
SENATE BILL 6521

State of Washington

61st Legislature

2010 Regular Session

By Senators Haugen and Honeyford

Read first time 01/15/10. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to retaining productive farmland; adding a new
2 section to chapter 89.08 RCW; adding a new section to chapter 43.17
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that loss of
6 productive farmland is a critical issue of statewide importance that
7 puts at risk the long-term viability of agriculture in the state. To
8 address the issues relating to loss of farmland the legislature, in
9 2007, created the office of farmland preservation as a program within
10 the state conservation commission. One of the tasks of the office is
11 to provide the legislature and governor with an analysis of the factors
12 contributing to the loss of farmland in the state.

13 State agencies acquire various interests in real property that
14 range from easements and leases to purchases in fee simple. Sometimes
15 agencies will acquire an interest in real property that is currently
16 used as working agricultural land for the production of food and fiber,
17 or has the potential for such production. In these acquisitions, the
18 agency plans for the real property may or may not include the continued
19 use of the land for agricultural production. When the agency does not

1 continue agricultural production, these lands may be put to other uses
2 that will permanently remove productive agricultural lands from future
3 use. Given the continuing loss of productive agricultural lands, the
4 legislature intends to gather information to determine the scope and
5 extent to which state agency acquisition of real property contributes
6 to this ongoing loss of productive agricultural lands.

7 The legislature intends state agencies should, when acquiring an
8 interest in agricultural lands that are currently in active production
9 or have the potential for agricultural production, to the extent
10 possible, continue production or retain the productive potential of the
11 land. To accomplish this, it is the intent of the legislature that
12 state agencies consider options to maintain agricultural production on
13 lands where the state has acquired an interest to the extent such
14 production is consistent with the objectives of the agency for the
15 subject property.

16 State agencies adopt rules, guidance, and policies that may impact
17 productive agricultural lands. It is the intent of the legislature to
18 acquire consistent information to determine the scope and extent to
19 which agricultural lands may be impacted by the adoption of state
20 agency rules, guidance, and policies.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.08 RCW
22 to read as follows:

23 (1) The commission shall develop a form and process for an
24 agriculture impact statement to be completed by any state agency before
25 the acquisition of an interest in real property or when the interest
26 includes agricultural land as defined in this section. The form and
27 timing of the agriculture impact statement should be such that
28 interested parties are able to evaluate the proposed agency action and
29 provide comments before final decisions by the agency.

30 (2) When developing the agriculture impact statement, the
31 commission shall consult with affected agencies before final adoption
32 of the form and process.

33 (3) The commission shall report to the governor and legislature no
34 later than December 1st of each calendar year, which at a minimum
35 should provide information on the status of the agriculture impact
36 statement program, the results of impact statements submitted to the
37 commission over the previous year, and other factors the commission

1 deems appropriate to report that fulfill the purposes of this act. The
2 commission may also make recommendations to the governor and
3 legislature on issues raised through the evaluation of the agriculture
4 impact statements. In the first report to the legislature and
5 governor, the commission shall address the potential applicability of
6 the agriculture impact statement to agency rule-making actions, to
7 actions by local governments, and whether existing processes adequately
8 provide for the evaluation of impacts to agricultural lands from other
9 project activities.

10 (4) An agriculture impact statement completed by an agency pursuant
11 to this chapter may not be used as the basis for appeal of an agency
12 action or to otherwise delay or stop the proposed agency activity
13 described in the agriculture impact statement.

14 (5) The definitions in this subsection apply throughout this
15 section.

16 (a) "Agriculture impact statement" means the document developed by
17 the state conservation commission and used by agencies consistent with
18 this section, and is separate and distinct from the detailed
19 environmental review documents required under chapter 43.21C RCW and
20 WAC 197-11-400.

21 (b) "Agricultural land" includes land that is (i) currently used
22 for agricultural production, (ii) capable of supporting agricultural
23 production as defined in WAC 365-190-050, (iii) zoned agricultural land
24 of long-term commercial significance, or (iv) otherwise zoned as
25 agricultural land by a local jurisdiction.

26 (c) "Interest in real property" includes an easement, lease, any
27 interest in fee simple or less than fee simple, a restrictive covenant,
28 or a deferred purchase mechanism.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.17 RCW
30 to read as follows:

31 All state agencies including all state departments, boards,
32 councils, commissions, and state universities, colleges, and community
33 colleges shall complete an agriculture impact statement in the form and
34 process described and adopted by the Washington state conservation
35 commission pursuant to chapter 89.08 RCW before acquisition of an
36 interest in real property that is currently used for agricultural

1 production, is capable of agricultural production, is designated as
2 agricultural lands of long-term commercial significance, or otherwise
3 designated as agricultural lands by a local jurisdiction.

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