



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Report

File Number: AB2024-088

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<b>File ID:</b>	AB2024-088	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	01/12/2024	<b>Entered by:</b>	CStrong@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council	<b>Final Action:</b>	02/06/2024		
<b>Agenda Date:</b>	02/06/2024	<b>Enactment #:</b>	ORD 2024-008		
<b>Related Files:</b>					

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Primary Contact Email: cstrong@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) and 3 (Revenue and Finance) to amend the qualifications for serving on the Wildlife Advisory Committee, the composition of the Conservation Easement Program Oversight Committee, and cleaning up the Agricultural Advisory Committee code

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Proposed ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) and 3 (Revenue and Finance) to amend the qualifications for serving on the Wildlife Advisory Committee, the composition of the Conservation Easement Program Oversight Committee, and cleaning up the Agricultural Advisory Committee code

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### HISTORY OF LEGISLATIVE FILE

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Date:	Acting Body:	Action:	Sent To:
01/23/2024	Council	SUBSTITUTE INTRODUCED	Council
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	
02/06/2024	Council	ADOPTED	
		Aye: 4 Buchanan, Donovan, Galloway, and Scanlon	
		Nay: 3 Byrd, Elenbaas, and Stremler	

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**Attachments:** Staff Memo, Proposed Ordinance, Substitute Proposed Ordinance, Revised Substitute Ordinance

PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: 1/23/2024

**ORDINANCE NO. 2024-008**

**ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLES 2 (ADMINISTRATION AND PERSONNEL) AND 3 (REVENUE & FINANCE) TO AMEND THE QUALIFICATIONS FOR SERVING ON THE WILDLIFE ADVISORY COMMITTEE, CLEANING UP THE AGRICULTURAL ADVISORY COMMITTEE CODE AND AMENDING THE COMPOSITION OF THE CONSERVATION EASEMENT PROGRAM OVERSIGHT COMMITTEE**

**WHEREAS**, the Wildlife Advisory Committee would like to be able to have a representative of a state or federal wildlife agency as one of their members, but WCC 2.118.040 precludes such a representative if they don't live and vote in Whatcom County; and,

**WHEREAS**, the Agricultural Advisory Committee wishes to clean up its establishing code; and,

**WHEREAS**, the Conservation Easement Program Oversight Committee would like to have as members representatives of the forestry industry and a conservation easement-holding entity, but WCC 3.25A.060 doesn't require this; and;

**WHEREAS**, the Conservation Easement Program Oversight Committee would like to allow members to participate in the Conservation Easement Program as long as they recuse themselves from voting if they have ownership interest in the land, but WCC 3.25A.060.A.1 does not allow this;

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

**Section 1.** Amendments to the Whatcom County Code are hereby adopted as shown in Exhibit A.

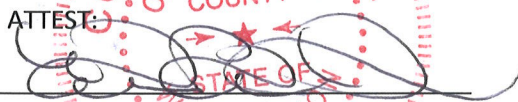
**Section 2.** Staff is authorized to work with Code Publishing to correct and update any cross-references made ineffective by these amendments.

**Section 3.** Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 6th day of February, 2024.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:



Dana Brown-Davis, Council Clerk

APPROVED as to form:

/s/Royce Buckingham approved via email on 1/31/2024/MR

Royce Buckingham, Civil Deputy Prosecutor



Barry Buchanan, Council Chair

Approved    ( ) Denied



Satpal Sidhu, Executive

Date: February 9, 2024

# Exhibit A: Proposed Amendments to Certain Administrative Functions

Version with Jill Nixon's suggested edits, 1/23/24

## 1) Amending the Qualifications for being Appointed to the Wildlife Advisory Committee (WAC)

### Title 2 ADMINISTRATION AND PERSONNEL

#### Chapter 2.118 Wildlife Advisory Committee

(...)

##### 2.118.040 Qualifications.

To qualify for County Council appointment to ~~fill any vacancy on a board, committee, or commission~~the Wildlife Advisory Committee, a person shall ~~be a qualified registered voter~~live in Whatcom County ~~or~~and be a member or employee of the agency or group ~~he or she is~~they are appointed to represent.

(...)

## 2) Cleaning up the Agricultural Advisory Committee code

#### Chapter 2.34 Agricultural Advisory Committee

##### 2.34.010 Established.

There is hereby established the Whatcom County ~~a~~Agricultural ~~a~~Advisory ~~e~~Committee (AAC).

##### 2.34.020 Purpose.

The ~~a~~Agricultural ~~a~~Advisory ~~e~~Committee provides review and recommendations to the Whatcom County ~~e~~Council on issues that affect agriculture in Whatcom County. The AAC also provides a forum for farmers and others interested in enhancing and promoting the long-term viability of Whatcom County agriculture:

##### 2.34.030 Function.

To report directly to the ~~e~~County ~~e~~Council or other appropriate advisory boards, commissions, and committees as necessary to carry out the following functions:

- A. Review and provide recommendations on zoning, comprehensive plan, subarea plans, regulations, ~~and~~ annexation issues, and land use ~~of~~ proposals ~~that which~~ directly affect lands or agricultural activities in or adjacent to the ~~a~~Agricultural district, the ~~a~~Agricultural ~~p~~Protection ~~e~~Overlay ~~d~~District, or other lands of agricultural significance; and,
- B. Assist the County and make recommendations in the effort to establish, promote, and implement a comprehensive agricultural protection/-preservation program; and,
- C. Analyze and develop recommendations that will assist the ~~e~~County in addressing other issues ~~that which~~ affect agriculture at the county, regional, state, and federal levels; and
- D. ~~Assist, u~~Upon request of the ~~D~~irector of ~~p~~lanning and ~~d~~evelopment ~~s~~erVICES, assist that department by providing review and comment on comprehensive planning and zoning related

issues in or adjacent to the ~~a~~Agricultural district or the ~~a~~Agricultural ~~p~~Protection ~~e~~Overlay ~~d~~District, or other lands of agricultural significance.

**2.34.040 Membership – Term of office.**

- A. The committee shall consist of no more than 13 voting members, consisting of one member from the Whatcom ~~C~~ounty ~~e~~Conservation ~~d~~District board, one representative from Whatcom Family Farmers, one representative from the agricultural processing industry, one ~~member citizen~~ representing consumers of agricultural products, and one ~~citizen-member~~ with expertise in agricultural programs. The remaining ~~68~~ voting positions are to include agricultural producers representing both large- and small-scale producers of the various agricultural commodities produced in Whatcom County. A quorum shall consist of at least half of the appointed voting members.

In addition to the voting members, a representative of Washington State University Extension, Natural Resources ~~C~~onservation Service, Whatcom ~~C~~ounty ~~e~~Conservation ~~d~~District staff, ~~and agriculturally involved youth (such as Future Farmers of America) youth, and Whatcom County Department of Planning and Development Services will~~ may serve on the committee in an *ex officio* capacity.

- B. The ~~e~~County ~~e~~Executive will appoint the voting ~~citizen~~ committee members with final confirmation by the ~~e~~County ~~e~~Council. ~~CitizenVotingAppointed~~ member terms will be four years.

**2.34.050 Organization – Meetings.**

Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. The committee shall determine its own meeting schedule, but shall meet at least four times per year. At every meeting, the committee will schedule an open session to take public comment on agricultural issues. Written records of meetings, resolutions, findings, and recommendations shall be kept, and such records shall be public. The committee shall adopt its own rules and procedures for ~~the~~ conducting ~~of~~ business. The committee shall elect a chairperson from among its members who shall preside at its meetings.

**2.34.060 Committee staffing.**

The Whatcom County ~~D~~epartment of ~~p~~lanning and ~~d~~evelopment ~~s~~ervices ~~d~~epartment shall provide staffing for the committee. The committee is authorized to request from the ~~e~~Executive's office information from administrative departments as necessary.

<b>3) Amending the Composition of the Conservation Easement Program Oversight Committee (CEPOC)</b>
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## **Title 3 REVENUE AND FINANCE**

### **Chapter 3.25A Whatcom County Conservation Easement Program**

**3.25A.060 Conservation easement program oversight committee established – Powers and duties.**

- A. **Establishment.** The CEP oversight committee is hereby established, as follows:

1. The committee shall consist of ~~nine seven~~ members appointed by the County Executive and confirmed by County Council. Each member shall be a resident in and of Whatcom County. The committee shall be comprised of ~~two three~~ farmers, one farmer or forestry representative, one

individual representing farm-supporting businesses, one individual possessing real estate experience, one ~~citizen-individual~~ (nonfarmer) from the unincorporated county, ~~and one individual citizen~~ (nonfarmer) from an incorporated city, one member with expertise in agricultural programs, and one conservation easement-holding entity. Any member who has an ownership interest in the land submitted for participation in the program shall recuse themselves from voting. ~~No members may have an ownership interest in any of the lands submitted for purchase pursuant to this chapter.~~

(...)

- D. **Organization – Meetings.** Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. The committee shall determine its own meeting schedule but shall meet at least annually. A public comment period will be provided at each meeting. Written records of meetings, decisions, findings, and recommendations shall be kept and such records shall be public. The committee shall adopt its own rules and procedures for the conduct of business. The committee shall elect a chairperson from among its members who shall preside at its meetings. A quorum shall consist of ~~four~~ five members present and the committee shall operate on a “majority rule” basis.