

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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5 THE OSTROM COMPANY,

Case No. 05-2-0017

6 Petitioner,

7 v.

**ORDER FINDING
COMPLIANCE AND
CLOSING THE CASE**

8 WHATCOM COUNTY,

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10 Respondent.
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14 This matter comes to the Board on Whatcom County's statement of actions taken to achieve
15 compliance with the Growth Management Act (GMA) filed with the Board on August 10,
16 2006. Whatcom County's Progress Report on Compliance Efforts and Request to Waive
17 Requirement for the Filing of an Index. Respondent County states the adoption of
18 Ordinance 2006-031 on July 25th of this year replaces the non-compliant zoning ordinance
19 covering mushroom farming and the production of substrate on designated agricultural
20 lands codified in Title 20 of the Whatcom County Code. A copy of the new Whatcom County
21 ordinance, No. 2006-031, was filed as a supplement to the Index of Record on August 17,
22 2006.
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1 2006 Order and its June 12, 2006 Order Granting Motion for Extension of Compliance
2 Deadline.

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5 Ordinance 2006-031 adds a new chapter to the Whatcom County Code (WCC) at 20.20.15
6 entitled Mushroom Substrate Production Facilities Siting Requirements. This new ordinance
7 adoption, Respondent offers, resolves the GMA non-compliance determination on County
8 Ordinance 2005-057 entered in this Board's Final Decision and Order of February 14, 2006.
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13 Petitioner Ostrom agrees the July 25, 2006 adopted ordinance adequately addresses the
14 GMA matters at issue in their Petition for Review. This is stated in a letter filed with the
15 Board on August 16, 2006. Letter of Response of The Ostrom Company. Ostrom also
16 expressed a desire to handle the final compliance determination expeditiously.
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21 **Conclusion:** Whatcom County has removed the non-GMA compliant 2005 regulatory
22 zoning ordinance (2005-057) from its code and replaced it with a compliant Ordinance
23 2006-031 (WCC 20.20.15). The Board determines the adoption of the new ordinance allows
24 the agricultural production and uses of on-farm mushroom substrate on designated
25 agricultural lands in the county in compliance with RCW 36.70A.060.
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1 **ORDER**

2 Based on the foregoing, the Board determines the challenged provisions of Whatcom
3 County's development regulations and zoning code, as they affect agricultural uses on
4 designated agricultural lands of long-term commercial significance, now COMPLY with the
5 Growth Management Act and the Board's Order of February 14, 2006. WWGMHB Case
6 No. 05-2-0017 is hereby CLOSED.
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11 Entered this 12th day of September, 2006.
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15 _____
16 Gayle Rothrock
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19 Holly Gadbow
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21 _____
22 Margery Hite
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24 Pursuant to RCW 36.70A.300 this is a final order of the Board.
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26 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the
27 mailing of this Order to file a petition for reconsideration. Petitions for
28 reconsideration shall follow the format set out in WAC 242-02-832. The original and
29 three copies of the petition for reconsideration, together with any argument in
30 support thereof, should be filed by mailing, faxing or delivering the document directly
31 to the Board, with a copy to all other parties of record and their representatives.
32 **Filing means actual receipt of the document at the Board office.** RCW 34.05.010(6),
WAC 242-02-330. The filing of a petition for reconsideration is not a prerequisite for
filing a petition for judicial review.

1 **Judicial Review.** Any party aggrieved by a final decision of the Board may appeal the
2 decision to superior court as provided by RCW 36.70A.300(5). Proceedings for
3 judicial review may be instituted by filing a petition in superior court according to the
4 procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil

5 **Enforcement.** The petition for judicial review of this Order shall be filed with the
6 appropriate court and served on the Board, the Office of the Attorney General, and all
7 parties within thirty days after service of the final order, as provided in RCW
8 34.05.542. Service on the Board may be accomplished in person, by fax or by mail,
9 but service on the Board means actual receipt of the document at the Board office
within thirty days after service of the final order.

10 **Service.** This Order was served on you the day it was deposited in the United States
11 mail. RCW 34.05.010(19)