
HOUSE BILL 1777

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Kretz and McCune

Read first time 02/02/11. Referred to Committee on Local Government.

1 AN ACT Relating to development regulations adopted under the growth
2 management act to protect critical areas that apply to agricultural
3 activities; amending RCW 36.70A.560; amending 2010 c 203 s 3
4 (uncodified); creating a new section; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington's
7 agriculture industry is vital to the health and well-being of the state
8 and its residents. This industry employs one hundred sixty thousand
9 persons, has an economic value of thirty-eight billion dollars, and
10 represents twelve percent of the state's economy. Additionally, the
11 legislature recognizes that the agricultural community has a deeply
12 vested interest in protecting the natural functions of the land, as
13 clean water and a healthy environment are essential to the community's
14 livelihood.

15 The legislature finds also that agricultural production has been
16 decreasing in recent years and that many production and production-
17 related businesses have either closed or relocated to other locations
18 with more favorable regulatory environments. These trends are

1 especially troubling, as the agriculture industry provides fresh and
2 nutritious foods for our residents and prevents Washingtonians from
3 relying upon products produced in other states and nations.

4 The legislature further finds that twelve state agencies and twelve
5 federal agencies have jurisdiction over agricultural activities.
6 Additionally, water quality is regulated by five state agencies and two
7 federal agencies. Although the legislature may not have intended to
8 overburden the agriculture industry with government regulation, the
9 industry, with its many small and family businesses, has seen the
10 number of applicable regulations and regulators steadily increase. The
11 legislature, therefore, intends to provide relief to the agriculture
12 industry by extending a moratorium on the amendment or adoption of
13 development regulations adopted under the growth management act to
14 protect critical areas as they specifically apply to agricultural
15 activities.

16 **Sec. 2.** RCW 36.70A.560 and 2010 c 203 s 1 are each amended to read
17 as follows:

18 (1) For the period beginning May 1, 2007, and concluding July 1,
19 (~~(2011)~~) 2012, counties and cities may not amend or adopt critical area
20 ordinances under RCW 36.70A.060(2) as they specifically apply to
21 agricultural activities. Nothing in this section:

22 (a) Nullifies critical area ordinances adopted by a county or city
23 prior to May 1, 2007, to comply with RCW 36.70A.060(2);

24 (b) Limits or otherwise modifies the obligations of a county or
25 city to comply with the requirements of this chapter pertaining to
26 critical areas not associated with agricultural activities; or

27 (c) Limits the ability of a county or city to adopt or employ
28 voluntary measures or programs to protect or enhance critical areas
29 associated with agricultural activities.

30 (2) Counties and cities subject to deferral requirements under
31 subsection (1) of this section:

32 (a) Should implement voluntary programs to enhance public resources
33 and the viability of agriculture. Voluntary programs implemented under
34 this subsection (2)(a) must include measures to evaluate the successes
35 of these programs; and

36 (b) Must review and, if necessary, revise critical area ordinances

1 as they specifically apply to agricultural activities to comply with
2 the requirements of this chapter by December 1, ((2012)) 2013.

3 (3) For purposes of this section and RCW 36.70A.5601, "agricultural
4 activities" means agricultural uses and practices currently existing or
5 legally allowed on rural land or agricultural land designated under RCW
6 36.70A.170 including, but not limited to: Producing, breeding, or
7 increasing agricultural products; rotating and changing agricultural
8 crops; allowing land used for agricultural activities to lie fallow in
9 which it is plowed and tilled but left unseeded; allowing land used for
10 agricultural activities to lie dormant as a result of adverse
11 agricultural market conditions; allowing land used for agricultural
12 activities to lie dormant because the land is enrolled in a local,
13 state, or federal conservation program, or the land is subject to a
14 conservation easement; conducting agricultural operations; maintaining,
15 repairing, and replacing agricultural equipment; maintaining,
16 repairing, and replacing agricultural facilities, when the replacement
17 facility is no closer to a critical area than the original facility;
18 and maintaining agricultural lands under production or cultivation.

19 (4) This section expires December 1, 2013.

20 **Sec. 3.** 2010 c 203 s 3 (uncodified) is amended to read as follows:
21 ((This act)) RCW 36.70A.5601 expires December 1, 2012.

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