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## Local Government Committee

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### HB 2187

**Brief Description:** Extending the date by which counties participating in the voluntary stewardship program must review and, if necessary, revise development regulations that apply to critical areas in areas used for agricultural activities.

**Sponsors:** Representatives Takko and Blake.

#### Brief Summary of Bill

- Extends the date by which certain counties participating in the Voluntary Stewardship Program of the Growth Management Act must review and, if necessary, revise development regulations to protect critical areas as they apply to agricultural activities.

**Hearing Date:** 1/15/14

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for "planning jurisdictions," the 29 counties and the cities within that are obligated to satisfy all requirements of the GMA.

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 are implemented through locally adopted development regulations, and these plans and regulations must be reviewed, and if necessary, revised according to a recurring eight-year schedule specified in the GMA.

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All counties and cities are required by the GMA to 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 additional requirements under the GMA and must also adopt development regulations that conserve these agricultural lands and other designated natural resource lands.

All counties and cities must also designate and protect environmentally sensitive critical areas. These protection requirements obligate local governments to adopt development regulations, also known as critical areas ordinances, 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.

#### Voluntary Stewardship Program.

Legislation enacted in 2011 (ESHB 1886, enacted as ch. 360, Laws of 2011) established the Voluntary Stewardship Program (VSP). The VSP, which is administered by the Washington State Conservation Commission, seeks to protect and enhance critical areas on lands used for agricultural activities through voluntary actions by agricultural operators.

The VSP provides a watershed oriented framework for protecting critical areas in areas used for agricultural activities that is an alternative to the traditional practice of protecting these areas through development regulations mandated by the GMA. The legislative authorities of 28 counties have elected to protect these critical areas through the VSP, with two counties receiving state funds for program implementation.

With limited exceptions, the VSP requires counties to review and, if necessary, revise their development regulations to protect critical areas as they specifically apply to agricultural activities by July 22, 2013. If the county did not elect to participate in the VSP, this review and revision requirement applied to all unincorporated areas. If the county did elect to participate in the VSP, the review and revision requirement applied only to watersheds that were not participating in the VSP.

Additionally, counties that participate in the VSP and that completed a review of their development regulations to adopted protect critical areas as they specifically apply to agricultural activities between July 1, 2003, and June 30, 2007, are not required to review and revise those regulations until mandated by the GMA's recurring eight-year review and revision schedule. Subsequent reviews and revisions of development regulations adopted to protect critical areas as they specifically apply to agricultural activities must occur according to applicable requirements of the GMA.

#### **Summary of Bill:**

Counties that participate in the VSP and that, between July 1, 2003, and June 30, 2007, completed a review of their development regulations to adopted protect critical areas as they specifically apply to agricultural activities are not required to review and revise those regulations until June 1, 2021, or the applicable date mandated by the GMA's recurring eight-year review and revision schedule, whichever is later.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2014.

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