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SENATE BILL 6572

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State of Washington

56th Legislature

2000 Regular Session

By Senators Rasmussen, Swecker, Stevens and Oke

Read first time 01/19/2000. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to protecting and enhancing aquatic habitat through  
2 the use of tax incentives; and amending RCW 84.34.020 and 84.34.055.

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

4 **Sec. 1.** RCW 84.34.020 and 1998 c 320 s 7 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 (ix) protect or enhance aquatic habitat, or (c) any  
4 land meeting the definition of farm and agricultural conservation land  
5 under subsection (8) of this section, or (d) any shoreland area, as  
6 defined in RCW 90.58.030, that has no dwellings and that is used in a  
7 manner that will protect or enhance aquatic habitat as certified by the  
8 department of wildlife or a conservation district. As a condition of  
9 granting open space classification, the legislative body may not  
10 require public access on land classified under (b)(iii) of this  
11 subsection for the purpose of promoting conservation of wetlands.

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

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

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

17 (ii) Enrolled in the federal conservation reserve program or its  
18 successor administered by the United States department of agriculture;  
19 or

20 (iii) Other similar commercial activities as may be established by  
21 rule;

22 (b) Any parcel of land that is five acres or more but less than  
23 twenty acres devoted primarily to agricultural uses, which has produced  
24 a gross income from agricultural uses equivalent to, as of January 1,  
25 1993:

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

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

35 (c) Any parcel of land of less than five acres devoted primarily to  
36 agricultural uses which has produced a gross income as of January 1,  
37 1993, of:

38 (i) One thousand dollars or more per year for three of the five  
39 calendar years preceding the date of application for classification

1 under this chapter for all parcels of land that are classified under  
2 this subsection or all parcels of land for which an application for  
3 classification under this subsection is made with the granting  
4 authority prior to January 1, 1993; and

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

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

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

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

28 (3) "Timber land" means any parcel of land that is five or more  
29 acres or multiple parcels of land that are contiguous and total five or  
30 more acres which is or are devoted primarily to the growth and harvest  
31 of forest crops for commercial purposes. A timber management plan  
32 shall be filed with the county legislative authority at the time (a) an  
33 application is made for classification as timber land pursuant to this  
34 chapter or (b) when a sale or transfer of timber land occurs and a  
35 notice of classification continuance is signed. Timber land means the  
36 land only.

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

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

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

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

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

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

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

20 **Sec. 2.** RCW 84.34.055 and 1994 c 264 s 76 are each amended to read  
21 as follows:

22 (1) The county legislative authority may direct the county planning  
23 commission to set open space priorities and adopt, after a public  
24 hearing, an open space plan and public benefit rating system for the  
25 county. The plan shall consist of criteria for determining eligibility  
26 of lands, the process for establishing a public benefit rating system,  
27 and an assessed valuation schedule. Criteria for determining  
28 eligibility of land shall include aquatic habitat protection and  
29 enhancement, and in determining eligibility of land under this  
30 criteria, the lack of eligibility under other criteria shall not be  
31 considered. The assessed valuation schedule shall be developed by the  
32 county assessor and shall be a percentage of market value based upon  
33 the public benefit rating system. The open space plan, the public  
34 benefit rating system, and the assessed valuations schedule shall not  
35 be effective until approved by the county legislative authority after  
36 at least one public hearing: PROVIDED, That any county which has  
37 complied with the procedural requisites of chapter 393, Laws of 1985,

1 prior to July 28, 1985, need not repeat those procedures in order to  
2 adopt an open space plan pursuant to chapter 393, Laws of 1985.

3 (2) In adopting an open space plan, recognized sources shall be  
4 used unless the county does its own survey of important open space  
5 priorities or features, or both. Recognized sources include but are  
6 not limited to the natural heritage data base; the state office of  
7 historic preservation; the interagency committee for outdoor recreation  
8 inventory of dry accretion beach and shoreline features; state,  
9 national, county, or city registers of historic places; the shoreline  
10 master program; or studies by the parks and recreation commission and  
11 by the departments of fish and wildlife and natural resources.  
12 Features and sites may be verified by an outside expert in the field  
13 and approved by the appropriate state or local agency to be sent to the  
14 county legislative authority for final approval as open space.

15 (3) When the county open space plan is adopted, owners of open  
16 space lands then classified under this chapter shall be notified in the  
17 same manner as is provided in RCW 84.40.045 of their new assessed  
18 value. These lands may be removed from classification, upon request of  
19 owner, without penalty within thirty days of notification of value.

20 (4) The open space plan and public benefit rating system under this  
21 section may be adopted for taxes payable in 1986 and thereafter.

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