

SENATE BILL REPORT

SB 6367

As Reported By Senate Committee On:
Government Operations & Elections, February 2, 2006

Title: An act relating to voluntary measures to protect critical areas.

Brief Description: Requiring voluntary measures be included in critical area development regulations.

Sponsors: Senators Haugen, Jacobsen and Berkey.

Brief History:

Committee Activity: Government Operations & Elections: 1/24/06, 2/2/06 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6367 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Fairley, Haugen, McCaslin, Mulliken and Pridemore.

Staff: Genevieve Pisarski (786-7488)

Background: Under the Growth Management Act (GMA), as amended in 1995, all counties and cities must "include" the best available science in adopting policies and development regulations to protect the functions and values of critical areas. Critical areas are defined as wetlands, aquifer recharge areas, fish and wildlife habitat areas, flood plains, and geologically hazardous areas. Special consideration must also be given to measures that preserve or enhance anadromous fisheries.

Summary of Substitute Bill: The Legislature finds that protecting critical areas through voluntary activities often does more good than trying to regulate existing and nonconforming land uses and should be encouraged.

For the purpose of protecting critical areas and complying with GMA requirements in rural areas, local governments will use voluntary measures, incentives, education, and non-GMA regulations for existing and nonconforming uses, to the greatest extent to which they can be effective.

Substitute Bill Compared to Original Bill: Only existing and nonconforming uses, but not new development, are addressed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Education works better than regulation and needs to be formally recognized. If given a chance, most citizens will do the right thing. There are many private, institutional, governmental, and joint programs that teach and foster a stewardship ethic. All of Camano Island has habitat protection as a result of voluntary measures. GMA is especially difficult to implement for some types of land uses, agriculture in particular, and results in conflict that could be avoided. Voluntary programs complement the regulatory ones under the GMA.

Testimony Against: None.

Who Testified: PRO: Sen. Haugen, Prime Sponsor; Donald Meehan and Judy Feldman, WSU Extension/Island County and 4-H.

Signed in, Unable to Testify & Submitted Written Testimony: Kaleen Cottingham, Futurewise.