

SENATE BILL REPORT

SB 5168

As of January 31, 2015

Title: An act relating to the definition of agricultural lands under the shoreline management act.

Brief Description: Addressing the definition of agricultural lands under the shoreline management act.

Sponsors: Senators Warnick, Honeyford, Hatfield, Schoesler and Benton.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 1/27/15.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Diane Smith (786-7410)

Background: The Shoreline Management Act (SMA) governs all shorelines of the state, including both shorelines and shorelines of statewide significance. Shorelines include all water areas, including reservoirs, and their associated shorelands with some exceptions.

Shorelands also include all wetlands and river deltas associated with streams, lakes, and tidal waters subject to SMA.

SMA requires counties and cities with shorelines to adopt local shoreline master programs (SMP) regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions.

SMA also requires the Department of Ecology (Ecology) to adopt guidelines for local governments to use when developing these local SMPs. Ecology may also propose amendments to the guidelines.

Local governments must review, and update if required, their SMP at least every eight years. The purpose of this review is to assure that their SMP complies with applicable laws and guidelines and is consistent with the comprehensive plan, development regulations, and other local regulations. The first round of reviews and necessary revisions are due by June 30, 2019, for three Puget Sound counties and their cities; reviews and necessary revisions for

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other jurisdictions will be due June 30 the following three years. Ecology considers the adopted guidelines and SMA requirements when reviewing and approving local SMPs.

Neither Ecology's guidelines nor local governments' master programs may require modification of or limit agricultural activities occurring on agricultural lands.

Agricultural activities are defined to include a variety of agricultural uses and activities including:

- 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, among others, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products as well as feed or forage for livestock. The term also includes livestock and animal products, including meat, upland finfish, poultry, and dairy.

Agricultural equipment and agricultural facilities include, among other things, equipment, machinery, shelters, buildings, ponds, fences, upland finfish rearing facilities, water diversions, and water conveyance and use equipment and facilities.

Agricultural land means those specific land areas on which agricultural activities are conducted.

Summary of Bill: The definition of agricultural land is clarified. Agricultural activities conducted on the land include both activities actually and those potentially conducted on the land. Agricultural land may neither be converted to wetland or fish habitat nor subject to tidal inundation.

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.

Staff Summary of Public Testimony: PRO: The salmon problem has not been solved by conversion of agricultural land to estuaries or other habitat. Agricultural land must be preserved for agricultural pursuits.

CON: The bill prevents local communities from deciding for themselves and developing voluntary, customized, local approaches that have proven to be able to balance these competing interests.

OTHER: One of the rights of owning property is to decide what to do with it. This bill takes away from agricultural landowners the right to chose a habitat project. The voluntary Stewardship Program is successful. This bill will make thoughtful development much more difficult by foreclosing mitigation opportunities.

Persons Testifying: PRO: Evan Sheffels, Farm Bureau; Suzanne Phillips, National Sustainable Agriculture Coalition.

CON: Bryce Yadon, Futurewise; David Price, Restoration Division Manager, WA Dept. of Fish and Wildlife; Ron Shultz, Conservation Commission; Tom Clingman, Ecology; Gerry O'Keefe, WA Public Ports Assn.; Steve Robinson, Quinault and Lummi Nations.

OTHER: Megan White, WA State Dept. of Transportation; Jack Field, WA Cattlemen's Assn.; Jennifer Joly, Pierce County Government Relations.