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HOUSE BILL 2684

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Linville, Schoesler, Orcutt and Eickmeyer

Read first time 01/19/2004. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to defining timber land to include certain  
2 incidental uses; and 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 2002 c 315 s 1 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.  
5 As a condition of granting open space classification, the legislative  
6 body may not require public access on land classified under (b)(iii) of  
7 this subsection for the purpose of promoting conservation of wetlands.

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

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

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

13 (ii) Enrolled in the federal conservation reserve program or its  
14 successor administered by the United States department of agriculture;  
15 or

16 (iii) Other similar commercial activities as may be established by  
17 rule;

18 (b) Any parcel of land that is five acres or more but less than  
19 twenty acres devoted primarily to agricultural uses, which has produced  
20 a gross income from agricultural uses equivalent to, as of January 1,  
21 1993:

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

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

31 (c) Any parcel of land of less than five acres devoted primarily to  
32 agricultural uses which has produced a gross income as of January 1,  
33 1993, of:

34 (i) One thousand dollars or more per year for three of the five  
35 calendar years preceding the date of application for classification  
36 under this chapter for all parcels of land that are classified under  
37 this subsection or all parcels of land for which an application for

1 classification under this subsection is made with the granting  
2 authority prior to January 1, 1993; and

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

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

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

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

26 (3) "Timber land" means any parcel of land that is five or more  
27 acres or multiple parcels of land that are contiguous and total five or  
28 more acres which is or are devoted primarily to the growth and harvest  
29 of timber for commercial purposes. Timber land means the land only.  
30 The term includes land used for incidental uses that are compatible  
31 with the growing and harvesting of timber but no more than ten percent  
32 of the land may be used for these incidental uses.

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

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

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

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

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

9 (a) Land that was previously classified under subsection (2) of  
10 this section, that no longer meets the criteria of subsection (2) of  
11 this section, and that is reclassified under subsection (1) of this  
12 section; or

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

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