

SENATE BILL REPORT

SHB 2917

As Reported By Senate Committee On:
Agriculture & Rural Economic Development, February 21, 2006

Title: An act relating to accessory uses on agricultural lands.

Brief Description: Identifying accessory uses on agricultural lands.

Sponsors: House Committee on Local Government (originally sponsored by Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks; by request of Department of Agriculture).

Brief History: Passed House: 2/10/06, 98-0.

Committee Activity: Agriculture & Rural Economic Development: 2/20/06, 2/21/06 [DPA].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass as amended.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen, Morton and Sheldon.

Staff: Bob Lee (786-7404)

Background: The Growth Management Act provides that counties required to or that opt to plan under the act are to designate and protect agricultural lands of long-term commercial significance by the adoption of development regulations by September 1, 1991. These regulations are not to prohibit uses legally existing on any parcel prior to their adoption. Such regulations are to assure that the use of lands adjacent to agricultural lands shall not interfere with the continued use, and in the accustomed manner and in accordance with best management practices, of these designated agricultural lands.

Counties and cities may use innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance to conserve agricultural lands and to encourage the agricultural economy. These techniques include but are not limited to agricultural zoning that limits the density of development and restricts or prohibits nonfarm use of agricultural lands.

In 2004, clarification was passed that agricultural zoning may allow accessory uses that support, promote, or sustain agricultural operations and production. This 2004 statute lists a set of conditions that accessory uses must comply with, including that the activity be agriculturally related.

Summary of Amended Bill: The 2004 legislation is restructured. Accessory agricultural-related activities continue to be allowed. Accessory agricultural-related activities and

nonagricultural-related activities are allowable, as long as they are compatible in size, scale, and intensity of the existing agricultural use and will not interfere with the agricultural use of the property and neighboring properties. In addition, nonagricultural related activities, including building, parking or supportive services may not be located outside the area already developed and shall not convert more than one acre of agricultural land to nonagricultural use.

Amended Bill Compared to Original Bill: Clarification is provided as to what are to be considered as accessory agricultural-related activities. Clarification is provided that counties and cities have authority to allow or limit accessory activities in accordance with the provisions of the bill. The section is not to be interpreted as limiting agricultural production on designated agricultural lands.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Some farms need to supplement their farm income with a secondary nonfarm income. Counties need to maintain authority to limit and to say no to undesirable nonagricultural activities in agricultural areas. There is support for the one acre limit.

Testimony Against: None.

Who Testified: PRO: Mary Beth Lang, Department of Agriculture; Eric Johnson, Washington Association of Counties; Kaleen Cottingham, Futurewise; Jerry Smedes, NW Environmental Business Council.