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SENATE BILL 5353

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State of Washington

58th Legislature

2003 Regular Session

By Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Stevens

Read first time 01/22/2003. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to agriculture; and amending RCW 36.70A.480 and  
2 90.58.065.

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

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

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