

RESOLUTION NO. 14703

**A RESOLUTION ELECTING TO PARTICIPATE IN THE VOLUNTARY STEWARDSHIP PROGRAM AS PROVIDED IN CHAPTER 36.70A RCW AND ESHB 1886.**

**WHEREAS**, Thurston County is required to plan under chapter 36.70A RCW, the Growth Management Act (GMA), which contains thirteen goals that are intended to guide the development and adoption of comprehensive plans, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation and coordination, public facilities and services, and historic preservation; and

**WHEREAS**, RCW 36.70A.170 requires Thurston County to designate critical areas; and

**WHEREAS**, RCW 36.70A.060 requires Thurston County to adopt development regulations to protect designated critical areas; and

**WHEREAS**, according to RCW 36.70A.030, critical areas include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas; and

**WHEREAS**, RCW 36.70A.172 requires Thurston County to use the best available science when developing policies and development regulations to protect the functions and values of critical areas; and

**WHEREAS**, the Washington State Legislature, through Engrossed Substitute House Bill 1886, amended chapter 36.70A RCW to add a Voluntary Stewardship Program (VSP) (RCW 36.70A.700 through 36.70A.760) for the protection of critical areas in relation to agricultural uses; and

**WHEREAS**, in pursuing the VSP option, the legislature found that there was a need to achieve a balance between the productive use of agricultural resource lands and associated regulatory requirements, and that the effort to achieve that balance has been difficult; and

**WHEREAS**, according to RCW 36.70A.700, the purposes of the VSP are as follows:

- 1) Promote plans that protect and enhance critical areas in the area where agricultural activities are conducted
- 2) Focus and maximize voluntary incentive programs to encourage ecosystem stewardship in lieu of historic approaches
- 3) Leveraging existing resources
- 4) Improve compliance with other laws related to habitat and water quality
- 5) Rely on voluntary stewardship practices as the primary method of protecting critical areas and not require the cessation of agricultural activities; and

**WHEREAS**, pursuant to RCW 36.70A.710, prior to electing to participate in the VSP, a county is required to a) confer with tribes, and environmental and agricultural interests b) provide notice following the public participation and notice provisions of RCW 36.70A.035 to property owners and other affected interested individuals, tribes, government agencies, businesses, school districts, and organizations; and

**WHEREAS**, Chapter 2.05 of the Thurston County Code (TCC), Growth Management Public Participation, sets the minimum public participation requirements for satisfying RCW 36.70A.035; and

**WHEREAS**, the Board held a work session on August 24, 2011 with stakeholders to discuss the merits of the VSP; and

**WHEREAS**, the Board held subsequent work sessions on November 3, 2011 and December 14, 2011, prior to a public hearing to further discuss the merits of the VSP prior to a public hearing; and

**WHEREAS**, between August 2011 and January 2012, the Board consulted with tribes, those with environmental and agricultural interests; and

**WHEREAS**, on January 5, 2012, the Board held a duly noticed public hearing; and

**WHEREAS**, on January 12, 2012, the Board held a work session to further deliberate whether or not to elect to participation in the VSP and review the public comments received at the January 5, 2012 public hearing; and

**WHEREAS**, in 1978, the Board established an Agriculture Advisory Committee to advise the Board on public decisions and/or emerging issues that would significantly affect agriculture; and

**WHEREAS**, the Agriculture Advisory Committee has submitted a recommendation for Thurston County to elect to participate in the VSP; and

**WHEREAS**, on June 15, 2009, the Board adopted the Working Lands Strategic Plan to help ensure the economic viability of farm and forest lands in Thurston County; and

**WHEREAS**, according to the United States Environmental Protection Agency, Thurston County includes five (5) primary watersheds including the Upper Chehalis, the Lower Chehalis, the Nisqually, the Deschutes, and the Puget Sound; and

**WHEREAS**, these watersheds generally correspond to Water Resource Inventory Areas (WRIA) authorized under the Washington State Water Resources Act of 1971 (RCW 90.54); and

**WHEREAS**, the Upper Chehalis corresponds with WRIA 23, the Lower Chehalis with WRIA 22, the Nisqually with WRIA 11, the Deschutes with WRIA 13, and the Puget Sound watershed includes WRIA 14 Kennedy Goldsborough; and

**WHEREAS**, agricultural activities take place in all five primary watersheds; and

**WHEREAS**, nominating all five watersheds in Thurston County to participate in the VSP provides a uniform application for the protection of critical areas in relation to agricultural uses; and

**WHEREAS**, Thurston County's farmlands consist of large croplands, berry farms, pasturelands, livestock areas, and specialty crops throughout the county in all watersheds; and

**WHEREAS**, the most recent Federal Agriculture Census estimated that Thurston County Farms generated \$117 million in market value in 2007; and

**WHEREAS**, Lewis County, Washington and Grays Harbor County, Washington have elected to participate in the VSP including the Upper Chehalis and Lower Chehalis watersheds; and

**WHEREAS**, the other three watersheds draining to Puget Sound are subject to the National Marine Fisheries Service biological opinion issued on September 22, 2008 under an Endangered Species Act of 1973 Section 7 consultation on the effects of the Federal Emergency Management Agency's National Flood Insurance Program throughout Puget Sound on certain species of Salmon and Southern Resident killer whales listed under the Federal Endangered Species Act; and

**WHEREAS**, it may be necessary in the future to amend current critical areas regulations in relation to agricultural uses to ensure consistency with the biological opinion issued by the National Marine Fisheries Service and prevent a "take" of a species listed under the Federal Endangered Species Act of 1973; and

**WHEREAS**, the Board finds that it is necessary to review the definition for agricultural uses in the Thurston County Code during the critical areas ordinance update against the definition in the GMA and the Shoreline Management Act of 1971, Chapter 90.58 RCW for consistency; and

**WHEREAS**, in order to implement the VSP it may be necessary to amend Chapter 17.15 of the Thurston County Code to provide for the VSP; and

**WHEREAS**, in formulating its decision, the Board considered comments received through public hearing, consultation, and the public process; and

**WHEREAS**, the findings and the record generated in the public hearing and review process and at the adoption of the resolution show that this measure is consistent with the GMA; and

**WHEREAS**, local agricultural lands contribute to Thurston County's culture and economy, and provide important benefits to the community; and

**WHEREAS**, the Board believes that electing to participate in the VSP is consistent with the need to preserve public health, safety, and general welfare of Thurston County residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:**

**Section 1.** Pursuant to RCW 36.70A.710, Thurston County elects to participate in the Voluntary Stewardship Program.

**Section 2.** Pursuant to RCW 36.70A.710, the five (5) primary watersheds and corresponding Washington State Department of Ecology Water Resource Inventory Areas in Thurston County, including the Upper Chehalis, the Lower Chehalis, the Nisqually, the Deschutes and the Puget Sound (Kennedy Goldsborough), will participate in the program and are nominated as priority watersheds.

**Section 3.** Severability. If any section, subsection, sentence, clause, phrase or other portion of this Resolution or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

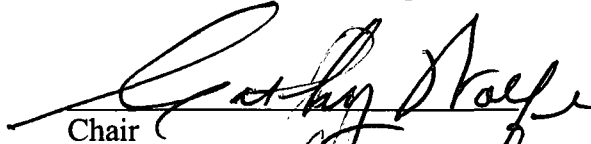
**Section 4.** Effective Date. This Resolution shall take effect *immediately upon adoption.*

ADOPTED: January 12, 2012

ATTEST:

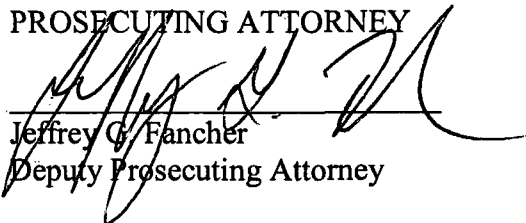
  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

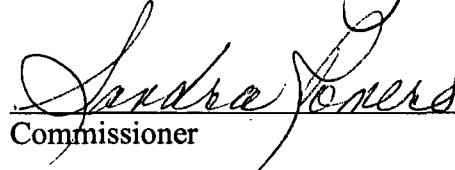
  
Chair

APPROVED AS TO FORM:

JON TUNHEIM  
PROSECUTING ATTORNEY

  
Jeffrey G. Fancher  
Deputy Prosecuting Attorney

  
Vice-Chair

  
Commissioner