

FINAL BILL REPORT

SSB 5248

C 353 L 07
Synopsis as Enacted

Brief Description: Preserving the viability of agricultural lands.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Local Government

Background: The Growth Management Act (GMA) was enacted in 1990. Local jurisdictions that are required, or choose to plan, are to adopt development regulations.

Generally, agricultural lands are either designated as "agricultural lands of long-term commercial significance" or as "rural" lands. Agricultural lands of long-term commercial significance are those that are not already characterized by urban growth and have long-term significance for the commercial production of food or other agricultural products. With a few exceptions, such as the one acre accessory use provision enacted in 2006, conversion of this category of agricultural land to non-agricultural uses is not allowed. The restrictions on the conversion of agricultural lands in areas zoned as rural are less and depend on the local ordinance.

The GMA requires local jurisdictions to protect critical areas. Local governments have adopted critical area ordinances and are required to update these based on a schedule. In 1995, counties and cities were required to include best available science in designating and protecting critical areas. In 2003, the Department of Ecology and the Department of Fish and Wildlife developed a version of "best available science" which has not been adopted as a rule nor been subject to public hearings. The result is that local governments are proposing larger buffers than previously existed which is meeting with resistance from local landowners.

In 2002, provisions were added to the Shoreline Management Act that specified that the contents of guidelines adopted by the Department of Ecology and master plans adopted by local governments may not require modification of, or limit agricultural activities on, agricultural land. However, they must include provisions addressing new agricultural activities on land not meeting the definition of agricultural activities, conversion of agricultural land to other uses, and development not meeting the definition of agricultural activities.

Summary: Counties and cities may not amend or adopt critical areas ordinances (CAOs) as they specifically apply to agricultural activities until July 1, 2010. This does not limit obligations of a county or city to comply with requirements pertaining to critical areas not associated with agricultural activities nor limit the ability of a county or city to adopt or

employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

Counties and cities subject to deferral requirements should implement voluntary programs to enhance public resources and the viability of agriculture, and must include measures to evaluate their success. By December 1, 2011, counties and cities subject to deferral are to review and revise CAOs to comply with the requirements of this chapter.

Subject to the availability of funds, the Ruckelshaus Center (Center) is directed to commence, by July 1, 2007, a two-phase examination of the conflicts between agricultural activities and CAOs. The first phase is to conduct fact-finding and stakeholder discussions, and the second phase is to facilitate discussions to identify policy and financial options or opportunities to address issues and desired outcomes. The stakeholders must examine innovative solutions that include outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if the desired outcomes are not achieved through voluntary programs or approaches.

The Center is to issue two reports of its fact-finding efforts and stakeholder discussions to the Governor and the appropriate legislative committees by December 1, 2007, and December 1, 2008. A report on the second phase including findings and legislative recommendations is to be issued to the Governor and to the Legislature by September 1, 2009.

The Center is to 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 Legislative Session.

The act expires on December 1, 2011.

Votes on Final Passage:

Senate	32	17	
House	82	15	(House amended)
Senate	45	2	(Senate concurred)

Effective: May 8, 2007