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December 1, 2025

To: Whatcom County Planning Commission

Subject: Draft Land Use Element

Dear Whatcom County Planning Commission:

The Whatcom Environmental Council appreciates the opportunity to comment on the draft Land Use Element of the Comprehensive Plan. The Land Use Element is particularly important because it contains the Land Use Map, which establishes Urban Growth Area (“UGA”) boundaries and provides for other land use designations across the County. This map, as well as the policies in the Land Use Element, must be consistent with all other elements of the Comprehensive Plan.

The comments below highlight several key issues raised by the draft Land Use Element. The timing of the release of the Land Use Element (two days before Thanksgiving, with your hearing scheduled four days after the Thanksgiving holiday weekend) has not given us sufficient time to conduct a complete review of the Land Use Element’s internal consistency or its consistency with the other elements of the Comprehensive Plan. Notably, the Climate Change and Resiliency element has important ramifications for the Land Use Element, as discussed further below, and has not been provided.

1. GMA Requirement of a Reduction in Per Capita Vehicle Miles Traveled

The Growth Management Act is clear: the Comprehensive Plan and development regulations must reduce per capita vehicle miles traveled. The GMA requirement measures the reduction of vehicle miles traveled “per capita”, which acknowledges the assumption of population growth and allocation to urban areas. Even taking population growth in account, the Land Use Element will result in an increase in vehicle miles traveled, in clear violation of the GMA.

The Land Use Element acknowledges the GMA requirement, in a short new section entitled “Vehicle Miles Traveled Per Capita.”¹ This section includes one goal and four policies, all aspirational. Notably, **the Land Use Element only aspires to “consider” meeting the GMA requirement.** Goal 2DDD states: “*Wherever possible, consider* utilizing urban planning approaches that reduce per capita vehicle miles traveled within the County”.² This goal misstates the GMA mandate, which **requires** the County to take actions that will “[r]esult in reductions in per capita vehicle miles traveled within the jurisdiction.”³

There is no question that the Land Use Element, and the Comprehensive Plan as a whole, violate this requirement. **On a per capita basis, the Comprehensive Plan will increase VMT by 6.45 per cent, in violation of the GMA.** The calculation of the increase in VMT per capita is based on data contained in the FEIS, as follows:

¹ Draft Land Use Element, p. 2-132.

² *Id.*, emphasis added.

³ RCW 36.70A.070(9)(d)(i)(A).

- In 2023, the base year used for the calculation of VMT, the County's population was 235,800.⁴ VMT was 4,316,772.⁵ Based on the County's own figures, this means that **VMT in the base year was 18.31.**
- The Comprehensive Plan is based on a population projection of 303,438 total population in 2045.⁶ Total VMT in 2045 is projected to be 5,912,729. Based on the County's own analysis, this means that **VMT per capita in 2045 will be 19.49.**
- An increase from 18.31 VMT per capita to 19.49 VMT per capita is an increase of 6.45 per cent.

The gross increase (not on a per capita basis) is even more eye-opening. Tables 3.2-4 and 3.10-6 of the Final Environmental Impact Statement ("FEIS") for the Comprehensive Plan shows that the land use designations in Land Use Element will increase vehicle miles traveled, or VMT, by 37%. The increase is based on the increase in VMT from 2023 to 2045.

In order to comply with the GMA, we would encourage the County to revisit proposed urban growth areas, including new expansions and existing urban growth areas that have been in place for many years. Ensuring that population growth occurs in existing UGAs is the most realistic way to ensure that County meets the GMA mandate of reducing per capita VMT.

2. Open Space Corridors Between UGAs

The Land Use Element correctly states that the GMA requires the Comprehensive Plan to identify open space corridors within **and between UGAs.**⁷ The GMA requires that these open space corridors "shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030."⁸ To accomplish this, the Comprehensive Plan should "plan an integrated system that uses identified corridors to link established large areas of parks and recreational lands, resource lands, greenbelts, streams, and wildlife corridors to help protect fish and wildlife habitat conservation areas."⁹

The Land Use Element states that "Map 2-3 shows proposed Open Space Corridors for Whatcom County." Unfortunately, Map 2-3 shows that the County has not complied with the GMA. No open space corridor is designated between Bellingham and Ferndale, despite our previous comments and the information that we have provided, detailing how such a corridor could be designated based on public land. The Land Use Element should be revised to designate open space corridors between UGAs.

3. UGAs in Special Flood Hazard Areas

It appears that new UGA expansions for Sumas, Nooksack, and Everson will be located in Special Flood Hazard Areas. **The GMA prohibits expansion into floodplains** except under very limited circumstances. As stated in the Final Environmental Impact Statement ("FEIS") for the Comprehensive Plan:

Any expansion of UGAs into the special flood hazard area would need to comply with the requirements of RCW 36.70A.110 (Comprehensive plans – Urban growth areas), which states that expansion of a UGA into a floodplain is prohibited except under specific circumstances.¹⁰

⁴ FEIS, p. 3-117, Table 3.6-1.

⁵ FEIS, p. 3-183, Table 3.10-6.

⁶ FEIS, p. 2-7.

⁷ Draft Land Use Element, p. 2-109, referencing RCW 36.70A.160.

⁸ RCW 36.70A.160.

⁹ WAC 365-196-335 (2)(d).

¹⁰ FEIS, p. 2-23 (Everson), 2-29 (Nooksack), 2-31 (Sumas), and generally (3-56, 3-75). This GMA requirement is found at RCW 36.70A.110(10)(a), which states as follows:

The “specific circumstances,” as stated in RCW 36.70A.110 (10)(b), are as follows:

- (i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;
- (ii) Urban growth areas where expansions are precluded outside floodplains because:
 - (A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or
 - (B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or
- (iii) Urban growth area expansions where:
 - (A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or
 - (B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or
 - (C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:
 - (I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and
 - (II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

Neither the Comprehensive Plan nor the DEIS establishes (or even argues) that any of the conditions in RCW 36.70A.110(10)(b) exists to justify expansion of UGAs into floodplains. The County is not obligated to allocate growth that would expand onto floodplains, and UGA expansions in such areas should be removed from the Comprehensive Plan. This could be accomplished by implementing one of the mitigation measures proposed in the Draft EIS:

Reduce the potential for additional impervious surfaces by increasing urban densities, promoting infill development in urban areas, and reducing densities in important watershed areas.

4. Urban and Community Forests in UGAs

In 2023, the Legislature adopted HB 1181, a bill “relating to improving the state’s climate response through updates to the state’s planning framework.” The bill added a requirement for the Land Use Element to designate the use, location, and distribution of “urban and community forests.” The Legislature had found that urban forests contribute multiple benefits and the impacts of climate change can be improved by increased tree canopy.

The Land Use Element recognizes this requirement. In particular, it recognizes that urban and community forests include public and private lands of any size, stating as follows:

The GMA requires the County to designate “urban and community forests” (RCW 36.70A.070(1)). Urban and community forests include vegetated areas on lands in urban growth areas. Specifically, this includes any

Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

land with trees and associated vegetation, whether it's planted or naturally occurring, public or private, used or unused, and includes areas along roads, utilities, and forested watersheds within populated zones.

Unfortunately, Policy 2WW-1 limits urban and community forests to “public land greater than 5 acres with over 75% tree canopy.” This policy is not based on any of the values expressed by the Legislature, including the multiple benefits of urban and community forests. Instead, it incorporates a totally unrelated definition that applies to federal grants, and then reduces that definition even further by excluding private lands. As stated in the Comment on page 2-114:

The County’s consultant recommended using the 55-acre and 75% tree canopy criteria for identifying urban and community forests. This borrows concepts from the U.S. Forest Service’s Community Forest and Open Space Conservation Program, or Community Forest Program (CFP) provides opportunities for community entities to apply for grants to acquire forest lands. Lands acquired through the program are mandated to be managed according to a community forest plan. Private forest land is eligible that is at least five acres in size, suitable to sustain natural vegetation, and at least 75% forested.

Urban forests and tree canopy play important roles in addressing climate impacts on vulnerable populations and overburdened communities. Urban forests and retention/increase of tree canopy are critical to boost carbon sequestration, reduce heat islands, and improve air quality in overburdened communities.¹¹ Rather than relying (selectively) on the criteria applicable to a federal grant program, the County should apply Washington State policies applicable to urban and community forests. For example, State climate planning guidance recommends the city review “maps that identify areas with less tree canopy/higher sensitivity to extreme heat and areas with a higher poverty rate/lower adaptive capacity”.

The County should not adopt a Land Use Element policy that just “checks a box.” Instead, consistent with other policies in the Land Use Element that claim to address environmental justice and climate change, urban and community forest designations should be taken seriously and based on the benefits of forested areas to communities and to climate change reduction.

Thank you for your consideration of these initial comments.

Sincerely,

Jean Melious
Whatcom Environmental Council

Cc:
Whatcom County Council
Whatcom County Planning & Development Services

¹¹ Wash. State Dept. of Commerce, [Climate Element Planning Guidance](#), Menu of Measures, #418.