SENATE BILL REPORT
SB 6104

As of January 29, 2026

Title: An act relating to protecting agriculture.

Brief Description: Protecting agriculture.

Sponsors: Senators Muzzall and Short.

Brief History:
Committee Activity: Agriculture & Natural Resources: 1/29/26.

Brief Summary of Bill

- Defines agricultural impact statements and requires the Department of Natural Resources (DNR), Department of Fish and Wildlife (WDFW), Department of Ecology (Ecology), the Forest Practices Board, Department of Labor and Industries, cities, towns, code cities, and counties to complete agricultural impact statements when undertaking certain actions.
- Directs DNR, WDFW, Ecology, the Forest Practices Board, and the Department of Labor and Industries to consult with the Washington State Department of Agriculture and the State Conservation Commission to develop methods and procedures that give agricultural viability appropriate consideration in decision-making.
- Requires DNR, WDFW, Ecology, the Forest Practices Board, and the Department of Commerce to propose mitigation up to and including in-kind compensation from the habitat conservation account when proposing actions that will result in the deprivation of the beneficial use of real property engaged in agricultural or natural resource based commercial activities.
- Requires cities, towns, code cities, or counties to conserve adjacent agricultural land at a rate of one to one or non-adjacent agricultural land

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or unfarmed land at a rate of three to one when adopting a zoning amendment that changes a designation from agriculture to some other designation.

- Directs the Office of Financial Management to develop an agricultural fiscal note process.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Staff: Elena Becker (786-7493)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a wider array of planning duties for 28 counties that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

Urban Growth Areas. Counties that fully plan under the GMA must designate Urban Growth Areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Fully planning counties must review the designated UGAs during the ten-year comprehensive plan review cycle. If during this review the county determines the patterns of development have exceeded the available and developable lands within the UGA, the county may revise the UGA to accommodate development pressure for the succeeding 20-year period subject to certain requirements. These requirements include that if the areas added to the UGA have previously been designated as agricultural, forest, or mineral resource lands of long-term significance an equivalent amount of agricultural, forest, or mineral resource lands of long term commercial significance must be added to the area outside the UGA or the county must wait a minimum of two years before another swap may occur.

Fiscal Notes. State law directs the Office of Financial Management (OFM) to establish a mechanism for the determination of the fiscal impact of proposed legislation on various entities including state government; and counties, cities, towns, or any other units of local government, including school districts. The resulting fiscal notes are provided only upon request by a member of the state Legislature, typically indicate by fiscal year the total impact on the affected entity for the first two years the legislation would be in effect, contain a cumulative six-year forecast of the legislation's fiscal impact, and must be completed within one week of the request.

Agency-Prepared Economic Impact Statements. Under current law, agencies must prepare sector-specific impact statements when considering or undertaking actions affecting small businesses or environmental justice.

Habitat Conservation Account. The Washington Wildlife and Recreation Program (WWRP) provides capital budget funds for the acquisition, restoration, and development of land for outdoor recreation, habitat conservation, riparian habitat, and farmland and forest preservation. The Habitat Conservation Account (HCA) is one of the WWRP's three accounts. Funding from the HCA may be used for the following activities:

- 35 percent—critical habitat;
- 25 percent—natural areas;
- 15 percent—riparian habitat;
- 15 percent—urban wildlife; and
- the lesser of 10 percent or $3 million for state lands restoration and enhancement.

The Recreation and Conservation Funding Board may adopt rules for acquisition policies and priorities for distributions from the HCA. Eligible recipients include state agencies, local governments, special purpose districts, tribes, and nonprofit entities.

Summary of Bill: Agency Consideration of Agricultural Impacts. The Department of Natural Resources (DNR), Department of Fish and Wildlife (WDFW), Department of Ecology (Ecology), the Forest Practices Board, and Department of Labor and Industries (L&I) must:

- utilize systematic and interdisciplinary approaches, methods, and procedures to ensure the integrated use of the natural and social sciences in planning and decision making related to issues that will impact Washington's agricultural economy;
- consult with Washington State Department of Agriculture and the State Conservation Commission to develop methods and procedures to ensure that agricultural viability is given appropriate consideration in decision-making; and
- study, develop, and describe appropriate alternatives, including mitigation of loss of beneficial use, to recommended courses of action in any proposed action that involves unresolved conflicts concerning alternative uses of available resources.

Agricultural Impact Statements and Required Mitigation. DNR, WDFW, Ecology, the Forest Practices Board, and L&I must include an agricultural impact statement in every recommendation or report on proposals for agency request legislation, legislative reports, rule-making actions, or policy development that significantly affect agriculture.

A city, town, or code city must complete an agricultural impact statement within 30 days of the filing of an annexation resolution or petition to determine whether the property to be annexed is of agricultural significance. A county must complete an agricultural impact statement when modifying an urban growth area, either as part of the county's review and revision of its comprehensive plan or as part of a swap of land within an urban growth area.

A city, town, code city, or county must complete an agricultural impact statement prior to adopting a zoning amendment changing the designation from agriculture to some other designation. If a zoning amendment results in the loss of agricultural land, the change in

designation must be mitigated by conserving adjacent farmland that is comparable in size, soil quality, and agricultural value. If adjacent farmland is not available, farmland in other areas or unfarmed land restored to production may be used for mitigation at a rate of three acres for every acre lost.

An agricultural impact statement must involve consultation with an economist employed by WSDA or a land grant university, and must include:

- the economic impact of the proposed action on the conduct of agriculture in Washington;
- unavoidable adverse effects resulting from implementation of the proposed action and proposals to mitigate potential impacts;
- alternatives to the proposed action;
- the relationship between short-term uses of the environment and the maintenance and enhancement of long-term agricultural productivity; and
- irreversible commitments of resources necessary to the proposed action.

Agricultural Fiscal Notes. OFM must establish a mechanism for the determination of the fiscal impact of proposed legislation which, if enacted into law, would directly or indirectly increase or decrease regulatory costs incurred by entities engaged in agriculture. These fiscal notes must:

- indicate by fiscal year the total impact on the agricultural economy for the first two years the legislation would be in effect and also a cumulative six-year forecast of the fiscal impact;
- be provided only upon request of a member of the state Legislature; and
- be completed within one week of the request unless otherwise authorized.

Where feasible and applicable, the fiscal note must also indicate the fiscal impact on each industry or a representative sampling of the industry broadly.

Required Mitigation of Deprivation of Beneficial Use. If DNR, WDFW, Ecology, the Forest Practices Board, or the Department of Commerce proposes an action that will result in the deprivation of the beneficial use of the real property to such an extent that the deprivation results in the loss of financial benefit from the current or future use of property engaged in agriculture or other natural resource based commercial activities, the department must propose mitigation measures in the following sequence:

- avoidance of impacts through amendment of the proposal or technical assistance;
- where avoidance of adverse impacts is not reasonably attainable, the department must provide permanent access to replacement acreage from state land controlled by that agency or in cooperation with other agencies that control access to state lands; and
- where avoidance and minimization are not reasonably attainable, the department must provide in-kind mitigation or financial compensation for lost property from the habitat conservation account. Conforming amendments are made to the eligible uses of funds in the habitat conservation account.

Appropriation: None.

Fiscal Note: Requested on January 16, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: We lose two farms a day in the state of Washington. We now have more lawns in this nation than acres of farmed field. We are seeing rapid urbanization of areas that will never be replaced for agricultural production. Ferry County has lost a third of its farmers and ranchers in the last eight years. Surveyed producers said the number one thing they thought would improve the viability of agriculture was reducing agency regulatory burden. A legislative mandate will push agencies forward.

CON: This bill expands the allowable use of the Habitat Conservation Account to provide compensation for lost property. That is a fundamental shift in the account's purpose and complicates the statutory requirements of the account. Agricultural security depends on helping farmers adapt to change and not on keeping things the way they are.

OTHER: This bill asks agencies to consider agriculture when making rules, but for small farmers the crisis is not a lack of consideration it's a lack of practical help. Small farms don't fail because agencies don't write enough reports, farms fail because we can't afford infrastructure and compliance.

Persons Testifying: PRO: Senator Ron Muzzall, Prime Sponsor; Dave Hedrick, Ferry Conservation District; Mark Streuli, WA Cattlemen, WA Wheat Growers, WA Potatoe and Onion Assoc..

CON: Yvonne Kraus, WA Wildlife and Recreation Coalition; Amanda Fox, Animal Research Initiative.

OTHER: Kenton Gartrell, Willow Barn Ranch.

Persons Signed In To Testify But Not Testifying: No one.