

ESHB 2212 - S COMM AMD

By Committee on Government Operations & Elections

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 a consensus of 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 2009, counties and cities must defer amending or adopting 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 that defer amending or adopting critical  
18 area ordinances under subsection (1) of this section must review and  
19 revise these ordinances and regulations as they specifically apply to  
20 agricultural activities to comply with the requirements of this chapter  
21 by July 1, 2010.

22 (3) For purposes of this section and section 3 of this act,  
23 "agricultural activities" means agricultural uses and practices  
24 currently existing or legally allowed on rural land or agricultural  
25 land designated under RCW 36.70A.170 including, but not limited to:  
26 Producing, breeding, or increasing agricultural products; rotating and  
27 changing agricultural crops; allowing land used for agricultural  
28 activities to lie fallow in which it is plowed and tilled but left  
29 unseeded; allowing land used for agricultural activities to lie dormant  
30 as a result of adverse agricultural market conditions; allowing land  
31 used for agricultural activities to lie dormant because the land is  
32 enrolled in a local, state, or federal conservation program, or the  
33 land is subject to a conservation easement; conducting agricultural  
34 operations; maintaining, repairing, and replacing agricultural  
35 equipment; maintaining, repairing, and replacing agricultural  
36 facilities, when the replacement facility is no closer to a critical

1 area than the original facility; and maintaining agricultural lands  
2 under production or cultivation.

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

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

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

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

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

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

8 (iii) The center must work to achieve agreement among participating  
9 stakeholders and to develop a coalition that can be used to support  
10 agreed upon changes or new approaches to protecting critical areas  
11 during the 2009 legislative session.

12 (4) The center must issue a final report of findings and  
13 legislative recommendations to the governor and the appropriate  
14 committees of the house of representatives and the senate by September  
15 1, 2008.

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

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

24 NEW SECTION. **Sec. 6.** This act expires July 1, 2010."

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25 On page 1, line 3 of the title, after "lands;" strike the remainder  
26 of the title and insert "adding a new section to chapter 36.70A RCW;  
27 creating new sections; providing an expiration date; and declaring an

1 emergency."

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