

SSB 5248 - H COMM AMD  
By Committee on Local Government

ADOPTED AND ENGROSSED 04/13/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the goal of  
4 preserving Washington's agricultural lands is shared by citizens  
5 throughout the state. The legislature recognizes that efforts to  
6 achieve a balance between the productive use of these resource lands  
7 and associated regulatory requirements have proven difficult, but that  
8 good faith efforts to seek solutions have yielded successes. The  
9 legislature believes that this willingness to find and pursue common  
10 ground will enable Washingtonians to enjoy the benefits of a successful  
11 agricultural economy and a healthy environment, while also preventing  
12 the unnecessary conversion of valuable agricultural lands.

13 (2) The legislature, therefore, intends this act, the temporary  
14 delays it establishes for amending or adopting provisions of certain  
15 critical area ordinances, and the duties and requirements it prescribes  
16 for the William D. Ruckelshaus Center, to be expressions of progress in  
17 resolving, harmonizing, and advancing commonly held environmental  
18 protection and agricultural viability goals.

19 (3) The legislature fully expects the duties and requirements it is  
20 prescribing for the Ruckelshaus Center to be successful. If, however,  
21 the efforts of the center do not result in agreement on how to best  
22 address the conflicts between agricultural activities and certain  
23 regulatory requirements as they apply to agricultural activities, the  
24 legislature intends, upon the expiration of the delay, to require  
25 jurisdictions that have delayed amending or adopting certain regulatory  
26 measures to promptly complete all regulatory amendments or adoptions  
27 necessary to comply with the growth management act.

28 (4) The legislature does not intend this act to reduce or otherwise  
29 diminish existing critical area ordinances that apply to agricultural

1 activities during the deferral period established in section 2 of this  
2 act.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
4 to read as follows:

5 (1) For the period beginning May 1, 2007, and concluding July 1,  
6 2010, counties and cities may not amend or adopt critical area  
7 ordinances under RCW 36.70A.060(2) as they specifically apply to  
8 agricultural activities. Nothing in this section:

9 (a) Nullifies critical area ordinances adopted by a county or city  
10 prior to May 1, 2007, to comply with RCW 36.70A.060(2);

11 (b) Limits or otherwise modifies the obligations of a county or  
12 city to comply with the requirements of this chapter pertaining to  
13 critical areas not associated with agricultural activities; or

14 (c) Limits the ability of a county or city to adopt or employ  
15 voluntary measures or programs to protect or enhance critical areas  
16 associated with agricultural activities.

17 (2) Counties and cities subject to deferral requirements under  
18 subsection (1) of this section:

19 (a) Should implement voluntary programs to enhance public resources  
20 and the viability of agriculture. Voluntary programs implemented under  
21 this subsection (2)(a) must include measures to evaluate the successes  
22 of these programs; and

23 (b) Must review and, if necessary, revise critical area ordinances  
24 as they specifically apply to agricultural activities to comply with  
25 the requirements of this chapter by December 1, 2011.

26 (3) For purposes of this section and section 3 of this act,  
27 "agricultural activities" means agricultural uses and practices  
28 currently existing or legally allowed on rural land or agricultural  
29 land designated under RCW 36.70A.170 including, but not limited to:  
30 Producing, breeding, or increasing agricultural products; rotating and  
31 changing agricultural crops; allowing land used for agricultural  
32 activities to lie fallow in which it is plowed and tilled but left  
33 unseeded; allowing land used for agricultural activities to lie dormant  
34 as a result of adverse agricultural market conditions; allowing land  
35 used for agricultural activities to lie dormant because the land is  
36 enrolled in a local, state, or federal conservation program, or the  
37 land is subject to a conservation easement; conducting agricultural

1 operations; maintaining, repairing, and replacing agricultural  
2 equipment; maintaining, repairing, and replacing agricultural  
3 facilities, when the replacement facility is no closer to a critical  
4 area than the original facility; and maintaining agricultural lands  
5 under production or cultivation.

6 NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts  
7 appropriated for this specific purpose, the William D. Ruckelshaus  
8 Center must conduct an examination of the conflicts between  
9 agricultural activities and critical area ordinances adopted under  
10 chapter 36.70A RCW. The examination required by this section must  
11 commence by July 1, 2007.

12 (2) In fulfilling the requirements of this section, the center  
13 must: (a) Work and consult with willing participants including, but  
14 not limited to, agricultural, environmental, tribal, and local  
15 government interests; and (b) involve and apprise legislators and  
16 legislative staff of its efforts.

17 (3) The examination conducted by the center must be completed in  
18 two distinct phases in accordance with the following:

19 (a) In the first phase, the center must conduct fact-finding and  
20 stakeholder discussions with stakeholders identified in subsection (2)  
21 of this section. These discussions must identify stakeholder concerns,  
22 desired outcomes, opportunities, and barriers. The fact-finding must  
23 identify existing regulatory, management, and scientific information  
24 related to agricultural activities and critical areas including, but  
25 not limited to: (i) Critical area ordinances adopted under chapter  
26 36.70A RCW; (ii) acreage enrolled in the conservation reserve  
27 enhancement program; (iii) acreage protected by conservation easements;  
28 (iv) buffer widths; (v) requirements of federally approved salmon  
29 recovery plans; (vi) the impacts of agricultural activities on Puget  
30 Sound recovery efforts; and (vii) compliance with water quality  
31 requirements. The center must issue two reports of its fact-finding  
32 efforts and stakeholder discussions to the governor and the appropriate  
33 committees of the house of representatives and the senate by December  
34 1, 2007, and December 1, 2008; and

35 (b)(i) In the second phase, the center must facilitate discussions  
36 between the stakeholders identified in subsection (2) of this section

1 to identify policy and financial options or opportunities to address  
2 the issues and desired outcomes identified by stakeholders in the first  
3 phase of the center's examination efforts.

4 (ii) In particular, the stakeholders must examine innovative  
5 solutions including, but not limited to, outcome-based approaches that  
6 incorporate, to the maximum extent practicable, voluntary programs or  
7 approaches. Additionally, stakeholders must examine ways to modify  
8 statutory provisions to ensure that regulatory constraints on  
9 agricultural activities are used as a last resort if desired outcomes  
10 are not achieved through voluntary programs or approaches.

11 (iii) The center must work to achieve agreement among participating  
12 stakeholders and to develop a coalition that can be used to support  
13 agreed upon changes or new approaches to protecting critical areas  
14 during the 2010 legislative session.

15 (4) The center must issue a final report of findings and  
16 legislative recommendations to the governor and the appropriate  
17 committees of the house of representatives and the senate by September  
18 1, 2009.

19 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
20 section 3 of this act, referencing this act and section 3 of this act  
21 by bill or chapter number and section number, is not provided by June  
22 30, 2007, in the omnibus appropriations act, this act is null and void.

23 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

27 NEW SECTION. **Sec. 6.** This act expires December 1, 2011."

28 Correct the title.

EFFECT: Makes the following changes to the underlying committee  
amendment:

(1) Specifies that for the period beginning May 1, 2007, and concluding July 1, 2010, counties and cities may not amend or adopt critical area ordinances under a provision of the Growth Management Act (GMA) as they specifically apply to agricultural activities;

(2) Specifies that counties and cities subject to deferral requirements for critical area ordinances: (a) Should implement voluntary programs to enhance public resources and the viability of agriculture. Any such voluntary programs must include measures to evaluate the successes of these programs; and (b) must review and, if necessary, revise critical area ordinances as they specifically apply to agricultural activities to comply with the requirements of the GMA by December 1, 2011;

(3) Requires the Ruckelshaus Center (Center) to produce a second preliminary report to the governor and the Legislature by December 1, 2008;

(4) Changes a legislative session date to specify that the Center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010, rather than the 2009, legislative session;

(5) Extends the date for the final report of findings and recommendations of the Ruckelshaus Center examination by one year to September 1, 2009; and

(6) Extends the act's expiration date from July 1, 2010, to December 1, 2011.

--- END ---