
Local Government Committee

SSB 5248

Brief Description: Preserving the viability of agricultural lands.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist).

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| <p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Prohibits new or amended development regulations, including development regulations that protect critical areas, from prohibiting legally existing agricultural activities occurring on agricultural land or requiring the removal of agricultural land from production. |
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Hearing Date: 3/27/07

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The GMA requires all jurisdictions to satisfy specific designation mandates for natural resource lands and critical areas. All local governments, for example, must designate, where appropriate, agricultural lands that are not characterized by urban growth that have long-term significance for the commercial production of food or other agricultural products. Planning jurisdictions have further requirements under the GMA and must also adopt development regulations that conserve designated agricultural lands.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In addition to designation requirements, all local governments must also protect critical areas. These protection requirements obligate local governments to adopt development regulations, also known as critical area ordinances, meeting specified criteria. As defined by statute, critical areas include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

All planning jurisdictions must adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address certain planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that implement and conform with the comprehensive plan.

Shoreline Management Act

The Shoreline Management Act (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment and creates preference criteria listed in prioritized order that must be used by state and local governments in regulating shoreline uses.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, regulations mandated by the SMA are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt master programs that regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce their master programs within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

A 2002 amendment to the SMA specified, in part, that guidelines adopted by the DOE and master programs developed or amended by local governments must not require modification of or limit agricultural activities occurring on agricultural lands. The terms "agricultural activities" and "agricultural lands" were defined in the 2002 amendment.

Summary of Bill:

Critical area ordinances and development regulations developed or amended after the effective date of the act by local governments under the GMA may not:

- prohibit legally existing agricultural activities occurring on agricultural land, as those terms are defined in a provision of the SMA; or
- require removal of agricultural land from production.

These critical area ordinance and development regulation provisions:

- apply only to the GMA, and do not affect any other authority of local governments; and
- are prospective.

Appropriation: None.

Fiscal Note: Not requested.

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