

SENATE BILL REPORT

SB 5292

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 15, 2011

Title: An act relating to exempting irrigation and drainage ditches from the definition of critical areas.

Brief Description: Exempting irrigation and drainage ditches from the definition of critical areas.

Sponsors: Senators Honeyford, Schoesler, Swecker, Holmquist Newbry and Roach.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/03/11, 2/15/11 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5292 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

Staff: Karen Epps (786-7424)

Background: 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 planning requirements for counties and cities 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. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

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.

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.

All jurisdictions are required by the GMA to satisfy specific designation mandates for natural resource lands and critical areas. All local governments must adopt development regulations, also known as critical areas ordinances, that meet 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.

Summary of Bill (Recommended Substitute): The definition of critical areas does not include irrigation canals, structures, or drainage ditches that are constructed, in total or in part, and maintained by an irrigation district or company and are within the boundaries of the irrigation district or company.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Changes the language to establish that critical areas do not include irrigation canals, structures, or drainage ditches that are constructed, in total or in part, and maintained by an irrigation district or company and that are within the boundaries of the irrigation district or company.

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 Original Bill: PRO: The challenge comes from protecting the environment while carrying out legal responsibilities to maintain the irrigation district facilities and transport water to the landowners that the district serves. These irrigation ditches are not a perennial stream or natural watercourse. This bill would provide an exemption for irrigation ditches and drainages.

CON: The concern with this bill is making sure that it is limited to irrigation facilities that are manmade and completely artificial. If the irrigation ditch or canal is part of a natural stream, protections need to be put in place. There could be unintended consequences with this bill. This bill would apply to critical areas that cover frequently flooded areas and this bill could create little pockets where the critical areas ordinance did not apply.

Persons Testifying: PRO: James Trull, Sunnyside Valley Irrigation District.

CON: Josh Weiss, Washington State Association of Counties; Tom Clingman, Department of Ecology; April Putney, Futurewise.