

2 **ESHB 2305** - S AMD 752
3 By Senator Jacobsen

4 WITHDRAWN 03/07/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.58 RCW
8 to read as follows:

9 (1) The guidelines adopted by the department and master programs
10 developed or amended by local governments according to RCW 90.58.080
11 shall not require modification of or limit agricultural activities
12 occurring on agricultural lands. In jurisdictions where agricultural
13 activities occur, master programs developed or amended after the
14 effective date of this act shall include provisions addressing new
15 agricultural activities on land not meeting the definition of
16 agricultural land, conversion of agricultural lands to other uses, and
17 development not meeting the definition of agricultural activities.
18 Nothing in this section limits or changes the terms of the current
19 exception to the definition of substantial development in RCW
20 90.58.030(3)(e)(iv). Nothing in this section shall limit or affect the
21 responsibility of local governments to designate and protect critical
22 areas.

23 (2) For the purposes of this section:

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

1 facility; and maintaining agricultural lands under production or
2 cultivation;

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

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

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

24 (3) The department and local governments shall assure that local
25 shoreline master programs use definitions consistent with the
26 definitions in this section.

27 NEW SECTION. **Sec. 2.** The provisions of this act do not become
28 effective until the earlier of either January 1, 2004, or the date the
29 department of ecology amends or updates chapter 173-16 or 173-26 WAC."

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33 On page 1, line 3 of the title, after "lands;" strike the remainder
34 of the title and insert "adding a new section to chapter 90.58 RCW; and
35 providing a contingent effective date."

EFFECT: Clarifies that the provisions of the bill relating to agricultural activities do not limit or affect local government planning requirements for critical areas under the Growth Management Act.

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