

2 **ESHB 2871** - S COMM AMD
3 By Committee on Ways & Means

4 RULED OUTSIDE SCOPE AND OBJECT 3/12/98

5 On page 5, beginning on line 22, strike all of section 7 and insert
6 the following:

7 "**Sec. 7.** RCW 84.34.020 and 1997 c 429 s 31 are each amended to
8 read 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)
20 preserve historic sites, or (vii) preserve visual quality along
21 highway, road, and street corridors or scenic vistas, or (viii) retain
22 in its natural state tracts of land not less than one acre situated in
23 an urban area and open to public use on such conditions as may be
24 reasonably required by the legislative body granting the open space
25 classification, or (ix) protect or enhance aquatic habitat, or (c) any
26 land meeting the definition of farm and agricultural conservation land
27 under subsection (8) of this section, or (d) any shoreland area, as
28 defined in RCW 90.58.030, that has no dwellings and that is used in a
29 manner that will protect or enhance aquatic habitat as certified by the
30 department of fish and wildlife or a conservation district. As a
31 condition of granting open space classification, the legislative body
32 may not require public access on land classified under (b)(iii) of this
33 subsection for the purpose of promoting conservation of wetlands.

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

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

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

3 (ii) Enrolled in the federal conservation reserve program or its
4 successor administered by the United States department of agriculture;
5 or

6 (iii) Other similar commercial activities as may be established by
7 rule;

8 (b) Any parcel of land that is five acres or more but less than
9 twenty acres devoted primarily to agricultural uses, which has produced
10 a gross income from agricultural uses equivalent to, as of January 1,
11 1993:

12 (i) One hundred dollars or more per acre per year for three of the
13 five calendar years preceding the date of application for
14 classification under this chapter for all parcels of land that are
15 classified under this subsection or all parcels of land for which an
16 application for classification under this subsection is made with the
17 granting authority prior to January 1, 1993; and

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

21 (c) Any parcel of land of less than five acres devoted primarily to
22 agricultural uses which has produced a gross income as of January 1,
23 1993, of:

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

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

33 Parcels of land described in (b)(i) and (c)(i) of this subsection
34 shall, upon any transfer of the property excluding a transfer to a
35 surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of
36 this subsection.

37 Agricultural lands shall also include such incidental uses as are
38 compatible with agricultural purposes, including wetlands preservation,
39 provided such incidental use does not exceed twenty percent of the

1 classified land and the land on which appurtenances necessary to the
2 production, preparation, or sale of the agricultural products exist in
3 conjunction with the lands producing such products. Agricultural lands
4 shall also include any parcel of land of one to five acres, which is
5 not contiguous, but which otherwise constitutes an integral part of
6 farming operations being conducted on land qualifying under this
7 section as "farm and agricultural lands"; or

8 (d) The land on which housing for employees and the principal place
9 of residence of the farm operator or owner of land classified pursuant
10 to (a) of this subsection is sited if: The housing or residence is on
11 or contiguous to the classified parcel; and the use of the housing or
12 the residence is integral to the use of the classified land for
13 agricultural purposes((;

14 ~~(e) Any parcel of land designated as agricultural land under RCW~~
15 ~~36.70A.170;~~ ~~or~~

16 ~~(f) Any parcel of land not within an urban growth area zoned as~~
17 ~~agricultural land under a comprehensive plan adopted under chapter~~
18 ~~36.70A RCW)).~~

19 (3) "Timber land" means any parcel of land that is five or more
20 acres or multiple parcels of land that are contiguous and total five or
21 more acres which is or are devoted primarily to the growth and harvest
22 of forest crops for commercial purposes. A timber management plan
23 shall be filed with the county legislative authority at the time (a) an
24 application is made for classification as timber land pursuant to this
25 chapter or (b) when a sale or transfer of timber land occurs and a
26 notice of classification continuance is signed. Timber land means the
27 land only.

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

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

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

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

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

2 (a) Land that was previously classified under subsection (2) of
3 this section, that no longer meets the criteria of subsection (2) of
4 this section, and that is reclassified under subsection (1) of this
5 section; or

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

10 **Sec. 8.** RCW 84.34.055 and 1994 c 264 s 76 are each amended to read
11 as follows:

12 (1) The county legislative authority may direct the county planning
13 commission to set open space priorities and adopt, after a public
14 hearing, an open space plan and public benefit rating system for the
15 county. The plan shall consist of criteria for determining eligibility
16 of lands, the process for establishing a public benefit rating system,
17 and an assessed valuation schedule. Criteria for determining
18 eligibility of land shall include aquatic habitat protection and
19 enhancement, and in determining eligibility of land under this
20 criteria, the lack of eligibility under other criteria shall not be
21 considered. The assessed valuation schedule shall be developed by the
22 county assessor and shall be a percentage of market value based upon
23 the public benefit rating system. The open space plan, the public
24 benefit rating system, and the assessed valuations schedule shall not
25 be effective until approved by the county legislative authority after
26 at least one public hearing: PROVIDED, That any county which has
27 complied with the procedural requisites of chapter 393, Laws of 1985,
28 prior to July 28, 1985, need not repeat those procedures in order to
29 adopt an open space plan pursuant to chapter 393, Laws of 1985.

30 (2) In adopting an open space plan, recognized sources shall be
31 used unless the county does its own survey of important open space
32 priorities or features, or both. Recognized sources include but are
33 not limited to the natural heritage data base; the state office of
34 historic preservation; the interagency committee for outdoor recreation
35 inventory of dry accretion beach and shoreline features; state,
36 national, county, or city registers of historic places; the shoreline
37 master program; or studies by the parks and recreation commission and
38 by the departments of fish and wildlife and natural resources.

1 Features and sites may be verified by an outside expert in the field
2 and approved by the appropriate state or local agency to be sent to the
3 county legislative authority for final approval as open space.

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

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

11 Renumber the sections consecutively and correct any internal
12 references accordingly.

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16 On page 1, on line 2 of the title, after "84.34.020," insert
17 "84.34.055,"

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