
SENATE BILL 5817

State of Washington

61st Legislature

2009 Regular Session

By Senators Becker, Schoesler, Morton, Brandland, Holmquist, Stevens, Swecker, McCaslin, Carrell, Delvin, Honeyford, King, Kastama, Hatfield, Parlette, Hewitt, and Roach

Read first time 02/03/09. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to defining commercial agricultural purposes to
2 include current farming practices and activities related to the
3 raising, harvesting, feeding, breeding, managing, selling, care, or
4 training of a farm product; amending RCW 84.34.020; creating a new
5 section; and declaring an emergency.

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

7 **Sec. 1.** RCW 84.34.020 and 2005 c 57 s 1 are each amended to read
8 as follows:

9 As used in this chapter, unless a different meaning is required by
10 the context:

11 (1) "Open space land" means (a) any land area so designated by an
12 official comprehensive land use plan adopted by any city or county and
13 zoned accordingly, or (b) any land area, the preservation of which in
14 its present use would (i) conserve and enhance natural or scenic
15 resources, or (ii) protect streams or water supply, or (iii) promote
16 conservation of soils, wetlands, beaches or tidal marshes, or (iv)
17 enhance the value to the public of abutting or neighboring parks,
18 forests, wildlife preserves, nature reservations or sanctuaries or
19 other open space, or (v) enhance recreation opportunities, or (vi)

1 preserve historic sites, or (vii) preserve visual quality along
2 highway, road, and street corridors or scenic vistas, or (viii) retain
3 in its natural state tracts of land not less than one acre situated in
4 an urban area and open to public use on such conditions as may be
5 reasonably required by the legislative body granting the open space
6 classification, or (c) any land meeting the definition of farm and
7 agricultural conservation land under subsection (8) of this section.
8 As a condition of granting open space classification, the legislative
9 body may not require public access on land classified under (b)(iii) of
10 this subsection for the purpose of promoting conservation of wetlands.

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

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

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

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

19 (iii) Other similar commercial (~~activities~~) agricultural purposes
20 as may be established by rule;

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

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

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

34 (ii) For the purposes of (b)(i) of this subsection, "gross income
35 from commercial agricultural (~~uses~~) purposes" includes, but is not
36 limited to, the wholesale value of agricultural products donated to
37 nonprofit food banks or feeding programs;

1 (c) Any parcel of land of less than five acres devoted primarily to
2 commercial agricultural (~~((uses))~~) purposes which has produced a gross
3 income as of January 1, 1993, of:

4 (i) One thousand dollars or more per year for three of the five
5 calendar years preceding the date of application for classification
6 under this chapter for all parcels of land that are classified under
7 this subsection or all parcels of land for which an application for
8 classification under this subsection is made with the granting
9 authority prior to January 1, 1993; and

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

13 Parcels of land described in (b)(i)(A) and (c)(i) of this subsection
14 shall, upon any transfer of the property excluding a transfer to a
15 surviving spouse, be subject to the limits of (b)(i)(B) and (c)(ii) of
16 this subsection;

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

27 (e) The land on which housing for employees and the principal place
28 of residence of the farm operator or owner of land classified pursuant
29 to (a) of this subsection is sited if: The housing or residence is on
30 or contiguous to the classified parcel; and the use of the housing or
31 the residence is integral to the use of the classified land for
32 commercial agricultural purposes.

33 (3) "Timber land" means any parcel of land that is five or more
34 acres or multiple parcels of land that are contiguous and total five or
35 more acres which is or are devoted primarily to the growth and harvest
36 of timber for commercial purposes. Timber land means the land only and
37 does not include a residential homesite. The term includes land used
38 for incidental uses that are compatible with the growing and harvesting

1 of timber but no more than ten percent of the land may be used for such
2 incidental uses. It also includes the land on which appurtenances
3 necessary for the production, preparation, or sale of the timber
4 products exist in conjunction with land producing these products.

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

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

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

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

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

18 (a) Land that was previously classified under subsection (2) of
19 this section, that no longer meets the criteria of subsection (2) of
20 this section, and that is reclassified under subsection (1) of this
21 section; or

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

26 (9) "Commercial agricultural purpose" includes the commercial:
27 Raising; harvesting; feeding; breeding; managing; selling; care; or
28 training of a farm product as defined in RCW 7.48.310(4) where the
29 owner or lessee intends to obtain through lawful means, a monetary
30 profit from cash income. No state agency, county, or municipality may
31 impose definitions more restrictive than those defined under this
32 section.

33 NEW SECTION. Sec. 2. This act applies retroactively to taxes
34 levied for collection in 2008 as well as prospectively.

35 NEW SECTION. Sec. 3. This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 immediately.

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