

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-cfb c:\f1\6\ag-gma.Ab	CS	2/9/92		2/25/92	Council/Intro
Division Head-				3/10/92	Hearing
Department Head-	DJA	2/17/92			
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

SUBJECT: FILE REF: 13-91.CZM AN ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN TO COMPLY WITH THE GROWTH MANAGEMENT ACT MANDATE TO CLASSIFY AND DESIGNATE AGRICULTURAL RESOURCE LANDS ON AN INTERIM BASIS BY RE-ADOPTING THE EXISTING AGRICULTURE COMPREHENSIVE PLAN DESIGNATIONS AND ADOPTING ADDITIONAL GOALS AND CONSENSUS ITEMS AND AN ACTION PLAN.

ATTACHMENTS: Agency Report with attached Staff Report
 (Note: There is one agency report for all resource lands.)
 Excerpts from Planning Commission Minutes: January 14, January 30, and February 12, 1992.
 (Note: These are the same minutes for all three resource lands designations)
 Draft Ordinance

Public Hearing Needed? Yes /__/ No /XX/

SUMMARY STATEMENT: Whatcom County has a strong history of planning and zoning for agricultural land preservation. The existing agricultural comprehensive plan policies and pattern of agricultural zoning and regulations appears to be adequate to comply with the Growth Management mandate. The Agricultural Advisory Committee however expressed an interest in taking a closer look at present-day agricultural lands issues in the county and continued to meet and develop a proposal. Adoption of refined goals and objectives and re-adoption of the existing zoning and plan designations on an interim basis with an action plan to address certain items in the future are a part of that proposal.

RECOMMENDED ACTION: Planning staff recommends Council uphold the Planning Commission recommendation and adopt the attached ordinance.

COMMITTEE ACTION (including dates):

COUNCIL ACTION (including dates):

3/10/92: Council adopted the ordinance with the attached amendments. 7-0.

Related File Numbers: _____ Ordinance or Resolution Number: 092-013

ORDINANCE NO. 92-013

AN ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN TO COMPLY WITH THE GROWTH MANAGEMENT ACT MANDATE TO CLASSIFY AND DESIGNATE AGRICULTURAL RESOURCE LANDS ON AN INTERIM BASIS BY RE-ADOPTING THE EXISTING AGRICULTURE COMPREHENSIVE PLAN DESIGNATIONS AND ADOPTING ADDITIONAL GOALS AND CONSENSUS ITEMS AND AN ACTION PLAN.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990 and amended it in 1991, requiring counties and cities to classify and protect agriculture resource lands of long-term commercial significance (RCW 36.70A.170); and

WHEREAS, the Whatcom County Planning Department has drafted a request to re-adopt the existing Agriculture Comprehensive Plan Map and Agriculture zone district map; adopt an Interim Whatcom County Agriculture Resource Lands Comprehensive Plan which consolidates existing agricultural policies into one document; establishes a refined set of goals, objectives, issues, and planning horizon; lists a set of consensus items agreed upon by the Agricultural Advisory Committee; and adopts an Action Plan for future agricultural land use planning activities; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 2, 1992; and

WHEREAS, a Determination of Nonsignificance was issued by the Deputy SEPA Official on January 9, 1992; and

WHEREAS, the Planning Commission held a public hearing on the amendments on January 14, 1992 and considered all public testimony on the issues; and

WHEREAS, the Planning Commission held work sessions to discuss the issues on January 30, 1992, and on February 12, 1992 and, after due deliberation made a determination that the proposal be approved; and

WHEREAS, the Council reviewed the Planning Commission recommendation and at a public meeting on March 10, 1992, reviewed and approved the Planning Commission recommendations.

NOW THEREFORE BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL:

1. The Whatcom County Comprehensive Plan is hereby amended as set forth in the attached Exhibit A to comply with the Growth Management Act mandate to classify and designate Agricultural Resource land on an interim basis By by re-adopting the existing agriculture comprehensive plan designations and adopting additional goals and consensus items and an action plan.
2. The Council finds the public health, safety and general welfare are promoted by this change.
3. The Council adopts the following findings and conclusions developed by staff and adopted by the Planning Commission.

FINDINGS

1. Re-adoption of the existing Agriculture Comprehensive Plan map designations and the existing subarea Comprehensive Plan policies relating to agriculture with the refined Goals and Objectives would have no regulatory effect but would refine goals and consolidate existing agricultural policy into one readily accessible format for ease of reference.

EXHIBIT "A"

AGRICULTURE RESOURCE LANDS

**COMPREHENSIVE PLAN
MARCH 10, 1992**

WHATCOM COUNTY IS A NUCLEAR FREE ZONE

*As approved by the voters of Whatcom County, County
County Initiate #1-84, November 6, 1984; Adopted by
Whatcom County Resolution #85-29, June 20, 1985.*

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WHATCOM COUNTY
COMPREHENSIVE LAND USE PLAN
INTERIM DESIGNATION OF AGRICULTURE RESOURCE LANDS

I. **INTRODUCTION**

For the purpose of meeting the Growth Management Act's requirements, Whatcom County hereby adopts the existing Agriculture Comprehensive Plan designation maps and the Agriculture zone district maps of the Lynden-Nooksack Valley, Blaine-Birch Bay, South Fork Valley, Cherry Point-Ferndale, and Urban Fringe Subarea Comprehensive Land Use Plans.

Furthermore, Whatcom County hereby adopts the following goals, land use rationale, locational criteria, and policies specifically related to agriculture from the existing Subarea Comprehensive Plans. The Growth Management Act goals for agriculture, the Goals and Objectives of the Whatcom County Agricultural Advisory Committee, and the Action Plan are also adopted as policies of Whatcom County. This document is intended to pull together all agricultural plan policies in one location for ease of reference.

II. **1979 COUNTY-WIDE GOAL STATEMENTS**

The following goals provide the general direction for making land use decisions in Whatcom County. They were developed and adopted by the Whatcom County Planning Commission and County Council in July, 1979. Goals specifically related to agricultural lands are underlined.

Regional Design Goals

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, CONSERVE AGRICULTURAL and forestry LANDS, optimize investments in public services and conserve energy resources.
2. Future development in rural areas should be low density, complement existing rural character, CONTRIBUTE TO THE CONSERVATION OF AGRICULTURAL and forest LAND, and not result in demands for urban-level services.

Growth Management Goals

1. To promote a conscientious program designed to plan, guide and influence the appropriate location, timing, intensity, type and servicing of diverse land use patterns.
2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.
3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.

4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage cooperation among municipalities, special districts and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.
5. To develop a concise, equitable and practical set of land use regulations intended to implement the goals, policies and proposals of the Whatcom County Comprehensive Plan in a timely and orderly fashion.

Land Use Goals

1. **TO CONSERVE THE AGRICULTURAL AND FOREST LANDS OF WHATCOM COUNTY FOR THE CONTINUED PRODUCTION OF FOOD, FORAGE AND TIMBER CROPS, WHILE PROMOTING THE EXPANSION AND STABILITY OF THE COUNTY'S AGRICULTURAL AND FORESTRY ECONOMIES.**
2. Urban residential development should be planned in areas that can be economically and efficiently served with existing or planned services, optimize energy use, function as integral neighborhood units and environmentally support intensive land uses.
3. Adequate community and neighborhood commercial facilities should be encouraged in appropriate locations while avoiding incompatible land uses and the proliferation of unnecessary new commercial areas.
4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities and to strengthen and stabilize the tax base. To accommodate anticipated economic development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility and transportation accessibility.
5. To promote the availability of economical and attractive housing for all income, age and ethnic groups, while also enhancing the integrity and identity of existing communities.
6. To promote a functional, coordinated and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimizes public investments and the conservation of energy resources.
7. Adequate facilities and services which provide diverse education, recreation, cultural and social opportunities should be encouraged.

Cultural And Natural Resources

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.
2. **TO CONTINUE THE IDENTIFICATION OF CULTURAL AND NATURAL RESOURCES AND FORMULATE VIABLE METHODS TO PRESERVE AND CONSERVE SUCH RESOURCES IN RECOGNITION OF THEIR IRREPLACEABLE CHARACTER.**
3. To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant and assures maximum public access and usage.

Citizen Involvement And Intergovernmental Coordination

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals, and to provide a structure for citizen participation in the planning program of federal, state, regional and local agencies.
2. To participate in intergovernmental coordination with federal, state, provincial, regional and local agencies; to develop a coordinated approach to problems which transcend local government bodies; and to create an environment for the exchange of information and technical assistance.

III. THE GROWTH MANAGEMENT ACT of 1990 and 1991

Introduction

Responding to public pressure to control the effects of rapid population growth, the 1990 state legislature passed Substitute House Bill 2929, the Growth Management act. In the legislation, the state has for the first time established a set of 13 uniform planning goals. Goal number 8 refers to conservation of agricultural land:

Goal 8. Natural resource industries should not only be protected but enhanced. Natural resource industries include timber, agriculture, mining and fishing. Productive agricultural and timberland should be conserved, and incompatible land uses discouraged.

The Act requires that each county shall designate, where appropriate, agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. It is also required that the county adopt development regulations to assure the conservation of agricultural land. Such regulations may not prohibit uses legally existing on any parcel prior to their adoption but shall assure that the use of lands adjacent to agricultural lands shall not interfere with the continued use, in the accustomed manner, and in accordance with best management practices, of these designated lands for the production of food or agricultural products.

Counties shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Agricultural land located within urban growth areas shall not be designated as agricultural land of long term significance under RCW 36.70A.170 unless the county has enacted a program authorizing transfer of purchase of development rights.

Definitions

Agricultural land is land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

Long-term commercial significance includes 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 land.

The county must also consider the combined effects of proximity to urban areas and the possibility of more intense uses of the land as indicated by:

- (a) the availability of public utilities
- (b) tax status

- (c) the availability of public services
- (d) relationship or proximity to urban growth areas
- (e) predominant parcel size
- (f) land use settlement patterns and their compatibility with agricultural practices
- (g) intensity of nearby land uses
- (h) history of land development permits issued nearby
- (i) land values under alternative uses
- (j) proximity of markets

Minimum Guidelines

The Growth Management Act Minimum Guidelines require that in designating agricultural lands, the county use the USDA land capability classification system which has eight classes of soils based on the published soil surveys. The classifications incorporate growing capacity, productivity, and soil composition of the land:

LAND SUITED TO CULTIVATION AND OTHER USES

Class I Few limitations that restrict use.

Class II Some limitations that reduce the choice of plants or require moderate conservation measures.

Class III Severe limitations that reduce the choice of plants or require special conservation practices or both.

Class IV Very severe limitations that restrict the choice of plants, require very careful management, or both.

LANDS LIMITED IN USE-GENERALLY NOT SUITED TO CULTIVATION

Class V Little or no erosion hazard but have other limitations impractical to remove that limit use largely to pasture, range, woodland, or wildlife food and cover.

Class VI Have severe limitations that make them generally unsuited to cultivation and limit use largely to pasture or range, woodland, or wildlife food and cover.

Class VII Very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.

Class VIII Limitations that preclude use for commercial plant production and restrict use to recreation, wildlife, or water supply or to aesthetic purposes.

IV. GOALS AND OBJECTIVES FOR PRESERVATION OF AGRICULTURAL LANDS ADOPTED BY ADVISORY COMMITTEE APRIL 17, 1991

Goals:

1. PRESERVE THE AGRICULTURAL LANDS OF WHATCOM COUNTY FOR THE LONG TERM COMMERCIAL PRODUCTION OF HORTICULTURAL, VITICULTURAL, FLORICULTURAL, DAIRY, APIARY, VEGETABLE, OR ANIMAL PRODUCTS, OR OF BERRIES, GRAIN, HAY, STRAW, TURF, SEED, CHRISTMAS TREES NOT SUBJECT TO THE EXCISE TAX, OR LIVESTOCK, AND THAT HAS LONG-TERM COMMERCIAL SIGNIFICANCE FOR AGRICULTURAL PRODUCTION.
2. PROMOTE THE EXPANSION AND STABILITY OF LOCAL AND REGIONAL AGRICULTURAL ECONOMIES.

Objectives:

1. PREVENT THE CONVERSION OF AGRICULTURAL LANDS IN WHATCOM COUNTY TO NON-AGRICULTURAL USES.
2. PREVENT INCOMPATIBLE USES FROM CONFLICTING WITH AGRICULTURAL ACTIVITIES.

At issue:

WE SHOULD APPROACH THIS PROCESS BASED ON DETERMINING WHAT OUR LOCAL CAPABILITY IS TO MEET THE AGRICULTURAL NEEDS OF A POPULATION WITH A DIVERSITY OF AGRICULTURAL "PRODUCT"-WE SHOULD ASSESS OUR AGRICULTURAL ECONOMIC POTENTIAL, RATHER THAN ITS EXISTING ECONOMIC OUTPUT.

Planning Horizon:

THE WHATCOM COUNTY AGRICULTURAL ADVISORY COMMITTEE HAS REACHED A CONSENSUS THAT THE PLANNING HORIZON, WHEN CONSIDERING THESE GOALS AND OBJECTIVES, SHOULD BE THE SHORT TERM (20 YEARS) AND THE LONGER TERM (250 YEARS).

**V. ADDITIONAL CONSENSUS ITEMS
CONFIRMED BY ADVISORY COMMITTEE DECEMBER 10, 1991**

1. Agriculture is an essential contributor to the local Whatcom County Economy.
2. The agricultural lands in Whatcom County should be preserved for the current and future production of agricultural commodities.
3. For the interim, the current zoning of agricultural lands in Whatcom County should stand, with some exceptions. Some land currently zoned "agriculture" should be evaluated for its viability; likewise, some lands currently zoned "rural" should be evaluated and possibly reclassified as "agriculture." A transfer or purchase of development rights program needs to be investigated for implementation in Whatcom County to take pressure off of agricultural land prices, and, if downzoning occurs, to compensate owners of downzoned property.
4. There should be a "buffer" or setback requirement where agricultural lands and non-agricultural lands are adjacent. The quality and type of buffer or setback needs to be investigated.
5. There should be a "right to farm" law in Whatcom County.
6. Sections of the agricultural text in Title 20 need to be reworked. This is particularly true regarding the sections on agricultural land divisions and mineral resource extraction.
7. In principle, we agree that LESA is a tool that can be used by Whatcom County administrative personnel to objectively evaluate, on a parcel by parcel basis, the agricultural viability of a given property.
8. We agree with the wetlands regulations, and the requirements relating to agriculture that protect those wetlands on agricultural lands, that were developed by the Whatcom County Planning Department.
9. We agree on the stated goals and objectives adopted by the committee on April 17, 1991.

10. We agree that in order to minimize damage to farmlands and property from flood events in Whatcom County, the county should encourage gravel mining in the Nooksack River.

**VI. EXISTING AGRICULTURAL LAND DESIGNATIONS AND POLICIES
FROM THE FOLLOWING WHATCOM COUNTY SUBAREA COMPREHENSIVE PLANS:**

Cherry Point-Ferndale
Urban Fringe
Lynden-Nooksack Valley
Blaine-Birch Bay
South Fork Valley

A. RATIONALE AND LOCATIONAL CRITERIA

(1) **RURAL** The present land use pattern in parts of the Lynden-Nooksack Valley Subarea is characterized by **PART AND FULL-TIME AGRICULTURAL OPERATIONS**, forestry, and woodlots, and very low density residential activity. These types of land uses can be considered as "rural."

Dispersed settlement patterns are a function of physical conditions such as soils, high water tables, or topography that impose constraints to higher residential densities. Such patterns also can be attributed to the absence of past and future public commitments for the provision of sewer, water, and roadway improvements. Very low density residential areas offer alternative living styles providing for increased privacy, aesthetic advantages of particular sites, or **SMALL SCALE AGRICULTURE** and forestry operation, in comparison with an urban residential setting.

Rural areas may contain nonrenewable natural resources, such as **SOILS THAT CONTRIBUTE TO AGRICULTURAL** or forestry **PRODUCTIVITY**, sand and gravel deposits suitable for extraction, or environmentally fragile areas such as steep slopes or 100-year floodplains. Existing parcel sizes are large and can accommodate land uses such as **AGRICULTURE**, forestry or low residential uses while retaining public and private land use options for the future.

Locational Criteria

To define locations where the **RURAL** plan designation is appropriate, the following criteria are used.

- a. Areas have very low residential densities and are compatible with existing land use plans.
- b. Areas where **BUFFERS** are needed **BETWEEN [higher density population] RESIDENTIAL USES AND** land use practices associated with **COMMERCIAL AGRICULTURE** and forestry.
- c. Areas where features of the physical environment, such as the lack of adequate ground water, slow or rapid permeability rates, seasonal ponding, 100-year floodplains or steep topography may require very low densities in order to minimize the impacts of physical constraints. In addition, areas may contain **NATURAL RESOURCES, SUCH AS SOILS THAT FACILITATE AGRICULTURE** or forestry, or may have sand and gravel, coal or other extricable minerals.
- d. Areas have no planned capital improvements to community facilities, utilities or transportation systems.

Zoning Density Criteria

The RURAL comprehensive plan designation shall be implemented with three Rural zone district densities including one dwelling unit per two acres, one dwelling unit per five acres, and one dwelling unit per ten acres. Criteria defining the application of each density follow.

- a. The density of one dwelling unit per two acres shall be applied where:
 1. existing density is less than or equal to one dwelling unit per five acres and existing average parcel size is greater than or equal to two acres;
 2. physical limitation such as lack of adequate ground water, slow permeability rates, seasonal ponding or steep slopes prohibit increased densities;
 3. existing public services are not sufficient to support increased densities, and there are no planned capital improvements to existing public services; and
 4. maximum build out at the prescribed density will be compatible with the surrounding land use character.
- b. The density of one dwelling unit per five acres shall be applied where:
 1. existing density is less than or equal to one dwelling unit per ten acres and existing parcel size is greater than or equal to five acres;
 2. **PART-TIME AGRICULTURE** and woodlots exist; and
 3. items 2, 3 and 4 above, are applicable.
- c. The density of one dwelling unit per ten acres shall be applied where:
 1. existing density is less than or equal to one dwelling unit per twenty acres and existing parcel size is greater than or equal to ten acres;
 2. the use of natural resources including sand, gravel, coal, timber and **PRIME FARMLAND SOILS** is facilitated by low densities;
 3. **A MIXTURE OF PART-TIME AND FULL-TIME AGRICULTURE** and silviculture **ARE VIABLE [or could be] ECONOMIC ENTERPRISES;**
 4. physical limitations may preclude higher densities; and
 5. there is an absence of planned expenditures for capital improvements to the existing minimal public service infrastructure.

(2) AGRICULTURERationale

The AGRICULTURE land use designation identifies areas suitable for the practice of commercial agriculture. Commercial agriculture is a significant industry in Whatcom County and has the potential to become increasingly significant as indicated by trends related to local farm income. Related industries add additional dollars to the local and regional economy as a direct result of agricultural production.

As significant as agriculture is in the local economy, agricultural lands are often considered for other purposes, namely urban and rural uses. Urban and rural encroachment can raise assessed valuation, resulting in higher property taxes for the agricultural operator. In addition, encroachment of residences not associated with agriculture can create conflicts with customary agricultural operations. Premature conversion to urban or rural uses occasionally forces the operator to cease agricultural uses. This situation is especially pronounced in the fringe areas of communities where residential growth pressures are most evident. The rapid rate of farmland conversion is being recognized by federal, state, and local governments.

Increasingly, communities are taking steps to inventory existing farmland and agriculturally productive soils, to determine alternative locations for residential uses, and to devise techniques for preserving farmland with the assistance and cooperation of the agricultural operator.

The comprehensive plan established the AGRICULTURE designation to promote agriculture by identifying and retaining land suitable for commercial agricultural pursuits.

Locational Criteria

Areas that are suitable for application of the AGRICULTURE designation conform to the following criteria.

- a. The majority of area contains Prime Farmland Soils as determined by the Soil Conservation Service.
- b. The area may contain 100-year floodplains as delineated by the Soil Conservation Service and the U.S. Army Corps of Engineers.
- c. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non-farm uses has been made.
- d. The area is composed of agricultural operations that have historically been and continue to be economically viable.
- e. Parcel sizes are generally greater than forty acres.
- f. Urban utility services including public sewer and water are not planned.
- g. Special purpose districts that are oriented to enhancing agricultural operations exist, including drainage improvement and flood control.
- h. Areas have a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, livestock upgrading, agricultural worker housing, etc.
- i. Areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act. (RCW 84.34).

B. POLICIES

Land Use Designations

(1) Neighborhood Commercial: The NEIGHBORHOOD COMMERCIAL designation at the intersection of Badger and Northwood Roads is intended to serve residents living in nearby RURAL and **AGRICULTURE** designated areas. The NEIGHBORHOOD COMMERCIAL designation at directly west of Everson on the Everson Goshen Road is intended to serve residents living in nearby Everson subdivisions and nearby residents of RURAL and **AGRICULTURE** areas.

(2) Rural: The RURAL designation . . . provides for a mixture of **PART-TIME AND FULL-TIME AGRICULTURE** . . . establishes a use intensity gradient to **COMMERCIAL AGRICULTURE** . . . It is the policy of Whatcom County to recognize the planned RURAL area that is directly southwest and south of the present City of Everson; and that is northeast and east of the present City of Nooksack as the future direction for future municipal expansion and urban utility servicing for sewer and water. Municipal expansion should avoid the...designated AGRICULTURE areas.

Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in RURAL areas to:

1. Conserve Prime Farmland Soils
2. Conserve agricultural operations;
3. Conserve wildlife habitats; or
4. Conserve scenic resources.

Whatcom County supports the continued efforts of citizen groups engaged in promoting agricultural and forestry education, operations, and marketing.

(3) Agriculture: Application of the AGRICULTURE designation is intended to conserve Prime Farmland Soils; promotes use of floodplains for agriculture; and acknowledges the continuing role of agriculture in the county as originally recognized in the 1970 Comprehensive Land Use Plan, and subsequent applications of the Agriculture zone in 1978 and 1979. In addition, the designation provides assurance to the individual farm operator concerning investments in farmstead improvements; promotes the continuation of a lifestyle that historically has been important to many people; and reduces pressures to convert farmland to other uses, thereby conserving the farmland base for Whatcom County and the western Washington region.

Intent Statement The intent of the agriculture designation is to maintain and encourage the conservation of agricultural lands in Whatcom County. The designation promotes the continuation of viable economic livelihoods for the agricultural operator, agricultural producer and related agricultural services. The designation also provides clear direction for nonagricultural uses to locate in other urban or rural designations; thereby minimizing potential conflicts between agricultural operators and uses that are not directly involved in agriculture. Additional intents of the designation include maintenance of open space; conservation of natural resources and systems; minimizing energy and expense through encouraging agricultural operations at fertile locations; sustaining existing county agricultural products; encouraging the development of additional agricultural products; and encouraging the stewardship approach to land management.

Policy Statements To acknowledge existing agricultural land uses and prime farmland soils, and to affirm the continued applicability of the 1970 Comprehensive Plan relative to agriculture, large portions of the Lynden-Nooksack Valley Subarea are designated AGRICULTURE. [In recognition of the policy of Whatcom County to provide for the continuation of agriculture as an important part of the local economy, and to recognize the nonrenewable resource of soils well suited for agriculture, the southeastern corner of the Birch Bay Blaine Subarea is designated AGRICULTURE (BBB)].

Predominant uses include the cultivation and management of field, shrub, vine, greenhouse, orchard and forest crops; dairying; livestock raising; animal husbandry; beekeeping; and uses that are accessory to agricultural operations including operator and farmhand residences, small-scale product marketing and home occupations.

Other uses shall be subject to public review to assure maintenance of the agricultural resource and compatibility with agricultural operations. Such uses include various public uses, animal hospitals, agricultural worker housing, processing of agricultural products, limited sand and gravel extraction, and commercial activities that directly provide agricultural goods and services to the agricultural operator.

The following areas are designated AGRICULTURE and shall be implemented with the Agriculture zone district.

The floodplains associated with the Nooksack and Sumas rivers; the areas situated to the west, north, and northeast of Lynden; the Nooksack Valley between Nooksack and the Canadian border; the area to the east of the Nooksack River floodplain between Nooksack and Nugent's Corner; the Deming valley; and an area trending southwest from Everson.

The boundaries of designated AGRICULTURE areas acknowledge existing agricultural land uses, land in agricultural current use tax assessment, areas with Prime Farmland soils, 100-year floodplains, and areas with parcel sizes or land ownership patterns of generally greater than twenty acres. In addition the boundaries are established to minimize periphery length and peninsular forms, and maximize consolidation and unification of agricultural areas.

Several minimum parcel sizes are provided as follows:

1. Variable minimum parcel size shall be permitted, consistent with the generally accepted size for an economically viable operation for the particular form of intended agricultural pursuit, subsequent to affirmative review by representatives from the Bureau of Buildings and Codes Administration, the Planning Department, the Cooperative Extension Agency and the Soil Conservation Service.
2. Parcels of less than five acres in size will be permitted for the residential use of retiring farm operators, public and quasi-public uses that are necessary in agricultural areas, and for purposes of securing bank loans for farm residences.
3. Forty acres shall be the minimum size for parcels used solely for residential purposes, except as described above, with the intent of minimizing the introduction of people into agricultural areas who are not associated with agriculture. In addition, one dwelling will be permitted on each legally created parcel of record existing at the time of adoption of this document of greater than one acre in size.

Appropriate utilities and facilities in designated AGRICULTURE areas include on-site wells or water associations for the provision of potable and irrigation water, individual on-site waste water disposal systems, volunteer fire protection and law enforcement provided by the county Sheriff's Department and the Washington State Patrol.

The continued efforts of drainage improvement districts are encouraged to enable improved use of agricultural lands.

The continued efforts of flood control and diking districts are encouraged to enhance use of floodplains for agriculture, as well as increase protection of existing agricultural investments in land improvements and buildings.

The following policies are intended to promote the continued economic viability of agriculture in Whatcom County and conserve associated resources.

Consolidation of adjoining parcels in the same ownership by filing a new deed is encouraged to promote easily workable farm units.

Residential subdivisions and other uses not related to agriculture are discouraged from locating in designated AGRICULTURE areas.

The stewardship approach to land management is encouraged to foster the long-term productivity of the agricultural land base, associated industries and life styles of Whatcom County.

The agricultural community is supported in its efforts to diversify the types of agricultural operations in the county and to continue to incorporate techniques that will enhance agricultural productivity and efficiency.

To enhance economic returns to the operator, direct marketing of products to the consumer is supported. In addition, to minimize "overhead" in the conduct of farm businesses, the formation of cooperatives is supported for warehousing, processing, and providing agricultural supplies and equipment.

To increase direct economic benefits to Whatcom County originating with agriculture, continued local processing of agricultural products is encouraged, as well as the development of additional processing facilities.

In recognition of the prevailing type of agricultural operation, Whatcom County encourages the continuation of the small farm as the basic unit of farm production. In addition, Whatcom County encourages the continued efforts of citizen groups engaged in promoting agricultural education, operations, and marketing.

Locating major transportation and utility corridors that would preclude the agricultural use of land is discouraged in designated AGRICULTURE areas.

The following policies are established to address other aspects of agricultural concerns.

Agriculture in its various forms is the preferred use of areas designated AGRICULTURE. Although it is anticipated that adjustments to designated AGRICULTURE will not be necessary during the planning period, proposed conversions shall be processed consistent with the (Comprehensive Plan) Amendment Criteria Section of this document. In addition, Whatcom County should develop a system for addressing potential conversions that uses the principles established in the "Land Evaluation Site Assessment (LESA)," formulated by the Soil Conservation Service.

Agricultural operators are encouraged to use the information and assistance that is available from the Soil Conservation Service and the Cooperative Extension Service for building siting, manure storage, recommended agricultural uses and new technologies.

Agricultural operators are encouraged to fence streams and ditches to prevent the direct introduction of livestock and livestock wastes to conserve surface water quality and reduce stream bank erosion and soil loss. In addition, to minimize any potential short and long-term impacts to ground water supplies, agricultural operators are encouraged to use only those chemicals in conservative amounts that are necessary for crop production, applied according to state and federal guidelines, and to use chemicals having low potency and residuals of short duration.

Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in AGRICULTURAL areas to:

1. Preserve agricultural operations;
2. Conserve prime farmland soils;
3. Conserve wildlife habitats; or
4. Conserve scenic resources.

Conservation of agricultural operations and Prime Farmland soils is encouraged through using the current use tax assessment opportunities of the Open Space Taxation Act (RCW 84.34).

Implementation of "special district" and water association plans, and other capital improvements, shall be approved or supported only when it is found that designated AGRICULTURE areas will benefit.

It is the policy to Whatcom County to support the future annexation for industrial purposes of the area bounded by the Burlington Northern Railroad, Halverstick Road and the city limits to the City of Sumas.

(4) Tourist Commercial: It is the policy of Whatcom County to minimize the potential conversion of adjoining agricultural lands to Tourist Commercial uses.

It is the policy of Whatcom County to consider potential impacts to surrounding areas that are designated AGRICULTURE when evaluating potential utility service improvements in the TOURIST COMMERCIAL area. Such improvements should not be used as a basis to convert agricultural lands to commercial uses.

(5) Light Industrial Park Future (expansion of the Light Industrial designation) should . . . critically evaluate the potential irretrievable loss to the county agricultural land base associated with conversion of parcels located to the north and west of presently planned LIGHT INDUSTRIAL PARK areas.

(6) General Manufacturing ...sufficient land presently exists in the designated area and the presence of the existing uses should not be used as a basis for future expansion of the GENERAL MANUFACTURING designation into surrounding designated AGRICULTURE areas. . . . and should critically evaluate the potential irretrievable loss to the county agricultural land base.

(7) Land Development Options, Guidelines, and Requirements When located adjacent to existing agricultural or forestry operations, either within the same land use designation or outside thereof, conventional and cluster residential subdivisions shall be required to have a "hold harmless" agreement attached to the face of the plat; the intent of which is to facilitate the unhampered continuation of legal and customary operations associated with agriculture and forestry.

(8) Physical Constraint and Natural Resource Policies To minimize potential impacts to human life and property, and to maximize the use of Prime Farmland soils, the following policies are established for 100-year floodplains:

Agriculture is the preferred use of 100-year floodplains.

Several parcels exist within 100-year floodplains that are of insufficient size to be used for customary forms of agriculture. When possible, such parcels are encouraged to be consolidated into larger parcels that are suitable for agricultural operations.

Within Blaine's groundwater supply interest area, in designated RURAL and AGRICULTURE areas, uses that may adversely affect Blaine's municipal water supply shall be discouraged.

To conserve soils classified by the Soil Conservation Service as prime farmland, the following policies are provided:

AGRICULTURE is the preferred comprehensive plan designation for prime farmland soil areas and RURAL is the designation of second choice for such areas.

Whatcom County encourages agricultural operators to use soil conservation techniques by taking advantage of information and assistance available through the Soil Conservation Service.

(8) Economic Policies It is the policy of Whatcom County to productively manage economic resources including human resources, capital investments and natural resources with consideration for immediate and long-term economic benefits to residents and investors in the county.

Owners of agricultural and forest lands are encouraged to conserve the economic base associated with the major productive natural resource in the county, by using the current use tax assessment provisions of the Open Space Taxation Act including RCW 84.28 and RCW 84.34.

(9) **SOUTH FORK VALLEY SUBAREA COMPREHENSIVE PLAN**

Land Use Designations Agricultural Designation: The Agriculture designation has been applied to the valley region where soils and topography and parcel size facilitate viable farming practices.

Land Use Policies

Agriculture Policy: To acknowledge existing agricultural land uses and Prime Farmland soils, and to affirm the continued applicability of the 1970 Comprehensive Plan relative to agriculture, large portions of the South Fork Valley Subarea are designated AGRICULTURE.

The floodplain associated with the South Fork of the Nooksack River should be designated AGRICULTURE;

Economic Development Policies

It is the policy of Whatcom County to promote economic development in the South Fork Valley by recognizing forestry, agriculture and fisheries as the most significant potential generators of jobs, profits, and taxes in the subarea.

Whatcom County should encourage private agricultural operators to conserve the county prime farmland soils resource by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34, and by working with agricultural organizations to implement best management practices.

Whatcom County should seek to provide every opportunity for the farmer to utilize arable land in the most efficient manner possible and to facilitate a viable agricultural industry in the South Fork Valley.

Environmental Resources and Constraints Policies

Whatcom County should review and update the status of natural resource lands, and make appropriate changes to the agriculture and forestry designations in conformance with House Bill 2929 (Growth Management Act).

Whatcom County should address any decrease in water quality that results from the application of chemical herbicides used on county roads, farm and forestry practices, and development density.

Land Development Options, Guidelines and Requirements

A restrictive covenant should be attached to the face of any residential subdivision or plat when located adjacent to the AGRICULTURE zone or a commercial agricultural operation in a zoning district that allows such a use; the intent of which is to facilitate the unhampered continuation of legal and customary operations associated with agricultural practices.

VII. ACTION PLAN

The policies and recommendations of this Plan, as implemented by the Agriculture zone district of the Official Whatcom County Zoning Ordinance, Title 20, are intended to work toward achieving the county-wide land use planning goals adopted in 1979, the goals mandated by the Growth Management Act, the agricultural policies of the Subarea Plans, and the adopted goals and objectives as recommended by the Agricultural Advisory Committee. The policies of this plan shall be that the agricultural lands of Whatcom County should be preserved for the current and future production of agricultural commodities.

1. LESA SYSTEM

Whatcom County shall develop and adopt a Whatcom County LESA (Land Evaluation and Site Assessment) system for use by Planning staff and the Agricultural Oversight Committee (Planning, SCS, Cooperative Extension, and Buildings and Code Administration) for the following purposes:

- a) Evaluating privately initiated requests Comprehensive Plan amendments and rezoning from Agriculture to some other designation. The LESA scoring and factors for evaluation become part of the Staff Report and, along with legal criteria and other adopted amendment criteria, help form the basis for the staff recommendation on the request.
- b) Evaluating requests for agricultural land divisions pursuant to the exceptions to the 40 acre minimum parcel size in the Agriculture zone district of Title 20.
- c) Evaluating applications for Conditional Use Permits for non-agricultural production uses in the Agriculture zone district of Title 20.
- d) Future County initiated review of the appropriateness of the existing Agriculture zone district and Comprehensive Plan designation maps (see #2 below).

2. AGRICULTURE ZONE REVIEW

Whatcom County shall undertake a review, to be completed by July 31, 1993, of the existing boundary between the Agriculture Plan and zoning designation and other land use designations to determine whether any adjustments in the boundary are warranted. The review should include parcels within the Agriculture designation to determine if they should no longer be designated Agriculture and should include parcels in the Rural designation (and possibly other designations) to determine if they should be designated Agriculture. The review should also include areas outside the immediate Agriculture boundary as available research and data indicate.

3. AGRICULTURE ZONE DISTRICT TEXT REVISIONS

Whatcom County shall undertake a review of the provisions for exceptions to the 40 acre minimum parcel size in the Agriculture zone district text and consider appropriate revisions. Other portions of the text, such as the conditional use permit criteria for siting non-agricultural production uses may also need revision. The question of surface mining in the Agriculture zone shall be revisited in a timely manner.

4. TRANSFER/PURCHASE OF DEVELOPMENT RIGHTS

Whatcom County should investigate the need for developing and implementing a system for transfer or purchase of development rights to ensure the conservation of agricultural lands by reducing the economic pressures on owners of agricultural land to convert to non-agricultural uses.