commented: I don't know that we have a good idea on that, with respect to propane I can't see a number of propane distribution facilities cropping up, maybe Mr. Vanderyacht can speak to that.

Denver Vanderyacht commented: The only reason why this specific property is so advertiseable is because of the rail spur that's pre-existing. We probably wouldn't have looked at this property if it wasn't for the pre-existing infrastructure that was already built by EPL. We're not looking at ag land whatsoever, it's just this particular piece had all the items that we look for in property that we're able to do business on. In this particular instance it is just zoned agricultural, so we're going through this particular process just to make sure we can meet the certain criteria that's ok with you.

Dannon Traxler commented: I would also say that these criteria are going to make it very difficult for propane businesses to site in the ag zone. And that's the intention, that it not be wide-spread. It's much like the dog kennel amendment. You don't have dog kennels just proliferating in the ag zone because the criteria are restrictive and the CUP process is burdensome and expensive. That's what it's designed to be.

Chantel commented: Again, my concern is not with this specific project. I hear all the right intentions in terms of location & wanting to preserve the land. It's what does this open up to. Just for context I have been involved with a lot of solar conversations and have seen how a company can come in with the best intentions and things change, or the next project is substantially different. So that's just where I'm hoping to make sure that we have clarification. I know we can't predict the future, but are we thinking through the bigger picture of what an actual code change could mean, especially when it comes to words that are open to interpretation when it comes to actually impacting the productive or less productive agricultural land. As opposed to one site. I did Google maps this site and saw that it is very industrial.

Matt commented: I want to get back to Chantel's concerns about some loose language and maybe Steve's (Harrell) suggestion to better quantify or put some metrics in that draft code that maybe helps firm up some of that language. Is that a possibility where we could meet in the middle a little bit here or are we at an all or nothing kind of place?

Steve Roberge commented: Yes, if you want to make amendments that is certainly within your purview to recommend amendments to the code.

Alan commented: Does anyone have any specific metrics that they would like to see included if this goes forward?

Chantel commented that a more specific wording rather than "minimal impact" under Criteria #6 would be helpful.

Alan commented: Do you have an item of what you would think to be minimal?

Chantel commented: I personally don't off the top of my head. I'm the new committee member here so I would entertain any other ideas, but I'd have to do a little more leg work than just looking at it.

Alan commented: I think it would be good to go ahead with a motion if we can get it, to do what Lucas mentioned, we either forward it with a recommendation or forward it and not recommend it. I hear generally the sense is to recommend with concerns

Elli commented: I wanted to number one state that the use shall not result in the conversion of agricultural land, period. Not of long term commercial significance. There's lots of agricultural land that could be termed of long term significance but are not at the moment in that category. And that's what we're looking at trying to protect.

Alan commented: I think we've got a problem with that because agricultural lands are lands zoned for agriculture. Lucas may correct me if I'm in error there. We acknowledge that there are lots of land not zoned agriculture that are agriculture. So basically if someone with a five acre plot could go ahead with whatever limitations were on that particular plot, residential or rural or whichever.

Elli commented: Yes, it does get complicated.

Roger motioned: I would move to vote on supporting the draft code as written.

Matt Seconded.

Votes were as such:

Matt - Aye
Roger - Aye
Chantel - Nay
Elli - Nay
Alan - Aye

Alan commented: I would have to go on the aye side simply because of the constrictions and we can deal with this in further actions of the committee if we want to change this policy in the future. So I will say that it is passed and if desirable we can add "with concerns" in sending it to the planning commission, and those concerns are that it may provide an opening for loss of agricultural lands.

Approval of Previous Meeting Minutes

AAC Meeting Minutes for October 18, 2023 and November 15, 2023 were presented to the committee with a few small edits made to incorporate notes on which committee members made motions and which members seconded those motions. The updated minutes were reviewed by the committee and unanimously approved.

Elli motioned to approve the minutes as written. Matt seconded. The motion was approved by Matt, Roger, Changel, & Elli. None opposed. The motion passed unanimously.

Review of AAC Business Rules

Current AAC Business Rules were reviewed for accuracy and completeness with specific mention of the criteria for decisions and attendance. No concerns or suggestions were presented. Some discussion was had around the definition of quorum and if the AAC

definition is still valid given recent amendments to County Code governing advisory committees.

Action Item #1: Dakota will confirm that the AAC's quorum definition is still valid.

Action Item #2: An action item for future meetings was identified to simplify the Business Rules for clarity.

The updated Member Expectations document was reviewed, as edited by Alan, Elli, and Dakota since the previous meeting. No comments or concerns were raised.

Review and Prioritization of AAC Functions Set by Council

The committee reviewed WCC 02.34.030 which defines the functions of the AAC and considered how these functions might help inform how the committee might prioritize its efforts and create a work plan. Elli spoke to protections of agricultural lands and maintaining a minimum of 100,000 acres of agricultural land. Discussion was had around the Conservation Easement Program and how it functions, how many people have utilized that program, and how much land has been protected through it. Dakota suggested inviting County Staff to give a presentation on the Conservation Easement Program as well as the Open Space program, which are both mentioned in the Ag Strategic Plan under Ongoing Programs. Committee members agreed this would be helpful.

Action item #3: Dakota will arrange for presentations at the January meeting on the Conservation Easement Program as well as Open Space programs.

Roger commented that an update of ag census data listed in the Ag Strategic Plan may be helpful. The current plan is based on 2012 data. Dakota clarified that 2022 Census data will be released in February, 2024 and that might be a good time to update the Ag Strategic Plan to have an accurate picture of recent changes in Whatcom County Agriculture.

Action item #4: Update Ag Strategic Plan data with 2022 Census data after February, 2024.

Discussion was had around two members whose membership will be expiring as of January 31, 2024 - Steven Groen and Barbara Hento. Dakota presented an idea to increase the number of positions for "consumer of ag products" in order to create more flexibility around membership and remove some barriers for potential applicants that may not fit the current position definitions. Dakota also clarified that the ex officio position for Whatcom County Planning and Development Services is for a staff person in addition to Dakota's role as AAC staff support. As there is no staff available to fill this ex officio position, Dakota suggested that this position be removed from the code.

Brooklyn Hallberg was present as an applicant for the ex officio position for FFA Youth. She submitted to the committee a few paragraphs about herself and her qualifications as well as why she is interested in serving as an ex officio member of the AAC. She introduced herself to the committee, describing her experience with FFA parliamentary procedure presenting on agricultural topics. She mentioned her interest and experience in raspberry production, showing cows, raising and selling beef cows, and producing hay on

her family farm in Lynden. Brooklyn is a junior in high school and would be able to serve for approximately two years.

Dakota pointed out that a recent amendment to Advisory Committee Code removes the requirement for voting members to be registered voters in Whatcom County. Therefore, the FFA Youth position could feasibly be changed from an ex officio position to a voting position in the future if the committee chooses to do so and also receives approval from County Council.

Roger motioned to extend the FFA Youth ex officio position to Brooklyn Hallberg. Chantel seconded. The motion was approved by Matt, Roger, Chantel, and Elli. None opposed. The motion passed.

Discussion returned to the proposal to add additional "consumer of ag products" positions in place of "ag producer" positions in order to create more flexibility for potential applicants and more easily fill vacant seats. It was suggested that adding just one more "consumer of ag products" would still allow for seven "ag producer" positions on the committee, which would maintain a majority of farmer positions on the AAC.

Alan expressed a concern to maintain broad representation of major sectors within agriculture, such as beef, dairy, berries, etc. His preference is to ensure that seats be filled by representatives from these sectors, and that the "ag consumer" position does not necessarily require any direct involvement or experience with agriculture.

Roger suggested that "ag processing" could be broadened to "ag service industry".

Other suggested edits of the AAC code include minor edits like proper capitalization and punctuation, removing Function (D) due to redundancy, possibly editing the functions to be more in line with those stated in the Business Rules, correcting the names of Whatcom Conservation District, Natural Resources Conservation Service and Future Farmers of America, and clarifying the two Whatcom CD seats as one for staff and one for board. Brooklyn commented that it makes sense to her to expand the FFA Youth position to "agriculturally involved youth". It was also suggested in the edits to change "will" to "may" when describing ex officio positions.

Elli motioned to approve the edits as written. Roger seconded. However, it was determined that Chantel had left the meeting and a quorum was no longer in place. Therefore, a vote could not be held.

Action Item #5: A vote will be held at the January meeting to approve the suggested edits to AAC Code.

Discussion of AAC 2023-2024 Work Plan

The quorum was lost and no action could be taken

Discussion of Agricultural Planner Position

The quorum was lost and no action could be taken

Meeting Schedule

The quorum was lost and no action could be taken

OPMA Training Review

The quorum was lost and no action could be taken

Dakota was able to clarify with the Executive's Office that OPMA training is required for all committee members including ex-officio members.

Members who have completed training include Alan, Roger, Chantel, Matt, Elli, & Chris. Corina indicated that she has completed training and will submit her certificate. Dakota has also completed training as staff support.

Members who still need to complete training include Jagwinder, Barbara, Gurjit, Steve, Alex, and Brooklyn.

New Business

The quorum was lost and no action could be taken

Next Steps & Actions TakenSummary of Actions Taken:

APPROVED WITH CONCERNS: draft code amendment to WCC 20.40.150 (Ag Zoning Code) to allow for propane sale, storage, and distribution in the ag zone under conditional use permit.

Roger motioned & Matt Seconded. 3 votes to recommend (Matt, Roger, Alan), 2 votes to deny (Chantel & Elli).

Concerns are that this code change may provide an opening for loss of agricultural lands.

APPROVED: AAC meeting minutes from 10/18/23 and 11/15/23.

Elli motioned & Matt seconded. The motion passed unanimously with none opposed.

APPROVED: Appointing Brooklyn Hallberg to the ex officio position for FFA Youth.

Roger motioned & Chantel seconded. The motion passed unanimously with none opposed.

Summary of Future Action Items:

Action Item #1: Dakota will confirm that the AAC quorum definition is still valid.

Action Item #2: At a future meeting the committee will work to simplify the Business Rules.

Action item #3: Dakota will arrange for presentations at the January meeting on the Conservation Easement Program as well as Open Space programs.

Action Item #4: The committee will update Ag Strategic Plan data with 2022 Census data after it is released in February, 2024.

Action Item #5: A vote will be held at the January meeting to approve the suggested edits.

Adjournment and Next Meeting

The meeting adjourned at 5:02 p.m. The next meeting is scheduled for January 10, 2024 from 3-5 p.m. to be held both in-person and virtually.

Attachment 2:

Notated AAC Code
with Suggested Edits

Whatcom County Code Chapter 2.34 AGRICULTURAL ADVISORY COMMITTEE

Sections:

- 2.34.010** Established.
- 2.34.020** Purpose.
- 2.34.030** Function.
- 2.34.040** Membership – Term of office.
- 2.34.050** Organization – Meetings.
- 2.34.060** Committee staffing.

2.34.010 Established.

There is hereby established the Whatcom County ~~a~~Agricultural ~~a~~Advisory ~~e~~Committee (AAC).

2.34.020 Purpose.

The ~~a~~Agricultural ~~a~~Advisory ~~e~~Committee provides review and recommendations to the Whatcom County ~~e~~Council on issues that affect agriculture ~~in Whatcom County~~. The AAC also provides a forum for farmers and others interested in enhancing and promoting the long-term viability of Whatcom County agriculture.

2.34.030 Function.

To report directly to the ~~e~~County ~~e~~Council or other appropriate advisory boards, commissions, and committees as necessary to carry out the following functions:

- A. Review and provide recommendations on zoning, comprehensive plan, subarea plans, regulations, and annexation issues, and ~~of land use~~ proposals ~~which that~~ directly affect lands or agricultural activities in or adjacent to the ~~a~~Agricultural district, ~~or the a~~Agricultural ~~p~~rotection ~~e~~Overlay ~~d~~istrict, or other lands of agricultural significance; and
- B. Assist the ~~e~~County and make recommendations in the effort to establish, promote, and implement a comprehensive agricultural protection/-preservation program; and
- C. Analyze and develop recommendations that will assist the ~~e~~County in addressing other issues ~~which that~~ affect agriculture at the county, regional, state, and federal levels; ~~and~~
- D. ~~Assist, upon request of the director of planning and development services, that department by providing review and comment on comprehensive planning and zoning related issues in or adjacent to the agricultural district or the agricultural protection overlay district, or other lands of agricultural significance.~~

Commented [CES1]: This is the same as A; don't need.

2.34.040 Membership – Term of office.

- A. The committee shall consist of no more than 13 voting members, consisting of one member from the Whatcom ~~County e~~Conservation ~~d~~istrict ~~b~~oard, one representative from Whatcom Family Farmers, one representative from the agricultural processing industry, ~~one two~~ citizens representing consumers of agricultural products, and one citizen with expertise in agricultural programs. The remaining ~~76~~ voting positions are to include agricultural producers representing both large- and small-scale producers of the various agricultural commodities produced in Whatcom County. A quorum shall consist of at least half of the appointed voting members.

In addition to the voting members, a representative of Washington State University Extension, Natural Resources Conservation Service, Whatcom ~~County e~~Conservation ~~D~~istrict staff, and ~~agriculturally involved youth (such as Future Farmers of America) (FFA) youth, and Whatcom County~~

~~Department of Planning and Development Services~~ will ~~may~~ serve on the committee in an *ex officio* capacity.

Commented [CES2]: Don't need this, as a staff person is always assigned to the committee.

- B. The ~~e~~County ~~e~~Executive will appoint the voting citizen committee members with final confirmation by the ~~e~~County ~~e~~Council. ~~Citizen-Voting~~ member terms will be four years.

2.34.050 Organization – Meetings.

Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. The committee shall determine its own meeting schedule, but shall meet at least four times per year. At every meeting, the committee will schedule an open session to take public comment on agricultural issues. Written records of meetings, resolutions, findings, and recommendations shall be kept, and such records shall be public. The committee shall adopt its own rules and procedures for ~~the conducting of~~ business. The committee shall elect a chairperson from among its members who shall preside at its meetings.

2.34.060 Committee staffing.

The Whatcom County ~~Department of Planning and Development Services~~ ~~department~~ shall provide staffing for the committee. The committee is authorized to request from the executive's office information from administrative departments as necessary.

Attachment 3:

12/14/23

Memorandum on 2025
Comp Plan Periodic
Update

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

TO: Agricultural Advisory Committee
FROM: Cliff Strong, Senior Planner
DATE: December 14, 2023
SUBJECT: 2025 Comprehensive Plan Periodic Update

Whatcom County is commencing its 2025 Comprehensive Plan Periodic Update and Planning and Development Services staff would like to solicit recommendations from the Agricultural Advisory Committee on what amendments should be considered in the Agricultural Lands section of Chapter 8, Resource Lands. To this end staff will be leading discussions with the Committee in January and February to obtain the Committee's thoughts on what major concepts need to be addressed. Our consultant will then use these suggestions in developing text, adding new policies, or editing existing ones. PDS staff will then come back later in the year (July – October) to present what the consultant has developed and solicit feedback on their work, including specific edits to goals and policies.

Attached to this memo are four documents for your review:

- Letter from County Executive Sidhu asking the Committee to participate.
- County Council Resolution 2022-036 establishing the Council's priorities for the update.
- Advisory Committee Review Guidelines (gleaned from the Exec's letter and Resolution 2022-036).
- The Agricultural Lands section of Chapter 8, Resource Lands

We have a tight schedule for meeting the June 30, 2025, adoption deadline, so I ask that committee members be prepared to discuss your ideas at your 1/10/24 & 2/14/24 meetings.

Attachment 4:

County Executive's
Memo to Advisory
Committees

11/28/23



Satpal Singh Sidhu
Whatcom County Executive



To: Advisory Committees
From: Satpal Singh Sidhu, County Executive
Date: November 28, 2023
Subject: 2025 Comprehensive Plan Update

The Growth Management Act (GMA) requires Whatcom County to update our Comprehensive Plan by June 30, 2025. Whatcom County has various advisory committees that provide both technical expertise and citizen perspectives on important issues. I value the work and recommendations from these committees.

Updating the Whatcom County Comprehensive Plan will be a large, complex, and important effort. We have two priorities for the update:

1. *GMA Compliance* – The GMA is a state law and we must ensure our Comprehensive Plan meets the requirements of this law. This is necessary to address the critical issues of our day. It is also needed to ensure Whatcom County continues to be eligible to receive grant funding from the State.
2. *Council Priorities* – The Whatcom County Council approved [Resolution 2022-036](#) (also attached to this email) in August 2022 setting priorities for the update. Some of these priorities overlap with GMA requirements, but some are unique to our update.

County Planning and Development Services staff will identify Comprehensive Plan topics or chapters that each advisory committee will review. The process will proceed as follows:

- December 2023, SCJ Alliance (the consultant for the project) will contact and meet with committee chairs and lead staff to discuss the Comp Plan update.
- January – February, staff will bring relevant Comp Plan provisions to the advisory committees for review. The committees will review the applicable Comp Plan provisions and make general recommendations on how to meet the GMA requirements and Council priorities.
- February – June 2024, the County’s consultant will develop preliminary draft wording changes to the various Comp Plan chapters to address GMA compliance and Council priorities, with consideration of the advisory committee’s general recommendations.
- July 2024 – October 2024, the advisory committees will review the consultant’s wording changes and make recommendations on these changes.

Public participation is an important component of the GMA. Therefore, I am requesting that each advisory committee set aside time at your meetings to receive and consider public comment. Additionally, because of the state deadline for GMA compliance, I am asking each committee to focus on the two priorities set forth above: GMA compliance and Council priorities. There may be other issues that come up in your discussions, but we need to be focused on the large and important tasks at hand. Each committee can create a list of other issues that may be considered after the 2025 Comp Plan update process is completed.

Thank you for the time, effort, local knowledge, and expertise that you provide! Your work makes Whatcom County a better place. We look forward to engaging with you on the Comp Plan update process. Staff will reach out to you soon to start the review process.

Sincerely,

A handwritten signature in blue ink that reads "Satpal Singh Sidhu". The signature is written in a cursive style with a long horizontal flourish at the end.

Satpal Singh Sidhu
County Executive

Attachment 5:

County Council

Resolution 2022-036

RESOLUTION NO. 2022-036

ESTABLISHING PRIORITIES FOR WHATCOM COUNTY'S 2025 COMPREHENSIVE PLAN UPDATE

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to develop a Comprehensive Plan for managing population growth and development, which was adopted in May of 1997; and

WHEREAS, the GMA requires Whatcom County to review urban growth areas (UGAs) under RCW 36.70A.130(3) to be able to accommodate population and employment growth projected for the 20-year planning period; and

WHEREAS, the GMA requires Whatcom County to periodically review and revise its Comprehensive Plan and development regulations under RCW 36.70A.130(1); and

WHEREAS, on August 9, 2016, Whatcom County adopted Ordinance 2016-034 updating the Comprehensive Plan; and

WHEREAS, Whatcom County should conduct an evaluation of the current Comprehensive Plan outlining progress made towards achieving goals and policies, and identify remaining areas of opportunity for improvement; and

WHEREAS, the GMA requires Whatcom County to review, and if needed, revise its Comprehensive Plan and development regulations on or before June 30, 2025, and every ten years thereafter; and

WHEREAS, the current Comprehensive Plan contains chapters on many intersectional issues impacted by climate change, equity, and economic security including Land Use, Housing, Capital Facilities, Utilities, Transportation, Economics, Resource Lands, Recreation, and Environment; and

WHEREAS, on November 9, 2021, the Whatcom County Council passed Resolution 2021-049, adopting the 2021 Whatcom County Climate Action Plan, which develops goals, strategies, and actions to reduce greenhouse gas emissions and build climate resilience related to buildings, energy, industry, transportation, waste, land use, water, fisheries, agriculture, forestry, and ecosystems; and

WHEREAS, Whatcom County has experienced increasingly severe and frequent effects of climate change including wildfires, smoke, heat dome, drought, and floods; and

WHEREAS, recent scientific reports from the Intergovernmental Panel on Climate Change point out that time is running short for communities everywhere to mitigate and adapt to the worst effects of climate change; and

WHEREAS, the Whatcom County Comprehensive Plan needs to more clearly integrate climate change, equity, and economic security throughout; and

WHEREAS, over the last several years, the Washington State Legislature considered several bills that address GMA and comprehensive planning including, but not limited to, HB 1099 (2021-22) and HB 1117 (2021-22); and

WHEREAS, legislation failing to pass during previous legislative sessions does not preclude Whatcom County from proactively and voluntarily incorporating these policy frameworks into the updated Comprehensive Plan; and

WHEREAS, in addition to climate change, Whatcom County has experienced significant socio-economic impacts due to the COVID-19 pandemic; and

WHEREAS, as early as 2019, the lack of affordable housing is recognized as an impediment to economic growth within Whatcom County by many in the community including the Business and Commerce Advisory Committee; and

WHEREAS, housing affordability continues to decline under unprecedented levels of national inflation; and

WHEREAS, historic growth trends may not accurately predict future needs and new methodologies may need to be introduced; and

WHEREAS, cities within Whatcom County have expressed concern that the traditional use of Urban Growth Areas (UGAs), and their associated restrictions, may incentivize development within unincorporated Whatcom County rather than targeted growth areas; and

WHEREAS, preservation of the Whatcom County's farmlands and agricultural industries is a common goal; and

WHEREAS, public input is a critical component to identifying priorities of the Comprehensive Plan; and

WHEREAS, The Whatcom County Council believes the updated Comprehensive Plan should reflect our shared values and address the current and future needs of Whatcom County; and

WHEREAS, the Whatcom County Council acknowledges that Whatcom County is a diverse landscape, home to a broad spectrum of cultures, and serving a wide variety of industries, and therefore recognizes that the solutions to the priorities identified here may take various forms throughout the County; and

WHEREAS, The Whatcom County Council looks forward to working collaboratively with the Executive, county staff, relevant Whatcom County boards, commissions, and advisory committees, seven cities, Native Nations, and stakeholders to adopt an updated Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the following priorities be considered for incorporation into the updated Comprehensive Plan due on or before June 30, 2025:

1. Equity, environmental justice, and economic security should be guiding principles throughout all chapters of the Comprehensive Plan and associated planning and regulatory documents.
2. Engage government-to-government with Lummi Nation and Nooksack Indian Tribe in the development and implementation of the Comprehensive Plan, and work to ensure tribal treaty rights and sovereignty are considered and upheld in all aspects.

3. Incorporate climate change mitigation, adaptation, resilience, and greenhouse gas (GHG) emission reduction throughout the Comprehensive Plan.
4. Promote the protection and restoration of healthy habitats for fish and wildlife throughout the Comprehensive Plan.
5. Collaboratively work towards economic security and affordable housing without sacrificing environmental health and public safety.
6. Support a thriving local agriculture and food system economy and food security, considering the impacts of climate change on agriculture as well as equity and housing needs of farmworkers.
7. Build resilience to climate change in forests that enables both a thriving timber economy and healthy sustainable forest ecosystems for wildlife, carbon sequestration and storage, production and storage of cool, clean water, and environmentally safe recreation.
8. More thoroughly consider impacts of climate change, equity, and economic security in relation to natural hazards mitigation and emergency response.
9. More thoroughly consider how growth patterns may have been altered from historic patterns in light of socioeconomic changes, climate change, and housing affordability challenges and what impact this should have on future planning.
10. Analyze the use of, and restrictions to, municipal Urban Growth Areas (UGAs) within the County to avoid unintended incentives to build outside of UGAs.
11. Maximize the environmental benefits of wetland mitigation and consider opportunities to increase development yield in urban areas by establishing off-site wetland mitigations with rigorous monitoring and adaptive management requirements in areas outside of cities.
12. Consider equitable contribution from development within unincorporated Whatcom County toward public and park infrastructure with the implementation of an impact fee program.

BE IT FURTHER RESOLVED, by the Whatcom County Council that the attached Exhibit A be considered as possible implementation strategies and actions that could help accomplish the priorities listed in this resolution.

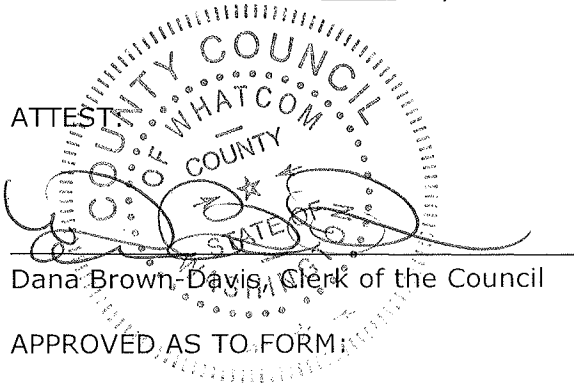
BE IT FINALLY RESOLVED, that the Whatcom County Council recognizes the importance of coordinating and collaborating throughout the planning process with the following governments and stakeholders:

- Whatcom County departments including the Planning & Development Services, Public Works, Parks & Recreation, Health Department, Finance Department, and the Emergency Management Division of the Sheriff's Office.
- Whatcom County boards, commissions, and advisory committees including, but not limited to, the Planning Commission, Climate Impact Advisory Committee, Flood Advisory Committee, Marine Resources Committee, Bicycle/Pedestrian Advisory Committee, Racial Equity Commission, Forest Advisory Committee, Agricultural Advisory Committee, Food System Committee, Child and Family Wellbeing Taskforce, Business and Commerce Advisory Committee, Housing Advisory Committee, and WRIA 1 Planning Unit.

- Native Nations including Lummi Nation and the Nooksack Indian Tribe.
- The seven incorporated cities of Whatcom County: Bellingham, Blaine, Ferndale, Lynden, Sumas, Everson, and Nooksack.
- The Port of Bellingham.
- The Public Utility District No. 1 of Whatcom County.
- Whatcom Conservation District.
- State government including local legislators, Governor, the Department of Natural Resources, Department of Ecology, Department of Fish and Wildlife, Department of Agriculture, Department of Commerce, and other relevant agencies.
- Federal government including local Congressional delegation, U.S. Forest Services, U.S. Department of Agriculture, U.S. Department of Interior, National Parks Services, U.S. Fish and Wildlife, National Oceanic and Atmospheric Administration, and other relevant agencies.
- Whatcom County residents, business owners, farmers, farmworkers, community interest groups, and nonprofits.

APPROVED this 9th day of August, 2022.

ATTEST



Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

/s/ Karen Frakes (via e-mail 8/10/22) / JL
 Karen Frakes, Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
 WHATCOM COUNTY, WASHINGTON

Todd Donovan, Council Chair

EXHIBIT A:
SUGGESTED IMPLEMENTATION STRATEGIES AND ACTIONS

<p>1. Equity, environmental justice, and economic security should be guiding principles throughout all chapters of the Comprehensive Plan and associated planning and regulatory documents.</p>
<p>Strengthen the “Diverse Cultural Composition” section of the Land Use chapter to include both equity and sovereignty.</p>
<p>Incorporate relevant components from <u>SB 5141</u> (2021-22) the Healthy Environment for all (HEAL) Act and the <u>Washington Environmental Health Disparities Map</u>.</p>
<p>Incorporate the Whatcom County “Healthy Planning” approach established by <u>resolution 2015-038</u>.</p>
<p>Consult with the Whatcom County Health Department, Racial Equity Commission, Child and Family-Wellbeing Taskforce, and organizations representing farm workers, farmers, low-income families and children, and other groups disproportionately impacted by climate change, environmental injustices, and economic insecurity.</p>
<p>Prioritize actions in overburdened communities that equitably enhance climate resilience and avoid or substantially reduce the adverse impacts of climate change in people, property, and ecological systems using best available science and climate projections.</p>
<p>Consider impacts to economic security and incorporate into relevant chapters.</p>
<p>2. Engage government-to-government with Lummi Nation and Nooksack Indian Tribe in the development and implementation of the Comprehensive Plan, and work to ensure tribal treaty rights and sovereignty are considered and upheld in all aspects.</p>
<p>Follow the framework established in <u>HB 1717</u> (2021-22), concerning tribal participation in planning under the growth management act.</p>
<p>3. Incorporate climate change mitigation, adaptation, resilience, and greenhouse gas (GHG) emission reduction throughout the Comprehensive Plan.</p>

Mitigate and adapt to climate change, reduce greenhouse gas (GHG) emissions, and build climate resilience by implementing the recommendations of the <u>Whatcom County Climate Action Plan</u> .
Change the title of the Environment chapter to "Environment and Climate Resilience"
Add goals of climate change mitigation and adaptation, and include measures to mitigate the adverse impacts of climate change on people, property, infrastructure, and ecological systems.
Consider and plan for how population growth and development impacts climate projections and associated risks and adverse events, and vice versa.
Add language to encourage a natural climate solutions approach to climate mitigation and resilience.
Use the best available science associated with climate change and biodiversity.
Transportation Chapter
Incorporate measures aimed at reducing transportation related emissions, including adding a goal to reduce vehicle miles traveled (VMT) by enhancing bicycle and pedestrian infrastructure, encouraging the use of public transportation, and improving coordination between development and transportation systems.
Enhance access to safe active and alternative transportation modes by implementing the recommendations of the <u>Whatcom County Pedestrian and Bicycle Plan</u> , the Regional Trails Plan, and Route Map proposed by the Bicycle/Pedestrian Advisory Committee.
Accelerate the transition to a low- or zero-emission transportation system (bicycles, cars, trucks, buses, and ferry) and associated infrastructure, per <u>Resolution 2022-033</u> . <ul style="list-style-type: none"> Develop a plan to transition the county fleet, including passenger vehicles, ferry, and other equipment, to electric, hydrogen, biofuels or other low- or zero-emission technologies.
Identify areas throughout the County, including the small cities, which may be feasible locations for transit-oriented development.

Capital Facilities Chapter
<p>Assess and analyze the climate impact of existing County facilities, outline specific actions and secure funding to improve energy efficiency, health, and safety while reducing GHG emissions and harm to people and the environment.</p> <ul style="list-style-type: none"> • Identify and replace outdated County facilities, such as the current jail, that become noncompliant with State Building Code standards, and present other health and safety concerns; ensure county facilities are a safe and dignified space for staff and all residents. • Retrofit County buildings where feasible to increase energy efficiency and install electric heat pumps. • Increase renewable energy generation and storage in County facilities.
<p>Consider climate change impacts to critical infrastructure and Whatcom County facilities.</p>
<p>Evaluate the climate vulnerability and risk of existing infrastructure in Whatcom County.</p>
<p>.</p>
<p>.</p>
<p>Facilitate the construction of publicly accessible electric vehicle charging infrastructure at County facilities such as buildings, parks, and other community spaces like schools, libraries, and senior centers.</p>
<p>Ease existing barriers by updating relevant development regulations and land use and building codes such as updating parking requirements to require or incentivize parking spots to be EV-ready on all new industrial, commercial, and residential multi-family construction.</p>
<p>Design and build new county facilities in a sustainable way including net zero energy use, increasing energy resilience, utilizing local, sustainably sourced building materials, enhancing microgrid capabilities, and developing at locations that increase accessibility to public and alternative transportation modes.</p>
<p>Conduct an economic analysis for current county infrastructure, buildings, and transportation that factors in externalities of climate change to inform replacement prioritization and timeline.</p>
Utilities Chapter

Work with public and private utilities to further reduce greenhouse gas emissions, increase renewable energy resources, and modernize the energy grid to build community and climate resilience.

Support the evaluation of Whatcom Public Utilities District #1 to expand renewable energy production, water, and broadband throughout the County.

Support Universal Broadband Access as a foundation for energy transition and digital equity.

- Establish a goal to achieve symmetrical gigabit broadband throughout the County.
- Support efforts to establish and increase municipal/public broadband.
- Incorporate a coordination, or "Dig Once", policy for all new road construction projects, utility installations, and in planning for new residential, commercial, and industrial development.

Enhance goals to reduce fossil fuel consumption and increase access to renewable energy resources.

- Review, and consider repealing, the moratorium and other restrictions on new wind energy systems, and updating any relevant wind energy code.
- Evaluate potential for geothermal and hydrogen energy in Whatcom County.
- Assess opportunities to modernize the energy grid and other technologies and infrastructure necessary to deploy renewable energy and increase efficiency and energy security.
- Work with privately or investor-owned utilities to support their transition to more renewable energy.
- Incentivize a methodical transition away from natural gas and other fossil fuels while supporting a transition to electrification or other zero-emission alternatives.

Set goals to further improve water quality and quantity.

- Fully implement the outcomes of the Nooksack Adjudication and "Solutions Table" process to ensure legal use of water that supports water use efficiency, salmon recovery, agriculture, and drinking water for all residents.
- Update policies and take action to further protect Lake Whatcom watershed.
- Explore water infrastructure and technology solutions that can help store, conserve, improve efficiency, and alleviate the high demand during times of limited supply.
- Incorporate recommendations and priorities from the Whatcom County Drought Contingency Plan.
- Ensure the Coordinated Water System Plan is consistent with the comprehensive plan and development regulations, confirming current water supply and water systems can support future growth.

Quantify and reduce greenhouse gas emissions from waste management and septic systems in the county.

- Implement the strategies in the Comprehensive Solid and Hazardous Waste Management Plan.

<ul style="list-style-type: none"> Promote and incentivize composting (food and yard waste) and the recycling of building materials.
4. Promote the protection and restoration of healthy habitats for fish and wildlife throughout the Comprehensive Plan
Add a salmon recovery goal.
Implement the actions outlined in the Water Resource Inventory Area (WRIA) 1 <u>Salmon Recovery Program</u> and <u>Salmonid Recovery Plan</u> .
Incorporate recommendations and priorities from the <u>WRIA 1 Watershed Management Plan</u> .
Identify and update regulations that protect wildlife corridors and habitat connectivity, protect, preserve, and restore healthy habitat and biodiversity, and protect fish and wildlife populations from human activities and structures. <ul style="list-style-type: none"> Identify and map wildlife corridors and connectivity throughout the county. Evaluate what lands are best for wildlife corridors and habitat restoration based on a cost-benefit analysis. Develop and expand voluntary programs that work with and compensates participating landowners.
Land Use Chapter
Work with the State to evaluate a framework and strategy for achieving net ecological gain of salmon and other aquatic species habitat for all public projects and a voluntary incentive driven framework and strategy for private projects.
Coordinate land use policy with water supply goals.
Transportation Chapter
Include an updated culvert inventory and prioritized list and proposed schedule for the elimination of identified fish passage barriers in coordination with the Tribes, State, Cities, and private landowners.
5. Collaboratively work towards economic security and affordable housing without sacrificing environmental health and public safety.
Housing Chapter

Outline specific goals and policies to ensure housing development meets current and future housing, equity, climate, and economic needs.
<p>Ensure adequate housing and services for seniors and people with disabilities.</p> <ul style="list-style-type: none"> • Services to include housing support, assistance with daily living, transportation, recreation, accessing healthcare and assistance at a person-centered level. • Comprehensive Plan must include zoning allowances for residences, compliance with ADA, and transportation component appropriate to this population.
Add a goal that everyone, at every income level, has access to affordable housing, as defined by a household spending 30% or less of its income on housing costs.
Provide permanently affordable housing and home ownership opportunities in all neighborhoods for individuals earning between 50% to 120% of AMI.
Provide a full range of affordable housing types ranging from multifamily apartments, condos, and duplexes to detached single family homes, ADU's, and tiny homes.
Target an average rental vacancy of 5%, and available housing supply of 4-6 months, for all income levels.
Update, strengthen, and streamline land use codes, housing regulations, and permitting processes that further encourage, and where appropriate, require more affordable, dense, sustainable, low impact, and energy efficient development.
<p>Support building and energy codes that incentivize a strategic transition to all-electric new residential construction, ensuring that our communities are sustainable, affordable, equitable, and healthy now and in the future, while addressing resiliency and vulnerabilities to climate change disproportionately impacting rural and low-income communities in Whatcom County. To help facilitate a strategic transition:</p> <ul style="list-style-type: none"> • recognize and assist residents still dependent upon access to wood, natural gas, diesel, and other fossils fuels for backup energy when homes have limited, or no access, caused by such things as power outages, severe weather, or location. • prepare for emergencies and build community resilience and self-sufficiency by working with our state and federal partners on energy grid modernization, investing in underground utilities, and access to affordable and reliable electricity for all communities.

Support incentive programs that promote solar panels, electric heat pumps for space and water heating, and weatherization for existing residential and commercial buildings.
Consider permitting and land use policies that increase affordable housing such as sustainable development incentives, expedited permitting and fee reductions, form-based building codes, transit-oriented development, infill development, density bonuses, clustering subdivisions, urban villages, and farmland trusts.
.
Consider County acquisition of land for permanently affordable housing development such as a community land trust or land bank model.
Expand availability and development of housing, especially mixed and middle housing options, near transit and employment opportunities to reduce travel needs and vehicle miles travelled.
Invest in wetland mitigation throughout Whatcom County and explore off-site wetland mitigation as a strategy to increase development capacity.
In development regulations, protect critical areas by strengthening mitigation requirements including requiring net gain in pervious surface area and tree canopy cover.
Economic Chapter
Promote a more diverse, equitable, sustainable, and climate resilient future economy.
Support living wage job creation in green industry, commerce, forestry, and agriculture.
Support a just clean energy transition for workers and communities.
Invest in robust economic and workforce development at all levels, including in climate-resilient and green energy related fields.
Support supply chain resiliency.
Increase access to quality and affordable childcare by implementing the recommendations of the Whatcom County Child and

Family Well-Being Action Plan.
Work with the Port of Bellingham and Whatcom PUD to increase access to quality and affordable high-speed broadband.
As Whatcom County continues to recover from the COVID-19 pandemic, assess the impact the Comprehensive Plan had/has on supporting the local economy, business models (such as streets turned into outdoor dining for restaurants to reopen), the working population, the basic necessities and logistics for our community, and incorporating lessons learned.
6. Support a thriving local agriculture and food system economy and food security, considering the impacts of climate change on agriculture as well as equity and housing needs of farmworkers.
Resource Lands Chapter
Consider the impacts of climate change, water resources, and flood control on agriculture and agricultural workers such as rising temperatures, more severe and unpredictable weather events, flooding, air quality, water quality and quantity, and soil health.
Work to provide secure and legal access to water for farmers all farmers with an end goal of water use efficiency to drive profitability for a diverse agriculture economy, recognizing that the “use it or lose it doctrine” of water rights does not promote water use efficiency. employing water conservation and water use efficiency principles.
Integrate water supply planning and land use planning to support Whatcom County’s goal of maintaining a minimum of 100,000 acres of agricultural land.
Promote opportunities to increase sustainability and climate resilience in agriculture and processing.
Enhance local food security and food sovereignty by implementing the recommendations of the <u>Whatcom Community Food Assessment</u> .
Improve wages, housing, and working conditions for food chain workers.
Ensure safe and affordable on-farm housing, transportation, and healthcare for farmers and farmworkers.
Increase demand for local food products and expand support networks for local agriculture product development.

- Increase capacity for local food producers to connect with local food enthusiasts by allowing processing and packaging infrastructure on-farm and elsewhere, in the size, scale, use and intensity of agriculture in Whatcom County.

Encourage research and development of drought- and heat- tolerant crops, and agriculture technologies that will reduce emissions, improve soil health, and increase efficient use of water.

Enhance flood control and drainage vitally important to protecting people, farm families, and infrastructure.

- If agriculture land is utilized for “overflow areas”, the county should also plan to facilitate drainage to enable the ability of the land to be productively farmed.
- Manage drainage areas, including wildlife control, to protect land intended to produce food and fiber, except where they have been placed in the conservation programs.

Encourage climate smart farming practices that protect and regenerate soil, water, land, and carbon sequestration.

Preserve productive agricultural lands across Whatcom County by implementing the recommendations of the Whatcom County Agricultural Strategic Plan and the 2019 Rural Land Study, considering rezoning opportunities (such as R5 to Ag 20 or similar), and increasing funding and staff capacity for the Conservation Easement Program in order to protect more agricultural lands from development pressure.

Expand allowable agricultural land uses to include non-traditional farming models.

7. Build resilience to climate change in forests that enables both a thriving timber economy and healthy sustainable forest ecosystems for wildlife, carbon sequestration and storage, production and storage of cool, clean water, and environmentally safe recreation.

Support a thriving local forest products industry and sustainable local resource economy including living wage jobs.

Encourage and incentivize working forest management practices that enhance ecosystem services such as healthy fish and wildlife habitats, forest and watershed health, clean water, climate resilience, carbon sequestration and storage, open green space, and sustainability.

- Develop Forest Management Plans for Lake Whatcom Park, Canyon Lake Community Forest, and Stewart Mountain

Community Forest with these values in mind.
Encourage research and development and the use of best available science in the evaluation and mitigation of potential adverse impacts from timber harvesting to peak flows, low summer stream flows, water quality, wildlife, slope stability and wildfire risk.
Engage and collaborate with forest management experts, practitioners, professionals and researchers to obtain well informed and broad understanding of issues in order to facilitate prudent decisions and formulate positions on forestry issues. <ul style="list-style-type: none"> Examples include the Cooperative Monitoring, Evaluation, and Research (CMER) Committee (Forest Practices Board), DNR's Olympic Experimental Research Forest scientists and its research partners, and the Whatcom County Forest Advisory Committee.
Recognize the ability for sustainable forest practices to produce a wide variety of benefits, and identify opportunities to optimize the wood production and carbon storage capacity of forestlands in Whatcom County through the application of extended harvest rotations.
Consider opportunities to protect old and mature forests while also exploring ways to maintain harvestable forest land base, such as actively managing County owned lands and working with the federal government on harvest potential of federal lands.
Provide feedback into Environmental Impact Statements or State Environmental Policy Act on regulatory or policy changes to forest management during planning level analyses in order to influence and encourage climate considerations in decision making while providing certainty to industry and other proponents.
Encourage uneven-aged forest management practices through selective harvest and variable density thinning to enhance structural complexity, biodiversity, drought-tolerance, fire resilience, hydrologic function, and protection of fish-bearing and non-fish-bearing streams.
Expand carbon market opportunities that reward landowners who actively manage their forests to increase carbon storage and sequestration and enhance ecosystem services.
Evaluate the net loss or gain in carbon emissions and ecological function when rezoning forest lands for other uses.
Encourage reforestation, or afforestation, of previously cleared riparian and upland areas through providing funding, seedlings, expertise, and outreach.
Consider development pressures on working lands and work with partners on the possibility of establishing a Whatcom County

goal of maintaining a minimum number of working forest land that is required to sustain local forestry infrastructure.
Work with private landowners to support their investment in the environment and infrastructure, including road improvements, removal of fish passage barriers, and installation of fish-friendly culverts and bridges.
Increase funding and staff capacity for the Conservation Easement Program in order to protect more forest lands from development, particularly as a strategy to protect forest lands in the Lake Whatcom watershed.
Promote development of Whatcom Grown timber products that support climate resilience, the local timber economy, timber and forestry jobs, and reduce transportation-related emissions.
Support the forest industries and workers as they transition to more climate resilient forest harvest techniques, including any support needed to increase wages, benefits, and safety of workplace conditions.
Support environmentally safe recreation on working forests by adequately funding Whatcom County Parks and Recreation to actively manage recreation, mitigate any negative impacts, and develop and maintain existing county owned lands and infrastructure. <ul style="list-style-type: none"> • Collaborate with all levels of government and other landowners in planning, development, maintenance, and habitat restoration as well as enforcement support. • Provide funding to support other landowners in managing public use impacts in recognition of the benefits forest recreation provides to the county and its residents.
Determine countywide reforestation opportunities in the built environment and expand and strengthen tree canopy requirements and retention in existing and newly developed areas of all sizes to enhance carbon storage, reduce ambient air temperatures, mitigate urban heat island effect, and lower the future cooling costs of residential and commercial buildings.
8. More thoroughly consider impacts of climate change, equity, and economic security in relation to natural hazards mitigation and emergency response.
Incorporate climate change into the Whatcom County <u>Natural Hazards Mitigation Plan</u> , and synchronize with <u>FEMA hazard mitigation planning</u> best practices and the comprehensive plan.
Incorporate climate change impact assessments and vulnerability and risk assessments to inform future development and preservation efforts.

Consider the impacts of flooding, increasing temperatures, heat domes, droughts, wildfire, and smoke to human health, the environment, natural resources, resource lands, and economic security.

Land Use and/or Environment Chapter

Enhance flood sections to help recover and mitigate against increased intensity and frequency of flood events.

- Conduct a comprehensive review of the systems, plans, policies, and current codes that must be changed or updated to better prepare for the next flood (such as UGA's in floodplains/floodways), and incorporate improvements based on lessons learned.
- Reduce flooding risk by fully supporting the implementation of recommendations and priorities from the most current and ongoing Whatcom County Flood Integrated Plans, including the Lower Nooksack River Comprehensive Flood Hazard Management Plan.
- Factor flood-related displacement of people and property into growth projections and urban growth areas.
- Restore, where possible, the environmental functions of rivers and streams.
- Improve flood plain water storage and infiltration capacities.
- Consider levee setbacks where appropriate.
- Better prepare for floods and consider the disproportionate impacts of flooding on rural and vulnerable communities.
- Support buybacks in designated floodways.
- Consider water storage options that do not include dams.

Build resilience to climate change while reducing flood risks by supporting efforts to increase tree canopy cover (particularly in riparian areas) and reducing impervious surfaces.

Enhance land use planning in the wildland urban interface (WUI) to reduce and mitigate the risk to people and property posed by wildfires.

- Reduce residential development pressure in the wildland urban interface area.
- Create open space buffers between human development and wildfire-prone landscapes.
- Protect existing residential development through community wildfire preparedness and fire adaptation measures.

Environment and/or Shoreline Chapter

More thoroughly incorporate coastal resilience to plan, prepare, build resilience to climate impacts, and reduce vulnerabilities and risks. Ensure consistent language is included in associated codes as well, including the Critical Areas Ordinance, Shoreline Management Program, and relevant sections of Title 20 zoning.

Plan for sea level rise, changing ocean conditions, storm surges, and floods, and its impacts on coastal residential communities, declining marine fisheries, shellfish beds, coastal infrastructure, and recreation areas.
Reduce development in current and projected future shoreline areas.
Capital Facilities Chapter
Consider establishing and maintaining County Resilience Centers during emergencies or disasters. These facilities could: <ul style="list-style-type: none"> • Provide controlled temperature shelter as well as food, water, and cots for disasters or power outages. • Prioritize under-served communities more vulnerable to disasters such as floods, wildfires, and prolonged heat/cold spells.
10. Analyze the use of, and restrictions to, municipal Urban Growth Areas (UGAs) within the County to avoid unintended incentives to build outside of UGAs.
Update policies on UGAs in light of current environmental regulation such as critical areas, shorelines, and stormwater regulations.
Update policies using current best practices for agricultural and protected watersheds.
Consider provisions for flexibility of municipal UGA boundaries to yield greater development densities, fewer environmental impacts, and more affordable housing outcomes.
11. Maximize the environmental benefits of wetland mitigation and consider opportunities to increase development yield in urban areas by establishing off-site wetland mitigation areas outside of cities.
Develop cooperative policies that preserve and grow natural areas outside of cities by allowing off-site mitigation in the County.
Update policies on wetland mitigation to allow lower quality wetlands with little to no habitat value to be mitigated off-site.
Increase capacity to steward and conserve natural resources on private property, including considering a mechanism by which rural, private property owners are able to derive monetary benefit from wetland mitigation initiatives or other environmentally beneficial activities.

Attachment 6:

Advisory Committee Review Guidelines for 2025 Comp Plan Update

2025 CompPlan Update – Advisory Committee Review Guidelines

Timeline/Process

1. County Planning and Development Services staff will identify Comprehensive Plan topics or chapters that each advisory committee will review.
2. December 2023: SCJ Alliance (the consultant for the project) met with committee chairs and lead staff to discuss the CompPlan update.
3. January – February: Staff will bring relevant CompPlan sections to the advisory committees for review. The committees will review unedited (existing) versions of applicable CompPlan elements identified by staff in #1 above. Each committee will make general recommendations, in the form of a memo, on how to meet the GMA requirements and Council priorities. The Committees will not make specific wording changes at this point in the process.
4. February – June 2024: SCJ Alliance will develop preliminary draft wording changes to the various CompPlan elements to address GMA compliance and Council priorities, with consideration of the advisory committee’s general recommendations.
5. July 2024 – October 2024: The advisory committees will review the consultant’s wording changes and make recommendations on them.
6. Public participation is an important component of the GMA. Therefore, each advisory committee will need to set aside time at meetings to receive and consider public comment.
7. Because of the state deadline for GMA compliance, each committee will focus on:
 - GMA compliance;
 - Council priorities (Resolution 2022-036);
 - Necessary grammatical changes; and
 - Modifying/updating outdated/incorrect information.

Priority Criteria for Making Changes

Updating the Whatcom County Comprehensive Plan will be a large, complex, and important effort. Additionally, there is a June 30, 2025, deadline for completing the project. Therefore, amendments will be limited to the following:

1. *GMA Compliance* – The GMA is a state law and we must ensure our Comprehensive Plan meets the requirements of this law, including amendments made since our last update. This is necessary to address the critical issues of our day. It is also needed to ensure Whatcom County continues to be eligible to receive grant funding from the State.
2. *Council Priorities* – The Whatcom County Council approved [Resolution 2022-036](#) in August 2022 setting their priorities for the update. Some of these priorities overlap with GMA requirements, but some are unique to our update.
3. Changes to grammar that improve clarity.
4. Changes or updates to outdated or incorrect information.

There may be other issues that come up in the review process. A list of other issues may be developed for consideration after the 2025 CompPlan update process is completed.

Attachment 7:

Current Whatcom
County Comprehensive
Plan

Chapter 8:

Resource Lands

Chapter Eight Resource Lands

Introduction

The growth and harvest of farm products, re-generation and harvesting of timber, use of marine resource lands for shellfish harvest, and excavation of minerals all shape Whatcom County's landscape and strongly influence the economy. Resource lands, which include agriculture, forestry, fisheries (RCW 36.70A.020), and mineral resource lands, also largely represent Whatcom County's cultural heritage. These natural resource activities have been major industries since European settlement began in the area, and the use of marine lands by our indigenous citizens far predates European settlement.

Chapter Organization

This chapter is divided into four sections: Agricultural Lands, Forest Resource Lands, Marine Resource Lands, and Mineral Resources.

Purpose

This chapter contains goals and policies designed to identify and protect the important natural resource lands found in Whatcom County as defined by RCW 36.70A. The development of these goals and policies is necessary to ensure the provision of land suitable for long-term farming, forestry, and mineral extraction so the production of food, fiber, wood products, and minerals can be maintained as an important part of our economic base through the planning period. Without protection of these resource lands, some of the lands could be inappropriately or prematurely converted into land uses incompatible with long-term resource production. The premature conversion of resource lands into incompatible uses places additional constraints on remaining resource lands and can lead to further erosion of the resource land base.

Process

Each section of this chapter includes a description of the process followed in creating that section.

GMA Goals and Countywide Planning Policies

The following goals and policies in this chapter have been developed:

- to be consistent with and help achieve the statewide GMA goals to "maintain and enhance" natural resource based industries
- to implement Countywide Planning Policies that express the desire for the county to become a government of rural lands and sustainable resource based industries
- to fulfill the citizens' vision of Whatcom County where resource based industries are widely practiced and encouraged

The Agricultural Lands, Forest Resource Lands, Marine Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads:

"Natural Resource Industries. Maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses." (RCW 36.70A.020)

The goals, policies, and action plans of this chapter support the achievement of this goal by identifying, designating, and protecting productive resource lands from incompatible uses, thereby helping to maintain the county's important natural resource based industries.

Identifying and designating productive resource lands also helps implement the Countywide Planning Policies directed towards agriculture, forestry, mineral resources, marine industries, and other natural resources. In addition, land use policies that encourage best management practices are included within this chapter to support and maintain a broad based economy of productive timber, agriculture, mineral and aquatic industries in a sustainable manner. (CWPP I-9)

Agricultural Lands

Introduction

Purpose

The purpose of this section is to provide a clear set of guidelines that preserves the agricultural base in Whatcom County, prioritizes the human need for food, fiber, shelter and energy and ensures both the agricultural industry and the cultural heritage thrive in the years to come.

Process

In 1991 an Agricultural Resource Land Advisory Committee was formed to adopt Agricultural Resource Land Designations under the GMA. After 13 committee meetings and three public information meetings, the committee recommended adoption of refined goals and objectives and re-adoption of the existing Agriculture zoning and plan designations. Their recommendation was adopted by Council through Ordinance 92-013 Exhibit A to Ordinance 92-013 explains the locational criteria that were used to designate agricultural lands. The revised criteria are now found in Policy 8A-3.

Currently, approximately 86,000 acres are designated as agricultural lands of long-term commercial significance.

GMA Requirements

The Growth Management Act requires the identification of the "general distribution and general location and extent of the uses of land... for agriculture..." **Map 8-1** and **Map 8-2** show agricultural soils and existing agricultural zoning boundaries.

Map 8-1 shows prime agricultural soils, and the Agricultural Comprehensive Plan designation. Those lands designated as Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance as defined by GMA as agricultural lands that have the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land." (RCW 36.70A.030(10)).

Prime farmland, as defined by the Natural Resources Conservation Service (NRCS), "is the land that is best suited to food, feed, forage, fiber, and oilseed crops." Categories of prime soils depicted on **Map 8-1** are described as follows:

- Category I: All areas are prime farmland.
- Category II: Prime farmland if drained.
- Category IV: Prime farmland if irrigated.
- Category V: Prime if drained and protected from flooding or not frequently flooded during the growing season.
- Category VII: Prime if irrigated and either protected from flooding or not frequently flooded during the growing season.
- Category VII: Prime if subsoiled, completely removing the root inhibiting soil layer.

These prime soil categories are taken directly from the NRCS National Soil Survey Handbook Part 622. Whatcom County does not contain all NRCS categories of prime soils.

Map 8-2 shows Agriculture Protection Overlay soils, and provides a visual representation of those areas that are subject to the Agriculture Protection Overlay (APO). The APO recognizes that agriculturally important soils may lie outside existing agricultural zoning, in designated rural areas, and provides a mechanism for conserving these soils for agricultural use, if conservation is appropriate. Soils were classified as APO soils based on the NRCS's Prime Farmland classification system and Land Evaluation and Site Assessment (LESA) system.

The purpose of the APO is to promote and encourage commercial agricultural activity, meet long-term agricultural needs not otherwise met in the Agriculture zone district, provide a reasonable mix of uses and activities that may enhance the economic resources available to the farmer, and provide for a variety of uses within the rural areas that are not inconsistent with or incompatible with the use of lands within these areas for agricultural activities.

Conserving productive agricultural lands in rural areas is a primary objective of the APO. The APO applies to all lands zoned Rural-5A or Rural-10A that are outside designated urban growth area boundaries and held in parcels of 20 acres or larger. **Map 8-2** shows lands zoned Rural-5A or Rural-10A that are outside UGAs. Applied at the time of subdivision, the APO uses cluster zoning in order to allow development on one portion of a parcel, while leaving the remainder of the parcel available for agricultural use. The portion available for development will be limited to 20 percent (or possibly, up to 30 percent).

The APO seeks to conserve lands, with agriculturally important soils, whose predominant use has been and continues to be, or could be commercial agriculture. This overlay zone shall include areas that:

1. Have been designated as agricultural open space for county property tax purposes within the past seven years; and/or
2. Those that include more than 50 percent APO soils;

GMA also specifies the need for regulatory protection relative to agriculture. It requires that the county "shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands . . ." Whatcom County has enacted a Right-To-Farm ordinance that meets this requirement.

Background Summary

Today agriculture plays an important role in both Whatcom County's economy and its identity.

Whatcom County agriculture is widespread and diverse, ranging from small, organic farms in the Mt. Baker Foothills to cold-storage facilities in Bellingham, and includes orchards, dairies, cattle ranches, produce farms, and nurseries, to name a few. Our farms are the country's top producers of red raspberries and are also major producers of milk, beef, blueberries, potatoes, nursery products, and many other agricultural commodities.

The economic impacts of agriculture on Whatcom County are substantial. According to the U.S. Department of Agriculture's 2012 Census of Agriculture, 1,483 Whatcom County farms produced a market value of \$326 million in crops and livestock that year, ranking eighth in the state. Milk produced locally in 2013 reached an all-time high market value of \$246.1 million. Raspberries and blueberries combined for a record market value of \$123.6 million in 2014.

Average annual agricultural employment in Whatcom County in 2014 was 3,512, with substantial seasonal variation within that average, according to the Washington State Employment Security Department. Locally, agricultural jobs soared to 5,661 in the third quarter of 2015. In addition, farms and support businesses, such as equipment retailers, veterinarians, processing facilities, and feed suppliers employ many Whatcom County residents.

Agricultural activity is generally considered to be a condition or activity which occurs on agricultural land in connection with the commercial production of agricultural products. Agricultural land may include, but not be limited to the land, freshwater ponds, buildings, infrastructure and machinery used in the commercial production of agricultural products. Agricultural products are those plants and animals useful to humans. Commercially viable agricultural products require generally rich and fertile soil with appropriate amounts of water to bring them to a harvestable stage.

Agricultural lands are an important resource to the people of Whatcom County and Washington State yet if not adequately protected through zoning and other measures, these lands may be converted to urban or rural uses. Often the conversion process begins when rural uses move onto agricultural land, creating smaller parcels,

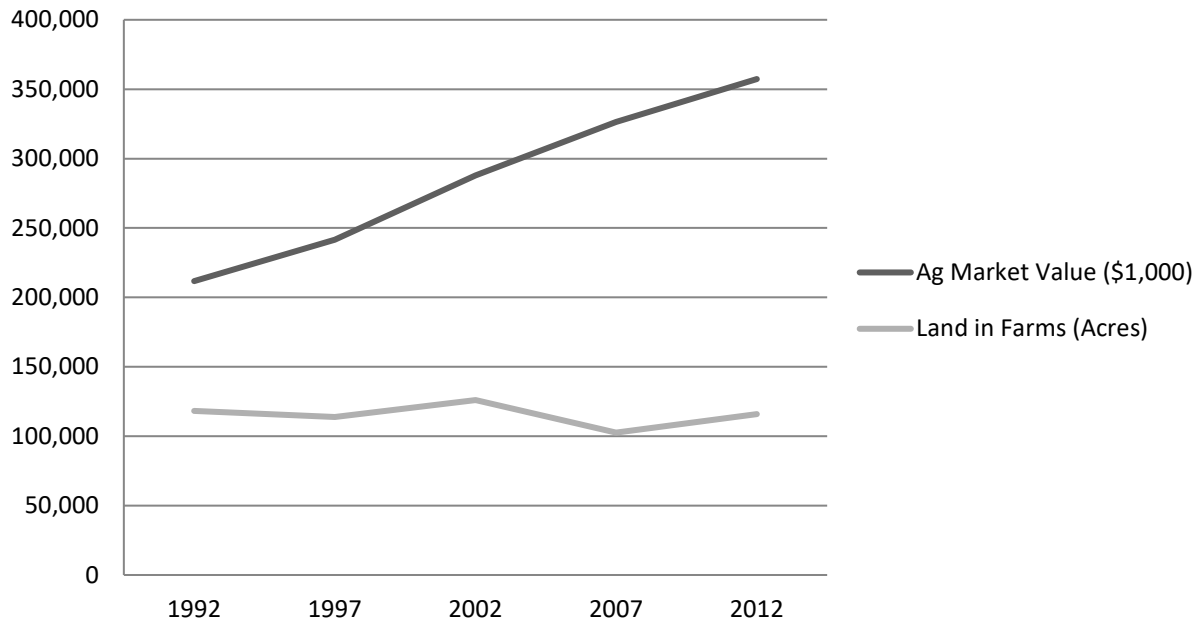
more buildings, and activities that, in some cases, are incompatible with agriculture. In many cases, this blurs the line of distinction between agriculture uses and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County.

The viability of an agricultural resource economy is dependent upon the presence of certain agriculture related industries and activities. These include processors (for example, fruit and vegetable packers and milk processors in Whatcom County), farm implement sales and repair, fertilizer and pesticide suppliers, trucking firms, certified meat inspectors and processors, a pool of farm labor, etc. These activities, in turn depend on a stable (or expanding) agricultural products economy that is in turn dependent on maintaining a stable agricultural resource land base. If agricultural production is reduced below a certain level in a given geographical area, then it becomes no longer economical for the agriculture related activities to remain in that area. Loss of these support industries results in further reduction and conversion of the agricultural land base and an accelerating downward spiral for the local agricultural economy.

Another important consideration is maintaining a large contiguous land base without a significant potential for conversion to non-agricultural residential uses for agriculture. Smaller, discontinuous agricultural areas are more vulnerable to conversion pressures resulting from longer hauling routes, difficulty in transporting farm equipment and supplies on roads dedicated to residential traffic, conflicts with neighboring non-agricultural land uses, and the reduced importance of agriculture in the local economy. Maintaining such a large contiguous land base sometimes requires preserving within the agricultural resource land area some lands that are not well suited to actual production of crops. Such inclusions may best be used for building sites, windbreaks, specialty crops, livestock wintering, forestry, etc. Thus it is important to consider both the size and the configuration of the agricultural resource area to provide long term stability of the agricultural resource and support industry economy.

In 1949, 200,000 acres of land were reported to be in farm production in Whatcom County. Between 1949 and 1992, land in farm production declined. In 2012, agriculture accounted for 115,831 acres, nearly 85,000 fewer acres than 1949. However, since 1992, the amount of land in farms has remained relatively stable (between 100,000 and 125,000 acres). But at the same time, both the number and diversity of farms in the County has been increasing. Even while the amount of land in agricultural use has remained relatively stable over the past two decades, the economic value of the products produced on those farms has increased by more than \$100 million in the same time period.

Whatcom County Land in Farms/ Product Market Value Over Time



Issues, Goals, and Policies

Agricultural Land Base

The state legislature has recognized that agriculture faces unprecedented international market competition and costs. Low profit margins have contributed to the decline of Whatcom County’s agricultural land base from 1949 to 2012. The continued loss of working agricultural land also harms critical areas because, as the Puget Sound Partnership has noted, farm and cattle ranch lands can deliver critical area outcomes that can be superior to converted lands, in terms of water quality functions, floodplain, aquifer recharge, and food and habitat functions for fish and wildlife species. Because of this, additional regulations need to be carefully tailored to prevent additional threats that can accelerate conversion to non-agricultural uses.

Agricultural viability is dependent upon long-term supplies of clean water and a large fertile land base. Erosion of the farm land base has been recognized as a national and local problem. The maintenance of a sufficiently large land area devoted to agricultural activity is necessary to support associated farm processing operations such as milk and berry processing facilities.

Demand for low cost residential building sites coupled with fluctuating profit margins for agricultural operations and availability of residential development rights brings pressure to convert agricultural land to residential and other non-agricultural uses.

Whatcom County passed Resolution 2009-040 on July 7, 2009 in which the County Council confirmed that 100,000 acres of land available for agricultural use is the

minimum goal for ensuring a land base necessary to support a viable agricultural industry in Whatcom County. The resolution also stated the need to strengthen agricultural land protection in the County's Rural Study Areas as defined in the 2007 Rural Land Study by the Agricultural Advisory Committee (AAC). The AAC assisted in the creation of the County's Agricultural Strategic Plan in 2011, which included the task of reviewing rural study areas and identifying any new agricultural zoning designations or where agricultural land protection efforts should be strengthened.

Goal 8A: Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber.

Policy 8A-1: Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils that are not now zoned agriculture, or where the area is composed of agricultural operations that have historically been and continue to be economically viable, by developing and implementing a long-range strategy. The planning horizon should be twenty years in the short-term and 100 years in the long-term.

Policy 8A-2: Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers and agricultural lands as part of the legislative decision-making process. Measures that can be taken to support working farms and maintain the agricultural land base should include:

- Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry.
- A density credit program where development incentives are offered in cities and/or UGAs if density credits are purchased by the developer. Funds from the density credit program would supplement the existing Conservation Easement Program funding.
- Developing a marketplace approach to strengthening agricultural practices while enhancing larger-scale watershed processes and functions by identifying feasible opportunities on agricultural land to improve both watershed health and agricultural viability and developing incentives and tools to compensate farmers for actions that exceed minimum regulatory standards.
- Maintaining a Conservation Easement Program that facilitates the removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.
- Incentives and cooperation between landowners and public agencies such as the use of the current use tax assessment provisions.

- Implementing land use policies that encourage farming on Rural lands of high agricultural productivity and potential.
- Discouraging conversion of designated agricultural lands to non-agricultural uses.
- Track acres lost due to conversion, development, or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost.
- Education and marketing of programs that emphasize recognition of the local and regional significance of agricultural land as a natural resource and the economic, social and ecological benefits it provides.
- Working cooperatively with local farmers and coordinating with local and state agencies to address water quality impacts of agricultural activities on local streams and groundwater.
- Securing an adequate, sustainable, and legal supply of irrigation water sufficient to support the long-term viability of the local agricultural industry.
- Identify and evaluate any new or changed zoning or comprehensive plan agricultural lands of long term commercial significance designations as needed or warranted for the Rural Study Areas.
- Economic development assistance to agricultural-related enterprises.
- Recognize regulatory impacts and encourage farm friendly regulations.

Policy 8A-3:

The criteria for designating or de-designating lands under the Agriculture land use designation shall be considered on an areawide basis. When applying the following criteria, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain agricultural support businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. The criteria are as follows:

1. The land is not already characterized by urban growth. In determining this factor, the County should consider WAC 365-196-310 and RCW 36.70A.030(19).
2. The land is used or capable of being used for agricultural production. In making this determination, the County shall use the land-capability classification system of the U.S. Department of Agriculture Natural Resources Conservation Service. These eight classes are incorporated into map units

and are based on the growing capacity, productivity, and soil composition of the land.

3. The land has long term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:
 - a. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
 - b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
 - c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices.
 - d. A majority of the area is composed of agricultural operations that were historically in agriculture prior to 1985.
 - e. The predominate parcel size in the area is large enough to adequately maintain agricultural operations.
 - f. The availability of public services.
 - g. The availability of public facilities such as roads used to transport agricultural products.
 - h. Special purpose districts that are oriented to enhancing agricultural operations such as drainage improvement, watershed improvement, and flood control exist.
 - i. The area has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.
 - j. The area contains a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.
 - k. The area's proximity to urban growth areas.
 - l. The area's proximity to agricultural markets.
 - m. Land value under alternative uses.

Policy 8A-4: Support conservation of productive agricultural land by requiring the use of best management practices including soil and water conservation, livestock nutrient/manure management, etc.

Policy 8A-5: Discourage conversion of productive agricultural land to incompatible non-agricultural uses.

- Policy 8A-6: Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands.
- Policy 8A-7: Work cooperatively with farmers to prioritize agricultural activity in land use decisions when land is composed of prime and/or productive agricultural soils and agriculture is the highest value resource use.
- Policy 8A-8: Establish flexibility in land use plans and regulations to encourage maintenance of the productive agricultural land base, such as agricultural parcel reconfiguration.
- Policy 8A-9: Use an "Agriculture Protection Overlay" (APO) designation in certain Rural zoned areas as one way to increase agricultural production in areas outside of designated agricultural land of long-term commercial significance.
- Policy 8A-10: The Agricultural Advisory Committee shall advise the Whatcom County Executive and Council on agricultural issues and agricultural land use. Whatcom County shall support the Agricultural Advisory Committee with staff and other resources, and shall recognize the AAC's input with regard to agricultural resource lands.

Agricultural Products Industry

Agriculture is an essential contributor to the local Whatcom County economy. Agriculture is most productive in large agricultural communities where neighbors support agriculture and where labor, farm supplies and market systems for farm products are available.

Agriculture is one of the most important resources in Whatcom County. Whatcom County works with farmers to ensure productive agricultural land and improved nutrient management practices help reduce impacts on aquatic lands. Whatcom County is also strongly supported by agriculture fiscally with sales and jobs.

Goal 8B: Maintain and enhance Whatcom County's agricultural products industry as a long-term and sustainable industry.

- Policy 8B-1: Promote the expansion and stability of local and regional agricultural economies.
- Policy 8B-2: Assist Whatcom County's agricultural industry in the pursuit of its long-term economic potential. This should include the development of strategies and policies necessary to reach this potential, in terms of both production and diversity.
- Policy 8B-3: Support agricultural product processing facilities through appropriate planning, zoning, and land use regulations.

- Policy 8B-4: Support methods and strategies to market Whatcom County agriculture in ways that ensure that agricultural activities (such as dairying) and entities (such as processors) will remain here in the long term.
- Policy 8B-5: Support improving the efficiency and flexibility of state and local environmental regulations affecting the agricultural products industry.
- Policy 8B-6: Utilize a range of result-oriented non-regulatory programs, options, and incentives, collaboratively developed and monitored by the County and landowners, that agricultural landowners can employ which meet or exceed county environmental regulations.

Agriculture Related Cultural Heritage

Agriculture is not just a business but a way of life, with many farmers farming the same land their parents and grandparents farmed. The sense of community that these people have built over the years is one of the most valuable assets of our county.

Nevertheless, the livelihood of these people appears to be threatened. Property has become a valuable commodity in Whatcom County and oftentimes young farmers cannot afford to buy productive farmland because the cost is so prohibitive.

Goal 8C: Preserve and enhance the cultural heritage that is related to agriculture.

- Policy 8C-1: Identify, preserve, and enhance community character, landscape, and buildings associated with agricultural activity.
- Policy 8C-2: Involve those who actually are engaged in agricultural activities, and give high regard to their opinions in the County's decision-making during the planning process. Use groups working effectively with the agricultural community to help preserve and/or create a sustainable economic agricultural base.
- Policy 8C-3: Support the continuation of owner occupied/family owned farms.
- Policy 8C-4: Encourage the use of programs that help beginning farmers buy productive farmland.
- Policy 8C-5: Develop and support more programs to promote ag-tourism and ag-education to increase public awareness of the nutritional and economic value of agriculture and quality food production.

Land Use Conflicts

The Right-To-Farm Ordinance was created because agriculture is the priority use. Usual and accustomed farm activities create odors, dust, sprays, noise from farm machinery, etc. and are prioritized with the Right-To-Farm Ordinance. Agriculture may conflict with other land uses. Improper nutrient/manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and

patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. Farm equipment, crops, and livestock may suffer from increased vandalism. In addition, non-farm residential development, particularly residential subdivisions, can raise assessed valuation or lead to special assessments on adjacent farmlands, resulting in higher property taxes for farmers. The same is true of commercial uses. On the other hand, the open space value of farmland can be diminished or destroyed by the location of commercial uses such as junk yard, auto wrecking yards, etc.

Many agricultural drainage districts have been in existence since the early 1900s with little or no outside influence. Their sole function has been to keep the water table down low enough to allow crops to grow throughout the season. In the last few years, however, there has been growing concern about the impact this activity may have on fish habitat and fish populations. As a result, Hydraulic permits have been difficult to get from the Washington State Department of Fish & Wildlife and drainage activity has been slowed.

Mining activities, such as the extraction of sand and gravel, are often an alternative use of land zoned for agriculture. Such activities may limit options for later agricultural use, depending upon the intensity of the activity and the extent of soil rehabilitation efforts.

Many profitable agricultural operations are located on land outside of predominantly agricultural areas. Although these operations may not be entirely compatible with neighboring urban and suburban developments, they are important contributors to the agricultural base in Whatcom County.

Goal 8D: Reduce land use conflicts between Whatcom County's agriculture and non-agricultural landowners.

Policy 8D-1: Strive to reduce potential conflicts between incompatible agricultural activities by maintaining zoning regulations that protect productive agricultural lands of long-term commercial significance from conversion to non-compatible uses.

Policy 8D-2: Maintain the Right-To-Farm ordinance. Give priority to agricultural uses and owners of parcels zoned for agriculture priority in land use and nuisance conflicts with residents of adjacent properties and adjacent property owners.

Policy 8D-3: Support improved communication and understanding between agricultural landowners and the public through such mechanisms as community forums and educational programs.

Policy 8D-4: Recognize the importance of surface mining as an agricultural practice when the activity contributes to enhancing subsequent agricultural uses on the property.

Policy 8D-5: Accommodate the location of designated mineral resource lands in or near agriculture zones when determined by Whatcom County to be in the best interests of the community.

- Policy 8D-6: Support agricultural activity in mixed farm/rural residential areas, with the understanding that certain farm practices may conflict with other neighboring rural land uses.
- Policy 8D-7: Help resolve conflicts associated with maintaining and enhancing fish habitat and the necessary drainage work that is annually done by agricultural drainage districts, watershed improvement districts, and landowners.
- Policy 8D-8: Develop a continuum of efforts moving from education and outreach, development of voluntary best practices, technical assistance, and incentives, monitoring, and regulation, to minimize impacts when conflicts arise between agriculture and other land uses.
- Policy 8D-9: Encourage low intensity recreational activities that help sustain and are compatible with agricultural uses.
- Policy 8D-10: In the "Agricultural Protection Overlay" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered on 20 or up to 30 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.

Fish and Wildlife

Use of agricultural lands can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality.

Goal 8E: Work with agricultural land users to find efficient and effective cooperative ways to protect and improve habitat of threatened and endangered species through education and incentive programs.

- Policy 8E-1: Ensure that adequate riparian buffers are maintained along rivers and streams.
- Policy 8E-2: Prevent livestock from degrading riparian and instream habitat by using best management practices for the fencing of livestock from streams and support the provision of alternative watering systems.
- Policy 8E-3: Encourage the use of integrated pest management practices, including herbicides and pesticides, that protect water quality.
- Policy 8E-4: Ensure proper storage and application of compounds that can pollute our waterways such as manure and other fertilizers, pesticides and herbicides.
- Policy 8E-5: Ensure properly functioning habitat conditions for those riparian areas and stream reaches that do not currently provide such

- habitat conditions through voluntary restoration, technical assistance incentives.
- Policy 8E-6: Encourage the maintenance and operation of drainage systems such that actual and potential habitat and water quality impacts from such systems are minimized and agricultural uses remain viable.
- Policy 8E-7: Work with the watershed improvement districts, drainage districts, and the Washington State Department of Fish and Wildlife to resolve tradeoffs associated with fish and wildlife habitat on agricultural lands.
- Policy 8E-8: Continue to work with farmers on improving water quality practices.
- Policy 8DE-9: Provide outreach and education to farmers on using Best Management Practices as defined by WCC 14.02.020 to protect water quality.
- Policy 8E-10: Develop and implement education and incentive programs that encourage agriculture land owners to take steps to improve habitat of threatened and endangered species.
- Policy 8E-11: Support State and Federal agencies in increasing funding and improving practices that avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to marine waters that support shellfish resources.

Water for Agriculture

Agriculture uses a significant amount of water, most of which is pumped from wells or surface waters. Given the competition for scarce water supplies (addressed in Chapter 10, Environment, Water Resources), ways must be found to secure an adequate long-term water supply while encouraging water conservation and improving water quality prior to it entering the waterways.

Goal 8F: Strive to ensure adequate water supplies to support a thriving agricultural sector.

- Policy 8F-1: Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs.
- Policy 8F-2: Conserve water resources from both a quantity and a quality perspective to ensure and possibly enhance continued agricultural viability.
- Policy 8F-3: Support the agricultural community's access to sufficient legal water rights.
- Policy 8F-4: Balance the needs of agricultural water users with needs for instream uses through such process as the WRIA 1 Salmon Recovery Program.

Policy 8F-5: Recognize while regulation of water quality is important, the water need for production of food, fiber, shelter and energy by agricultural resource lands is equally critical.

Attachment 8:

Open Space
Information Sheet

WHATCOM COUNTY PROPERTY TAX REDUCTION PROGRAMS



Open Space Taxation Act—Chapter 84.34 RCW

In a nutshell, what are Whatcom County's property tax reduction programs all about?

In accordance with state law, all property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law (RCW 84.40.030).

In addition to many other types of property tax reduction programs, there are two state laws that allow an exception to property valuation at its 'highest and best use':

Designated Forest Land – Chapter 84.33 RCW [authorizes one tax classification]

Open Space Taxation Act – Chapter 84.34 RCW [authorizes three tax classifications & one sub-classification]

To summarize, the above listed property tax reduction laws were established by the Washington State Legislature to address a statewide concern that lands were being converted to uses inconsistent with commercial agriculture, commercial forestry, the preservation of farmland, shorelines, wetlands, scenic vistas, historical sites of importance, protection of soil and water resources, parks, forests, wildlife preserves, and recreational uses.

The above described tax laws give county assessors authority to assess the value of property on the basis of its current use rather than what might be considered highest and best use (i.e. fair market value). Lands classified as Farm & Agricultural Land, Open Space Land, Farm & Agricultural Conservation Land, Timber Land, and Designated Forest Land may receive a reduced assessed value; thereby providing financial incentives to property owners to voluntarily conserve and preserve these lands.



Dairying — Classified Farm & Agricultural Land



Dairying — Classified Farm & Agricultural Land



Raspberries — Classified Farm & Agricultural Land



Forestry — Classified Timber Land



Open Space Land—Clark's Point Trail

1. Farm & Agricultural Land

All applications for Farm & Agricultural Land are made to the County Assessor's Office, including applications made on lands located in cities. The County Assessor is the granting authority who approves or denies all applications for Farm & Agricultural Land, and who monitors all applications for compliance with their eligibility requirements.

There is no minimum acreage to qualify.

Applications made to classify land 20 acres or more must demonstrate that the land is used for "commercial agricultural purposes".* Applications to classify land that consist of less than 20 acres must demonstrate that the land is devoted to commercial agricultural uses, and also must demonstrate that a certain amount of gross income is made from commercial agricultural uses:

New applications consisting of less than five acres must demonstrate an average gross income of \$1500.00 per year for three out of five years preceding the date of application.

New applications consisting of 5 acres or more but less than 20 acres are required to show an average gross income of \$200.00 per acre per year for three out of five years preceding the date of application: or have standing crops with an expectation of harvest within seven years, with a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year; **** or**; have a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year.

Note: Any land that is used primarily for equestrian related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed and that otherwise meet the requirements, may also qualify [RCW 84.34.020 (2)(g)].

*Please see the back page of this document for definition of "Commercial Agricultural Purposes".

**"Standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that are planted using agricultural methods normally used in the commercial production of that particular crop; and typically do not produce harvestable quantities in the initial years after planting.

*** Incorporated Areas:** Applications for Open Space Land, and its classification Farm & Agricultural Conservation Land, on lands located within a city are acted upon by a joint granting authority comprised of members from the respective city's council and the County Council.

2. Open Space Land

All applications for Open Space Land are received and processed by Planning & Development Services Department, and all applications on lands located within an unincorporated area are approved or denied by the County Council, acting in its role as the granting authority.*

There is no minimum acreage to qualify.

Applications for Open Space Land are evaluated with the Public Benefit Rating System. Applications scoring a Public Benefit Rating (PBR) of 45 points or more receive a staff recommendation of approval. Applications are first reviewed by the Planning Commission, and then after a Public Hearing and after considering the loss of revenue or shift in taxes relative to the benefit offered, the County Council approves or denies each application.

• **Farm & Agricultural Conservation Land is a sub-classification of Open Space Land.**

To qualify for Farm & Agricultural Conservation Land, the land must have been previously classified as Farm & Agricultural Land or have been used as "Traditional Farm Land", and although the evaluation criteria is slightly different, with an emphasis on the preservation of farm land, the application approval/denial process is identical to Open Space Land.

Public Access is required for all applications to classify as Open Space Land or Farm and Agricultural Conservation Land, but this requirement may be waived by the County Council when the purpose of classification is to protect wetlands or endangered species, or archaeological sites.

3. Timber Land

The **Timber Land** classification has been **terminated** by the Whatcom County Council under Ordinance No. 2014-055 (Effective Date: (11/8/14)). All lands formerly classified as timber land are now considered Designated Forest Land as provided in Chapter 84.33 RCW.

Background: During the 2014 legislative session, Senate Bill 6180 was passed by the Washington State Legislature which provides county legislative authorities with the option of merging the open space timber program with the designated forest land program. The new law became effective on June 12, 2014.

To merge the two programs a county legislative authority must enact an ordinance that:

- (a) terminates the timber land classification; and
- (b) Declares that the land that had been classified as timber land is designated forest land under Chapter 84.33 RCW.

Designated Forest Land—Chapter 84.33 RCW

1. Designated Forest Land

The County Assessor is the granting authority who approves or denies all applications for Designated Forest Land, and once approved, monitors all applications for compliance with eligibility requirements. Applications for designated forest land are made to the County Assessor's Office, including applications on lands located within a city.

To qualify, new applications must consist of a minimum of 5 acres devoted primarily to growing and harvesting timber. At any time the county assessor determines that the land ceases to qualify for assessment under the designated forest land classification, the land must be removed from the classification with a requirement that the seller pay compensating tax. The owner may apply to have the land reclassified under Chapter 84.34 RCW.

Notice of Continuance: At the time of sale or transfer in ownership of lands classified under chapters 84.33 & 84.34 RCW, unless the buyer signs a Notice of Continuance and agrees to use the land in accordance with the purpose of classification, the land will be removed from the classification and the seller must pay compensating tax, or additional tax and interest, and penalties (as applicable). The owner may apply to have the land reclassified.

"BACK TAXES": When land ceases to qualify or for any other reason is removed from any of the above described property tax classifications, and except in certain circumstances, the owner/seller will be required to pay additional tax or compensating tax, subject to interest, and penalties (as applicable).

Please see the back page of this document for more information about Whatcom County's Property Tax Reduction Programs

TERMINOLOGY

"Applicant" means the owner who submits an application for classification or reclassification of land under chapter 84.33 or 84.34 RCW.

"Application" means an application for classification or reclassification of land under chapter 84.33 or 84.34 RCW.

"Classified land" means a parcel(s) of land that has been approved by the appropriate granting authority for taxation under chapter 84.33 or 84.34 RCW.

"Reclassification" means when land classified under chapter 84.33 or 84.34 RCW is changed from one classification to a different classification established by chapter 84.34 RCW or into designated forest land as described in chapter 84.33 RCW.

"Current use value" means the taxable value of a parcel of land placed on the assessment rolls following its classification or reclassification under chapter 84.34 RCW.

"Granting authority" means the appropriate agency or official that acts on an application for classification or reclassification under chapter 84.33 or 84.34 RCW.

"Notice of continuance" is the notice signed when land classified under chapter 84.33 or 84.34 RCW is sold or transferred and the new owner requests that the classified use of the land remains classified under chapter 84.33 or 84.34 RCW.

"Removal" or "removed" is when land classified under chapter 84.33 or 84.34 RCW is removed from classification by the assessor because the owner requests removal, the new owner fails to sign the notice of continuance, the assessor does not approve continuance, or the land is no longer used for the purpose under which classification was granted.

"True and fair value -- Highest and best use": Unless specifically provided otherwise by statute, all property shall be valued on the basis of its highest and best use for assessment purposes. Highest and best use is the most profitable, likely use to which a property can be put. It is the use which will yield the highest return on the owner's investment. In some cases, land used for agricultural purposes may have the highest market value, and so in this regard may be considered the "highest and best use"; but when agricultural land is classified as Farm & Agricultural Land, the "current use value" of the land may in some cases be lower than the highest & best use value.

"Commercial agricultural purposes" means the use of land on a continuous and regular basis, prior to and subsequent to application for classification or reclassification, that demonstrates that the owner or lessee is engaged in and intends to obtain through lawful means, a monetary profit from cash income by producing an agricultural product.

Current Use Classification	What are the fees to apply to classify or reclassify?	What are the fees to file a Notice of Continuance?	Where can I apply?
Farm & Agricultural Land	\$200.00	-0-	Assessor's Office
Open Space Land	\$575.00	-0-	PDS
Farm & Agricultural Conservation Land	\$575.00	-0-	PDS
Timber Land (Terminated)	-	-	-
Designated Forest Land	No Application Fee (Recording fees apply)	-0-	Assessor's Office

Note: Fees are in accordance with the Whatcom County Unified Fee Schedule and are subject to change.

PUBLIC BENEFIT RATING SYSTEM (PBRS)

Frequently Asked Questions

The County's Open Space Policy & Criteria & Public Benefit Rating System states in part that the Whatcom County Planning Commission will consider in its recommendations to the County Council, the loss of revenue or shift in taxes that would occur if an application for Open Space Land or Farm & Agricultural Conservation Land were to be approved. (Whatcom County Ord. 95-040) Even if an application receives a score of 45 points or above, which correlates with a recommendation of approval, the County Council may still consider the loss of revenue or shift in taxes that would occur in making its decision to approve or deny an application.

Q. Why this discretion?

A. Instead of electing to adopt a PBRS that results in automatic approval or denial of an application solely on the basis of its score, the County Council has exercised its authority, in accordance with state law, to also consider each application in terms of its overall benefit relative to the monetary shift in taxes that would occur if the application were to be approved. This is to ensure that for each application, the overall benefit is considered relative to the tax burden being shifted onto other tax payers.

For example, if a property owner applies for classification as Open Space Land on 1000 acres that is located within an urban area, and it scores a Public Benefit Rating of 45 or above, because this land when assessed at its highest and best use (i.e. fair market value) results in a property value that is very high, the shift in taxes as a result of approving this application might be considered too great a burden on the other tax payers and not worth the benefit of preserving the land in its current use, (relative to the shift in taxes); and for these reasons the granting authority might decide to deny the application, or approve only part of the application.

Q. Who pays the taxes that are shifted?

A. Generally, when applications are approved for assessment at current use, other tax payers pay more; this is because when cumulative assessed property values go down, levy rates generally increase so that individual taxing districts may meet their budget goals; this "tax shift" also applies to those properties assessed at 'current use.'

Please Note: This is a very general explanation of the Public Benefit Rating System, and exceptions may apply.

RECLASSIFICATION



Generally, and in some cases, land may be eligible to reclassify from one property tax classification to another. Subject to application fees, and approval under applicable criteria, land currently classified under one classification may be approved to reclassify into another classification without having to pay back taxes, interest, or penalties, at time of reclassification. It should be noted that any time land is removed from any of the classifications listed below, the owner will be required to pay additional tax, or compensating tax, and interest and penalties, as applicable.

Designated Forest Land may reclassify as:

- ⇒ Farm & Agricultural Land
- ⇒ Open Space Land

Farm & Agricultural Land may reclassify as:

- ⇒ Open Space Land
- ⇒ Farm & Agricultural Conservation Land
- ⇒ Designated Forest Land

Timber Land

The Timber Land classification has been terminated under WC Ord. No. 2014-055. Lands formerly classified as timber land are Designated Forest Land (Effective Date: 11/8/2014)

Farm & Agricultural Conservation Land may reclassify as:

- ⇒ Farm & Agricultural Land, but only if the land has been previously classified as Farm & Agricultural Land

Farm & Agricultural Conservation Land that qualified on the basis of being traditional farmland may **NOT** reclassify.

Open Space Land may **NOT** reclassify.

FACTS & FIGURES

Classification	Total Acres Classified	% of Total County Acres (+/-)
Farm & Agricultural Land	106,178	7.7%
Open Space Land	1,769	0.128%
Farm & Agricultural Conservation Land	225	0.016%
Timber Land (Terminated)	-	-
Designated Forest Land	124,295	9.02%
Total County Acres		1,377,645



CONTACT US:

Whatcom County Assessor
 Courthouse Suite 106
 311 Grand Avenue
 Bellingham, WA 98225
 Phone: (360) 676-6790
 TDD: (360) 738-4555
 E-mail: assessor@co.whatcom.wa.us

Whatcom County
 Planning & Development Services (PDS)
 5280 Northwest Drive
 Bellingham, Washington 98226
 Telephone: (360) 676-6907
 E-mail: pds@co.whatcom.wa.us

Washington State Department of Revenue is the state agency charged with overseeing the provisions of property tax reduction programs that are authorized under Chapters 84.33 & 84.34 RCW.

Attachment 9:

WCC 20.39

Current Ag Zoning Code

Chapter 20.40
AGRICULTURE (AG) DISTRICT

Sections:

[20.40.010 Purpose.](#)

[20.40.050 Permitted uses.](#)

[20.40.100 Accessory uses.](#)

[20.40.130 Administrative approval uses.](#)

[20.40.150 Conditional uses.](#)

[20.40.200 Prohibited uses.](#)

[20.40.250 Division or modification of parcels.](#)

[20.40.350 Building setbacks.](#)

[20.40.450 Lot coverage.](#)

[20.40.550 Maximum density.](#)

[20.40.650 New or modified parcel siting criteria.](#)

[20.40.651 Landscaping.](#)

[20.40.652 Drainage.](#)

[20.40.662 Use of natural resources.](#)

20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW 36.70A.170, preserve, enhance and support the production of food and fiber in Whatcom County, to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter 14.02 WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance.

A secondary purpose of this district is to serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development consistent with the protection of the resource land. (Ord. 2013-040 Exh. 1, 2013; Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).

20.40.050 Permitted uses.*

Unless otherwise provided herein, permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapters 16.08 WCC (SEPA), 20.80 WCC (Supplementary Requirements), and 22.05 WCC (Project Permit Procedures), and WCC Titles 21 (Land Division Regulations), and 23 (Shoreline Management Program). The following are permitted uses:

.051 Dairying, raising of livestock, husbandry of small animals, raising of crops, horticulture, apiculture, and temporary portable equipment used for processing of locally harvested crops.

.052 Small wood-lot management, tree farming, commercial forestry and reforestation, including the temporary use of portable harvesting or processing equipment, excluding chemical processing such as lumber treatment.

.053 One single-family dwelling per legal lot of record.

.054 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.

.055 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed 200 square feet and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

.057 *Repealed by Ord. 2022-012.*

.058 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.059 *Repealed by Ord. 2022-011.*

.088 Adult family homes as defined in Chapter 70.128 RCW.

.089 Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.090 Mental health facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.091 Substance abuse facilities that provide residential treatment and are similar in size, facilities

and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2015-006 Exh. A, 2015; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 97-069, 1997; Ord. 92-079, 1992; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter 20.15 WCC for current provisions concerning mushroom substrate production facilities.

20.40.100 Accessory uses.*

.101 Any use on the farm which is ancillary to the normal operation of the primary permitted uses.

.102 (1) Wholesale marketing activities provided the activity is accessory to the provisions of WCC [20.40.051](#).

(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC [20.40.050](#) provided:

(a) Only one retail sales facility containing not more than 1,000 square feet of floor area shall be permitted.

(b) Such retail sales facility shall be subject to the setback requirements of WCC 20.80.200.

(c) Such retail sales facility shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction.

.103 Noncommercial extraction of up to 500 cubic yards per year of sand, gravel or both for farm enhancement purposes; provided all materials extracted remain on land owned or leased by the farmer for agricultural purposes.

.104 Private noncommercial boat docks, launches, ramps, floats, moorages and boathouses pursuant to the Whatcom County Shoreline Management Program.

.105 Temporary dwelling units which have full living accommodations including sleeping, self-contained cooking, bathing, and toilet facilities where the plumbing is connected to permanent site sewage and water systems, including those travel trailers and recreational vehicles that meet the above description, for use by owners during the period of construction of a permanent dwelling while building permit is valid, not to exceed two years.

.106 Utilization of biosolids on land when regulated by a utilization permit issued by the Washington State Department of Ecology in accordance with Chapter 173-308 WAC, Management of Biosolids.

This would apply to any land owned or leased by the same operator.

.107 On-site storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter 173-303 WAC.

.108 Composting and mulching facilities other than commercial mushroom substrate production facilities, if the use is ancillary to the primary agriculture use, when in compliance with federal and state water quality standards. When the primary purpose of the mushroom composting is to service off-site locations, it shall not be considered a farm operation for the purposes of Chapter 14.02 WCC, Right to Farm Ordinance.

.109 On-farm mushroom substrate production (WCC 20.15.020(9)), when substrate is used solely on-site for the growing and harvesting of mushrooms, and in compliance with best management practices and in compliance with Chapter 24.12 WCC, Mushroom Substrate Production Facility Rules. Limited off-site shipment may be allowed if:

(1) Sample-sized quantities, in less than one cubic yard quantities, that may be shipped off-site for analytical purposes; and

(2) Equal exchanges of limited quantities of finished substrate, solely between facilities owned by the same operator, for substrate quality testing purposes. Such exchanges will be conducted only following prior notification of the public by the health department, with prior approval of the director of public health and will be substantiated by proper shipping documentation.

.110 Home occupations pursuant to WCC 20.80.970.

.111 The processing of agricultural products that originate from the permitted uses in WCC [20.40.050](#), provided the following criteria are met:

(1) The facility is not a slaughterhouse or mushroom substrate production facility.

(2) The facility is supplemental and related to the primary permitted use.

(3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.

(4) The facility employs no more than 20 permanent employees.

.112 Family day care homes.

.113 Bed and breakfast establishments.

.114 Vacation rental units.

.115 *Repealed by Ord. 2022-011.* (Ord. 2023-041 § 1 (Exh. A), 2023; Ord. 2022-011 § 1 (Exh. A),

2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-006 Exh. A, 2015; Ord. 2014-041 Exh. A, 2014; Ord. 2013-051 Exh. A, 2013; Ord. 2010-030 § 1 (Exh. A), 2010; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2006-031 § 1 (Exh. A), 2006; Ord. 2003-029 § 1 (Att. A § 14), 2003; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 98-018 § 1, 1998; Ord. 96-056 Att. A § 11, 1996; Ord. 92-079, 1992; Ord. 89-10, 1989; Ord. 88-93, 1988; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-23, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 86-42, 1986).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter 20.15 WCC for current provisions concerning mushroom substrate production facilities.

20.40.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC 22.05.028:

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

- (1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require supervision and care where such care is provided by members of the family who reside on the property; or
- (2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

- (1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.
- (2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (1) above.
- (3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department.
- (4) When care is no longer necessary, the temporary home shall be removed within 60 days.
- (5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided, that an affidavit is furnished by the permittee affirming that the circumstances allowing the original

permit remain in effect.

(6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.

(7) The use will not be hazardous or disturbing to existing or future neighboring uses.

(8) Evidence of adequate off-street parking space shall be provided.

(9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(10) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC).

Penalties: False statements on supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

.132 Temporary single-family detached dwellings not larger than 1,248 square feet in floor area, in the form of manufactured homes, fully serviced travel trailers or mobile homes, shall be permitted as accessory uses provided:

(1) All dwellings on the property will be occupied by persons and families engaged in the ownership and/or operation of the farm;

(2) A deed restriction recorded with the Whatcom County auditor is attached to the dwelling at the time of building permit issuance, stating that the dwelling units are temporary and must be removed when no longer required for farm use; except as provided for in WCC [20.40.250](#), or in the event the zone is changed to another zone district that would permit the land division. Placement of temporary dwellings does not constitute in any way a division of land for sale or lease purposes;

(3) All land not occupied in homesites shall be kept in primary permitted uses;

(4) The total number of additional temporary detached single-family dwellings on a parcel shall not exceed the number of families who derive at least 50 percent of their annual household income from ownership and/or operation of the farm. Whatcom County planning and development services will request from the landowner or tenant tax records verifying the proportion of farm income;

(5) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC);

(6) Temporary second dwelling units, as permitted pursuant to this section, shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height

restrictions, and lot coverage requirements;

(7) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department;

(8) The use will not be hazardous or disturbing to existing neighboring uses;

(9) An affidavit sworn before a notary public is filed with the application for a building permit to verify compliance with all of the above conditions;

(10) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section; RVs shall be for seasonal use only (not more than 120 days per year);

(11) Temporary second dwelling units are valid for four years and are renewable by application to the planning and development services department;

(12) When the basis for approval of the temporary farmworker dwelling is no longer in evidence the structure shall be removed.

.133 Accessory dwelling units, when consistent with WCC 20.80.910.

.134 Retail marketing, by the operator, of Whatcom County products that originate from the permitted uses stated in WCC [20.40.050](#). One retail sales facility greater than 1,000 square feet but less than 4,500 square feet of floor area is allowed; provided, that the proposal can satisfy all applicable regulations.

.135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is

permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

.136 *Repealed by Ord. 2015-016.*

.137 The processing of agricultural products that originate from the permitted uses in WCC [20.40.050](#), provided the following criteria are met:

- (1) The facility is not a slaughterhouse or mushroom substrate production facility.
- (2) The facility is supplemental and related to the primary permitted use.
- (3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.
- (4) The facility employs over 20 permanent employees.

(5) In addition to the criteria listed above, the administrator shall ensure that only the following criteria from Chapter 22.05 WCC, Project Permit Procedures, are applied to on-farm processing application reviews:

- (a) The proposed location will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (b) The proposed location will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community; and
- (c) The proposal will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

.138 Mini-day care homes.

.139 Packinghouses and slaughterhouses, as defined in Chapter 20.97 WCC, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

- (1) "Administrative approval use" approval criteria located in WCC 22.05.028 shall be satisfied.
- (2) The facility is an accessory use, as identified in Chapter 20.97 WCC, "Accessory use."

- (3) The total allowable building area is no larger than 2,000 square feet.
- (4) Holding pens associated with packinghouses and slaughterhouses shall be limited to those necessary to accommodate animals intended for processing within 24 hours.
- (5) The facility shall comply with solid waste handling standards as set forth in Chapter 173-350 WAC, as administered by the Whatcom County health department as adopted by reference in Chapter 24.06 WCC.
- (6) If required by the Washington State Department of Ecology, the following permits shall be obtained:
- (a) State waste discharge permit (Chapter 173-216 WAC).
 - (b) Industrial stormwater permit – general permit (Chapter 173-226 WAC).
 - (c) An NPDES permit (Chapter 90.48 RCW and Chapter 173-220 WAC).
- (7) The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
- (a) Are sized to be as small as feasible; and
 - (b) Located to maximize the agricultural use of the remaining area; and
 - (c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.
- (8) The packinghouse or slaughterhouse shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.
- (9) Packinghouses and slaughterhouses, approved under this section, within the Agricultural (AG) District shall not be located in critical aquifer recharge areas of a high susceptibility, as identified by the Critical Areas Ordinance map, or frequently flooded areas, as identified and regulated by Whatcom County public works river and flood division through WCC Title 17.

.140 Type 1 cannabis production facilities, subject to WCC 20.80.690.

.141 Cannabis processing facilities, subject to WCC 20.80.690. (Ord. 2023-042 § 1 (Exh. A), 2023; Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-016 Exh. A, 2015; Ord. 2014-041 Exh. A, 2014; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2010-016 § 1 (Exh. A), 2010; Ord. 2009-034 § 1 (Att. A),

2009; Ord. 2006-061 § 1 (Att. A)(7), 2006; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 99-068, 1999; Ord. 98-018 § 1, 1998; Ord. 97-069, 1997; Ord. 95-031, 1995; Ord. 91-009, 1991).

20.40.150 Conditional uses.*

.151 Public facilities for emergency-related health and safety purposes, such as fire halls and Washington State Department of Transportation satellite road safety facilities.

.152 Duplex and multifamily dwellings or clustered housing or camping facilities to accommodate farm workers provided:

(1) In addition to any other setback requirements contained herein, such duplex and multifamily dwelling facilities shall be located at least 150 feet from any existing dwelling not on the same property and 50 feet from any property line; and

(2) Such facilities shall conform with applicable building and health regulations; and

(3) Such facilities shall be occupied only by agricultural employees and their immediate families; and

(4) Such facilities must be ancillary and/or accessory to an agricultural use.

.153 Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner) or agriculture (aerial application of agricultural chemicals) uses; provided the centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a conditional use permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only. Handling and storage of fuel and bulk chemicals, associated with agricultural application, on or near the landing area must comply with pertinent state and county codes.

Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft. Notification of conditional use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

.154 Aquaculture.

.155 A cottage industry employing no more than four persons on site, other than family members

residing on the premises, and which may be conducted in structures other than the dwelling unit; provided, that in addition to the criteria set forth in WCC 22.05.026 and 20.80.980, the hearing examiner shall find that the cottage industry satisfies the criteria of WCC 20.36.161(1) through (5).

.156 *Repealed by Ord. 2023-018.*

.157 Rendering plants.

.158 *Deleted by Ord. 2006-048.*

.159 Transitory solid waste facilities for treatment, storage, or collection, including but not limited to: recycle centers and drop boxes for household materials excluding large items such as automobiles or major appliances; noncommercial or commercial composting and mulching facilities; and including but not limited to the types of facilities operated by neighborhood or public service organizations.

.160 Restaurants, when located on the same property and subordinate to a permanent facility for the processing of agricultural products into food or beverage for human consumption; provided, that the size, scale and character of the restaurant facility are compatible with the agricultural/rural character of the surrounding area and are consistent with the general purpose of the zone district.

.161 Surface mining for farm enhancement purposes and accessory sorting; provided, that:

(1) The activity is not subject to Washington State's Surface Mining Act (Chapter 78.44 RCW) and conforms to the following criteria and those of WCC 22.05.026.

(2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.

(3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous surface mining operations in which case by mutual consent this setback can be zero.

(4) The activity will only remove sand or gravel knolls or ridges and will not excavate below the minimum land elevation of the knoll or ridge being removed. In addition, a cumulative maximum of 15 percent of the parcel area, not to exceed six acres in total, may be mined.

(5) No reclaimed side slopes are steeper than eight percent. An exception to this requirement may be approved under the following circumstances:

(a) The knoll or ridge to be removed extends onto an adjacent parcel; and

(b) The neighboring property owner is not removing their portion of the knoll or ridge; and

(c) A steeper side slope is necessary to enhance farm use adjacent to the slope; and

- (d) Reclaimed side slopes shall not exceed 33 percent.
- (6) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.153(2).
- (7) Excavations will not occur within five feet of the seasonal high water table level.
- (8) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.
- (9) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.
- (10) Excavation activity will commence and conclude within four years.
- (11) The conditional use permit application includes proposed days-of-the-week operation and hours-of-the-day operations. The hearing examiner may limit any operation as to days and hours of operation.
- (12) Owners shall submit a reclamation plan with their application to the county providing for:
 - (a) Stockpiling all topsoil for subsequent use during reclamation.
 - (b) Topsoil protection by seeding with a cover-crop immediately after it is stockpiled.
 - (c) Time limits on topsoil storage not to exceed four years.
 - (d) Limitations on handling topsoil in wet conditions.
 - (e) Sequential reclamation in less than three-acre increments per parcel.
 - (f) Measures for restoring soil texture, structure, and organic matter by sub-soiling, fertilization, crop scheduling, and weed control.
 - (g) Review and approval by the Whatcom County Conservation District.
 - (h) Protection of ground water during preparation of the soils for post-agricultural use.
 - (i) Pertinent use of best management practices or guidelines. As a minimum, this should include "Agriculture and the Aggregate Industry," by Mackintosh, E.E. and E.J. Mozuraitus, from the Ontario Ministry of Natural Resources, 1982.
- (13) Performance bonds or other monetary security as approved by the prosecuting attorney equal to the costs of completing the proposed reclamation plan, subsection (12) of this section, are

submitted to the county, which shall be released within two years after completion of surface mining; provided, that reclamation has been completed according to the reclamation plan.

(14) When mining operations are proposed within or adjacent to the 100-year floodplain, the applicant must also obtain a flood permit from the county.

.162 Commercial operations, except for mushroom composting operations, that directly provide agricultural goods or services to farmers. Examples of primary agricultural commercial operations include, but are not limited to: livestock auction facilities, hay sales and storage, sawdust sales and storage, farm equipment service and repair, and farm chemical applicator establishments and secondary nonagricultural services if they are the same in type and function as the primary business and serve to complement the primary business. The purpose of allowing secondary nonfarm businesses in conjunction with agricultural goods and services businesses is to augment the viability of agricultural goods and services businesses as a means of ensuring that agricultural businesses continue to provide goods and services to farmers.

Applicants must satisfy the following criteria:

(1) Agricultural Goods and Services (Primary) Business.

- (a) That locating the prospective commercial operation within the Agriculture District better serves the agricultural operator than if the commercial operation is located in another land use designation;
- (b) The site is better used for agricultural services than the permitted uses in WCC [20.40.051](#); and
- (c) The prospective commercial operation is limited to directly serving agricultural operators and does not include the manufacture of farm-related implements.

(2) Nonagricultural (Secondary) Business.

- (a) Goods and services provided are the same in type and function as those provided to the agricultural sector and serve to complement the primary business;
- (b) The secondary business remains subordinate to the primary business in respect to gross sales as evidenced by an affidavit of intent, signed by the owner, to be provided by owner at the time of application. The county reserves the right to require the submission of subsequent affidavits, signed by both the business owner and the owner's certified public accountant, not more than annually thereafter;
- (c) The secondary business does not require additional area beyond that necessary for the primary business;

(d) The addition of a secondary business shall be conditionally approved if the hearing examiner determines that the secondary business is consistent with applicable zoning regulations, and complies with WCC 22.05.026, providing such change does not require the provision of water and sewer utility services at a level greater than that currently available to the subject property, and that the new use does not result in greater impacts upon surrounding properties than did the original use.

.163 Rock crushing and asphalt and concrete batch plants when within a Mineral Resource Land Special District. No off-site dust shall be generated from the operation.

.164 Packinghouses and slaughterhouses as defined in Chapter 20.97 WCC, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

- (1) "Conditional use" approval criteria located in WCC 22.05.026 shall be satisfied.
- (2) The total allowable building area is larger than 2,000 square feet and no larger than 7,000 square feet.
- (3) The facility is an accessory use, as identified in Chapter 20.97 WCC, "Accessory use."
- (4) Holding pens associated with packinghouses and slaughterhouses shall be limited to those necessary to accommodate animals intended for processing within 24 hours.
- (5) The facility shall comply with solid waste handling standards as set forth in Chapter 173-350 WAC, as administered by the Whatcom County health department as adopted by reference in Chapter 24.06 WCC.
- (6) If required by the Washington State Department of Ecology, the following permits shall be obtained:
 - (a) State waste discharge permit (Chapter 173-216 WAC).
 - (b) Industrial stormwater permit – general permit (Chapter 173-226 WAC).
 - (c) An NPDES permit (Chapter 90.48 RCW and Chapter 173-220 WAC).
- (7) The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
 - (a) Are sized to be as small as feasible; and
 - (b) Located to maximize the agricultural use of the remaining area; and

(c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.

(8) The packinghouse or slaughterhouse shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

(9) Packinghouses and slaughterhouses approved under this section within the Agricultural (AG) District shall not be located in critical aquifer recharge areas of a high susceptibility, as identified by the Critical Areas Ordinance map, or frequently flooded areas, as identified and regulated by Whatcom County public works river and flood division through WCC Title 17.

.165 Kennels, which shall be located, designed, and operated so as not to interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) The use shall be on a parcel five acres or less in size but not less than one acre in size.

(2) No kennel building or outdoor animal space shall be located within 50 feet of any property line and/or within 300 feet of any existing dwelling other than those on the property. The distance to a dwelling shall be measured as the shortest straight line distance from the closest point of a dwelling to any structure or fence used for a kennel.

(3) All facilities associated with the kennel use, including but not limited to parking and on-site septic systems, shall be contained on the same parcel.

(4) The building(s) and associated facilities shall, to the extent feasible, be located to avoid interference with the agricultural use of the property and surrounding properties.

(5) In addition to the requirements of WCC 22.05.026, the hearing examiner shall consider the following when reviewing a conditional use permit application in order to reduce negative impacts to surrounding residents, and set conditions if warranted:

(a) Hours when animals are to be kept indoors;

(b) Sound abating building or screening materials;

(c) Maximum number of animals; and

(d) Visual screening or buffering, including but not limited to landscaping and fencing.

.166 Regional parks that offer interpretive, historical, or educational experiences related to agriculture and subject to the following approval requirements:

To assure maintenance of the agricultural resource and compatibility with agricultural operations,

regional parks that offer interpretive, historical, or educational experiences related to agriculture may only be approved if it is determined that the proposal meets the following approval requirements:

- (1) The size, scale and character of the facility are compatible with the agricultural/rural character of the surrounding area.
- (2) The educational or interpretive component, open space, and trails of a park must comprise at least 70 percent of the physical area of the park.
- (3) The applicant shall provide proof that new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.
- (4) The proposal will not preclude present and future agricultural use of the property nor substantially detract from agricultural production on-site or in the area.
- (5) The proposal will not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, given the type of agriculture that is in the area and its relative susceptibility to nuisance complaints due to accepted farm operations and management practices.
- (6) The proposal must comply with the requirements of WCC [20.40.662](#) and WCC Title 14, Use of Natural Resources.
- (7) Mitigation measures (such as landscape buffers; special setbacks; screening; site design and using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas) shall be used to effectively reduce the potential for land use conflicts.
- (8) Lighting must be shielded and directed away from residential areas.
- (9) Adequate provision of refuse collection and disposal.
- (10) The following uses are not permitted:
 - (a) Golf courses or driving ranges.
 - (b) Campgrounds.
 - (c) Recreational vehicle parks.
 - (d) Private concessions.
 - (e) Sports fields or courts.
 - (f) Permanently constructed playground equipment, stadiums or bleachers.

.183 State education facilities that are related to agricultural operation training.

.185 Type I solid waste handling facilities.

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

.191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

.192 Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be processed as a major development project pursuant to Chapter 20.88 WCC.

.193 Wildlife animal rescue hospitals and/or rehabilitation facilities including accessory enclosures thereto, such as kennels, cages, stables, aviaries, runs, and fenced pastures, to provide for the care of and management of sick, injured, displaced or orphaned wildlife provided:

In order to assure maintenance of the agricultural resource and compatibility with agricultural operations, applications made to operate wildlife rescue rehabilitation facilities in the Agriculture Zoning District may only be approved if it is determined that the proposal meets the following approval requirements:

- (1) Wildlife species that are held, treated or cared for at the facility shall be native to the region.
- (2) Such facilities must at all times be properly authorized and permitted under applicable state and federal law to hold and treat wildlife.
- (3) Pursuant to WAC 232-12-275, there shall be at least one person in possession of a valid wildlife rehabilitation permit on the facility staff.
- (4) No building or animal enclosure shall be located closer than 50 feet from the external property lines.
- (5) The applicant shall provide proof that new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.
- (6) Such facilities must have a waste disposal program approved by the county health department.
- (7) Such facilities shall be operated at all times in a manner specifically designed to prevent the use

of the facilities from becoming a nuisance, either public or private; and the hearing examiner shall require of the applicant a detailed program to minimize potential annoying effects; said program to be recorded as one of the conditions attached to the permit.

(8) The facility shall not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, and the provisions of Chapter 14.02 WCC, Right to Farm, shall apply.

(9) The proposal must comply with the requirements of WCC [20.40.662](#) and WCC Title 14, Use of Natural Resources.

(10) Mitigation measures (such as landscape buffers; special setbacks; screening; site design and using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas) shall be used to effectively reduce the potential for land use conflicts.

.194 Bed and breakfast inns.**

.197 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation. (Ord. 2023-042 § 1 (Exh. A), 2023; Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2017-030 § 1 (Exh. F), 2017; Ord. 2017-001 § 1 (Exh. A), 2017; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-016 Exh. A, 2015; amended during 8/14 supplement; Ord. 2014-041 Exh. A, 2014; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2013-051 Exh. A, 2013; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2008-059 § 1, 2008; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2005-068 § 2, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2003-026 § 1 (Exh. 1), 2003; Ord. 2001-047 § 1, 2001; Ord. 2001-024 § 1, 2001; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 98-018 § 1, 1998; Ord. 97-069, 1997; Ord. 96-056 Att. A § 12, 1996; Ord. 93-076, 1993; Ord. 93-035, 1993; Ord. 92-079, 1992; Ord. 91-013, 1991; Ord. 88-13, 1988; Ord. 87-84, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 86-42, 1986; Ord. 83-32, 1983).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter 20.15 WCC for current provisions concerning mushroom substrate production facilities.

**Code reviser's note: Ord. 2009-033 added this subsection as 20.40.161. It has been renumbered to 20.40.194 to prevent duplication of numbering.

20.40.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Aerial application of chemicals, including but not limited to pesticides and insecticides, previously regulated by the DNR as Class I, II, III or IV-Special forest practices, when located within an urban growth area.

.204 Slash burning, when located within an urban growth area. (Ord. 2022-035 Exh. A, 2022; Ord. 2016-011 § 1 (Exh. L), 2016; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-070 § 2, 1999).

20.40.250 Division or modification of parcels.

It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that either are consistent with the minimum lot size, or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division or boundary line adjustment in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. All divisions must comply with the following provisions:

- (1) Agricultural Divisions. All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.
- (2) Allowable Density. No division or boundary line adjustment shall result in an increase in allowable density.
- (3) Additional Acreage. Additional acreage gained through a boundary line adjustment shall not be considered in the total acreage calculations for determining density.
- (4) Plat Restrictions. The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC [20.40.254](#)(2):

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

- (5) Deed Restrictions. Deed restrictions are required for all boundary line adjustments allowed under WCC [20.40.254](#)(3).

(a) The following language must be recorded separately and placed by reference of auditor's

file number on the deed, and placed on the tract map of the nonresidential portion of the adjusted parent parcels prior to recording:

The development density of the original parcel (parent parcel) remains with legal description _____. The _____ (# of acres) appended through boundary line adjustment to legal description _____ (receiving parcel) shall not be included in calculations to determine total development density for the receiving parcel.

(b) The following deed restriction language must be recorded separately and placed by reference of auditor’s file number on the deed, and is required when there is no additional means to further subdivide the property due to the parcel sizes and density standards of this zone:

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

.251 Minimum Lot Size. The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC [20.40.253](#) and [20.40.254](#). The creation of a lot less than the minimum size is permitted only when the subject application meets the standards contained in WCC [20.40.253](#), [20.40.254](#), and [20.40.650](#), as applicable.

Parcel	Minimum Lot Size	Minimum Lot Size Exceptions
Conventional Parcel	40 acres	Reconfiguring existing nonconforming parcels
Farmstead Parcels Created through Agricultural Short Subdivision or Agricultural Boundary Line Adjustment		
Farmstead parcel – Parent parcel with existing farmstead with public water	1 acre	Up to 3 acres pursuant to WCC 20.40.253 (1), (2) and (4)
Farmstead parcel – Parcel with existing farmstead without public water	2 acres	Up to 3 acres pursuant to WCC 20.40.253 (1) through (4)
Farmstead parcel – Parent parcel without existing farmstead with public water	1 acre	Up to 2 acres pursuant to WCC 20.40.253 (1) and (2)
Farmstead parcel – Parcel	2 acres	Up to 3 acres pursuant to WCC

without existing farmstead without public water		20.40.253 (1), (2) and (3)
Parcels Created for Agricultural Purposes Only		
Created Parcel with deed restriction for no residential buildings	10 acres	N/A

.252 Minimum Lot Width and Depth.

(1) For parcels created consistent with the minimum lot size: The minimum width to depth ratio is 1/5. The terms “depth” and “width” refer to the average depth and average width of the parcel.

(2) For lots created or rearranged pursuant to WCC [20.40.254](#), the following lot width and depth shall apply:

Minimum Width at Street Line	Minimum Width at Bldg. Line	Minimum Mean Depth
70' [A]	80'	100'

[A] Applies only to land divisions where the parcel(s) does not contain a farmstead home site at the time of the application.

.253 Farmstead Parcel Minimum Lot Size Exceptions. The base maximum for the farmstead parcel shall be consistent with the minimum lot size in WCC [20.40.251](#), except as follows:

(1) A greater area is determined necessary by the health officer pursuant to Chapter 24.05 WCC, On-Site Sewage System Regulations;

(2) A greater area is determined necessary by the responsible official to accommodate a driveway or other access necessary for the farmstead parcel;

(3) For farmstead parcels without public water: Unless substantial evidence is provided by the responsible official indicating the location is not feasible, wells and wellhead protection zones shall also be located within the farmstead parcel. Wells located outside of the farmstead parcel area shall be sited to minimize potential impacts on agricultural activities;

(4) For farmstead parcels with existing farmstead home sites: There is an existing agricultural structure(s) within the farmstead parcel and any of the following criteria are met:

(a) The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or

- (b) Current use of the agricultural structure(s) is not related to an agricultural activity; or
- (c) There is a low potential for future use of the agricultural structure(s) to be associated with an agricultural activity due to physical condition or compatibility with agricultural practices; or
- (d) Water is not available for use at the agricultural structure(s).

.254 Separation of the Farmstead Parcel Criteria.

- (1) The criteria for approval for the farmstead parcel and remainder parcel created through agricultural boundary line adjustment or agricultural short subdivision shall be the following:
- (a) The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and
 - (b) The farmstead parcel size shall be as stated in WCC [20.40.251](#), unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed the maximum lot size consistent with the exceptions in WCC [20.40.253](#); and
 - (c) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC [20.40.650](#); and
 - (d) For agricultural short plats:
 - (i) A remainder parcel shall be created equal to or greater than 10 nominal acres; and
 - (ii) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC [20.40.250](#)(4) shall be included on the short plat for the remainder parcel prior to final approval; and
 - (iii) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead parcel before they are offered on the open market; and
 - (e) For boundary line adjustments the language as provided in WCC [20.40.250](#)(5) shall be included on the boundary line adjustment prior to final approval;
 - (f) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead parcel owner and subsequent purchasers of the farmstead parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and
 - (g) All land division shall comply with the appropriate map and recording provisions of WCC

Title 21; and

(h) The overall submittal shall comply with WCC [20.40.250](#) et seq.

(2) Agricultural Short Subdivisions. Agricultural short subdivisions for the purpose of reducing the acreage below the minimum lot size as provided by WCC [20.40.251](#) for a farmstead home site shall comply with the following provisions:

(a) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable code and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(b) The short subdivision application shall meet the size and performance standards of WCC [20.40.650](#).

(3) Boundary Line Adjustments. Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC [20.40.251](#) of an existing or proposed farmstead parcel if such boundary line adjustment complies with the following provisions:

(a) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC [20.40.251](#);

(b) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(c) The farmstead parcel and boundary line adjustment application shall meet the size and performance standards of WCC [20.40.250](#) and [20.40.251](#), and the siting criteria of WCC [20.40.650](#).

(4) Public Facility. The division is for the purpose of public facilities for health and safety use or expansion of such uses; provided, that:

(a) The division or boundary line adjustment will not adversely affect the surrounding agricultural activities; and

(b) The applicant has demonstrated to the administrator's satisfaction that the siting of the proposed use cannot be located in an adjacent zoning district or alternative site, if the area is intensively farmed.

(5) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC [20.40.251](#) may be created through land division or rearranged through a boundary line adjustment provided the following:

- (a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel 40 acres or larger in size; and
- (b) The parcel created is 10 acres or larger or is appended to another parcel; and
- (c) There is a properly executed deed restriction which runs with the land on lots which have been created through the division or modified by the boundary line adjustment, except those lots at or over 40 acres in size that maintain an associated development density. Such deed restriction shall be substantially similar to that listed under WCC [20.40.250\(5\)](#), approved by the zoning administrator and recorded with the county auditor specifying:
 - (i) All land divided or parcels adjusted are to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and
 - (ii) All land divided or parcels adjusted shall have no residential density, and
 - (iii) For land divisions, the acreage of the newly created parcels shall not be included in calculations to determine total development density in the future, and
 - (iv) For boundary line adjustments, the acreage of the newly created parcel and appended portion shall not be included in calculations to determine total development density in the future.

.255 Consolidation of Adjacent Tracts. Consolidation of adjacent tracts in the same ownership shall be required in accordance with WCC 20.83.070 in approval of any subdivision, short subdivision, or boundary line adjustment in the Agricultural District. The county may waive the permit fee for a boundary line adjustment where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the boundary line adjustment.

.256 Establishing Intent. The burden of establishing intent in and legal proceeding relating to a transaction accomplished or proposed under the authority of this section shall be upon the land owner or purchaser. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2017-030 § 1 (Exh. T), 2017; Ord. 2013-040 Exh. 1, 2013; Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 98-083 Exh. A § 46, 1998; Ord. 91-013, 1991; Ord. 91-005, 1991; Ord. 87-84, 1987).

20.40.350 **Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback requirements). Building setbacks for parcels of less than five nominal acres shall be administered pursuant to WCC 20.80.250. (Ord. 2013-040 Exh. 1, 2013; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 86-42, 1986).

20.40.450 **Lot coverage.**

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:

- (1) Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.
- (2) Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.
- (3) Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off site would cause an economic hardship to the farm operation. (Ord. 2013-040 Exh. 1, 2013; Ord. 2006-048 § 1 (Exh. A), 2006).

20.40.550 Maximum density.

The maximum density in the Agricultural District shall be one dwelling unit per 40 acres. (Ord. 2019-013 § 1 (Exh. A), 2019).

20.40.650 New or modified parcel siting criteria.

The location of vacant farmstead parcels shall be consistent with the following siting criteria and standards:

- (1) Minimum Lot Size. Parcels shall be consistent with WCC [20.40.251](#).
- (2) Parcel Design. Parcels shall be located and arranged to provide the maximum protection of agricultural land located both on and off site. Parcel design and development shall be as follows:
 - (a) The residential parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other; and
 - (b) Residential parcels shall be located as close as possible to existing public roads, or if none abut the property, then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and
 - (c) Except for parcels that recognize existing farmsteads, residential parcels shall be located to the extent feasible to maximize the remainder lot configuration and farmable area; and
 - (d) Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single-family residence and residential accessory structures; and
 - (e) Residential building sites shall maintain sufficient separation from on-site and off-site agricultural resources and exterior property lines. The setback, lot coverage, and height

standards for reconfigured lots shall be as established in WCC [20.40.350](#) to [20.40.450](#); and

(f) Applicants shall verify that reconfigured parcels or farmstead parcels do not prohibit access to a point of withdrawal for any irrigation water rights certificates, claims, permits, or applications on the affected parcels; and

(g) All development shall be consistent with Chapter 16.16 WCC; and

(h) The farmstead parcel avoids prime soils to the extent feasible. Where the site is predominantly in prime soils and such cannot be avoided, the applicant shall demonstrate that:

(i) The parcel is sized to be as small as feasible pursuant to WCC [20.40.251](#); and

(ii) Located to maximize the agricultural use of the remainder lot; and

(iii) Achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

(3) Substitute Parcel Design Standards. Applicants proposing a farmstead parcel may propose a substitute performance standard in place of a listed standard in this section (new or modified parcel siting criteria); provided, that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC [20.40.010](#) and the following agricultural-related purposes:

(a) Expand the amount of commercially viable resource land under contiguous single ownership; and/or

(b) Protect and buffer designated resource lands; and/or

(c) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve the farmstead home site, or by reducing the amount of impervious area for nonagricultural uses that could otherwise occur without the AG division; and/or

(d) Reduce the total number of lots of record through voluntary consolidation; and/or

(e) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the AG division; and/or

(f) Enable improved floodplain management in cooperation with Whatcom County public works.

Such substitution shall be considered at the administrator's discretion. (Ord. 2013-040 Exh. 1, 2013; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 96-056 Att. A § A1, 1996).

20.40.651 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements. (Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 89-117, 1989. Formerly 20.40.652).

20.40.652 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements. (Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 96-056 Att. A § A2, 1996; Ord. 94-022, 1994. Formerly 20.40.653).

20.40.662 Use of natural resources.

All discretionary project permits for land on or within one-half mile of the area designated as agriculture, rural, commercial forestry or rural forestry or within 500 feet of an area designated as mineral resource lands in the Whatcom County Comprehensive Plan, or upon which farm operations are being conducted, shall be subject to the right to farm, right to practice forestry and mineral land disclosure policies contained in WCC Title 14, Use of Natural Resources. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 98-083 Exh. A § 47, 1998).