

SENATE BILL REPORT

SB 6255

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 11, 1992

**Brief Description:** Requiring counties or cities considering wetlands protection ordinances to create an inventory and map of wetlands.

**SPONSORS:** Senators Anderson, Snyder, Sutherland, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Matson, Bailey, Bauer, Newhouse, Rasmussen, Sellar, Hayner, McCaslin, West, Jesernig, von Reichbauer and Erwin

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

**Staff:** Bob Lee (786-7404)

**Hearing Dates:** January 17, 1992; February 6, 1992

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Second Substitute Senate Bill No. 6255 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Matson, Metcalf, Murray, Newhouse, Owen, L. Smith, West, and Williams.

**Staff:** Mike Groesch (786-7715)

**Hearing Dates:** February 11, 1992

**BACKGROUND:**

The Growth Management Act requires local governments to designate wetlands in accordance with the federal Clean Water Act and adopt development regulations to protect wetlands within their jurisdictions. Several counties and cities have, or are in the process of, adopting ordinances to regulate wetlands as required by the Growth Management Act.

**SUMMARY:**

Prior to adopting development regulations to protect wetlands, counties and cities shall develop an inventory and maps of wetlands and buffers if any. The county or city is required to mail to the owners of lands subject to the proposed

regulation a notice of how to obtain a copy of the proposed ordinance and map, and the time and location of the public hearing.

Once a county or city adopts an ordinance, it is to provide a copy of the maps and the ordinance to the county assessor's office within twenty days of adoption. The county assessor is required to use this information to determine a new assessed value within twelve months of receiving the information.

The above provisions apply to counties and cities that adopt development regulations after March 15, 1992.

Counties and cities that have adopted development regulations prior to March 15, 1992, shall develop an inventory and map land subject to wetland regulation by September 1, 1992. The county or city is also to mail to owners of land subject to the regulations, within 30 days of the completion of the maps, a notice of how landowners may obtain a copy of the ordinance and map.

**EFFECT OF PROPOSED SUBSTITUTE:**

The original bill did not specify the level of detail that mapping by local governments would be required to meet.

The substitute bill provides that the existing National Wetland Inventory maps in combination with the existing Soil Conservation Service maps be used as a basis for preparation of local wetland inventory maps. The use of these two maps are the minimum necessary to meet the requirements of the bill. Local governments could develop more detailed maps.

To provide increased accuracy, \$1.5 million is appropriated to provide grants to local governments to use infrared photography to map wetlands in anticipated urban growth area.

The Department of Community Development, in consultation with the Association of Cities, Washington State Association of Counties and affected interests, is required to evaluate contracting with the federal Soil Conservation Service, institutions of higher education or private consultants to map wetlands for local governments. A decision to contract with these entities is to be made within 30 days after the effective date.

Liability is removed for cities and counties for failure to notify every landowner if they make a reasonable attempt to notify landowners and also provide notice published in the newspaper.

The wetland inventory maps that are prepared are to be submitted to the county assessor along with the adopted ordinance. The bill instructs the county assessor to consider this information and to adjust property values within 12 months. If the assessor does not adjust the value within 12 months, the landowner may request the county board of equalization to revalue the property. If the property is

revalued, the landowner would be entitled to a refund of the overpaid taxes as of the effective date of the ordinance or three years, whichever is less.

The deadlines are extended by six months by which cities and counties are required to adopt regulations to protect wetlands and other critical areas to allow additional time to do mapping.

**EFFECT OF PROPOSED SECOND SUBSTITUTE:**

The appropriation of \$1.5 million is removed from the bill and enactment of the bill is made contingent upon funding in the budget.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 14, 1992

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR (Agriculture & Water Resources):**

Mapping wetlands is needed to provide local officials, landowners and others with information as to the location and extent of wetlands.

**TESTIMONY AGAINST (Agriculture & Water Resources):**

Detailed mapping of wetlands is too costly and general mapping is not detailed enough to be of value.

**TESTIFIED (Agriculture & Water Resources):** Darrell Turner, Washington State Farm Bureau; Donald Marcy, National Association of Industrial and Office Parks; Ted Cowan, Property Rights Alliance (pro); David Grant, BIAW; Bob Hitt, Washington Cranberry Alliance (pro); Ray Shindler, Washington Cranberry Alliance (pro); Darlene Madenwald, Washington Environmental Council (con); Karen Lane, Glacker Park Co., Ingrid J. Wachtler, self (pro); Naki Stevens, People for Puget Sound; Vic Rhuoroff, farmer and rancher; Ginny Broadhurst, Puget Sound Water Quality Authority (con); Terry Husseman, Department of Ecology; Dee Arntz, Washington Wetlands Network (con); Barbara Douma, Seattle Audubon Society (con); Jeff Parsons, National Audubon Society (con); Bruce Wishart, Sierra Club (con); Donna Gerasimczyk, Snag Island/Lake Tapps citizens

**TESTIMONY FOR (Ways & Means):**

It is difficult for the public to participate in the development of wetlands ordinances. Wetlands ordinances are resulting in a loss of property value.

**TESTIMONY AGAINST (Ways & Means):**

The process outlined in the bill is cumbersome and time consuming. The funds identified to assist local governments in mapping simply shifts resources from other programs. Protection of critical areas should not be delayed while mapping occurs.

**TESTIFIED (Ways & Means):** Senator Ann Anderson, prime sponsor; Senator Scott Barr (pro); Ingrid Wachter (pro); Harvey LaBoren (pro); Ralph Mackey, Washington Environmental Council; Bob Nix, Lewis County Farm Bureau (pro); Ken Bragert, Paul Parker, Washington Association of Counties (pro); Kathleen Collins, Association of Washington Cities; Ann Robison, League of Women Voters of Washington (con); Bruce Wishart, Sierra Club (con)