

SENATE BILL REPORT

SSB 5108

As Amended by House, April 10, 2007

Title: An act relating to farmland preservation.

Brief Description: Creating the office of farmland preservation.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Rasmussen, Jacobsen, Shin, Spanel, Swecker, Brandland, Hatfield and Parlette).

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/22/07, 2/08/07 [DPS-WM].

Ways & Means: 2/19/07, 2/27/07 [DPS (ARED)].

Passed Senate: 3/08/07, 44-3.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler, Ranking Minority Member; Jacobsen, Morton and Shin.

Staff: Bob Lee (786-7404)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5108 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Tom.

Staff: Kirstan Arestad (786-7708)

Background: In 2002, the Legislature enacted the Agricultural Conservation Easements Program. The program's purpose is to facilitate the use of federal funds, and to help local

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.

governments reduce the conversion of agricultural lands that have not otherwise been protected through their planning processes.

All funds from legislative appropriations, and other sources directed by the Legislature including gifts, grants, or endowments are to be deposited in the Agricultural Conservation Easements Account. Expenditure from the account may be used only for the purchase of easements under the Agricultural Conservation Easements Program.

The State Conservation Commission was charged to manage the program and adopt rules as necessary to implement the Legislature's intent. The Commission is to report to the Legislature on an on-going basis regarding potential funding sources and to recommend changes to existing funding authorized by the Legislature.

Summary of Substitute Bill: An Office of Farmland Preservation is established within the State Conservation Commission. The office is authorized to:

- provide assistance to the State Conservation Commission in implementing the existing Agricultural Conservation Easement Program;
- develop recommendations for the funding level of the Agricultural Conservation Easement Account;
- with input from the task force, provide an analysis of the major factors that have led to past declines in the amount and use of agricultural lands in Washington and of the factors that will likely affect retention and viability of these lands in the future;
- develop a model program and tools to retain agricultural land for agricultural production;
- develop a grant process and an eligibility certification process for localities to receive grants for local programs and tools to retain agricultural lands for agricultural production;
- begin the development of a farm transition program to facilitate the transition from one generation to the next aligning the farm transition program with the Farmland Preservation effort; and
- serve as a clearinghouse for conservation programs.

A Farmland Preservation Task Force is established with the following voting members:

- six farmer members, of which at least one must be a commercial livestock producer, from different regions of the state, nominated by recognized agricultural organizations and appointed by the Governor;
- the State Conservation Commission;
- the Department of Agriculture;
- two representatives of counties appointed by the Washington Associations of Counties with one from western and one from eastern Washington;
- four legislators, one from each of the four major political caucuses – the two House members are appointed by the Speaker of the House of Representatives, and the two Senate members are appointed by the President of the Senate; and
- a representative of the Governor's Office.

Two additional non-voting representatives must be requested to participate: the federal Natural Resource Conservation Service and a person with technical expertise appointed by the Director of the Department of Community, Trade and Economic Development.

The task force members are entitled to be reimbursed for travel expenses and must meet at least twice a year. The task force terminates on January 1, 2011.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

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

Staff Summary of Public Testimony on Original Bill: (Agriculture & Rural Economic Development) PRO: The most endangered species is our farmers. To preserve our farmers, we need to preserve our farmlands. The office will be able to provide technical assistance and tools to help preserve farmers. In 1974, Skagit County adopted a 40 acre minimum lot size in the agriculture zone to protect the area for agricultural use. Since then, Skagit has protected 5,000 acres of these farmlands from using their development rights through a purchase of development rights program. Loss of farmland is not only a concern in western Washington; there is a need to look at leasing of a conservation easement. It is unclear whether "grazing lands" and livestock producers are included.

CON: The building industry has concerns with state agencies placing easements on land in perpetuity and artificially restricting the supply of land available for housing.

OTHER: Some farmers no longer have the ability to farm. Emphasis should be on saving those who want to be saved.

Persons Testifying (Agriculture & Rural Economic Development): PRO: Senator Haugen; Ellen Bynum, Friends of Skagit County and Western Washington Agricultural Association; Carolyn Kelly, Skagit Conservation District; Don Stuart, American Farmland Trust; Fred Colvin, Washington Association of Conservation Districts; Kaleen Cottingham, Futurewise; Jim Armstrong, Spokane County Conservation District; Don Whiting, Grange; Dan Wood, Farm Bureau; Suzie Kile, Jack Field, Washington Cattlemen's Association.

CON: Andrew Cook, Building Industry Association of Washington.

OTHER: Chris Cheney, citizen; Eric Johnson, Washington Association of Counties.

Staff Summary of Public Testimony on Substitute Bill (Ways & Means): PRO: This bill will provide farmers an opportunity to provide input on preserving farmlands. This issue is important to both eastern and western Washington. Funding is also important to slow down conversions and enhance viability of agricultural lands.

Persons Testifying (Ways & Means): PRO: Senator Haugen, prime sponsor; Ken Miller, Washington Farm Forestry Association; Fred Colvin, Washington Association of Conservation Districts.

House Amendment(s): The scope of the analysis of major factors influencing the loss or retention of agricultural lands is clarified. The conservation easements account may be used to purchase easements in perpetuity or for a fixed term. Governmental agencies are not to acquire by eminent domain agricultural land for wetland mitigation purposes.