

SENATE BILL REPORT

2SHB 1797

As Reported by Senate Committee On:
Government Operations & Elections, March 23, 2009

Title: An act relating to a rural and resource lands study.

Brief Description: Examining rural and resource lands.

Sponsors: House Committee on General Government Appropriations (originally sponsored by Representatives White, Priest, Springer, Anderson, Miloscia, Nelson, McCoy, Rodne, Simpson and Sullivan).

Brief History: Passed House: 3/11/09, 68-29.

Committee Activity: Government Operations & Elections: 3/19/09, 3/23/09 [DPA, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott, Pridemore and Swecker.

Minority Report: Do not pass.

Signed by Senator Roach, Ranking Minority Member.

Staff: Sharon Swanson (786-7447)

Background: The Growth Management Act. The Growth Management Act (GMA or Act) 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 Act (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The Department of Community, Trade and Economic Development (DCTED) provides technical and financial assistance to jurisdictions that must implement requirements of the GMA.

Directives applying to all counties and cities require the designation of agricultural, forest, and mineral resource lands that have long-term significance for commercial use. All counties

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and cities must also designate and protect critical areas, areas that include wetlands, frequently flooded areas, and fish and wildlife habitat conservation areas.

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, including a rural element, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

The GMA includes requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA must designate urban growth areas, areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

The William D. Ruckelshaus Center. The William D. Ruckelshaus Center (Center) is a joint effort of the University of Washington and Washington State University that is dedicated to helping public, tribal, private, nonprofit, 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.

Puget Sound Regional Council. The Puget Sound Regional Council (PSRC) is an association of cities, towns, counties, ports, and state agencies that serves as a forum for developing policies and making decisions about regional growth and transportation issues in the four-county central Puget Sound region. Membership of the PSRC includes King, Kitsap, Pierce, and Snohomish Counties, 72 cities and towns, four port districts, and transit agencies and tribes within the region. Two state agencies, the Department of Transportation and the Transportation Commission, are also members of the PSRC.

Summary of Bill (Recommended Amendments): Examination by the William D. Ruckelshaus Center in Partnership with the PSRC. Subject to the availability of amounts for this specific purpose, the Center, in partnership with the PSRC, must conduct an examination of trends affecting, and policies guiding, the maintenance of rural and resource lands in Washington. The examination must commence by July 1 of the year in which funds are made available.

In conducting the examination, the Center must:

- work and consult with willing participants including, but not limited to, stakeholders representing agricultural, environmental, forestry, development, realty, tribal, and local government interests; and
- involve and apprise legislators and legislative staff of its efforts.

The Center must conduct fact-finding and stakeholder discussions with the participants. These discussions must identify stakeholder concerns, barriers, opportunities, and desired principles for maintaining rural character and conserving resource lands. The fact-finding must identify existing regulatory, management, and scientific information related to rates of growth in rural and resource lands, and associated policies guiding development in these lands. The Center must issue two reports of its fact-finding efforts and stakeholder

discussions to the Governor and the appropriate committees of the House of Representatives and the Senate: one by December 1 of the year in which funds for the examination become available; and one by the following July 1.

The Center must facilitate discussions between the stakeholders for the purposes of identifying options and recommendations for addressing expected growth in a manner that maintains rural character and conserves forest, farm, and natural areas. The Center also must work to achieve agreement among stakeholders, and to develop a coalition to support changes or new approaches to maintaining the character of rural lands, and conserving agricultural and forest lands of long-term significance.

The Center must issue a final report of findings and legislative recommendations to the Governor and the appropriate committees of the House of Representatives and the Senate by September 1 of the year following the year in which funds for the examination become available.

Account Creation and Use. The Rural and Resource Lands Study Account (Account) is created in the custody of the State Treasurer. All receipts from gifts, grants, and endowments from public or private sources, in trust or otherwise, must be deposited into the Account. Monies from the state General Fund may not be deposited into the Account. Expenditures from the Account may be used only for an examination of trends and policies pertaining to the maintenance of rural and resource lands in Washington. Only the Director of the DCTED or the Director's designee may authorize expenditures from the Account.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Amendments): The striking amendment adds clarifying language to ensure that no General Fund money can be deposited into the Rural and Resource Lands Study Account.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Substitute House Bill: PRO: The issues and concerns that have developed since the passage of the GMA have changed. This bill is intended to examine the best ways to maintain rural and resource lands, and to bring together a coalition to move related issues forward.

OTHER: There may be a duplication of efforts with this bill. The Office of Farmland Preservation (OFP) was created for very similar purposes as those stated in this bill. The OFP has resources so it would make sense that they would take the lead on this type of study.

Persons Testifying: PRO: Megan Lynch, Cascade Land Conservancy.

OTHER: Ron Shultz, Washington State Conservation Commission.