

SSB 5248 - H AMD TO LG COMM AMD (H3122.3/07) **858**
By Representative Simpson

ADOPTED 4/13/2007

1 Strike everything after page 1, line 2 of the amendment and
2 insert the following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the goal
4 of 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
7 lands and associated regulatory requirements have proven difficult,
8 but that good faith efforts to seek solutions have yielded
9 successes. The legislature believes that this willingness to find
10 and pursue common ground will enable Washingtonians to enjoy the
11 benefits of a successful agricultural economy and a healthy
12 environment, while also preventing the unnecessary conversion of
13 valuable agricultural lands.

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

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

1 (4) The legislature does not intend this act to reduce or
2 otherwise diminish existing critical area ordinances that apply to
3 agricultural activities during the deferral period established in
4 section 2 of this act.

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

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

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

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

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

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

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

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

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

1 federal conservation program, or the land is subject to a
2 conservation easement; conducting agricultural operations;
3 maintaining, repairing, and replacing agricultural equipment;
4 maintaining, repairing, and replacing agricultural facilities, when
5 the replacement facility is no closer to a critical area than the
6 original facility; and maintaining agricultural lands under
7 production or cultivation.

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

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

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

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

1 (b)(i) In the second phase, the center must facilitate
2 discussions between the stakeholders identified in subsection (2)
3 of this section to identify policy and financial options or
4 opportunities to address the issues and desired outcomes identified
5 by stakeholders in the first phase of the center's examination
6 efforts.

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

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

19 (4) The center must issue a final report of findings and
20 legislative recommendations to the governor and the appropriate
21 committees of the house of representatives and the senate by
22 September 1, 2009.

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

28 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and
31 takes effect immediately.

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

33 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.