

# SENATE BILL REPORT

## SB 5611

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As Reported by Senate Committee On:  
Agriculture & Rural Economic Development, February 21, 2011

**Title:** An act relating to the use of designated agricultural lands.

**Brief Description:** Regarding the use of designated agricultural lands.

**Sponsors:** Senators Hobbs, Hatfield, Delvin, Shin and Honeyford.

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 2/10/11, 2/21/11 [DPS].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5611 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hatfield, Chair; Shin, Vice Chair; Delvin, Ranking Minority Member; Becker, Haugen, Hobbs, Honeyford and Schoesler.

**Staff:** Bob Lee (786-7404)

**Background:** The Growth Management Act (GMA) requires that counties that plan under the act determine what agricultural lands are to be designated as agricultural land of long-term commercial significance. Lands zoned as agricultural lands limit the density of development and restrict or prohibit nonfarm uses of agricultural land but may allow accessory uses that support, promote, or sustain agricultural operations and production of the designated lands.

In recent years, the Legislature has more clearly defined when agricultural accessory uses and nonagricultural accessory uses may be made of the lands designated as agricultural land of long-term commercial significance. Agricultural accessory uses, such facilities to store, distribute, and market regional agricultural products, are allowed to be located within the designated agricultural land area. Specific non-agricultural accessory uses are allowed on designated parcels but they cannot convert more than one acre of agricultural land to nonagricultural use.

State agencies are required to comply with the local comprehensive plans and development regulations established by local governments under the GMA. Specific provisions govern

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locating essential public facilities, such as state institutions and public transportation facilities.

**Summary of Bill (Recommended Substitute):** The Legislature intends to clarify the protection of designated agricultural lands for future agricultural use.

Any city, county, or state agency owning land designated as agricultural land of long-term commercial significance by a comprehensive plan or development regulations adopted under the GMA must protect and maintain that land for future agricultural use.

This provision is not to be construed as prohibiting uses compatible with future agricultural uses, or prohibit the exchange or sale of state forest land or state trust land for use at highest and best value available for uses allowed by the applicable development regulations.

Additionally, this provision must not constrain the acquisition or use of lands necessary for construction, operation, and maintenance of highway facilities; however, siting of mitigation projects must not take place on designated agricultural lands of long-term commercial significance.

**EFFECT OF CHANGES MADE BY AGRICULTURE & RURAL ECONOMIC DEVELOPMENT COMMITTEE (Recommended Substitute):** The substitute added that:

- this provision is not to be construed as prohibiting uses compatible with future agricultural uses or prohibit the exchange or sale of state forest land or state trust land for use at highest and best value for uses allowed by the applicable development regulations; and
- this provision must not constrain the acquisition or use of lands necessary for construction, operation, and maintenance of highway facilities. However, siting of mitigation projects must not take place on designated agricultural lands of long-term commercial significance.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** None.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The GMA is pretty clear now that protecting and retaining of designated agricultural land is a priority of the state and state agencies are subject to those provisions. If they want to make a different use of the designated agricultural land, there is a current process in statute for a county to re-designate that land for another use. When 180 acres of good farmland was flooded by breaching the dikes on Leque Island, it was clear that some state agencies just don't get it. State agencies should not have superior rights. There have been proposals to flood additional areas which is why this bill is before you.

OTHER: Supports the intent of the bill but are concerned that it will affect state managed trust lands. There is concern that it will affect the lease of land for wind power generation or preclude receiving fair market value when trust lands are sold or traded. Clarification is needed that this will not affect acquisition, construction, or maintenance of state highways. There is concern that this may affect the purchase of land for conservation easements.

**Persons Testifying:** PRO: Dan Wood, Washington State Farm Bureau; Ed Hussman, Ed Moats, Snohomish County Farm Bureau.

OTHER: Clay Sprague, Department of Natural Resources; Mike Palazzo, Department of Transportation; April Putney, Futurewise.