

SENATE BILL REPORT

SB 5968

As Reported by Senate Committee On:
Agriculture & Rural Economic Development, February 24, 2009

Title: An act relating to the protection of agricultural lands.

Brief Description: Regarding the protection of agricultural land.

Sponsors: Senators Haugen, Brandland, Hatfield, Morton and Roach.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 2/19/09, 2/24/09 [DPS].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hatfield, Chair; Schoesler, Ranking Minority Member; Becker, Haugen, Jacobsen, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: A provision included in 1990 in the Growth Management Act required state agencies to comply with local comprehensive plans and development regulations adopted by counties. Twenty-nine of the 39 counties in the state have adopted development regulations that include designation and protection of agricultural lands of long-term commercial significance.

Rules adopted by the Department of Community, Trade and Economic Development have been adopted to implement this statutory requirement. The rule, WAC 365-195-765, construes the statute to apply only when a building or other permit is required and not to conversion from the designated agricultural use to a nonagricultural use.

Summary of Bill (Recommended Substitute): Except for acquisition of land for highway right of way, no state agency may acquire in fee simple or provide funds to other entities to acquire in fee simple agricultural lands, designated by a county as agricultural lands of long-term commercial significance, for conversion to nonagricultural activities without prior

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written approval by the county legislative authority. The county legislative authority may require the state agency or other entity receiving state funds to submit information including the property's legal description, the proposed use of the property to be acquired, and an analysis of the impact on adjacent lands and the continued viability of the region's agricultural industry.

EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute): The substitute clarifies that the bill applies to fee simple acquisition and applies if the land is being acquired for conversion to nonagricultural activities. Prior approval is not required when the purchase of land is for acquisition of highway right of way.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: None.

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

Staff Summary of Public Testimony on Original Bill: PRO: The effort is to retain sufficient critical mass of farmland to make agriculture in the area viable. Farmlands that are zoned for agriculture are often attractive to state agencies because of their price, but farmers can't afford to bid against state agencies that are willing to pay above the agricultural market value of the land.

OTHER: Some land trusts buy development rights to agricultural land for the purpose of preserving the land so less than fee simple acquisitions should be allowed. The Department of Natural Resources (DNR) may sell some land and then buy other lands to generate income for the trusts. Counties have an interest in modifying the process.

Persons Testifying: PRO: John Roozen, Washington Bulb Company; Curtis Johnson, Western Washington Agricultural Association; Allen Rozema, Skagitonians for the Protection of Farmland.

OTHER: Josh Weiss, Washington State Association of Counties; Mike Palazzo, Department of Transportation; Heath Packard, DNR; Bill Robinson, Nature Conservancy.