

WAC 365-196-832 Protection of critical areas and voluntary stewardship program. (1) Upon approval of a watershed work plan, counties participating in the voluntary stewardship program pursuant to RCW 36.70A.710 are encouraged to reference and describe their participation in the program within their critical areas development regulations. Counties should ensure their development regulations are consistent with the approved watershed work plan.

(2) Prior to the approval of a work plan by the state conservation commission director, agricultural activities located in participating watersheds as defined in RCW 36.70A.703(5) are subject to existing development regulations that protect critical areas.

(3) After watershed work plan approval, protection of functions and values of critical areas from agricultural activities located in participating watersheds as defined in RCW 36.70A.703(5) is provided by the watershed work plan and any applicable development regulations. Agricultural activities located in nonparticipating watersheds are subject to applicable development regulations that protect critical areas.

(4) **County responsibilities when withdrawing from the voluntary stewardship program.** Counties that elect to protect critical areas through the voluntary stewardship program under RCW 36.70A.710 (1)(a) may withdraw a participating watershed from the program by adopting an ordinance or resolution withdrawing the watershed from the program. A county may withdraw a watershed from the program at the end of three years, five years or eight years after receipt of funding, or any time after ten years of funding. Watersheds withdrawn from the program are subject to RCW 36.70A.710 (7)(b).

Within eighteen months after withdrawing a participating watershed from the program, counties must review and, if needed, revise their development regulations that protect critical areas in that watershed as they specifically apply to agricultural activities. The development regulations must protect the critical area functions and values as they existed on July 22, 2011. During this interim period, counties must continue to protect critical areas in watersheds withdrawn from the program. The adopted ordinance or resolution used to withdraw participating watersheds must state how counties will continue to protect critical areas in watersheds withdrawn from the program. Counties have two options during the interim period:

(a) Adopt interim development regulations or revert to development regulations that were in place at the time of the watershed work plan approval; or

(b) Continue to implement the watershed work plan.

(5) **County responsibilities when exiting the voluntary stewardship program.** Watershed work plans that are not approved, fail, or are not funded are subject to RCW 36.70A.735(1).

Within eighteen months, counties must adopt one of the four options pursuant to RCW 36.70A.735(1). During this interim period, counties must continue to protect critical areas in areas used for agricultural activities. The four options include:

(a) Pursuant to RCW 36.70A.735 (1)(a) develop, adopt, and implement a watershed work plan approved by the state department of commerce that protects critical areas in areas used for agricultural activities while maintaining the viability of agriculture in the watershed.

(b) Pursuant to RCW 36.70A.735 (1)(b) adopt development regulations previously adopted by another local government to protect critical areas in areas used for agricultural activities. Counties may

adopt another county's critical area development regulations, provided such regulations are from a region with similar agricultural activities, geography, and geology, and are from Clallam, Clark, King, or Whatcom counties at the time the voluntary stewardship program legislation was enacted, and have not been invalidated, or are from any county (including Clallam, Clark, King, or Whatcom) and have been upheld as adequately protective of critical areas functions and values in areas used for agricultural activities by the growth management hearings board or court after July 1, 2011.

(c) Pursuant to RCW 36.70A.735 (1)(c) adopt development regulations certified by the state department of commerce as protective of critical areas in areas used for agricultural activities.

(d) Pursuant to RCW 36.70A.735 (1)(d) review and, if needed, revise development regulations adopted to protect critical areas as they relate to agricultural activities.

[Statutory Authority: RCW 36.70A.050 and 36.70A.190. WSR 17-20-100, § 365-196-832, filed 10/4/17, effective 11/4/17.]