

Whatcom Environmental Council

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TO: Whatcom County Council

RE: Comments on Chapter 8, Resource Lands and Chapter 2, Land Use (Agriculture, UGAs and Development Rights)

Thank you for the opportunity to comment on the proposed update to Whatcom County's Comprehensive Plan (Draft Plan). This letter focuses on Chapter 8, Resource Lands, regarding Agricultural Lands of Long-Term Commercial Significance (ALS).

1. Summary

Whatcom County has recognized that a "large land area devoted to agricultural activity is necessary"¹ ever since the County adopted its first Growth Management Act (GMA) plan in 1997. In 2009, the County Council determined that 100,000 acres is the agricultural land base necessary to support a viable agricultural industry in Whatcom County.² Yet, just 85,784 acres have been designated as ALS.³

The Draft Plan reduces ALS even further through de-designation of ALS. We urge the Whatcom County Council to adopt a comprehensive plan update that is not only compliant with the GMA, but results in:

- 1) No net loss of lands designated as agricultural lands of long-term commercial significance (ALS); and
- 2) No weakening of the policies and programs to acquire development rights in agricultural lands.

2. The Agricultural Land Base Should be Increased, Not Reduced

The Draft Plan results in the net loss of ALS through the de-designation of 449 acres of agricultural land. The Draft Plan should be revised to ensure that ALS is not de-designated without designating at least an equivalent number of ALS in Rural areas where agriculture occurs but the land has not been designated as ALS.

¹ Chapter Eight – Resource Lands, Whatcom County Comprehensive Plan, May 1997, p. 8-5

² [Resolution 2009-040](#) set this as the minimum goal, which is restated in the revised Policy 8A-2.

³ [Whatcom County Agricultural Assessment](#), November 2025, p. 4 of pdf or p. 2

Whatcom County has Rural lands used for agriculture that meet the ALS designation criteria but have not been designated as such. The Whatcom Agricultural Advisory Committee identified Rural Study Areas as a short-term priority for additional protective measures in 2018.⁴ Eight years later, agricultural lands in Rural areas still have not been designated as ALS. Such as designation is needed to mitigate the loss of 448 acres of agricultural land to UGA in the Draft Plan and to help the County achieve its goal of 100,000-acre agricultural land base.⁵

Proposed Policy 8A-16 discusses designating additional ALS in Rural areas. The policy, however, has no timeline or commitment that it will get accomplished and inappropriately allows transfer of development rights to Rural areas where the County needs to limit growth.

No net loss of ALS was on the books nearly 30 years ago in Whatcom County, and this is the first GMA update that will ensure a net loss if policies, maps and designations are not revised. The 1997 Comprehensive Plan Action Plan required any loss of agricultural land to remove development rights from a replacement parcel not in the Agricultural Zone and the replacement parcel rezoned to Agriculture.⁶

The Draft Plan does include a mitigation policy (Policy 8A-15) that purports to address de-designation of ALS but acknowledges that a net loss is acceptable policy. The Policy states:

“The County shall require mitigation when lands designated as agricultural resource lands of long-term commercial significance under RCW 36.70A.170 are de-designated and converted to urban growth areas/urban growth area reserve, as applicable, on the Whatcom County Comprehensive Plan Land Use Map **that result in an overall net loss of agricultural designated lands.**” Policy 8A-15 (emphasis added)

Policy 8A-15 should be rewritten so that the result is no net loss, but a net gain, similar to Policy 10G-10, 10J-15, 10J-16, 10K-18 and 10M-1 in the Draft Plan.

“The County shall require mitigation when lands designated as agricultural resource lands of long-term commercial significance under RCW 36.70A.170 are de-designated and converted to urban growth areas/urban growth area reserve, as applicable, on the Whatcom County Comprehensive Plan Land Use Map that result in ~~an~~ **no** overall net loss, **but a net gain**, of agricultural designated lands.”

⁴ [Whatcom County Agricultural Strategic Plan](#), p. 5. [Resolution 2018-027](#)

⁵ The most recent [Rural Land Study in 2019](#) identifies and maps areas within Rural 5 and 10 zones that are of agricultural significance where 2,092 potential additional development units exist within those areas.

⁶ Whatcom County Comprehensive Plan, May 1997, p. 8-32.

3. The County Can Meet Urban Population Allocation Requirements Without De-Designating Agricultural Lands

The Draft Plan and accompanying Findings of Fact incorrectly assert that there are no options available for UGA expansion that do not impact ALS. In fact, the County has at least two viable, preferable options that comply with GMA:

- 1) Whatcom County could reconsider the overall growth projection for Whatcom County. The Draft Plan is not based on the Office of Financial Management's (OFM) most likely growth forecast,⁷ and instead, the Draft Plan expands UGAs to accommodate 16% more population growth than is likely to occur. If the County chooses to protect agricultural land by planning for OFM's most likely growth figure, rather than planning for growth that is unlikely to occur, it will not need to de-designate ALS.
- 2) Whatcom County could reconsider where the growth is allocated. Growth in outlying areas increases GHG emissions and vehicle miles traveled. Growth could be reallocated to urban areas with frequent transit and nonmotorized transportation options.

Whatcom County should not consider urban growth that has encroached on ALS as justification for de-designation of ALS.⁸ Whatcom County is required to assure that the use of lands adjacent to ALS do not interfere with the continued use for the production of food or agricultural products.⁹ Countywide Planning Policies direct urban growth to "maintain proper buffers from natural resource areas to minimize conflicts..."¹⁰

There is nothing in the record or in a search of the municipal codes for Sumas or Nooksack that addresses the requirements of GMA, Countywide Planning Policies, or the interlocal agreements with Sumas and Nooksack that address compatibility with resource lands pursuant to RCW 36.70A.060(1)(a).¹¹

Expanding UGAs into ALS is inconsistent with GMA. Furthermore, expanding UGAs *adjacent* to ALS results in the potential to interfere with the production of food or agricultural products, in the absence of measures in place to avoid this interference. Whatcom County should insist that ALS is protected from interference as set forth in GMA, Countywide Planning Policies and Interlocal Agreements.

⁷ [Population and Employment: Growth Projections and Preliminary Allocations Technical Report](#) (May 22, 2024), p. 3.

⁸ See Draft Ordinance Adopting Amendments to the Whatcom County Comprehensive Plan and Foothills Subarea Plan for the GMA Periodic Review and Update, Findings of Fact 186 and 204.

⁹ King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields), 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000)

¹⁰ Whatcom County Countywide Planning Policies, C.5

¹¹ Section 11.B in the [Interlocal Agreement between Sumas and Whatcom County](#), July 19, 2022 and [Interlocal Agreement between Nooksack and Whatcom County](#), July 7, 2022.

4. The County Should Expand, Not Reduce Programs to Acquire Development Rights in ALS

There are 1,931 development rights estimated in the County's Agricultural zone as of 2019, and an additional 2,092 development units within lands of agricultural significance located in Rural zones, for a total of 4,023 development rights in agricultural lands. The Whatcom County Agricultural Advisory Committee recommended "[e]xpanding conservation easements and funding for Purchase of Agricultural Easements (PACE) programs [to] help mitigate development pressures." The Committee observed: "If we do not act now, we risk following in the footsteps of other counties that have lost their core agricultural communities to development."¹² This risk is only increasing. Whatcom County has conserved fewer than 2,000 acres through its PACE program. Skagit County, in contrast, has conserved more than 15,000 acres of agricultural land through its PACE program.¹³

There is no record that the Bellingham City Council considered a density credit program in conjunction with Whatcom County. An interlocal agreement between the County and City requires "the City to consider adopting a density credit program in conjunction with the County."¹⁴

The Draft Plan removes a density credit program¹⁵ from the review and update of future interlocal agreements. This policy change is short-sighted, but it does not affect the current interlocal agreement and countywide planning policies that require consideration of a density credit program.

Policy 2S-5: Review and update the interlocal agreement with Bellingham, prior to expiration of the current interlocal agreement, to provide for:

- ...
- ~~a density credit program and/or transfer of development rights within the City of Bellingham.~~

Bellingham's Land Capacity Analysis for the UGA expansion into North Bellingham would result in going from 1 unit per 10 acres¹⁶ to approximately 1,190 housing units in the next 20 years.¹⁷ The current agricultural easement program has been averaging \$5,000 per acre. If a density credit program were required, it could result in the acquisition of agricultural easements at an estimated cost of just over \$1,500 per housing unit in the North Bellingham UGA, or less than 2/10^{ths} of 1% on a \$750,000 home.¹⁸ As the interlocal agreement recognizes, this important program should be considered before expanding UGAs.

¹² [Letter from Whatcom County Agricultural Advisory Committee to Whatcom County Executive](#), March 11, 2025.

¹³ [Letter from Whatcom County Agricultural Advisory Committee to Whatcom County Executive](#), March 11, 2025, Appendix, pp 4-5 of pdf.

¹⁴ [Interlocal Agreement, Bellingham & Whatcom County](#), Section 11.A.

¹⁵ Whatcom County Comprehensive Plan, Chapter 2 – Land Use, Policy 2S-5.

¹⁶ Bellingham's Land Capacity Analysis shows that the North Bellingham UGA is 364 acres, meaning that 36 housing units would be allowed within the R-10 county zoning.

¹⁷ Bellingham's Land Capacity Analysis

¹⁸ This assumes the cost is assigned to housing units only. The North Bellingham UGA will also have commercial components that could share the costs and reduce the cost per housing unit even further.

Thank you for consideration of our comments.

Sincerely,

David Stalheim on behalf of
Whatcom Environmental Council