
Local Government & Housing Committee

HB 2305

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

Sponsors: Representatives Hatfield, Doumit, Kessler, Grant, Kirby, Edwards and Linville.

Brief Summary of Bill

- Specifies that the shoreline master program guidelines may not address new agricultural development meeting the definition of "agricultural land," "conversion of agricultural lands to other uses," and "agricultural activities."
- Defines "agricultural activities," "agricultural products," "agricultural equipment," and "agricultural land."

Hearing Date: 2/5/02

Staff: Amy Wood (786-7127).

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 [separately defined to include specific shoreline areas identified in statute]; (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 of the state 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 must provide an opportunity for local governments and others to comment on the proposed guidelines and must hold public hearings before the proposed guidelines are adopted. 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 of Bill:

Shoreline master program guidelines adopted by the DOE, and local shoreline master programs based on those guidelines may not address new agricultural development that meets the definition of agricultural practices. The guidelines and master programs do not apply retroactively to agricultural practices.

"Agricultural activities" is defined in the SMA to include a variety of agricultural uses and activities. Uses and activities identified in the definition are:

- producing, breeding, or increasing agricultural products;
- rotating and changing agricultural crops;
- allowing land used for agricultural activities to lie fallow for agricultural or conservation purposes;
- conducting agricultural operations;
- maintaining, repairing, and replacing agricultural equipment and facilities; and
- maintaining agricultural lands under production or cultivation.

"Agricultural products" include horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products as well as feed or forage for livestock. "Agricultural products" also include Christmas trees, hybrid cottonwood, and similar hardwoods harvested as crops within 20 years of planting. The term also includes livestock and animal products, including meat, upland finfish, poultry, and dairy.

"Agricultural equipment" and "agricultural facilities" includes equipment, machinery, shelters, buildings, ponds, fences, upland finfish rearing facilities, water diversions, and water conveyance and use equipment and facilities. The term also includes corridors and facilities for transporting personnel, livestock and equipment; farm residences and associated equipment, lands and facilities; and roadside stands and on-farm markets.

"Agricultural land" means those specific land areas on which agricultural activities are conducted.

Appropriation: None.

Fiscal Note: Not Requested.

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