
SENATE BILL 6199

State of Washington

55th Legislature

1998 Regular Session

By Senators Fraser, Swecker, Spanel, Rasmussen, Haugen, Jacobsen and Winsley

Read first time 01/13/98. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to aquatic protection and enhancement; and amending
2 RCW 84.34.020 and 84.34.055.

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

4 **Sec. 1.** RCW 84.34.020 and 1997 c 429 s 31 are each amended to read
5 as follows:

6 As used in this chapter, unless a different meaning is required by
7 the context:

8 (1) "Open space land" means (a) any land area so designated by an
9 official comprehensive land use plan adopted by any city or county and
10 zoned accordingly, or (b) any land area, the preservation of which in
11 its present use would (i) conserve and enhance natural or scenic
12 resources, or (ii) protect streams or water supply, or (iii) promote
13 conservation of soils, wetlands, beaches or tidal marshes, or (iv)
14 enhance the value to the public of abutting or neighboring parks,
15 forests, wildlife preserves, nature reservations or sanctuaries or
16 other open space, or (v) enhance recreation opportunities, or (vi)
17 preserve historic sites, or (vii) preserve visual quality along
18 highway, road, and street corridors or scenic vistas, or (viii) retain
19 in its natural state tracts of land not less than one acre situated in

1 an urban area and open to public use on such conditions as may be
2 reasonably required by the legislative body granting the open space
3 classification, or (ix) protect or enhance aquatic habitat, or (c) any
4 land meeting the definition of farm and agricultural conservation land
5 under subsection (8) of this section. As a condition of granting open
6 space classification, the legislative body may not require public
7 access on land classified under (b)(iii) of this subsection for the
8 purpose of promoting conservation of wetlands.

9 (2) "Farm and agricultural land" means:

10 (a) Any parcel of land that is twenty or more acres or multiple
11 parcels of land that are contiguous and total twenty or more acres:

12 (i) Devoted primarily to the production of livestock or
13 agricultural commodities for commercial purposes;

14 (ii) Enrolled in the federal conservation reserve program or its
15 successor administered by the United States department of agriculture;
16 or

17 (iii) Other similar commercial activities as may be established by
18 rule;

19 (b) Any parcel of land that is five acres or more but less than
20 twenty acres devoted primarily to agricultural uses, which has produced
21 a gross income from agricultural uses equivalent to, as of January 1,
22 1993:

23 (i) One hundred dollars or more per acre per year for three of the
24 five calendar years preceding the date of application for
25 classification under this chapter for all parcels of land that are
26 classified under this subsection or all parcels of land for which an
27 application for classification under this subsection is made with the
28 granting authority prior to January 1, 1993; and

29 (ii) On or after January 1, 1993, two hundred dollars or more per
30 acre per year for three of the five calendar years preceding the date
31 of application for classification under this chapter;

32 (c) Any parcel of land of less than five acres devoted primarily to
33 agricultural uses which has produced a gross income as of January 1,
34 1993, of:

35 (i) One thousand dollars or more per year for three of the five
36 calendar years preceding the date of application for classification
37 under this chapter for all parcels of land that are classified under
38 this subsection or all parcels of land for which an application for

1 classification under this subsection is made with the granting
2 authority prior to January 1, 1993; and

3 (ii) On or after January 1, 1993, fifteen hundred dollars or more
4 per year for three of the five calendar years preceding the date of
5 application for classification under this chapter.

6 Parcels of land described in (b)(i) and (c)(i) of this subsection
7 shall, upon any transfer of the property excluding a transfer to a
8 surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of
9 this subsection.

10 Agricultural lands shall also include such incidental uses as are
11 compatible with agricultural purposes, including wetlands preservation,
12 provided such incidental use does not exceed twenty percent of the
13 classified land and the land on which appurtenances necessary to the
14 production, preparation, or sale of the agricultural products exist in
15 conjunction with the lands producing such products. Agricultural lands
16 shall also include any parcel of land of one to five acres, which is
17 not contiguous, but which otherwise constitutes an integral part of
18 farming operations being conducted on land qualifying under this
19 section as "farm and agricultural lands";

20 (d) The land on which housing for employees and the principal place
21 of residence of the farm operator or owner of land classified pursuant
22 to (a) of this subsection is sited if: The housing or residence is on
23 or contiguous to the classified parcel; and the use of the housing or
24 the residence is integral to the use of the classified land for
25 agricultural purposes;

26 (e) Any parcel of land designated as agricultural land under RCW
27 36.70A.170; or

28 (f) Any parcel of land not within an urban growth area zoned as
29 agricultural land under a comprehensive plan adopted under chapter
30 36.70A RCW.

31 (3) "Timber land" means any parcel of land that is five or more
32 acres or multiple parcels of land that are contiguous and total five or
33 more acres which is or are devoted primarily to the growth and harvest
34 of forest crops for commercial purposes. A timber management plan
35 shall be filed with the county legislative authority at the time (a) an
36 application is made for classification as timber land pursuant to this
37 chapter or (b) when a sale or transfer of timber land occurs and a
38 notice of classification continuance is signed. Timber land means the
39 land only.

1 (4) "Current" or "currently" means as of the date on which property
2 is to be listed and valued by the assessor.

3 (5) "Owner" means the party or parties having the fee interest in
4 land, except that where land is subject to real estate contract "owner"
5 shall mean the contract vendee.

6 (6) "Contiguous" means land adjoining and touching other property
7 held by the same ownership. Land divided by a public road, but
8 otherwise an integral part of a farming operation, shall be considered
9 contiguous.

10 (7) "Granting authority" means the appropriate agency or official
11 who acts on an application for classification of land pursuant to this
12 chapter.

13 (8) "Farm and agricultural conservation land" means either:

14 (a) Land that was previously classified under subsection (2) of
15 this section, that no longer meets the criteria of subsection (2) of
16 this section, and that is reclassified under subsection (1) of this
17 section; or

18 (b) Land that is traditional farmland that is not classified under
19 chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a
20 use inconsistent with agricultural uses, and that has a high potential
21 for returning to commercial agriculture.

22 **Sec. 2.** RCW 84.34.055 and 1994 c 264 s 76 are each amended to read
23 as follows:

24 (1) The county legislative authority may direct the county planning
25 commission to set open space priorities and adopt, after a public
26 hearing, an open space plan and public benefit rating system for the
27 county. The plan shall consist of criteria for determining eligibility
28 of lands, the process for establishing a public benefit rating system,
29 and an assessed valuation schedule. Criteria for determining
30 eligibility of land shall include aquatic habitat protection and
31 enhancement, and in determining eligibility of land under this
32 criteria, the lack of eligibility under other criteria shall not be
33 considered. The assessed valuation schedule shall be developed by the
34 county assessor and shall be a percentage of market value based upon
35 the public benefit rating system. The open space plan, the public
36 benefit rating system, and the assessed valuations schedule shall not
37 be effective until approved by the county legislative authority after
38 at least one public hearing: PROVIDED, That any county which has

1 complied with the procedural requisites of chapter 393, Laws of 1985,
2 prior to July 28, 1985, need not repeat those procedures in order to
3 adopt an open space plan pursuant to chapter 393, Laws of 1985.

4 (2) In adopting an open space plan, recognized sources shall be
5 used unless the county does its own survey of important open space
6 priorities or features, or both. Recognized sources include but are
7 not limited to the natural heritage data base; the state office of
8 historic preservation; the interagency committee for outdoor recreation
9 inventory of dry accretion beach and shoreline features; state,
10 national, county, or city registers of historic places; the shoreline
11 master program; or studies by the parks and recreation commission and
12 by the departments of fish and wildlife and natural resources.
13 Features and sites may be verified by an outside expert in the field
14 and approved by the appropriate state or local agency to be sent to the
15 county legislative authority for final approval as open space.

16 (3) When the county open space plan is adopted, owners of open
17 space lands then classified under this chapter shall be notified in the
18 same manner as is provided in RCW 84.40.045 of their new assessed
19 value. These lands may be removed from classification, upon request of
20 owner, without penalty within thirty days of notification of value.

21 (4) The open space plan and public benefit rating system under this
22 section may be adopted for taxes payable in 1986 and thereafter.

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