
SUBSTITUTE SENATE BILL 5353

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Stevens)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to incorporating shoreline management act
2 agricultural definitions into the growth management act; and amending
3 RCW 36.70A.480 and 90.58.065.

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

5 **Sec. 1.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to
6 read as follows:

7 (1) For shorelines of the state, the goals and policies of the
8 shoreline management act as set forth in RCW 90.58.020 are added as one
9 of the goals of this chapter as set forth in RCW 36.70A.020. The goals
10 and policies of a shoreline master program for a county or city
11 approved under chapter 90.58 RCW shall be considered an element of the
12 county or city's comprehensive plan. All other portions of the
13 shoreline master program for a county or city adopted under chapter
14 90.58 RCW, including use regulations, shall be considered a part of the
15 county or city's development regulations. Counties and cities shall
16 incorporate the provisions of RCW 90.58.065 into their development
17 regulations either at the next date the development regulations are
18 revised, or by the date for revision established in RCW 36.70A.130(4),
19 whichever occurs first.

1 (2) The shoreline master program shall be adopted pursuant to the
2 procedures of chapter 90.58 RCW rather than the procedures set forth in
3 this chapter for the adoption of a comprehensive plan or development
4 regulations.

5 **Sec. 2.** RCW 90.58.065 and 2002 c 298 s 1 are each amended to read
6 as follows:

7 (1) The guidelines adopted by the department and master programs
8 developed or amended by local governments according to RCW 90.58.080
9 shall not require modification of or limit agricultural activities
10 occurring on agricultural lands. In jurisdictions where agricultural
11 activities occur, master programs developed or amended after June 13,
12 2002, shall include provisions addressing new agricultural activities
13 on land not meeting the definition of agricultural land, conversion of
14 agricultural lands to other uses, and development not meeting the
15 definition of agricultural activities. Nothing in this section limits
16 or changes the terms of the current exception to the definition of
17 substantial development in RCW 90.58.030(3)(e)(iv). This section
18 applies only to this chapter and to regulations that shall be
19 considered as part of the county or city's regulations pursuant to
20 requirements of RCW 36.70A.480(1), ((and)) but shall not affect any
21 other authority of local governments.

22 (2) For the purposes of this section:

23 (a) "Agricultural activities" means agricultural uses and practices
24 including, but not limited to: Producing, breeding, or increasing
25 agricultural products; rotating and changing agricultural crops;
26 allowing land used for agricultural activities to lie fallow in which
27 it is plowed and tilled but left unseeded; allowing land used for
28 agricultural activities to lie dormant as a result of adverse
29 agricultural market conditions; allowing land used for agricultural
30 activities to lie dormant because the land is enrolled in a local,
31 state, or federal conservation program, or the land is subject to a
32 conservation easement; conducting agricultural operations; maintaining,
33 repairing, and replacing agricultural equipment; maintaining,
34 repairing, and replacing agricultural facilities, provided that the
35 replacement facility is no closer to the shoreline than the original
36 facility; and maintaining agricultural lands under production or
37 cultivation;

1 (b) "Agricultural products" includes but is not limited to
2 horticultural, viticultural, floricultural, vegetable, fruit, berry,
3 grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or
4 forage for livestock; Christmas trees; hybrid cottonwood and similar
5 hardwood trees grown as crops and harvested within twenty years of
6 planting; and livestock including both the animals themselves and
7 animal products including but not limited to meat, upland finfish,
8 poultry and poultry products, and dairy products;

9 (c) "Agricultural equipment" and "agricultural facilities"
10 includes, but is not limited to: (i) The following used in
11 agricultural operations: Equipment; machinery; constructed shelters,
12 buildings, and ponds; fences; upland finfish rearing facilities; water
13 diversion, withdrawal, conveyance, and use equipment and facilities
14 including but not limited to pumps, pipes, tapes, canals, ditches, and
15 drains; (ii) corridors and facilities for transporting personnel,
16 livestock, and equipment to, from, and within agricultural lands; (iii)
17 farm residences and associated equipment, lands, and facilities; and
18 (iv) roadside stands and on-farm markets for marketing fruit or
19 vegetables; and

20 (d) "Agricultural land" means those specific land areas on which
21 agriculture activities are conducted.

22 (3) The department and local governments shall assure that local
23 shoreline master programs use definitions consistent with the
24 definitions in this section. Local governments shall assure that
25 regulations adopted pursuant to chapter 36.70A RCW use definitions
26 consistent with the definitions in this section.

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