



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2022-080

File ID:	AB2022-080	Version:	1	Status:	Approved
File Created:	01/26/2022	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Resolution		
Assigned to:	Council			Final Action:	02/08/2022
Agenda Date:	02/08/2022			Enactment #:	RES 2022-008

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

TITLE FOR AGENDA ITEM:

Resolution supporting state legislative action resetting the deadline for participation in the voluntary stewardship program and supporting the consideration of an ordinance consistent with RCW 36.70A.710(b)(i-iii) in the event such legislation is passed

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This resolution affirms the County Council’s support of HB 1856, which would extend the deadline for counties to participate in the Voluntary Stewardship Program to July 1, 2023.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
02/08/2022	Council	APPROVED	
		Aye: 6	Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner
		Nay: 0	
		Absent: 0	
		Recused: 1	Elenbaas

Attachments: Proposed Resolution

PROPOSED BY: Council
INTRODUCED: FEBRUARY 8, 2022

RESOLUTION NO. 2022-008

**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 8th day of February, 2022.

ATTEST
COUNTY COUNCIL
WHATCOM COUNTY
STATE OF WASHINGTON



Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Todd Donovan, Council Chair

APPROVED AS TO FORM:

/s/ Karen Frakes (approved via e-mail) / JL
Karen N Frakes, Civil Deputy Prosecutor