

HB 2213 - DIGEST

Finds that there have been and continue to be a considerable number of legal challenges brought before the growth management hearings boards and the courts concerning regulations protecting critical areas and their application to agricultural lands.

Finds it necessary to initiate short and longer-term actions to identify, consider, reduce, and resolve issues causing conflicts between agricultural activities occurring on agricultural lands and development regulations that protect critical areas.

Provides that development regulations adopted under RCW 36.70A.060(2) on or before January 1, 2007, may not prohibit or otherwise limit agricultural activities occurring on agricultural lands if: (1) The agricultural activities occurring on agricultural land are consistent with a farm plan for the parcels on which the agricultural activities are occurring;

(2) The applicable farm plan has been filed with and approved by the county in which the agricultural land is located;

(3) The applicable farm plan provides a level of protection to critical areas that is at least equal to the level of protection the jurisdiction otherwise requires through its development regulations under RCW 36.70A.060(2) for critical areas located on agricultural lands; and

(4) The landowner or operator waives the exemption from public disclosure provided under RCW 42.56.270(17) for the applicable farm plan.

Requires the department to provide mediation services to resolve disputes between: (1) Counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas;

(2) Counties, cities, and other persons regarding the application of development regulations that protect critical areas to agricultural activities occurring on agricultural lands; and

(3) Counties, cities, and other persons regarding alleged noncompliance with requirements of the statutes named in RCW 36.70A.280(1)(a) that relate to agricultural activities occurring on agricultural lands.

Establishes a joint legislative task force on development regulations and agricultural lands.

Directs the task force and the center to involve stakeholders from diverse perspectives in the process, including but not limited to representatives of counties, cities, the agriculture industry, the environmental community, Native American tribes, and state agencies.

Requires that, by January 1, 2008, the task force shall submit a progress report to the governor and the appropriate committees of the legislature identifying issues, initial recommendations, and a plan for the work remaining.

Requires that, by October 1, 2008, the task force and the center shall report to the governor and the appropriate committees of the legislature its findings and recommendations for resolving or reducing these conflicts, including statutory changes for consideration during the 2009 legislative session.