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HOUSE BILL 1151

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State of Washington

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By Representatives Clements, Grant, Mulliken, Gombosky, G. Chandler, Mastin, Schoesler, Armstrong, Skinner, Lisk, Benson, B. Chandler, Linville, Hatfield, Kessler, Talcott, McMorris, O'Brien and Pflug

Read first time 01/18/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to land use flexibility for family farms owned or  
2 operated by senior citizens; amending RCW 36.70A.177; adding a new  
3 section to chapter 36.70A RCW; creating a new section; and providing an  
4 expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that some family  
7 farms in Washington are experiencing extreme economic distress.  
8 Numerous factors have contributed to the economic decline of some  
9 family farms, including substantially reduced crop prices, increasing  
10 foreign competition, the consolidation of farm lands and the impacts of  
11 farm corporations, encroachment of residential and other land uses  
12 within family farm areas, and the increasing age of many family farm  
13 owners and operators. In addition, the relatively small acreage of  
14 many family farms impedes their ability to effectively compete in the  
15 modern agricultural environment and to remain economically viable.

16 (2) The legislature also finds that many family farms are owned and  
17 operated by families that have devoted their lives to producing quality  
18 agricultural products within the state of Washington. Many farm  
19 families have invested significant time, effort, and financial

1 resources into establishing and maintaining productive farms. The  
2 primary source of retirement income for some farm families is the land  
3 on which the family farm is operated. The economic decline of some  
4 family farms, especially those with owners and operators who are senior  
5 citizens, has created an economic crisis for some families that operate  
6 them.

7 (3) The legislature also finds that the growth management act's  
8 requirements related to agricultural lands have substantially limited  
9 options to respond to the economic decline of some family farms. The  
10 growth management act provides for comprehensive planning at the local  
11 government level to guide the appropriate uses of land in consideration  
12 of local circumstances. However, the growth management act's  
13 requirements for local governments to designate agricultural lands and  
14 provisions regarding zoning for agricultural lands has effectively  
15 precluded land uses other than agriculture, even when agriculture is  
16 not economically viable.

17 (4) The legislature further finds that although it includes goals  
18 regarding encouraging economic development throughout the state of  
19 Washington and protecting private property rights, the growth  
20 management act's requirements regarding agricultural lands do not  
21 effectively incorporate these goals. The agricultural lands  
22 designation and zoning provisions do not allow other uses of family  
23 farm land, thereby prohibiting local governments from effectively  
24 responding to the economic plight of some family farm owners and  
25 operators.

26 (5) The legislature intends with this act to authorize local  
27 governments to afford some land use flexibility to those family farm  
28 owners and operators experiencing significant economic distress. The  
29 legislature also intends to authorize this flexibility for a limited  
30 period to allow a sufficient response time for these farm families  
31 while still preserving for the long term the planning and zoning  
32 systems established for agricultural lands under the growth management  
33 act.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
35 to read as follows:

36 (1) Notwithstanding other requirements of this chapter, a local  
37 government may authorize by ordinance rezones of agricultural lands on  
38 which family farms are operated based upon the findings required by

1 subsection (2) of this section. A local ordinance authorizing rezones  
2 of agricultural lands may provide for densities on agricultural lands  
3 within the same ranges and consistent with the standards established  
4 for rural development as provided in RCW 36.70A.070(5)(b).

5 (2) An ordinance authorized under subsection (1) of this section  
6 may allow a rezone of agricultural lands on which a family farm is  
7 operated only if the following conditions are satisfied:

8 (a) The farming activity on the agricultural land meets the  
9 definition of family farm in subsection (3) of this section;

10 (b) The land on which the family farm is operated is owned by an  
11 individual, family, or family-controlled business entity that owned and  
12 occupied the land prior to:

13 (i) July 1, 1990, in a county that was initially required to plan  
14 under all of the provisions of this chapter;

15 (ii) The date the county adopted a resolution under RCW  
16 36.70A.040(2), in a county that is planning under all of the provisions  
17 of this chapter under RCW 36.70A.040(2); or

18 (iii) The date the office of financial management certifies the  
19 county's population as provided in RCW 36.70A.040(5), in a county that  
20 is planning under all of the provisions of this chapter pursuant to RCW  
21 36.70A.040(5);

22 (c) The owner or operator of the family farm is a senior citizen;

23 (d) The family farm has experienced significant economic distress  
24 as a result of economic decline within the agricultural industry; and

25 (e) The owner or operator of the family farm has demonstrated that  
26 continued operation of the family farm would constitute an economic  
27 hardship for the individual, family, or family-controlled business  
28 entity.

29 (3) For the purposes of this section, "family farm" means a farm of  
30 one hundred or fewer acres that is owned and operated by an individual,  
31 family, or family-controlled business entity from which the resulting  
32 agricultural products are not produced for the primary consumption or  
33 use by the farm owner or farm owner's family.

34 **Sec. 3.** RCW 36.70A.177 and 1997 c 429 s 23 are each amended to  
35 read as follows:

36 (1) Subject to section 2 of this act, a county or a city may use a  
37 variety of innovative zoning techniques in areas designated as  
38 agricultural lands of long-term commercial significance under RCW

1 36.70A.170. The innovative zoning techniques should be designed to  
2 conserve agricultural lands and encourage the agricultural economy. A  
3 county or city should encourage nonagricultural uses to be limited to  
4 lands with poor soils or otherwise not suitable for agricultural  
5 purposes.

6 (2) Innovative zoning techniques a county or city may consider  
7 include, but are not limited to:

8 (a) Agricultural zoning, which limits the density of development  
9 and restricts or prohibits nonfarm uses of agricultural land;

10 (b) Cluster zoning, which allows new development on one portion of  
11 the land, leaving the remainder in agricultural or open space uses;

12 (c) Large lot zoning, which establishes as a minimum lot size the  
13 amount of land necessary to achieve a successful farming practice;

14 (d) Quarter/quarter zoning, which permits one residential dwelling  
15 on a one-acre minimum lot for each one-sixteenth of a section of land;  
16 and

17 (e) Sliding scale zoning, which allows the number of lots for  
18 single-family residential purposes with a minimum lot size of one acre  
19 to increase inversely as the size of the total acreage increases.

20 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act expire July 1,  
21 2006.

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