

2 **SHB 2765** - S COMM AMD

3 By Committee on Natural Resources, Parks & Shorelines

4 ADOPTED 03/06/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 84.34.020 and 2001 c 249 s 12 are each amended to
8 read as follows:

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

11 (1) "Open space land" means (a) any land area so designated by an
12 official comprehensive land use plan adopted by any city or county and
13 zoned accordingly, or (b) any land area, the preservation of which in
14 its present use would (i) conserve and enhance natural or scenic
15 resources, or (ii) protect streams or water supply, or (iii) promote
16 conservation of soils, wetlands, beaches or tidal marshes, or (iv)
17 enhance the value to the public of abutting or neighboring parks,
18 forests, wildlife preserves, nature reservations or sanctuaries or
19 other open space, or (v) enhance recreation opportunities, or (vi)
20 preserve historic sites, or (vii) preserve visual quality along
21 highway, road, and street corridors or scenic vistas, or (viii) retain
22 in its natural state tracts of land not less than one acre situated in
23 an urban area and open to public use on such conditions as may be
24 reasonably required by the legislative body granting the open space
25 classification, or (c) any land meeting the definition of farm and
26 agricultural conservation land under subsection (8) of this section.
27 As a condition of granting open space classification, the legislative
28 body may not require public access on land classified under (b)(iii) of
29 this subsection for the purpose of promoting conservation of wetlands.

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

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

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

1 (ii) Enrolled in the federal conservation reserve program or its
2 successor administered by the United States department of agriculture;
3 or

4 (iii) Other similar commercial activities as may be established by
5 rule;

6 (b) Any parcel of land that is five acres or more but less than
7 twenty acres devoted primarily to agricultural uses, which has produced
8 a gross income from agricultural uses equivalent to, as of January 1,
9 1993:

10 (i) One hundred dollars or more per acre per year for three of the
11 five calendar years preceding the date of application for
12 classification under this chapter for all parcels of land that are
13 classified under this subsection or all parcels of land for which an
14 application for classification under this subsection is made with the
15 granting authority prior to January 1, 1993; and

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

19 (c) Any parcel of land of less than five acres devoted primarily to
20 agricultural uses which has produced a gross income as of January 1,
21 1993, of:

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

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

31 Parcels of land described in (b)(i) and (c)(i) of this subsection
32 shall, upon any transfer of the property excluding a transfer to a
33 surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of
34 this subsection;

35 (d) Any lands including incidental uses as are compatible with
36 agricultural purposes, including wetlands preservation, provided such
37 incidental use does not exceed twenty percent of the classified land
38 and the land on which appurtenances necessary to the production,
39 preparation, or sale of the agricultural products exist in conjunction

1 with the lands producing such products. Agricultural lands shall also
2 include any parcel of land of one to five acres, which is not
3 contiguous, but which otherwise constitutes an integral part of farming
4 operations being conducted on land qualifying under this section as
5 "farm and agricultural lands"; or

6 (e) The land on which housing for employees and the principal place
7 of residence of the farm operator or owner of land classified pursuant
8 to (a) of this subsection is sited if: The housing or residence is on
9 or contiguous to the classified parcel; and the use of the housing or
10 the residence is integral to the use of the classified land for
11 agricultural purposes.

12 (3) "Timber land" means any parcel of land that is five or more
13 acres or multiple parcels of land that are contiguous and total five or
14 more acres which is or are devoted primarily to the growth and harvest
15 of timber for commercial purposes. (~~(A timber management plan shall be
16 filed with the county legislative authority at the time (a) an
17 application is made for classification as timber land pursuant to this
18 chapter or (b) when a sale or transfer of timber land occurs and a
19 notice of classification continuance is signed.)~~) Timber land means
20 the land only.

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

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

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

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

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

34 (a) Land that was previously classified under subsection (2) of
35 this section, that no longer meets the criteria of subsection (2) of
36 this section, and that is reclassified under subsection (1) of this
37 section; or

38 (b) Land that is traditional farmland that is not classified under
39 chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a

1 use inconsistent with agricultural uses, and that has a high potential
2 for returning to commercial agriculture.

3 **Sec. 2.** RCW 84.34.041 and 1992 c 69 s 20 are each amended to read
4 as follows:

5 An application for current use classification or reclassification
6 under RCW 84.34.020(3) shall be made to the county legislative
7 authority.

8 (1) The application shall be made upon forms prepared by the
9 department of revenue and supplied by the granting authority and shall
10 include the following elements that constitute a timber management
11 plan:

12 (a) A legal description of, or assessor's parcel numbers for, all
13 land the applicant desires to be classified as timber land;

14 (b) The date or dates of acquisition of the land;

15 (c) A brief description of the timber on the land, or if the timber
16 has been harvested, the owner's plan for restocking;

17 (d) Whether there is a forest management plan for the land;

18 (e) If so, the nature and extent of implementation of the plan;

19 (f) Whether the land is used for grazing;

20 (g) Whether the land has been subdivided or a plat filed with
21 respect to the land;

22 (h) Whether the land and the applicant are in compliance with the
23 restocking, forest management, fire protection, insect and disease
24 control, weed control, and forest debris provisions of Title 76 RCW or
25 applicable rules under Title 76 RCW;

26 (i) Whether the land is subject to forest fire protection
27 assessments pursuant to RCW 76.04.610;

28 (j) Whether the land is subject to a lease, option, or other right
29 that permits it to be used for a purpose other than growing and
30 harvesting timber;

31 (k) A summary of the past experience and activity of the applicant
32 in growing and harvesting timber;

33 (l) A summary of current and continuing activity of the applicant
34 in growing and harvesting timber;

35 (m) A statement that the applicant is aware of the potential tax
36 liability involved when the land ceases to be classified as timber
37 land.

1 (2) An application made for classification of land under RCW
2 84.34.020(3) shall be acted upon after a public hearing and after
3 notice of the hearing is given by one publication in a newspaper of
4 general circulation in the area at least ten days before the hearing.
5 Application for classification of land in an incorporated area shall be
6 acted upon by a granting authority composed of three members of the
7 county legislative body and three members of the city legislative body
8 in which the land is located.

9 (3) The granting authority shall act upon the application with due
10 regard to all relevant evidence and without any one or more items of
11 evidence necessarily being determinative, except that the application
12 may be denied for one of the following reasons, without regard to other
13 items:

14 (a) The land does not contain a stand of timber as defined in
15 chapter 76.09 RCW and applicable rules, except this reason shall not
16 alone be sufficient to deny the application (i) if the land has been
17 recently harvested or supports a growth of brush or noncommercial type
18 timber, and the application includes a plan for restocking within three
19 years or the longer period necessitated by unavailability of seed or
20 (~~seedings~~—~~seedlings~~) seedlings, or (ii) if only isolated areas
21 within the land do not meet minimum standards due to rock outcroppings,
22 swamps, unproductive soil, or other natural conditions;

23 (b) The applicant, with respect to the land, has failed to comply
24 with a final administrative or judicial order with respect to a
25 violation of the restocking, forest management, fire protection, insect
26 and disease control, weed control, and forest debris provisions of
27 Title 76 RCW or applicable rules under Title 76 RCW;

28 (c) The land abuts a body of salt water and lies between the line
29 of ordinary high tide and a line paralleling the ordinary high tide
30 line and two hundred feet horizontally landward from the high tide
31 line.

32 (4) The timber management plan must be filed with the county
33 legislative authority either: (a) When an application for
34 classification under this chapter is submitted; (b) when a sale or
35 transfer of timber land occurs and a notice of continuance is signed;
36 or (c) within sixty days of the date the application for
37 reclassification under this chapter or from designated forest land is
38 received. The application for reclassification shall be accepted, but
39 shall not be processed until the timber management plan is received.

1 If the timber management plan is not received within sixty days of the
2 date the application for reclassification is received, the application
3 for reclassification shall be denied.

4 If circumstances require it, the county assessor may allow in
5 writing an extension of time for submitting a timber management plan
6 when an application for classification or reclassification or notice of
7 continuance is filed. When the assessor approves an extension of time
8 for filing the timber management plan, the county legislative authority
9 may delay processing an application until the timber management plan is
10 received. If the timber management plan is not received by the date
11 set by the assessor, the application or the notice of continuance shall
12 be denied.

13 The granting authority may approve the application with respect to
14 only part of the land that is described in the application, and if any
15 part of the application is denied, the applicant may withdraw the
16 entire application. The granting authority, in approving in part or
17 whole an application for land classified pursuant to RCW 84.34.020(3),
18 may also require that certain conditions be met.

19 Granting or denial of an application for current use classification
20 is a legislative determination and shall be reviewable only for
21 arbitrary and capricious actions. The granting authority may not
22 require the granting of easements for land classified pursuant to RCW
23 84.34.020(3).

24 The granting authority shall approve or disapprove an application
25 made under this section within six months following the date the
26 application is received."

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28 By Committee on Natural Resources, Parks & Shorelines

29 ADOPTED 03/06/02

30 On page 1, line 1 of the title, after "lands;" strike the remainder
31 of the title and insert "and amending RCW 84.34.020 and 84.34.041."

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