

# SENATE BILL REPORT

## SB 6460

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As Reported By Senate Committee On:  
Land Use & Planning, January 29, 2004

**Title:** An act relating to removal of agricultural resource land designation.

**Brief Description:** Providing a procedure for removal of the agricultural resource land designation.

**Sponsors:** Senators Mulliken and Rasmussen.

**Brief History:**

**Committee Activity:** Land Use & Planning: 1/26/04, 1/29/04 [DPS, DNP].

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

**Minority Report:** Do not pass.

Signed by Senator Kline.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** Although hearings boards and courts have invalidated the removal of agricultural resource land designations in a number of cases, the decisions have indicated that the state's Growth Management Act does allow removal of the designation and what procedures would be effective for doing so.

**Summary of Substitute Bill:** Removal of an agricultural resource land designation is authorized, if the result still complies with the Growth Management Act (GMA) goal of conserving agricultural land, with the requirement to adopt development regulations that protect agricultural land, and with the requirement to limit nonagricultural uses to lands not suitable for agriculture. The result must also be consistent with the GMA guidelines and with the local comprehensive plan.

Removal of the designation requires a finding that the land does not meet the statutory requirements. If there are adopted criteria for designation, removal of designation must be based on the same criteria.

A small isolated area of rural land can be subdivided, consistent with the surrounding density, if it is surrounded by incompatible uses and the results still complies with applicable law and infills the area or resolves conflicts between agricultural and residential use.

**Substitute Bill Compared to Original Bill:** Specified criteria for removal of designation are eliminated. Provisions are added to allow subdivision of small, isolated areas of agricultural land surrounded by residential use.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This will help many farmers, especially older ones. Many people who were in the process of quitting farming and subdividing their land were caught by changes in local zoning that weren't really meant to affect them. Being surrounded by residential development can make it impossible to do what you need to do to farm. Jurisdictions are already authorized to review and change their comprehensive plans, which is the right, systematic way to do this, rather than case by case. The specified criteria imply that there could be more, which makes this too broad.

**Testimony Against:** Allowing surrounding development to replace agriculture is what the Growth Management Act was supposed to stop.

**Testified:** Leonard Bauer, CTED (concerns); Bob Siebol, farmer (pro); Genesee Adkins, 1000 Friends of WA (con).