
ENGROSSED SUBSTITUTE HOUSE BILL 2305

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Local Government & Housing (originally sponsored by Representatives Hatfield, Doumit, Kessler, Grant, Kirby, Edwards and Linville)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to clarifying the application of shoreline master
2 program guidelines and master programs to agricultural activities on
3 agricultural lands; adding a new section to chapter 90.58 RCW; and
4 providing a contingent effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.58 RCW
7 to read as follows:

8 (1) The guidelines adopted by the department and master programs
9 developed or amended by local governments according to RCW 90.58.080
10 shall not require modification of or limit agricultural activities
11 occurring on agricultural lands. In jurisdictions where agricultural
12 activities occur, master programs developed or amended after the
13 effective date of this act shall include provisions addressing new
14 agricultural activities on land not meeting the definition of
15 agricultural land, conversion of agricultural lands to other uses, and
16 development not meeting the definition of agricultural activities.
17 Nothing in this section limits or changes the terms of the current
18 exception to the definition of substantial development in RCW
19 90.58.030(3)(e)(iv). This section applies only to this chapter.

1 (2) For the purposes of this section:

2 (a) "Agricultural activities" means agricultural uses and practices
3 including, but not limited to: Producing, breeding, or increasing
4 agricultural products; rotating and changing agricultural crops;
5 allowing land used for agricultural activities to lie fallow in which
6 it is plowed and tilled but left unseeded; allowing land used for
7 agricultural activities to lie dormant as a result of adverse
8 agricultural market conditions; allowing land used for agricultural
9 activities to lie dormant because the land is enrolled in a local,
10 state, or federal conservation program, or the land is subject to a
11 conservation easement; conducting agricultural operations; maintaining,
12 repairing, and replacing agricultural equipment; maintaining,
13 repairing, and replacing agricultural facilities, provided that the
14 replacement facility is no closer to the shoreline than the original
15 facility; and maintaining agricultural lands under production or
16 cultivation;

17 (b) "Agricultural products" includes but is not limited to
18 horticultural, viticultural, floricultural, vegetable, fruit, berry,
19 grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or
20 forage for livestock; Christmas trees; hybrid cottonwood and similar
21 hardwood trees grown as crops and harvested within twenty years of
22 planting; and livestock including both the animals themselves and
23 animal products including but not limited to meat, upland finfish,
24 poultry and poultry products, and dairy products;

25 (c) "Agricultural equipment" and "agricultural facilities"
26 includes, but is not limited to: (i) The following used in
27 agricultural operations: Equipment; machinery; constructed shelters,
28 buildings, and ponds; fences; upland finfish rearing facilities; water
29 diversion, withdrawal, conveyance, and use equipment and facilities
30 including but not limited to pumps, pipes, tapes, canals, ditches, and
31 drains; (ii) corridors and facilities for transporting personnel,
32 livestock, and equipment to, from, and within agricultural lands; (iii)
33 farm residences and associated equipment, lands, and facilities; and
34 (iv) roadside stands and on-farm markets for marketing fruit or
35 vegetables; and

36 (d) "Agricultural land" means those specific land areas on which
37 agriculture activities are conducted.

1 (3) The department and local governments shall assure that local
2 shoreline master programs use definitions consistent with the
3 definitions in this section.

4 NEW SECTION. **Sec. 2.** The provisions of this act do not become
5 effective until the earlier of either January 1, 2004, or the date the
6 department of ecology amends or updates chapter 173-16 or 173-26 WAC.

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