

Land Use & Climate Change Advisory Committee

Ruckelshaus Center Update

--Ruckelshaus Center excerpt from GMA Effectiveness Study, edits made 6/23/2008 by CTED Growth Management Services

Preserving the viability of agricultural lands – Chapter 36.70A RCW (SSB 5248, 2007)

SSB 5248 acknowledges the difficulty of “...efforts to achieve a balance between the productive use of these (agricultural) resource lands and associated regulatory requirements...The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.” (SSB 5248, Sec. 1(1))

SSB 5248 amended the Growth Management Act (GMA), creating several sections of law that became effective in May 2007 but will expire December 1, 2011. The law directs the William D. Ruckelshaus Center (Center) to convene willing stakeholders and examine conflicts between agricultural activities and GMA critical area ordinances (CAOs). While the Center is working with the stakeholders to develop recommendations, the law created a temporary hold on counties and cities amending or adopting CAOs as they apply to agricultural activities. (An account of the Center’s first progress report follows.) CAOs adopted prior to May 1, 2007 are not affected by this law, nor are CAOs affected as they relate to critical areas not associated with agricultural activities.

Preserving Agricultural Viability and Protecting Critical Areas: Substitute Senate Bill 5248 Progress Report No. 1 (November 2007)

The GMA amendments included in SSB 5248 designated the William D. Ruckelshaus Center (Center), a neutral policy consensus center, to “...examine the interactions between agricultural activities and environmental regulation of critical areas, and to work with participating stakeholders to identify innovative approaches that will advance both environmental protection and agricultural viability goals.” (Report No.1, cover letter)

The Center’s role is to provide the necessary support for participants in the stakeholder process to make recommendations, including research resources, contacts and conflict resolution expertise. The first three of the five steps leading to and including committee recommendations was the focus of the first six months of the committee’s work:

- Form a representative stakeholder group;
- Prepare operating principles and ground;
- Initiate fact-finding of regulatory, management and scientific information, and conduct discussions with affected stakeholders to identify issues, desired outcomes, and opportunities and barriers.

The purpose of these steps is to form a basis of common understanding among stakeholders in order to narrow disagreement on the facts. The remaining steps are to prepare a package of findings and recommendations for preserving agricultural viability and protecting critical areas and to build support for recommendations among individuals, organizations and governments affected by the process. The committee will address several new tasks in 2008, including the review of strategies that have been successfully implemented within and outside of Washington State, examining promising areas of new policy and formulating a set of recommendations to address the challenge of balancing the maintenance of agricultural land while protecting critical areas and conduct some field visits.

Part 4 of the report – Status of Fact Finding and Stakeholder Discussions – describes the important early research for the committee, preparing a county-by-county review of critical areas ordinances (CAOs) and conservation reserve programs across the state. Available CAO spatial information is being incorporated into a single Geographic Information System (GIS) database and additional databases are being constructed for three areas of currently adopted CAOs:

- How each county defines agricultural activities and critical areas;
- What regulatory framework each county employs to protect critical areas associated with agricultural activities; and
- If exemptions from CAO requirements are in effect.

Committee discussions in 2007 were primarily concerned with organizing the process to be effective and credible, provide direction to the Center’s fact finding and then to begin reviewing initial fact finding areas. The next Center progress report to the Washington State Legislature is due Dec. 1, 2008.