

**PROPOSED BY: \_\_\_\_\_**  
**INTRODUCED: FEBRUARY 8, 2022**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION SUPPORTING STATE LEGISLATIVE ACTION RESETTING THE  
DEADLINE FOR PARTICIPATION IN THE VSP AND SUPPORTING THE  
CONSIDERATION OF AN ORDINANCE CONSISTENT WITH RCW 36.70A.710(b)(i-iii)  
IN THE EVENT SUCH LEGISLATION IS PASSED**

**WHEREAS**, the Washington State Growth Management Act (GMA) requires counties to develop plans for managing population growth and development; and

**WHEREAS**, GMA comprehensive plans must identify and protect critical areas, including those on agricultural lands, and they also must preserve farmland; and

**WHEREAS**, prior to 2011, the main tool for counties to protect critical areas on agricultural land was regulation, and this led to many legal battles; and

**WHEREAS**, the Washington State Legislature created the Voluntary Stewardship Program (VSP) in 2011 to give counties the option to develop locally led work plans that use voluntary, incentive-based tools to protect critical areas and viable agriculture; and

**WHEREAS**, pursuant to RCW 36.70A.710(1)(b), in order to be eligible to participate in the VSP, a county legislative authority was required to elect to participate within six months after July 22, 2011; and

**WHEREAS**, while 27 counties timely elected to participate in the VSP, Whatcom County did not and, therefore, it is not currently eligible to participate in the VSP;

**WHEREAS**, in January 2020, Washington State Senate Bill (SB) 6545, a bill that proposed resetting the deadline for a county to join the VSP to July 1, 2021, was introduced and its replacement bill, Substitute Senate Bill (SSB) 6545, did not pass;

**WHEREAS**, a similar bill, Washington State House Bill (HB) 1856, proposing resetting the deadline for a county to join the VSP to July 1, 2023 has been introduced in the current legislative session;

**WHEREAS**, the parties in *Whatcom Farm Bureau, et al. v. Whatcom County*, GMHB Case No. 18-2-0001, recognize that the County's participation in the VSP could resolve the Petitioners' issues with the County's current regulatory approach to protecting critical areas on agricultural lands in the County's critical areas regulations (WCC Chapter 16.16);

**WHEREAS**, the parties in *Whatcom Farm Bureau, et al. v. Whatcom County*, GMHB Case No. 18-2-0001 agree that it may be in the best interest of Whatcom County if the state legislature extended the deadline for participation in the VSP as it could allow Whatcom County to consider a non-regulatory option to protect critical areas on agricultural land that brings all stakeholders to the table to discuss and resolve conflicts, rather than costly, time-consuming litigation.

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that it is supportive of HB 1856, which would extend the deadline for counties to participate in the VSP until July 1, 2023, and it urges the state legislature to adopt this bill;

**BE IT FINALLY RESOLVED** by the Whatcom County Council that, if the deadline is extended, the County Council is supportive of considering the adoption of an ordinance establishing the VSP in Whatcom County, consistent with RCW 36.70A.710(b)(i-iii).

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Todd Donovan, Council Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen N Frakes, Civil Deputy Prosecutor