

# SENATE BILL REPORT

## SB 5276

---

---

As of February 15, 2013

**Title:** An act relating to the use of designated agricultural lands.

**Brief Description:** Regarding the use of designated agricultural lands.

**Sponsors:** Senators Hobbs, Honeyford, Hatfield, Pearson, Hargrove, Shin, Delvin and Schoesler.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 2/05/13.

---

### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Staff:** Diane Smith (786-7410)

**Background:** The Growth Management Act (GMA) requires that counties which plan under the act determine what agricultural lands are to be designated as agricultural land of long-term commercial significance. Lands zoned as agricultural lands limit the density of development and restrict or prohibit nonfarm uses of agricultural land but may allow accessory uses that support, promote, or sustain agricultural operations and production of the designated lands.

The following counties must plan under GMA: Chelan, Clallam, Clark, Grant, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Spokane, Thurston, Whatcom, and Yakima.

The following counties are voluntarily planning under the GMA: Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Kittitas, Pacific, Pend Oreille, Stevens, and Walla Walla.

The following counties are not planning under GMA: Adams, Asotin, Cowlitz, Grays Harbor, Klickitat, Lincoln, Okanogan, Skamania, Wahkiakum, and Whitman.

In recent years, the Legislature has more clearly defined when agricultural accessory uses and nonagricultural accessory uses may be made of the lands designated as agricultural land of long-term commercial significance. Agricultural accessory uses, such as facilities to store, distribute, and market regional agricultural products, are allowed to be located within the

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

designated agricultural land area. Specific nonagricultural accessory uses are allowed on designated parcels but they cannot convert more than one acre of agricultural land to nonagricultural use.

State agencies must comply with the local comprehensive plans and development regulations established by local governments under the GMA. Specific provisions govern locating essential public facilities. Essential public facilities are those that are typically difficult to site such as airports, correctional facilities, mental health facilities, and public transportation facilities, among others.

**Summary of Bill:** Any city, county, or state agency owning land designated as agricultural land of long-term commercial significance by a comprehensive plan or development regulations adopted under the GMA must protect and maintain that land for future agricultural use.

This provision is not to be construed as prohibiting uses compatible with future agricultural uses, or as prohibiting the exchange or sale of state forest land or state trust land for use at the highest and best value available for uses allowed by the applicable development regulations.

Additionally, this provision must not constrain the acquisition or use of lands necessary for construction, operation, and maintenance of highway facilities; however, siting of mitigation projects must not take place on designated agricultural lands of long-term commercial significance.

**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: This is a long-term problem that needs to be addressed. While state agencies have an obligation to maintain land they own, dikes were left to degrade and the ensuing flooding changed the designation of the land. Loss of agricultural land is a patchwork that needs to stop. The GMA was created five to six years before the salmon issue was raised. Loss of agricultural land has impacts on the rural economy. We need to keep our land from turning into swamps. Citizens must obey the law but state agencies do not. Agricultural land is a critical resource and deserves the protection that the GMA gives it.

CON: This would increase the cost of the Department of Transportation (WSDOT) projects. A better model would be the siting of wetland banking. The definition of wetlands is too broad and needs clarification. Prior legislation states a state policy to use public land for mitigation instead of private land. This bill is not needed given the successes of the Voluntary Stewardship Program. The bill would prohibit cooperative and voluntary efforts. It seems overbroad. There are processes to change land uses. This bill would hinder a successful Snohomish County program where unproductive marginal farm land is bought

from willing landowners overseen by an Agricultural Advisory Committee. It would take over two years to re-designate which is contrary to the county goal of streamlining projects. This is bad for salmon, farmers, and the local economies. The problem is not conversion for salmon, it is the economic viability of farming. While supporting sustainable lands policy, this bill could undermine collaborative processes and delay or prevent restoration programs with balanced approaches.

OTHER: Pierce County has seen a high conversion rate and wants to protect agriculture from mitigation with a carve-out for DOT. A limited amount of conversion may be necessary for flood-control. Given the diverse funding sources and restrictions, this bill may limit access to funding.

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor; Tom Davis, WA Farm Bureau; Ed Husman, Ed Moats, Snohomish County Farm Bureau.

CON: Megan White, WSDOT; Bill Robinson, The Nature Conservancy; Laura Merrill, WA State Assn. of Counties; Briahna Taylor, Snohomish County; Michael Grayum, Puget Sound Partnership; David Troutt, Salmon Recovery Council; Nona Snell, Recreation and Conservation Office; David Price, WA Department of Fish and Wildlife.

OTHER: Brynn Brady, Pierce County.