
SUBSTITUTE HOUSE BILL 2891

State of Washington 61st Legislature 2010 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Simpson, Blake, Chandler, Nelson, Kretz, White, Dunshee, Miloscia, Short, Upthegrove, Springer, Sullivan, Kenney, and Ormsby)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to providing a one-year extension for completion of
2 recommendations under RCW 36.70A.5601 conducted by the William D.
3 Ruckelshaus Center; amending RCW 36.70A.560 and 36.70A.5601; amending
4 2007 c 353 s 6 (uncodified); and providing an expiration date.

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

6 **Sec. 1.** RCW 36.70A.560 and 2007 c 353 s 2 are each amended to read
7 as follows:

8 (1) For the period beginning May 1, 2007, and concluding July 1,
9 (~~2010~~) 2011, counties and cities may not amend or adopt critical area
10 ordinances under RCW 36.70A.060(2) as they specifically apply to
11 agricultural activities. Nothing in this section:

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

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

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

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

3 (a) Should implement voluntary programs to enhance public resources
4 and the viability of agriculture. Voluntary programs implemented under
5 this subsection (2)(a) must include measures to evaluate the successes
6 of these programs; and

7 (b) Must review and, if necessary, revise critical area ordinances
8 as they specifically apply to agricultural activities to comply with
9 the requirements of this chapter by December 1, (~~2011~~) 2012.

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

26 **Sec. 2.** RCW 36.70A.5601 and 2007 c 353 s 3 are each amended to
27 read as follows:

28 (1) Subject to the availability of amounts appropriated for this
29 specific purpose, the William D. Ruckelshaus Center must conduct an
30 examination of the conflicts between agricultural activities and
31 critical area ordinances adopted under chapter 36.70A RCW. The
32 examination required by this section must commence by July 1, 2007.

33 (2) In fulfilling the requirements of this section, the center
34 must: (a) Work and consult with willing participants including, but
35 not limited to, agricultural, environmental, tribal, and local
36 government interests; and (b) involve and apprise legislators and
37 legislative staff of its efforts.

1 (3) The examination conducted by the center must be completed in
2 two distinct phases in accordance with the following:

3 (a) In the first phase, the center must conduct fact-finding and
4 stakeholder discussions with stakeholders identified in subsection (2)
5 of this section. These discussions must identify stakeholder concerns,
6 desired outcomes, opportunities, and barriers. The fact-finding must
7 identify existing regulatory, management, and scientific information
8 related to agricultural activities and critical areas including, but
9 not limited to: (i) Critical area ordinances adopted under chapter
10 36.70A RCW; (ii) acreage enrolled in the conservation reserve
11 enhancement program; (iii) acreage protected by conservation easements;
12 (iv) buffer widths; (v) requirements of federally approved salmon
13 recovery plans; (vi) the impacts of agricultural activities on Puget
14 Sound recovery efforts; and (vii) compliance with water quality
15 requirements. The center must issue two reports of its fact-finding
16 efforts and stakeholder discussions to the governor and the appropriate
17 committees of the house of representatives and the senate by December
18 1, 2007, and December 1, 2008; and

19 (b)(i) In the second phase, the center must facilitate discussions
20 between the stakeholders identified in subsection (2) of this section
21 to identify policy and financial options or opportunities to address
22 the issues and desired outcomes identified by stakeholders in the first
23 phase of the center's examination efforts.

24 (ii) In particular, the stakeholders must examine innovative
25 solutions including, but not limited to, outcome-based approaches that
26 incorporate, to the maximum extent practicable, voluntary programs or
27 approaches. Additionally, stakeholders must examine ways to modify
28 statutory provisions to ensure that regulatory constraints on
29 agricultural activities are used as a last resort if desired outcomes
30 are not achieved through voluntary programs or approaches.

31 (iii) The center must work to achieve agreement among participating
32 stakeholders and to develop a coalition that can be used to support
33 agreed upon changes or new approaches to protecting critical areas
34 during the ((2010)) 2011 legislative session.

35 (4) The center must issue a final report of findings and
36 legislative recommendations to the governor and the appropriate
37 committees of the house of representatives and the senate by September
38 1, ((2009)) 2010.

1 **Sec. 3.** 2007 c 353 s 6 (uncodified) is amended to read as follows:
2 This act expires December 1, (~~2011~~) 2012.

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