

FINAL BILL REPORT

ESHB 2305

C 298 L 02

Synopsis as Enacted

Brief Description: Clarifying the application of shoreline master program guidelines and master programs to agricultural activities on agricultural lands.

Sponsors: By House Committee on Local Government & Housing (originally sponsored by Representatives Hatfield, Doumit, Kessler, Grant, Kirby, Edwards and Linville).

House Committee on Local Government & Housing
Senate Committee on Natural Resources, Parks & Shorelines

Background:

The Shoreline Management Act (SMA) governs all shorelines of the state, including both shorelines and shorelines of state-wide significance. Shorelines include all water areas, including reservoirs, and their associated shorelands except: (1) shorelines of statewide significance; (2) shorelines on segments of streams upstream of a point at which the mean annual flow is less than or equal to 20 cubic feet per second (cfs); and (3) shorelines on lakes fewer than 20 acres in size. Shorelands include the lands extending landward 200 feet in all directions from the ordinary high water mark as well as floodways and contiguous floodplain areas landward 200 feet from the floodways. Shorelands also include all wetlands and river deltas associated with streams, lakes and tidal waters subject to the SMA.

The SMA requires counties and cities with shorelines to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions. All 39 counties and more than 200 cities have enacted master programs.

The SMA also requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing these local shoreline master programs. The DOE may propose amendments to the guidelines no more than once per year and must review the guidelines at least once every five years.

Local governments must develop or amend shoreline master programs consistent with the DOE guidelines within 24 months after the DOE guidelines are adopted. The DOE considers the adopted guidelines and SMA requirements when reviewing and approving local shoreline master programs.

Summary:

Provisions regarding agricultural activities on agricultural lands are added to the Shoreline Management Act (SMA) to govern amendment or adoption of both shoreline master program guidelines by the Department of Ecology (DOE) and shoreline master programs by local governments. Definitions of "agricultural activities," "agricultural products," "agricultural equipment," "agricultural facilities," and "agricultural land" are added to the SMA with respect to these provisions.

The DOE's state shoreline master program guidelines and the local shoreline master programs based on those guidelines may not require modification of or limit agricultural activities occurring on agricultural lands. Local shoreline master programs for jurisdictions in which agricultural activities occur, however, must address the following activities:

- new agricultural activities on land not meeting the SMA's definition of agricultural land--;
- conversion of agricultural lands to other uses; and
- development not meeting the SMA's definition of agricultural activities.--

The agricultural activities provisions do not limit or change the terms of the statutory substantial development definition exception. These new provisions apply only to the SMA and do not affect other local government authority.

These provisions take effect the earlier of January 1, 2004, or the date the DOE amends or updates the SMA guidelines.

Votes on Final Passage:

House 73 25
Senate 31 17 (Senate amended)
House 94 0 (House concurred)

Effective: January 1, 2004 (Unless the Department of Ecology updates Shoreline Master Guidelines earlier)