
SENATE BILL 6200

State of Washington

55th Legislature

1998 Regular Session

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

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

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

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 (c) any land meeting the definition of farm and
4 agricultural conservation land under subsection (8) of this section, or
5 (d) any shoreland area, as defined in RCW 90.58.030, that has no
6 dwelling and that is used in a manner that will protect or enhance
7 aquatic habitat as certified by the department of wildlife or a
8 conservation district. As a condition of granting open space
9 classification, the legislative body may not require public access on
10 land classified under (b)(iii) of this subsection for the purpose of
11 promoting conservation of wetlands.

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

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

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

17 (ii) Enrolled in the federal conservation reserve program or its
18 successor administered by the United States department of agriculture;
19 or

20 (iii) Other similar commercial activities as may be established by
21 rule;

22 (b) Any parcel of land that is five acres or more but less than
23 twenty acres devoted primarily to agricultural uses, which has produced
24 a gross income from agricultural uses equivalent to, as of January 1,
25 1993:

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

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

35 (c) Any parcel of land of less than five acres devoted primarily to
36 agricultural uses which has produced a gross income as of January 1,
37 1993, of:

38 (i) One thousand dollars or more per year for three of the five
39 calendar years preceding the date of application for classification

1 under this chapter for all parcels of land that are classified under
2 this subsection or all parcels of land for which an application for
3 classification under this subsection is made with the granting
4 authority prior to January 1, 1993; and

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

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

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

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

28 (e) Any parcel of land designated as agricultural land under RCW
29 36.70A.170; or

30 (f) Any parcel of land not within an urban growth area zoned as
31 agricultural land under a comprehensive plan adopted under chapter
32 36.70A RCW.

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

1 notice of classification continuance is signed. Timber land means the
2 land only.

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

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

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

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

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

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

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

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