

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2305

Chapter 298, Laws of 2002

57th Legislature
2002 Regular Session

AGRICULTURAL ACTIVITIES ON AGRICULTURAL LANDS

EFFECTIVE DATE: 1/1/04 or when the department of ecology updates chapter 173-16 or 173-26 WAC, whichever is first.

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

FRANK CHOPP
Speaker of the House of Representatives

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

BRAD OWEN
President of the Senate

Approved April 2, 2002

GARY LOCKE
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.

CYNTHIA ZEHNDER

Chief Clerk

FILED

April 2, 2002 - 10:20 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2305

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.

Passed the House March 11, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.