

HOUSE BILL REPORT

HB 2563

As Passed House:
February 12, 2004

Title: An act relating to providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

Brief Description: Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

Sponsors: By Representatives Upthegrove, Jarrett, Schindler, Newhouse, Linville and Clibborn.

Brief History:

Committee Activity:

Local Government: 1/29/04, 2/2/04 [DP].

Floor Activity:

Passed House: 2/12/04, 95-0.

Brief Summary of Bill

- Allows accessory uses on agricultural lands specifically designated under the Growth Management Act that support, promote, or sustain agricultural operations and production.
- Establishes criteria for compliance with accessory use requirements.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 11 members: Representatives Romero, Chair; Simpson, D., Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Edwards, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to, or have chosen to, comply with the major requirements of the GMA (GMA jurisdictions).

The GMA requires all local governments to designate agricultural, forest, and mineral resource lands of long-term significance. Growth Management Act jurisdictions also must adopt development regulations to assure the conservation of these designated natural resource lands. "Agricultural land" is defined by the GMA, in part, to include land primarily devoted to the commercial production of specified products, such as horticultural, viticultural, floricultural, vegetable, or animal products.

Counties or cities may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance to comply with GMA requirements. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Innovative zoning techniques a county or city may consider include, but are not limited to:

- *agricultural zoning*, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land;
- *cluster zoning*, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;
- *large lot zoning*, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;
- *quarter/quarter zoning*, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and
- *sliding scale zoning*, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

Summary of Bill:

Cities and counties may allow accessory uses that support, promote, or sustain agricultural operations and production complying with specific criteria on lands designated as agricultural lands of long-term commercial significance under the Growth Management Act. The accessory uses must be located, designed, and operated to not interfere with natural resource land uses and must be accessory to the growing of crops and raising of animals.

If the accessory uses are of a commercial or retail nature, the uses must predominately produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site.

Accessory commercial and retail uses must offer for sale predominantly products or services produced on-site.

Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site. These uses must not otherwise convert agricultural land to nonagricultural uses.

Accessory uses may include compatible commercial or retail uses including, but not limited to:

- storage and refrigeration of regional agricultural products;
- production, sales, and marketing of value-added agricultural products derived from regional sources;
- supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;
- support services that facilitate the production, marketing, and distribution of agricultural products; and
- off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill allows greater flexibility for the use of agricultural lands in a targeted manner. This bill represents a consensus recommendation from the GMA working group that examined related issues during the summer. This bill will help to keep small farmers farming and agricultural lands in agricultural use. This bill is a strategic approach to maintaining agricultural lands of long term significance. The 'value-added' provisions of this bill will benefit farms by allowing small farmers to generate supplemental income and sustain agricultural operations.

Testimony Against: None

Persons Testifying: Darcie Nielsen, San Juan County, Washington State Association of Counties; Larry Angell, Chelan County; Dan Wood, Washington State Farm Bureau; and Genesee Adkins, 1000 Friends of Washington.

Persons Signed In To Testify But Not Testifying: None.