

***Local Government & Housing
Committee***

HB 1947

Brief Description: *Revising provisions relating to shoreline master program guidelines.*

Sponsors: *Representatives G. Chandler, Hatfield, B. Chandler, Doumit, Mulliken, Clements, Grant and Sump.*

Brief Summary of Bill

- *Defines "agricultural practices" within the Shoreline Management Act to include a variety of agricultural uses and activities.*
- *Specifies shoreline master program guidelines adopted after November 1, 2000, may not address new agricultural development meeting the "agricultural practices" definition unless the guidelines' agricultural provisions are approved by the Legislature.*

Hearing Date: *2/14/01*

Staff: *Caroleen Dineen (786-7156).*

Background:

The Shoreline Management Act (SMA) governs all "shorelines of the state," including both "shorelines" and "shorelines of state-wide significance." Shorelines include all water areas, including reservoirs, and their associated "shorelands" except: (1) shorelines of statewide significance [separately defined to include specific shoreline areas identified in statute]; (2) shorelines on segments of streams upstream of a point at which the mean annual flow is less than or equal to 20 cubic feet per second (cfs); and (3) shorelines on lakes fewer than 20 acres in size. Shorelands include the lands extending landward 200 feet in all directions from the ordinary high water mark as well as floodways and contiguous floodplain areas landward 200 feet from the floodways. Shorelands also include all wetlands and river deltas associated with streams, lakes and tidal waters subject to the SMA.

The SMA requires counties and cities with shorelines of the state to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions. All 39 counties and more than 200 cities have enacted master programs.

The SMA also requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing these local shoreline master programs. The DOE must provide an opportunity for local governments and others to comment on the proposed guidelines and must hold public hearings before the proposed guidelines are adopted. The DOE may propose amendments to the guidelines no more than once per year and must review the guidelines at least once every five years.

Local governments must develop or amend shoreline master programs consistent with the DOE guidelines within 24 months after the DOE guidelines are adopted. The DOE considers the adopted guidelines and SMA requirements when reviewing and approving local shoreline master programs.

The DOE adopted new guidelines in November 2000.

Summary of Bill:

Shoreline master program guidelines adopted by the Department of Ecology (DOE) after November 1, 2000, and local shoreline master programs based on those guidelines may not address new agricultural development that meets the definition of agricultural practices unless the guidelines' provisions relating to agricultural practices are reviewed and approved by the Legislature. The guidelines and master programs do not apply retroactively to agricultural practices.

"Agricultural practices" is defined in the SMA to include a variety of agricultural uses and activities. Uses and activities identified in the definition are:

- producing, breeding, or increasing agricultural products;*
- rotating and changing agricultural crops;*
- allowing land used for agricultural activities to lie fallow for agricultural or conservation purposes;*
- conducting agricultural operations;*
- maintaining, repairing, and replacing agricultural equipment and facilities; and*
- maintaining agricultural lands under production or cultivation.*

"Agricultural products" include horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hay, straw, turf, sod, seed, and apiary products as well as feed or forage for livestock. "Agricultural products" also include Christmas trees, hybrid cottonwood, and similar hardwoods harvested as crops within 20 years of planting. The term also includes

livestock and animal products, including meat, poultry, and dairy.

"Agricultural equipment and facilities" includes equipment, machinery, shelters, buildings, ponds, water diversions, and water conveyance and use equipment and facilities. The term also includes corridors and facilities for transporting personnel, livestock and equipment; farm residences and associated equipment, lands and facilities; and roadside stands and on-farm markets.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *The bill contains an emergency clause and takes effect immediately.*