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September 11, 2025

To: Whatcom County Planning Commission

Subject: UGA Proposals for 9/11/25 meeting

For more than a year, the public has watched the growth management planning process unfold in Whatcom County where “non-binding” growth allocations¹ are adopted without public hearing² and before environmental documents are available to guide decisions³. These non-binding resolutions now appear as staff’s “preferred growth alternative”⁴ and are before Whatcom County for recommendation to the County Council.

It appears that Whatcom County staff have done little to analyze the growth proposals from cities for consistency with the [Growth Management Act](#), [Countywide Planning Policies](#) or the [Whatcom County Comprehensive Plan](#). It is Whatcom County that is held responsible for Urban Growth Area (UGA) designations, however, and the accountability will begin at the Growth Management Hearings Board if the proposals continue as set forth in the [Planning Commission agenda](#) for September 11, 2025.

The following is a quick summary of our most significant concerns with the current Urban Growth Area proposals:

Growth Forecast and Allocations

As we have written on multiple occasions, the most accurate⁵ forecast of Whatcom County’s growth is the “medium” or middle forecast provided by Washington State Office of Financial Management (OFM). The accuracy of this forecast is documented in the [Population and Employment: Growth Projections and Preliminary Allocations Technical Report](#) (May 22, 2024)

The growth allocations and preferred alternative results in planning for inaccurate growth forecasted for Whatcom County by nearly

¹ [Resolution 2025-011](#), March 11, 2025

² See Legislative Information Center at this [link](#)

³ See [Comprehensive Plan Update Draft Environmental Impact Statement](#), April 2025

⁴ See [Final Environmental Impact Statement](#), August 2025

⁵ “The most current, accurate population projections...by the Office of Financial Management shall be used as the basis for determining that Urban Growth Areas shall include sufficient area to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period.” Countywide Planning Policy C.3a

20% more than OFM medium. These higher allocations are now being used to support UGA proposals that would expand UGAs into agricultural lands of long-term significance for the commercial production of food or other agricultural products,⁶ justify expansion of UGAs into floodplains,⁷ and significantly increase vehicle miles traveled.⁸

Public Facilities and Services

The proposals before Whatcom County fail to demonstrate that public facilities and services to support development are adequate to serve the development. Water and sewer plans for some cities were last prepared more than a decade ago and do not reflect the population or employment requested by the cities. While some plans are in the process of being updated, they are not in fact either available for public review or adopted. One city's response that "it is anticipated that this plan will show that the city has enough capacity to accommodate planned growth" is not sufficient.⁹

Floodplains

The Growth Management Act prohibits the expansion of UGAs into the one hundred year floodplain of any river or river segment with a mean annual flow of 1,000 or more cfs.¹⁰ While the statute has some exceptions, it does not have exceptions for allowing "the areas retain their agricultural use"¹¹ without specifically extinguishing the development rights, such as Whatcom County's Purchase of Development Rights program. Nor does the statute allow for exceptions "to maintain clean city boundaries".¹²

Several of the UGA proposals appear to diminish the threat of Swift Creek asbestos,¹³ placing unwarranted confidence in Whatcom County's efforts at abatement.¹⁴ The County's Swift Creek mitigation project, the Swift Creek Sediment Trap, has been partially constructed but is incomplete. Design and permitting has not been completed for the entire project, and 75% of available funds have been spent. The Swift Creek Sediment Management Action Plan recommended a multiprong approach, including development of a "Watershed-Wide Flood Hazard Management Plan" that would incorporate zoning and other land use protections.

The city of Nooksack has identified that the floodplain of the Sumas River does not meet the flow requirement for prohibition for expansion into the floodplain. Yet, the city (or county) have failed to

⁶ [RCW 36.70A.170](#)

⁷ See [RCW 36.70A.110\(10\)](#) which outlines the prohibitions to expansion of UGAs into floodplains

⁸ See [RCW 36.70A.020](#), (3) Transportation. Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans." "(14) Climate change and resiliency. ...support reductions in greenhouse gas emissions and per capita vehicle miles traveled;"

⁹ See *Stalheim, et al vs Whatcom County*, FDO, Case No. 10-2-0016c

¹⁰ [RCW 36.70A.110\(10\)](#)

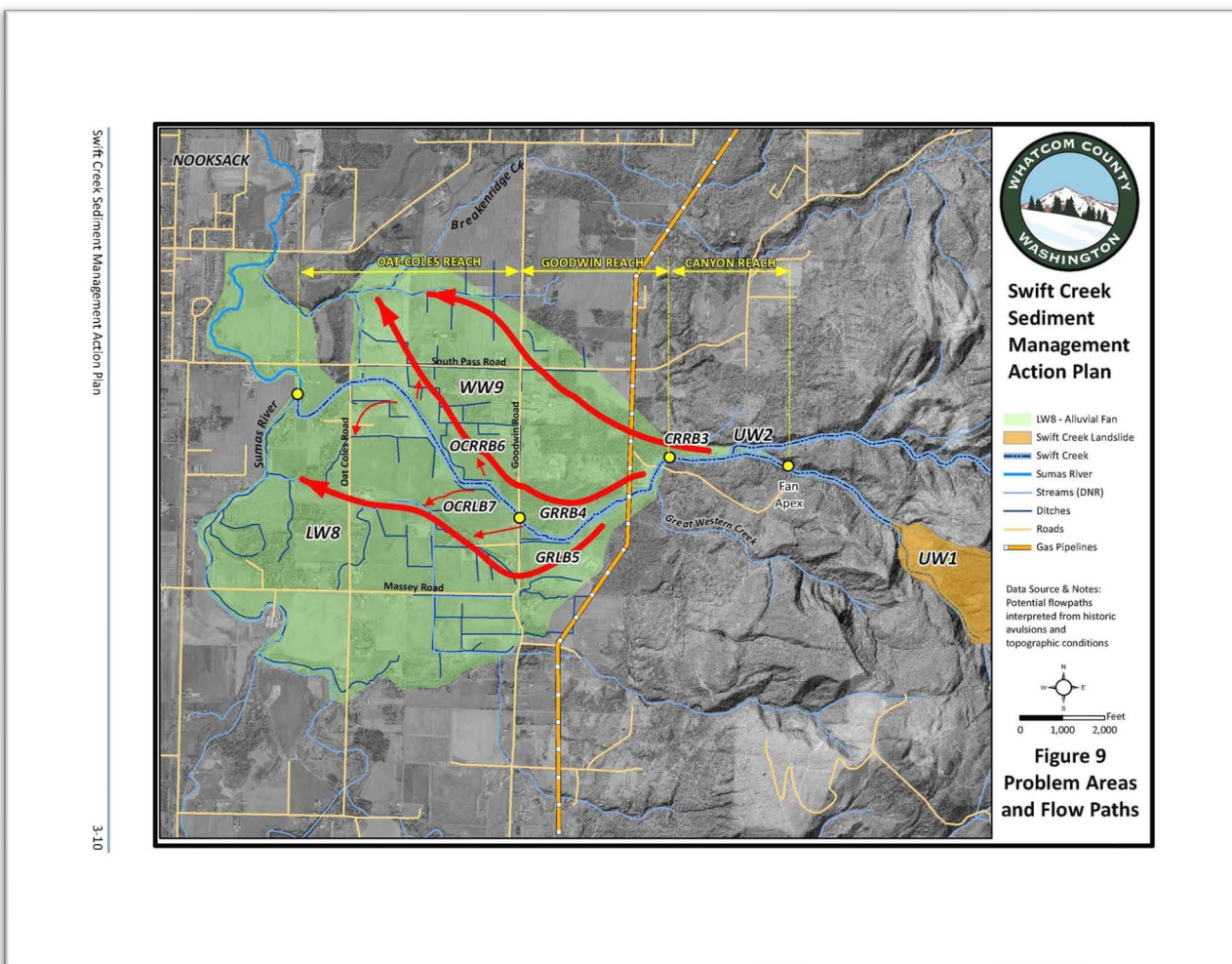
¹¹ See Sumas UGA proposal

¹² See Everson UGA proposal

¹³ See [Swift Creek Sediment Management Action Plan](#), 2012-Draft (attached)

¹⁴ See [2025 1st Quarter Project Update](#) where it reports "Additional outside funding will be necessary to fully implement the Swift Creek Action Plan."

point out other concerns with expansion into the floodplain identified in the Final EIS¹⁵ or the [Swift Creek Sediment Management Plan](#).¹⁶



Justifying expansion into floodplains is not warranted when the growth allocations to these areas are not needed, where the cities fail to comply with GMA requirements for avoidance or when development rights are permanently extinguished, and when the environmental impacts and health risks are clearly documented.

¹⁵ A significant lahar could potentially cause the Nooksack River to aggrade to the point where a significant volume—or a complete avulsion, in a worst-case scenario—of the Nooksack River could be redirected into the Sumas River Watershed.” (FEIS, pg. 3-5)

¹⁶ “Because of a very high sediment load is coupled with a shallow stream gradient (Figure 5), the Oat Coles reach experiences severe sediment accumulation on a yearly basis. Public infrastructure within this reach includes the Oat Coles bridge over Swift Creek. The Oat Coles Road bridge (No. 313) is constructed of concrete and has an approximate 19-foot span. The bridge includes concrete abutments with a paved surface on a concrete deck.” (pg. 1-7) “Right bank avulsion [Swift Creek in Oat Coles Reach] could establish a path to the north, entering the Breckenridge watershed.” (Table 3-2) “OCRRB6, Oat Coles, Right bank avulsion risk and overbank flooding, Score 30, Rank H[igh]”, meaning that there is “a high chance of occurrence with greater impact within the watershed.” (Table 3-3, pg. 3-11)

Agricultural Land

While we would like to commend several cities for specifically identifying areas to grow outside of floodplains, in several cases this growth is at the cost of losing agricultural land of long-term commercial significance.

Maintaining 100,000 acres of agricultural land has been adopted as what is needed to support a healthy agricultural industry.¹⁷ There are 85,820 acres of land designated as Agricultural in the Comprehensive Plan.¹⁸ The proposals from Sumas, Everson and Nooksack would result in a net loss¹⁹ of 758 acres of land designated as Agricultural in the Comprehensive Plan.

Whatcom County has also adopted an Agriculture Protection Overlay (APO)²⁰ requirement that applies to Rural areas (R5 and R10 zones) where the parcels are larger than 20 acres and have more than 50% APO soils. Some of the city proposals include expansion of UGAs from Rural designations but fail to identify that some of these parcels are subject to APO requirements to help maintain and enhance commercial agricultural activity.²¹

The County has prepared Rural Land Study reports “to identify and map areas within the Rural 5 and 10 zones that are of agricultural significance and may require additional protection to ensure long-term agricultural viability.”²² These Rural Study Areas are part of the County’s Agricultural Strategic Plan to ensure there are 100,000 acres of agricultural land available.²³

The UGA proposals also fail to show that expansion of urban growth will not be incompatible with adjoining natural resource lands. No evidence has been submitted that demonstrate the city’s have increased setbacks, buffers or other measures to ensure productivity of adjacent agricultural lands.²⁴

Climate Change

One of the new requirements of the Growth Management Act is to address climate change and resiliency. These requirements include transportation systems that will reduce greenhouse gas

¹⁷ “Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry.” ([Chapter 8, Resource Lands](#), Policy 8A-2)

¹⁸ See Table 3.5-1, FEIS, pg 3-99

¹⁹ Some cities propose removal of UGA or UGA Reserve and placement into AG. However, the net decrease in land designated AG in the Land Use Map, according to the record presented to the Planning Commission, is 758 acres from these three jurisdictions.

²⁰ “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.” ([Chapter 8, Resource Lands](#), Policy 8A-9) Also see [WCC 20.38](#).

²¹ According to the [2019 Rural Land Study](#), since the APO protections and requirements are initiated at the time of property subdivision, “this approach [to] agricultural protection is random and highly scattered.” pg. 3 (attached)

²² Ibid, pg 4

²³ See [Resolution 2018-027](#) and the [2018 Agricultural Strategic Plan](#) (attached)

²⁴ See Urban Growth Area Reserve Criteria #4 in [Chapter 2, Land Use, Whatcom County Comprehensive Plan](#) and “Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.” ([Countywide Planning Policy](#) C.5)

emissions and per capita vehicle miles traveled,²⁵ and designate the location and extent of urban and community forests within the urban growth area.²⁶

None of the UGA proposals include the location and extent of urban and community forests within the urban growth area. And none of them addresses the reduction of greenhouse gas emissions and per capita vehicle miles traveled.

The Final EIS provides a table forecasting the 37% increase in vehicle miles traveled based on the preferred alternative.²⁷ This table identifies the increases in each UGA but fails to include a column that shows the percentage increase by UGA. We have made those calculations and provided them below. The highest increase – not a reduction – is in the UGA proposals that are under consideration at the September 11th meeting.²⁸

	2023 (Base Year)	2045 Preferred Alternative	Percentage Change
Bellingham UGA	1,693,782	2,302,246	35.9%
Birch Bay UGA	35,271	51,016	44.6%
Blaine UGA	90,103	137,261	52.3%
Cherry Point UGA	23,622	33,640	42.4%
Columbia Valley UGA	10,226	13,743	34.4%
Everson UGA	26,558	36,588	37.8%
External to County	241,703	305,365	26.3%
Ferndale UGA	398,601	563,323	41.3%
Lynden UGA	109,548	150,423	37.3%
County Non-UGA	1,663,312	2,282,374	37.2%
Nooksack UGA	13,043	18,882	44.8%
Sumas UGA	11,004	17,868	62.4%
Grand Total	4,316,772	5,912,729	37.0%

Source: FEIS, Table 3.10-6, citing WCOG Regional Travel Demand Model

Open Space Corridors

The Growth Management Act requires the county and city to identify open space corridors within and between urban growth areas.²⁹ These areas need to include lands useful for recreation, wildlife habitat,

²⁵ “(3) Transportation. Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.” “(14) Climate change and resiliency. ...support reductions in greenhouse gas emissions and per capita vehicle miles traveled;” [RCW 36.70A.020](#)

²⁶ “(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and green spaces, urban and community forests within the urban growth area,...” [RCW 36.70A.070](#)

²⁷ Table 3.10-6, FEIS, pg. 3-183

²⁸ Sumas 62.4%, Blaine 52.3%, Nooksack 44.8%, Birch Bay 44.8% and Everson 37.8%.

²⁹ [RCW 36.70A.160](#)

trails, and connection of critical areas. The UGA proposals presented to Whatcom County do not identify any open space corridors either within a UGA or between UGAs. Answers such as “will continue to require considerations”, bluntly saying “There are no open space corridors near this UGA proposal”, or that “a natural open space corridor is in place along the northern boundary of the UGA Reserve” does not meet the GMA requirements.

Converting UGA Reserve to UGA

The Whatcom County Comprehensive Plan outlines criteria for converting a UGA Reserve to UGA. Those criteria include 1) need for land capacity; 2) adequate public facilities and services; 3) land use plans; 4) natural resource lands; 5) environment; and 6) open space corridors. The failure of the various UGA proposals to meet these criteria³⁰ is outlined in our responses above.

Conclusions

We urge Whatcom County to amend the UGA proposals to ensure compliance with the Growth Management Act, Countywide Planning Policies and Comprehensive Plan. We also support the letter submitted by Futurewise dated September 10, 2025.

Sincerely,

David Stalheim, on behalf of
Whatcom Environmental Council

C: Whatcom County Council

Attachments:

Whatcom County Agricultural Strategic Plan
Whatcom County Rural Land Study 2019 Update
Swift Creek Sediment Management Action Plan
2025 1st Quarter Swift Creek Capital Project Report

³⁰ The Growth Management Hearings Board previously found Whatcom County to not follow this criteria with respect to fire and wastewater capital facilities in violation of RCW 36.70A.070 (Stalheim, et al vs Whatcom County, FDO, Case No. 10-2-0016c)