

SENATE BILL REPORT

ESHB 2305

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, February 28, 2002

Title: An act relating to clarifying the application of shoreline master program guidelines and master programs to agricultural activities on agricultural lands.

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

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

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 2/25/02, 2/28/02 [DP, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass.

Signed by Senators Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Minority Report: Do not pass.

Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; and Spanel.

Staff: Vic Moon (786-7469)

Background: The Shoreline Management Act (SMA) governs all shorelines of the state, including both shorelines and shorelines of statewide 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 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, and that do not limit or affect the critical area ordinances adopted under the Growth Management Act. The guidelines and master programs do not apply retroactively to agricultural practices.

The act is not effective until the earlier of either January 1, 2004, or the date the Department of Ecology amends or updates WAC 173-16 or 173-26.

Agricultural activities are defined to include a variety of agricultural uses and activities including:

- 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, among others, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products as well as feed or forage for livestock. The term also includes livestock and animal products, including meat, upland finfish, poultry, and dairy.

Agricultural equipment and agricultural facilities includes, among others, equipment, machinery, shelters, buildings, ponds, fences, upland finfish rearing facilities, water diversions, and water conveyance and use equipment and facilities.

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.

Testimony For: The Shoreline Management Act needs to be clarified so that agricultural practices are exempt.

Testimony Against: The shoreline exemption needs to be much more clearly separated from the Growth Management Act and the effective date should be adjusted to allow further negotiations on the development of new shoreline master guidelines.

Testified: Representative Hatfield, prime sponsor (pro); Bruce Wishart, People for Puget Sound (con); Steve Robinson, NWIFC (con); Paul Parker, WA State Assn. of Counties (pro); Jim Zimmerman, WA Cattlemen's Assn., WA Fish Growers (pro); Jim Halstrom, WA State Horticultural Assn. (pro); Hertha Lund, WA State Farm Bureau (pro); Toni McKinley, WA State Grange (pro); Mike Moran, CECP, Samish Nation (con); Steve Stuart, 1000 Friends of WA (con); Ron Shultz, Governor's Office (concerns); Josh Baldi, WEC (con).