
HOUSE BILL 2891

State of Washington

61st Legislature

2010 Regular Session

By Representatives Simpson, Blake, Chandler, Nelson, Kretz, White, Dunshee, Miloscia, Short, Upthegrove, Springer, Sullivan, Kenney, and Ormsby

Read first time 01/18/10. Referred to Committee on Local Government & Housing.

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); creating a new section; and providing an
5 expiration date.

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

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

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

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

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

18 (c) Limits the ability of a county or city to adopt or employ

1 voluntary measures or programs to protect or enhance critical areas
2 associated with agricultural activities.

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

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

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

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

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

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

35 (2) In fulfilling the requirements of this section, the center
36 must: (a) Work and consult with willing participants including, but

1 not limited to, agricultural, environmental, tribal, and local
2 government interests; and (b) involve and apprise legislators and
3 legislative staff of its efforts.

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

6 (a) In the first phase, the center must conduct fact-finding and
7 stakeholder discussions with stakeholders identified in subsection (2)
8 of this section. These discussions must identify stakeholder concerns,
9 desired outcomes, opportunities, and barriers. The fact-finding must
10 identify existing regulatory, management, and scientific information
11 related to agricultural activities and critical areas including, but
12 not limited to: (i) Critical area ordinances adopted under chapter
13 36.70A RCW; (ii) acreage enrolled in the conservation reserve
14 enhancement program; (iii) acreage protected by conservation easements;
15 (iv) buffer widths; (v) requirements of federally approved salmon
16 recovery plans; (vi) the impacts of agricultural activities on Puget
17 Sound recovery efforts; and (vii) compliance with water quality
18 requirements. The center must issue two reports of its fact-finding
19 efforts and stakeholder discussions to the governor and the appropriate
20 committees of the house of representatives and the senate by December
21 1, 2007, and December 1, 2008; and

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

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

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

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

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

7 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
8 section 2 of this act, referencing section 2 of this act by bill or
9 chapter number and section number, is not provided by June 30, 2010, in
10 the omnibus appropriations act, section 2 of this act is null and void.

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