

SENATE BILL REPORT

SB 5945

As of February 22, 2005

Title: An act relating to agricultural zoning that supports family farm ownership.

Brief Description: Encouraging agricultural zoning that supports family farm ownership.

Sponsors: Senators Kastama, Swecker, Mulliken, Haugen, Honeyford, McCaslin, Rasmussen, Parlette and Roach.

Brief History:

Committee Activity: Government Operations & Elections: 2/24/05.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Genevieve Pisarski (786-7488)

Background: Among the goals that the state's Growth Management Act (GMA) establishes is that of maintaining and enhancing productive agricultural industries, encouraging conservation of productive agricultural lands, and discouraging incompatible uses. Jurisdictions are required to designate agricultural lands that are not already characterized by urban growth and that have long-term commercial significance for the commercial production of food or other agricultural products and to adopt development regulations that conserve these agricultural lands.

Agricultural land is defined as land that is primarily devoted to the commercial production of certain listed products and has long-term commercial significance for agricultural production. Long-term commercial significance is defined as including growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

The GMA provides for use of innovative zoning techniques for designated agricultural lands, in order to conserve agricultural lands and encourage the agricultural economy. Jurisdictions are encouraged to limit nonagricultural uses to lands with poor soils or otherwise unsuitable for agricultural purposes. In 2004, additional provisions were adopted to allow accessory uses that support, promote, or sustain agricultural operations and production.

Decisions of the Growth Management Hearings Boards regarding designation and conservation of agricultural lands have focused on soil characteristics as a decisive factor for whether land should be designated as agricultural land. A study of the designation of agricultural lands done by the Department of Community, Trade, and Economic Development, pursuant to 2004 SB 6488, reported that designation of agricultural land plays a significant role in conserving this land and that this designation does not ensure the viability of the agriculture industry.

Summary of Bill: The legislature adopts findings that the GMA and the decisions of the hearings boards do not allow counties to consider other important factors, when designating agricultural resource lands of commercial significance. The legislature also declares its intent to give counties flexibility to assure that there is a viable agricultural industry in the state.

The definition of long-term commercial significance is amended to add consideration of three factors: (1) a reasonable expectation of profitability, in respect to historical or reasonably expected commercial viability within the region; (2) current and projected needs for assuring long-term viability; and (3) legal access to sufficient water for commercial viability.

Provisions for innovative zoning techniques for designated agricultural lands are amended to include development regulations. Requirements to restrict or prohibit non farm uses and limit accessory uses are replaced with requirements to support incidental, nonfarm, home-based small businesses to supplement on-farm income and sustain family farm ownership.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Lewis County exemplifies the situation in the rest of the state. "Long term commercial significance" needs to be clarified to include the factors that affect economic viability and provide a reasonable expectation of continuing. Amendments adopted in 2004 to allow accessory uses that supplement farm income failed to include activities that aren't related to farming.

Testimony Against: The GMA is supposed to protect small family farms and their communities; this bill does the opposite. It changes the meaning of "long term commercial significance" in a way that works against small, family farms. Lewis County is ignoring viable, small-scale farming and only looking at agri-business. The proposed factors ignore traditional farming that continually adapts to changing market demand and provides reliable local food production, instead of dependence on foreign sources. Water should not be a factor, as opposed to productive soils. The factors would lead to de-designation of agricultural land and loss of viable farms in favor of re-zoning for commercial and industrial uses. The proposed changes go too far and would undermine, rather than support, the agricultural industry as required by the GMA. The bill would undo the consensus recommendations of the GMA work group that were adopted in 2004 by allowing non-farm-related businesses that could be incompatible with designated agricultural land.

Who Testified: PRO: John Stuhlmiller, Washington Farm Bureau.

CON: Susie Kyle, Winlock Meadows Farm; Susan Roth, Farmer.

Signed in, Unable to Testify & Submitted Written Testimony: CON: Eugene Butler; Leonard Bauer, CTED.