

SSB 6520 - H COMM AMD

By Committee on Local Government & Housing

ADOPTED 03/09/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 36.70A.560 and 2007 c 353 s 2 are each amended to  
4 read as follows:

5 (1) For the period beginning May 1, 2007, and concluding July 1,  
6 ((2010)) 2011, counties and cities may not amend or adopt 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 subject to deferral requirements under  
18 subsection (1) of this section:

19 (a) Should implement voluntary programs to enhance public resources  
20 and the viability of agriculture. Voluntary programs implemented under  
21 this subsection (2)(a) must include measures to evaluate the successes  
22 of these programs; and

23 (b) Must review and, if necessary, revise critical area ordinances  
24 as they specifically apply to agricultural activities to comply with  
25 the requirements of this chapter by December 1, ((2011)) 2012.

26 (3) For purposes of this section and RCW 36.70A.5601, "agricultural  
27 activities" means agricultural uses and practices currently existing or  
28 legally allowed on rural land or agricultural land designated under RCW  
29 36.70A.170 including, but not limited to: Producing, breeding, or  
30 increasing agricultural products; rotating and changing agricultural

1 crops; allowing land used for agricultural activities to lie fallow in  
2 which it is plowed and tilled but left unseeded; allowing land used for  
3 agricultural activities to lie dormant as a result of adverse  
4 agricultural market conditions; allowing land used for agricultural  
5 activities to lie dormant because the land is enrolled in a local,  
6 state, or federal conservation program, or the land is subject to a  
7 conservation easement; conducting agricultural operations; maintaining,  
8 repairing, and replacing agricultural equipment; maintaining,  
9 repairing, and replacing agricultural facilities, when the replacement  
10 facility is no closer to a critical area than the original facility;  
11 and maintaining agricultural lands under production or cultivation.

12 **Sec. 2.** RCW 36.70A.5601 and 2007 c 353 s 3 are each amended to  
13 read as follows:

14 (1) (~~Subject to the availability of amounts appropriated for this~~  
15 ~~specific purpose,~~) The William D. Ruckelshaus Center must conduct an  
16 examination of the conflicts between agricultural activities and  
17 critical area ordinances adopted under chapter 36.70A RCW. The  
18 examination required by this section must commence by July 1, 2007.

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

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

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

1 requirements. The center must issue two reports of its fact-finding  
2 efforts and stakeholder discussions to the governor and the appropriate  
3 committees of the house of representatives and the senate by December  
4 1, 2007, and December 1, 2008; and

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

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

17 (iii) The center must work to achieve agreement among participating  
18 stakeholders and to develop a coalition that can be used to support  
19 agreed upon changes or new approaches to protecting critical areas  
20 during the ((2010)) 2011 legislative session.

21 (4) The center must issue a final report of findings and  
22 legislative recommendations to the governor and the appropriate  
23 committees of the house of representatives and the senate by September  
24 1, ((2009)) 2010.

25 **Sec. 3.** 2007 c 353 s 6 (uncodified) is amended to read as follows:  
26 This act expires December 1, ((2011)) 2012."

27 Correct the title.

EFFECT: Deletes provisions that would nullify examination requirements for the Ruckelshaus Center if specific funding for the requirements is not appropriated through legislative action.

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