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HOUSE BILL 1896

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Kretz, Short, Schmick, and McCune

Read first time 02/08/11. Referred to Committee on Local Government.

1            AN ACT Relating to ensuring the continuance of agricultural  
2 activities through provisions in the growth management act; amending  
3 RCW 36.70A.060; adding a new section to chapter 36.70A RCW; and  
4 creating a new section.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that Washington's  
7 agriculture industry is vital to the health and well-being of the state  
8 and its residents. This industry employs one hundred sixty thousand  
9 persons, has an economic value of thirty-eight billion dollars, and  
10 represents twelve percent of the state's economy. Additionally, the  
11 legislature recognizes that the agricultural community has a deeply  
12 vested interest in protecting the natural functions of the land, as  
13 clean water and a healthy environment are essential to the community's  
14 livelihood.

15            The legislature finds also that agricultural production has been  
16 decreasing in recent years and that many production and production-  
17 related businesses have either closed or relocated to other locations  
18 with more favorable regulatory environments. These trends are

1 especially troubling, as the agriculture industry provides fresh and  
2 nutritious foods for our residents and prevents Washingtonians from  
3 relying upon products produced in other states and nations.

4 The growth management act recognizes the importance of having  
5 agricultural activities on lands throughout the state. The act  
6 currently regulates agricultural land differently than critical areas  
7 because of the importance of the agriculture industry to all Washington  
8 residents. The legislature affirms that the Washington state  
9 department of agriculture is properly recognized as the state agency  
10 that should address concerns related to agricultural activity.

11 The legislature further finds that twelve state agencies and twelve  
12 federal agencies have jurisdiction over agricultural activities.  
13 Additionally, water quality is regulated by five state agencies and two  
14 federal agencies. Because of the current regulatory regime and the  
15 importance to our economy of continued prosperous agricultural  
16 activities, the legislature finds there is a need to prevent another  
17 layer of regulation being placed upon agricultural activities when they  
18 occur on lands designated as critical areas.

19 **Sec. 2.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read  
20 as follows:

21 (1)(a) (~~Except as provided in RCW 36.70A.1701,~~) Each county that  
22 is required or chooses to plan under RCW 36.70A.040, and each city  
23 within such county, shall adopt development regulations on or before  
24 September 1, 1991, to assure the conservation of agricultural, forest,  
25 and mineral resource lands designated under RCW 36.70A.170.  
26 Regulations adopted under this subsection may not prohibit uses legally  
27 existing on any parcel prior to their adoption and shall remain in  
28 effect until the county or city adopts development regulations pursuant  
29 to RCW 36.70A.040. Such regulations shall assure that the use of lands  
30 adjacent to agricultural, forest, or mineral resource lands shall not  
31 interfere with the continued use, in the accustomed manner and in  
32 accordance with best management practices, of these designated lands  
33 for the production of food, agricultural products, or timber, or for  
34 the extraction of minerals.

35 (b) Counties and cities shall require that all plats, short plats,  
36 development permits, and building permits issued for development  
37 activities on, or within five hundred feet of, lands designated as

1 agricultural lands, forest lands, or mineral resource lands, contain a  
2 notice that the subject property is within or near designated  
3 agricultural lands, forest lands, or mineral resource lands on which a  
4 variety of commercial activities may occur that are not compatible with  
5 residential development for certain periods of limited duration. The  
6 notice for mineral resource lands shall also inform that an application  
7 might be made for mining-related activities, including mining,  
8 extraction, washing, crushing, stockpiling, blasting, transporting, and  
9 recycling of minerals.

10 (2)(a) Except as provided in (b) of this subsection, each county  
11 and city shall adopt development regulations that protect critical  
12 areas that are required to be designated under RCW 36.70A.170. For  
13 counties and cities that are required or choose to plan under RCW  
14 36.70A.040, such development regulations shall be adopted on or before  
15 September 1, 1991. For the remainder of the counties and cities, such  
16 development regulations shall be adopted on or before March 1, 1992.

17 (b) Development regulations that protect critical areas may not  
18 apply to areas upon which agricultural activities occur. For purposes  
19 of this subsection (2)(b), "agricultural activities" has the same  
20 meaning as defined in section 3 of this act.

21 (3) Such counties and cities shall review these designations and  
22 development regulations when adopting their comprehensive plans under  
23 RCW 36.70A.040 and implementing development regulations under RCW  
24 36.70A.120 and may alter such designations and development regulations  
25 to insure consistency.

26 (4) Forest land and agricultural land located within urban growth  
27 areas shall not be designated by a county or city as forest land or  
28 agricultural land of long-term commercial significance under RCW  
29 36.70A.170 unless the city or county has enacted a program authorizing  
30 transfer or purchase of development rights.

31 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW  
32 to read as follows:

33 (1) Nothing in this chapter authorizes a county or city to cause an  
34 agricultural activity to cease.

35 (2) For purposes of this section, "agricultural activity" or  
36 "agricultural activities" means agricultural uses and practices  
37 including, but not limited to: Producing, breeding, or increasing

1 agricultural products; rotating and changing agricultural crops;  
2 allowing land used for agricultural activities to lie fallow in which  
3 it is plowed and tilled but left unseeded; allowing land used for  
4 agricultural activities to lie dormant for any reason; conducting  
5 agricultural operations; maintaining, repairing, and replacing  
6 agricultural facilities, when the replacement facility is no closer to  
7 a critical area than the original facility or in substantially the same  
8 location as the original; and maintaining agricultural lands under  
9 production or cultivation.

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