

SENATE BILL REPORT

SB 5301

As Reported By Senate Committee On:
Government Operations & Elections, February 20, 2007

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 and Rasmussen.

Brief History:

Committee Activity: Government Operations & Elections: 2/08/07, 2/20/07 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include certain elements, including land use, housing, transportation, and rural elements.

The rural element of a comprehensive plan must specify provisions for lands not designated for urban growth, agriculture, forest, or mineral resources. Such provisions include protecting critical areas, as well as surface and ground water resources.

In addition to other GMA requirements, all local governments must designate and protect critical areas in both urban and rural environments. Critical areas are defined by statute to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas,

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frequently flooded areas, and geologically hazardous areas. Each county and city must include the "best available science" in developing policies and development regulations to protect the functions and values of critical areas.

Summary of Bill: In order to protect critical areas located in rural environments, GMA comprehensive plans should include provisions encouraging the employment of voluntary measures, incentives, and education programs, to the extent that such voluntary approaches can be effective.

Provides an intent section stating the importance of encouraging voluntary measures for the protection of the environment.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections): References to pre-existing uses are deleted. Language that implied that using voluntary measures are more effective than regulator measures is removed. A new section to broaden the use of voluntary measures beyond the rural development element of the comprehensive plan is created.

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.

Staff Summary of Public Testimony: PRO: Environmental issues often create polarization within a community. Education is an effective tool to change the way people think about things. Educating people, encouraging them and promoting volunteer activities are a much better means of creating change than regulations. Currently, Island County has 700 volunteers to learn about protection of critical areas. Incentive based programs are vital. In Island County there are 500 acres of stream buffers that were created voluntarily. Most citizens are good people and want to do the right thing, they just need to know what to do.

CON: This idea needs a regulatory safety net. There needs to be clarification that voluntary programs do not pre-empt current regulations.

Persons Testifying: PRO: Senator Haugen, prime sponsor; Don Meehan, Washington State University Extension; Carolyn Kelly, Skagit Conservation District; Judy Feldman, Washington State University Extension /4-H.

CON: Kaleen Cottingham, FutureWise.