

# SENATE BILL REPORT

## SB 5170

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As of February 3, 2016

**Title:** An act relating to the conversion of agricultural land to other uses under the growth management act and shoreline management act.

**Brief Description:** Restricting the conversion of agricultural land to other uses under the growth management act and shoreline management act.

**Sponsors:** Senators Warnick, Honeyford, Hobbs, Schoesler and Hatfield.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/27/15.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Staff:** Diane Smith (786-7410)

**Background:** The Shoreline Management Act (SMA). SMA governs all shorelines of the state, including both shorelines and shorelines of statewide significance. Shorelines include all water areas, including reservoirs, and their associated shorelands with some exceptions.

Shorelands also include all wetlands and river deltas associated with streams, lakes, and tidal waters subject to SMA.

SMA requires counties and cities with shorelines to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions.

SMA also requires the Department of Ecology (Ecology) to adopt guidelines for local governments to use when developing these local shoreline master programs. Ecology may also propose amendments to the guidelines.

Neither Ecology's guidelines nor local governments' master programs may require modification of or limit agricultural activities occurring on agricultural lands.

Agricultural land means those specific land areas on which agricultural activities are conducted.

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*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.*

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

The requirement to maintain and enhance natural resource industries is one of GMA's 13 planning goals. These are non-prioritized goals that must be used exclusively for guiding the development and adoption of comprehensive plans and development regulations at the local planning level. Agricultural industries are included among natural resource-based industries.

GMA planning counties must adopt development regulations that assure the conservation of designated agricultural lands. Development regulations must assure that the use of land adjacent to agricultural lands does not interfere with the continued, accustomed use, in accordance with best management practices, of these agricultural lands.

**Summary of Bill:** Under both GMA and SMA, designated agricultural land must neither be converted to wetland or fish habitat nor subject to tidal inundation.

The definition of agricultural land under SMA is clarified. Agricultural activities conducted on the land include both activities actually and those potentially conducted on the land.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The current salmon recovery concepts claiming the problem is the loss of habitat have no basis at all in science. Government buys agriculturally designated land and stops agricultural activity on the land years in advance. The SMA trumps the GMA on shorelines. How much is enough? We must protect agricultural land from fragmentation so that it can continue to be viable. Ownership means control.

CON: This bill prevents working with farmers to protect property rights of the tribes to the salmon in the rivers. Salmon are food, too. Voluntary stewardship does and can continue to facilitate win-win solutions to restoring habitat and continuing agricultural uses of agricultural land. These are two site-dependent uses that require finesse and locally crafted, individualized solutions. Estuaries are like sponges that absorb excess water, preventing the flooding that farmers want to be prevented, and provide the proper conditions for fish.

OTHER: If this bill passes, flooding will not be controlled.

**Persons Testifying:** PRO: Evan Sheffels; Suzanne Phillips, NSAC.

CON: Bryce Yadon, Futurewise; David Price, Restoration Division Manager, WDFW; Dave Price, Washington Department of Fish and Wildlife, Restoration Division Manager of the Habitat Program; Ron Shultz, Conservation Commission; Tom Clingman, Department of Ecology; Dawn Vyvyan, Yakama Nation; Steve Robinson, Quinault and Lummi Nations.

OTHER: Megan White, Washington State Department of Transportation; Jack Field, Washington Cattlemen's Association; Jennifer Joly, Pierce County Government Relations.

**Persons Signed In To Testify But Not Testifying:** No one.