
Environment Committee

HB 2524

Brief Description: Concerning soil samples in classifying agricultural and forestland.

Sponsors: Representatives Pike, Blake, Manweller, Vick, Shea and Eslick.

Brief Summary of Bill

- Directs the Department of Commerce to develop guidelines that allow a person to remove, based on soil surveys, a local jurisdiction's designation of forestlands or agricultural lands.

Hearing Date: 1/25/18

Staff: Jacob Lipson (786-7196).

Background:

The Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA (GMA planning jurisdictions). The GMA directs GMA planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA.

The GMA provides that all counties and cities are obligated to designate, where appropriate, agricultural and forestlands of long-term commercial significance. Areas of long-term commercial significance must be designated based on their growing capacity, productivity, and soil composition of the land for long-term commercial production, taking into consideration the

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land's proximity to population areas, and the possibility of more intense land uses. Counties and cities that are GMA planning jurisdictions are also required to adopt development regulations to protect those designated agricultural and forestlands. Agricultural and forestland designations are subject to periodic review and revision by counties and cities.

Department of Commerce Guidelines for Designations of Agricultural Lands and Forestlands.

The Department of Commerce (Commerce) has adopted by rule guidelines to assist counties and cities in the classification of agricultural lands and forestlands of long-term commercial significance. Agricultural land designation guidelines were developed in consultation with the Washington Department of Agriculture (WSDA), while the forestland designation guidelines were developed in consultation with the Department of Natural Resources (DNR). The guidelines are minimum guidelines that apply to all jurisdictions, but which must allow for regional differences across Washington.

Under Commerce's guidelines, agricultural land must have long-term commercial significance and be primarily devoted to the commercial production of 16 enumerated categories of agricultural products. Forestland must have long-term commercial significance and be primarily devoted to growing trees for long-term commercial timber, including Christmas trees, on land that can be economically and practically managed for commercial timber production. When designating agricultural and forest lands, counties and cities must involve the public, and are encouraged to use a process that includes a public participation program with timely public notice of pending designations. Agricultural and forestland land may be designated where the following criteria are met:

1. the land is not characterized by urban growth;
2. the land is used or capable of use for agricultural or forestry production, based on physical and geographic characteristics; and
3. the land has long-term agricultural or forestry commercial significance.

For purposes of identifying lands where criteria (2) is met for agricultural lands, Commerce's guidelines require counties and cities to use the land capability classification system of the United States Department of Agriculture's Natural Resource Conservation Service, which incorporates lands into map units based on published soil surveys and the growing capacity, productivity, and soil composition of lands. For purposes of identifying lands where criteria (2) is met for forestlands, Commerce's guidelines encourage counties and cities to use a forestland grading system adopted by the Washington Department of Revenue (DOR). The DOR's forestland grading system relies on a site index that evaluates the expected height of the dominant timber species at a given age on a site.

When reviewing and updating agricultural and forestland designations, Commerce's guidelines suggest that counties and cities should not review designations solely on a parcel-by-parcel basis, but should instead evaluate designations on a regional or county-wide basis. Amendments to designations should be made in several types of circumstances, including where there has been an error in previous designations, where there is new information regarding the criteria under which previous designations occurred, or where there is a change in circumstance on the property that affects the designation criteria that was beyond a landowner's control.

Summary of Bill:

By January 1, 2019 and in consultation with the Washington Department of Agriculture, the Department of Commerce must develop guidelines for a person to remove a local jurisdiction's forestland or agricultural land designation. The removal of these designations must be allowed in circumstances where soil surveys conducted consistent with USDA standards indicate that soil composition is unsuitable to support activities or crops in accordance with the local jurisdiction's designation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.