
Local Government Committee

HB 1215

Brief Description: Restricting the conversion of agricultural land to other uses under the growth management act.

Sponsors: Representatives Scott, Taylor, Chandler, Blake, Shea, Griffey, Buys, Young and McCaslin.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies Growth Management Act provisions to prohibit designated agricultural lands from being converted to wetland or fish habitat, or from being subjected to tidal inundation.

Hearing Date: 1/27/15

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act, Designation of Natural Resource Lands.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated by mandate or choice to satisfy all planning requirements of the GMA.

Under the GMA, all counties and cities are obligated to designate, where appropriate, natural resource lands of long-term commercial significance, and environmentally sensitive areas. These designation requirements apply to:

- agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products

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(these designated lands are often referred to as "agricultural lands of long-term commercial significance");

- forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
- environmentally sensitive areas known as "critical areas."

"Agricultural land" is defined in the GMA as land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, certain Christmas trees, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

Protection of Designated Natural Resource Lands, Related Planning Requirements.

Jurisdictions that fully plan under the GMA must adopt development regulations to assure the conservation of designated natural resource lands of long-term commercial significance.

These same jurisdictions must also adopt comprehensive land use plans to express the general land use policies of the county or city, and development regulations to implement those plans. Comprehensive plans must include specific planning elements, each of which is a subset of the plan. The "Rural Element" of a comprehensive plan must include measures that apply to rural development and protect the rural character of the area by, in part, protecting against conflicts with the use of designated agricultural, forest, and mineral resource lands.

Recent Cases - Growth Management Hearings Board.

In March of 2015 the Growth Management Hearings Board (Board), the quasi-judicial body charged with hearing and determining petitions related to the implementation of the GMA, will hear a case involving Snohomish County and the Snohomish County Farm Bureau (*Snohomish County Farm Bureau v. Snohomish County*, Case No. 14-3-0013). The Snohomish County Farm Bureau (Farm Bureau) alleges in the case that an interlocal agreement between Snohomish County and Diking and Improvement District No. 5 fails to comply with applicable designation and protection requirements in the GMA by allowing twice-daily saltwater inundations of 400 acres of designated agricultural lands.

In 2013 the Board issued a decision for a similar case also involving Snohomish County and the Farm Bureau (*Snohomish County Farm Bureau v. Snohomish County*, Case No. 12-3-0010). In that case, the Farm Bureau alleged that a Snohomish County comprehensive plan amendment improperly created an implicit exception to a requirement to conduct a de-designation process prior to any restoration action that will inundate and destroy farm land. The Farm Bureau's challenge before the Board was unsuccessful.

Summary of Bill:

Designated agricultural lands may not be converted to wetland or fish habitat, nor may they be subjected to tidal inundation.

Appropriation: None.

Fiscal Note: Available.

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