
SENATE BILL 5646

State of Washington

55th Legislature

1997 Regular Session

By Senators Prince, Hochstatter, Morton and Roach

Read first time 02/05/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to including land and structures used in farming
2 operations in definition of "farm and agricultural land"; and amending
3 RCW 84.34.020.

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

5 **Sec. 1.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read
6 as follows:

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

9 (1) "Open space land" means (a) any land area so designated by an
10 official comprehensive land use plan adopted by any city or county and
11 zoned accordingly(~~(+,+)~~), or (b) any land area, the preservation of
12 which in its present use would (i) conserve and enhance natural or
13 scenic resources, or (ii) protect streams or water supply, or (iii)
14 promote conservation of soils, wetlands, beaches or tidal marshes, or
15 (iv) enhance the value to the public of abutting or neighboring parks,
16 forests, wildlife preserves, nature reservations or sanctuaries or
17 other open space, or (v) enhance recreation opportunities, or (vi)
18 preserve historic sites, or (vii) preserve visual quality along
19 highway, road, and street corridors or scenic vistas, or (viii) retain

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

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

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((~~7~~)); or

14 (ii) Enrolled in the federal conservation reserve program or its
15 successor administered by the United States department of
16 agriculture(~~(, or (iii) other similar commercial activities as may be~~
17 established by rule following consultation with the advisory committee
18 established in section 19 of this act));

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((~~7~~)):

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((~~7~~)); 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(~~(7)~~); 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. Agricultural lands shall also include such incidental
10 uses as are compatible with agricultural purposes, including wetlands
11 preservation, provided such incidental use does not exceed twenty
12 percent of the classified land and the land on which appurtenances
13 necessary to the production, preparation, or sale of the agricultural
14 products exist in conjunction with the lands producing such products.
15 Agricultural lands shall also include any parcel of land of one to five
16 acres, which is not contiguous, but which otherwise constitutes an
17 integral part of farming operations being conducted on land qualifying
18 under this section as "farm and agricultural lands"; (~~(e)~~)

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

25 (e) The land and structures on the land used for purposes integral
26 to the farming operation, such as commodity storage and handling,
27 provided the structures are located on land qualifying under this
28 section as "farm and agricultural land".

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

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

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

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

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

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

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

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

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