
SENATE BILL 5168

State of Washington 64th Legislature 2015 Regular Session

By Senators Warnick, Honeyford, Hatfield, Schoesler, and Benton

Read first time 01/15/15. Referred to Committee on Agriculture,
Water & Rural Economic Development.

1 AN ACT Relating to the definition of agricultural lands under the
2 shoreline management act; and amending RCW 90.58.065.

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

4 **Sec. 1.** RCW 90.58.065 and 2002 c 298 s 1 are each amended to
5 read as follows:

6 (1) The guidelines adopted by the department and master programs
7 developed or amended by local governments according to RCW 90.58.080
8 shall not require modification of or limit agricultural activities
9 occurring on agricultural lands. In jurisdictions where agricultural
10 activities occur, master programs developed or amended after June 13,
11 2002, shall include provisions addressing new agricultural activities
12 on land not meeting the definition of agricultural land, conversion
13 of agricultural lands to other uses, and development not meeting the
14 definition of agricultural activities. Nothing in this section limits
15 or changes the terms of the current exception to the definition of
16 substantial development in RCW 90.58.030(3)(e)(iv). This section
17 applies only to this chapter, and shall not affect any other
18 authority of local governments.

19 (2) For the purposes of this section:

20 (a) "Agricultural activities" means agricultural uses and
21 practices including, but not limited to: Producing, breeding, or

1 increasing agricultural products; rotating and changing agricultural
2 crops; allowing land used for agricultural activities to lie fallow
3 in which it is plowed and tilled but left unseeded; allowing land
4 used for agricultural activities to lie dormant as a result of
5 adverse agricultural market conditions; allowing land used for
6 agricultural activities to lie dormant because the land is enrolled
7 in a local, state, or federal conservation program, or the land is
8 subject to a conservation easement; conducting agricultural
9 operations; maintaining, repairing, and replacing agricultural
10 equipment; maintaining, repairing, and replacing agricultural
11 facilities, provided that the replacement facility is no closer to
12 the shoreline than the original facility; and maintaining
13 agricultural lands under production or cultivation;

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

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

33 (d) "Agricultural land" means those specific land areas on which
34 agriculture activities are actually or potentially will be conducted.
35 Land qualifying as agricultural under this chapter shall not be
36 converted to wetland or fish habitat, nor subjected to tidal
37 inundation.

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.

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