

HOUSE BILL REPORT

HB 2917

As Reported by House Committee On:
Local Government

Title: An act relating to accessory uses on agricultural lands.

Brief Description: Identifying accessory uses on agricultural lands.

Sponsors: Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks; by request of Department of Agriculture.

Brief History:

Committee Activity:

Local Government: 1/26/06, 2/1/06 [DPS].

Brief Summary of Substitute Bill

- Revises Growth Management Act requirements regarding the use of agricultural lands of long-term commercial significance so as to allow a greater range of accessory uses on such lands.
- Provides counties and cities with greater flexibility in implementing innovative zoning techniques related to accessory uses of agricultural lands of long-term commercial significance.
- Limits to one acre the amount of agricultural land that may be converted to nonagricultural accessory uses.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan and Takko.

Minority Report: Without recommendation. Signed by 1 member: Representative Woods.

Staff: Thamas Osborn (786-7129).

Background:

Growth Management Act

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to, or have chosen to, comply with the major requirements of the GMA.

Regulation of Agricultural Lands

The GMA requires all local governments to designate agricultural, forest, and mineral resource lands of long-term significance. The GMA jurisdictions must also adopt development regulations to assure the conservation of these designated natural resource lands. "Agricultural land" is defined by the GMA, in part, to include land primarily devoted to the commercial production of specified products, such as horticultural, viticultural, floricultural, vegetable, or animal products. "*Agricultural lands of long-term commercial significance*" are characterized as those lands without urban growth characteristics and which have long-term significance for the commercial production of food or other agricultural products.

Innovative Zoning Techniques for Agricultural Lands of Long-Term Commercial Significance

In order to comply with GMA requirements, counties or cities may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Such zoning techniques should also encourage property owners to limit nonagricultural uses to lands with poor soil or that are otherwise ill-suited to agricultural uses. One of the authorized zoning designations is "agricultural zoning," which has the following characteristics:

- limits the density of development;
- restricts or prohibits nonfarm uses of agricultural land; and
- may allow certain *accessory uses* that support, promote, or sustain agricultural operations or production.

Accessory Uses of Agricultural Lands of Long-Term Commercial Significance

The *accessory uses* permitted under an agricultural zoning scheme must comply with the following criteria:

- implementation of such uses must not interfere with natural resource land uses;
- must have a functional relationship to the growing of crops, or raising of animals;
- commercial or retail uses must be for the primary purpose of producing, storing, or selling regionally produced agricultural products or agriculturally-related experiences;
- commercial and retail uses must be for the primary purpose of selling products or services produced on-site; and
- may operate out of existing or new buildings with parking and other related uses, provided that such uses are consistent with the size and scale of existing agricultural

buildings on the site and do not otherwise convert agricultural land to nonagricultural uses.

Commercial or Retail Accessory Uses

Commercial or retail accessory uses which are compatible with agricultural uses may be permitted, and include the following:

- storage and refrigeration of regional agricultural products;
- production, sales, and marketing of regional, value-added agricultural products;
- supplemental sources of income that support and sustain on-farm agricultural operations;
- support services that facilitate the production and distribution of agricultural products; and
- off- farm and on-farm sales or marketing of predominately regional agricultural products and experiences, as well as locally made arts and crafts.

Summary of Substitute Bill:

Counties and cities are provided with greater flexibility with respect to the implementation of agricultural zoning schemes governing the use of agricultural lands of long-term commercial significance. This increased flexibility is accomplished through the removal of many specified restrictions on *accessory uses* and replacing them with general standards governing the types of accessory uses that may be conducted on such agricultural lands. A key example of this shift is the removal of the requirement that accessory uses be functionally related to the growing of crops or raising of animals and replacing it with a more general standard requiring that accessory uses comply with the goals and standards of the GMA.

Specific regulations governing accessory uses are replaced by more permissive guidelines. Under these new guidelines accessory uses *may* include:

- agricultural activities "including but not limited to" the production, storage, distribution, and marketing of specified agricultural products, including support services that facilitate such agricultural activities (References to "regional" products have been removed.); or
- nonagricultural related activities that are compatible in size, scale and intensity with the agricultural use of the property and neighboring properties and which do not interfere with, and which will support the continuation of, existing agricultural uses in the area.

The amount of agricultural land that may be converted to nonagricultural accessory uses is limited to one acre.

Accessory uses, including new buildings, parking, or supportive uses, may not be located outside the general area already developed for buildings and residential uses, unless such new development is predominately used for regionally produced agricultural products.

The list of specifically authorized types of commercial or retail accessory uses is removed.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- Expands the criteria that must be met by nonagricultural accessory uses by requiring that such uses also "support the continuation of the agricultural use of the property and neighboring properties."
- Limits to one acre the amount of agricultural land that may be converted to nonagricultural accessory uses.
- Prohibits taking more than one acre of crop land out of production for the purpose of developing any accessory uses -- including new buildings, parking, or supportive uses -- unless the developed area is to be predominately used for purposes related to regionally produced agricultural products.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) This bill would provide farmers with greater opportunities to engage in nonagricultural activities in order to supplement their income. For example, under the bill a farmer could operate a small engine repair shop or a beauty parlor on his agricultural property. Also, local governments would be allowed greater flexibility in creating zoning regulations allowing certain business activities on agricultural land. Farmers and small rural communities are in need of the expanded business activities that would be allowed under the bill.

(With concerns on original bill) This is a good bill, but which requires some amendments to cure its shortcomings. The bill is too vague and permissive and, would allow some development of existing farmland. Accessory uses should be limited to agricultural-related uses. The bill has too many loopholes that would allow excessive commercial development that is not agricultural in nature. The bill should be amended so as not to allow any development of existing farmland.

Testimony Against: (Original Bill) This bill is much too vague and permissive. It has loopholes that would allow large commercial and/or industrial development to take place on existing farmland.

Persons Testifying: (In support) Lee Faulconer, Department of Agriculture; Susan Kyle; and Dorothy Swarts, League of Women Voters.

(Opposed) Eugene Butler.

Persons Signed In To Testify But Not Testifying: Ken VanBuskirk; Kaleen Cottingham, Futurewise; Heath Packard, Audubon; Eric Johnson, Washington State Association of Counties; and Eve Johnson, League of Women Voters Tarrant County.