

FINAL BILL REPORT

SSB 5353

C 187 L 23
Synopsis as Enacted

Brief Description: Concerning the voluntary stewardship program.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Wagoner, Van De Wege, Dozier, Salomon, Short, Warnick and Wilson, J.).

Senate Committee on Agriculture, Water, Natural Resources & Parks
Senate Committee on Ways & Means
House Committee on Local Government
House Committee on Appropriations

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes referred to as fully planning under the GMA.

All jurisdictions are required by the GMA to satisfy specific designation mandates for natural resource lands and critical areas. In addition to requirements for natural resource lands, all local governments must designate and protect environmentally sensitive critical areas. These protection requirements obligate local governments to 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Growth Management Act—Voluntary Stewardship Program. The Voluntary Stewardship Program (VSP) was created in 2011 and allows participating counties to develop local work plans that use voluntary and incentive-based tools, as an alternative to regulation, to protect critical areas and agricultural lands. Counties had to opt in to the VSP by early 2012, and 27 counties chose to participate.

Counties participating in the VSP create a work plan approved by the Washington State Conservation Commission (Conservation Commission), and then implement the plan by recruiting local landowners to participate in incentive-based stewardship activities. Counties report their progress to the Conservation Commission. The Conservation Commission is required to determine every two years which watersheds in participating counties received adequate funding to implement the VSP.

If the Conservation Commission determines that a watershed within a participating county has not received adequate funding to implement the VSP, the county must take one of four specified actions:

- develop, adopt, and implement a work plan in the watershed that protects critical areas used for agricultural activities;
- adopt development regulations that have previously been adopted by another local government for the purpose of protecting critical areas used for agricultural activities;
- adopt development regulations certified by the Department of Commerce as protective of critical areas in areas used for agricultural activities; or
- review, and if necessary, update development regulations adopted under the GMA to protect critical areas as they relate to agricultural activities.

Washington State Conservation Commission. The Conservation Commission assists and guides Washington's 47 conservation districts, which are political subdivisions of the state, as they work with local communities to conserve renewable natural resources.

Summary: The date to join the VSP is removed. A county that elects to join the VSP is eligible for a share of any new funding made available to implement the program, subject to funding availability from the state. A county that elects to join the VSP is not required to implement the program in a participating watershed until new adequate funding for the program in that watershed is provided to the county. The election by a county to participate in VSP may not take effect until new adequate funding for the program in that watershed is provided to the county

The Conservation Commission is required to determine every two years which watersheds in the new participating counties received adequate funding to implement the VSP. If the Conservation Commission determines that a watershed within a new participating county has not received adequate funding to implement the VSP, the county must take one of four specified actions:

- develop, adopt, and implement a work plan in the watershed that protects critical areas used for agricultural activities;

- adopt development regulations that have previously been adopted by another local government for the purpose of protecting critical areas used for agricultural activities;
- adopt development regulations certified by the Department of Commerce as protective of critical areas in areas used for agricultural activities; or
- review, and if necessary, update development regulations adopted under the GMA to protect critical areas as they relate to agricultural activities.

Votes on Final Passage:

Senate 49 0

House 94 3

Effective: July 23, 2023