
Local Government & Housing Committee

HB 2891

Brief Description: Extending time to complete recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center.

Sponsors: Representatives Simpson, Blake, Chandler, Nelson, Kretz, White, Dunshee, Miloscia, Short, Upthegrove, Springer, Sullivan, Kenney and Ormsby.

Brief Summary of Bill

- Extends a provision that temporarily prohibits counties and cities from amending or adopting critical areas ordinances (CAOs) as they specifically apply to agricultural activities by one year to July 1, 2011.
- Specifies that counties and cities that are subject to the temporary prohibition are required to review and, if necessary, revise their applicable CAOs by December 1, 2012.
- Grants the William D. Ruckelshaus Center, in completing its examination of the conflicts between agricultural activities and CAOs adopted under the Growth Management Act, one additional year to conclude certain examination tasks.
- Includes a null and void clause for provisions pertaining to the Ruckelshaus Center.

Hearing Date: 1/25/10

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

All jurisdictions are required by the GMA to satisfy specific designation mandates for natural resource lands and critical areas. All local governments, for example, must designate, where appropriate, agricultural lands that are not characterized by urban growth that have long-term significance for the commercial production of food or other agricultural products. Planning jurisdictions have further requirements under the GMA and must also adopt development regulations that conserve designated agricultural lands.

In addition to designation requirements, all local governments must also protect critical areas. These protection requirements obligate local governments to adopt development regulations, also known as critical areas ordinances (CAOs), meeting specified criteria. As defined by statute, critical areas include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

The William D. Ruckelshaus Center.

The William D. Ruckelshaus Center (Ruckelshaus Center or Center) is a joint effort of the University of Washington and Washington State University that is dedicated to helping public, tribal, private, non-profit, and other community leaders build consensus and resolve conflicts around difficult public policy issues. The Center provides neutral expertise to improve the quality and availability of voluntary collaborative approaches for policy development and multi-party dispute resolution.

Recent Legislative Action, SSB 5248 (2007).

Legislation adopted in 2007 (*i.e.*, SSB 5248, enacted as ch. 253, Laws of 2007) temporarily prohibited counties and cities from taking certain actions pertaining to CAOs. As specified in SSB 5248, between May 1, 2007, and July 1, 2010, counties and cities are prohibited from amending or adopting CAOs as they specifically apply to agricultural activities, a term defined in the legislation. Counties and cities subject to the temporary prohibition are required to review and, if necessary, revise their CAOs as they specifically apply to agricultural activities to comply with requirements of the GMA by December 1, 2011.

The 2007 legislation also charged the Ruckelshaus Center with conducting a two-phased examination of the conflicts between agricultural activities and CAOs adopted under the GMA. The examination, which was directed to begin by July 1, 2007, was to be completed in two distinct phases. In the first phase, the Center was directed conduct fact-finding and stakeholder discussions related to stakeholder concerns, desired outcomes, opportunities, and barriers. In the second phase of the examination, the Center was directed to:

- facilitate stakeholder discussions to identify policy and financial options or opportunities to address the issues and desired outcomes identified in the first phase; and

- seek to achieve agreement among participating stakeholders and to develop a coalition to support changes or new approaches to protecting critical areas during the 2010 legislative session.

Various reporting requirements were established for the Center in SSB 5248 and a final report of findings and legislative recommendations was to be issued by the Center to the Governor and the appropriate committees of the House of Representatives and Senate by September 1, 2009.

Center efforts associated with the examination are ongoing and a final report has not been issued.

Summary of Bill:

A provision that temporarily prohibited counties and cities from taking certain actions pertaining to CAOs is extended one year. Between May 1, 2007, and July 1, 2011, counties and cities may not amend or adopt CAOs as they specifically apply to agricultural activities. Counties and cities that are subject to the temporary prohibition are required to review and, if necessary, revise their CAOs as they specifically apply to agricultural activities to comply with requirements of the GMA by December 1, 2012.

The Ruckelshaus Center, in completing its examination of the conflicts between agricultural activities and CAOs adopted under the GMA, is given one additional year to conclude certain examination tasks. The Center must seek to achieve agreement among participating stakeholders and to develop a coalition to support changes or new approaches to protecting critical areas during the 2011 legislative session. Additionally, the Center is required to issue a final report of findings and legislative recommendations to the appropriate committees of the House of Representatives and the Senate by September 1, 2010.

The Ruckelshaus Center provisions are null and void if funding for the examination conclusion activities is not provided by June 30, 2010, in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.