

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 2305

57th Legislature  
2002 Regular Session

Passed by the House March 11, 2002  
Yeas 94 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 7, 2002  
Yeas 31 Nays 17

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2305** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2305

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

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

1 90.58.030(3)(e)(iv). This section applies only to this chapter, and  
2 shall not affect any other authority of local governments.

3 (2) For the purposes of this section:

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

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

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

38 (d) "Agricultural land" means those specific land areas on which  
39 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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