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**SENATE BILL 5253**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Lias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege, and Wagoner

Read first time 01/18/21. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to implementing the recommendations of the  
2 pollinator health task force; amending RCW 43.23.300, 17.24.081,  
3 77.12.058, 89.08.620, and 84.34.020; adding a new section to chapter  
4 43.23 RCW; adding a new section to chapter 17.21 RCW; adding a new  
5 section to chapter 28B.30 RCW; adding a new section to chapter 39.04  
6 RCW; creating a new section; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** (1) The purpose of this act is to  
9 implement the recommendations of the pollinator health task force  
10 created by section 3, chapter 353, Laws of 2019, entitled  
11 "Recommendations of the Pollinator Health Task Force - for Pollinator  
12 Health in Washington" (November 2020).

13 (2) The task force provided recommendations to help prioritize  
14 and enact policy changes for pollinators in Washington. The  
15 recommendations are organized under five broad categories: (a)  
16 Habitat; (b) pesticides; (c) education; (d) managed pollinators; and  
17 (e) research.

18 (3) The task force met for the first time the same week that the  
19 Asian giant hornet was first discovered in Washington and the week  
20 after the Houdini fly was also reported for the first time in  
21 Washington. Asian giant hornets primarily hunt honey bees and destroy

1 entire honey bee hives. The Houdini fly threatens native mason bee  
2 populations as well as managed mason bees. Washington is home to over  
3 400 different species of native bees, 65 species of butterflies, as  
4 well as moths, wasps, beetles, flies, and hummingbirds. The loss of  
5 pollinators, managed and unmanaged, can lead to decreased yields of  
6 many fruits, nuts, and vegetables. Washington is currently the top  
7 producer in the United States of apples, sweet cherries, alfalfa,  
8 blueberries, and pears. In Washington state, honey bees and other  
9 pollinators are responsible for the production of tree fruits, small  
10 fruits, and other crops.

11 (4) The legislature intends to clarify and update the description  
12 of farm and agricultural land as it is used under the property tax  
13 open space program. The inclusion of pollinator habitat to the  
14 definition of "open space land" is designed to clarify that the  
15 protection of pollinator habitat be included in the description of  
16 farm and agriculture land as it is used under the property tax open  
17 space program. The amendments to RCW 84.34.020, as provided in  
18 section 10 of this act, are intended to clarify an ambiguity in an  
19 existing tax preference, and are therefore exempt from the  
20 requirements of RCW 82.32.805 and 82.32.808.

21 (5) The legislature intends by this act to implement various  
22 recommendations from the pollinator health task force to protect and  
23 expand the habitat upon which pollinators depend, by providing  
24 technical and financial assistance to public and private landowners,  
25 and by coordinating with state agencies and local governments in  
26 promoting practices to ensure sustainable, healthy populations of  
27 managed and native pollinators.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23  
29 RCW to read as follows:

30 (1) The department shall create and chair a pollinator health  
31 task force. The department shall appoint the members of the task  
32 force, which must include, but is not limited to, representatives of  
33 the following interests, organizations, and state agencies:

- 34 (a) The conservation commission;
- 35 (b) The department of natural resources;
- 36 (c) The department of fish and wildlife;
- 37 (d) The state parks and recreation commission;
- 38 (e) The Washington state department of transportation;
- 39 (f) The state noxious weed control board;

1 (g) The tree fruit industry;  
2 (h) The seed industry;  
3 (i) The berry industry;  
4 (j) Other agricultural industries dependent upon pollinators;  
5 (k) Washington State University;  
6 (l) Pesticide distributors and applicators;  
7 (m) Conservation organizations;  
8 (n) Organizations representing beekeepers or apiarists;  
9 (o) A member of the public from west of the crest of the Cascade  
10 mountains; and

11 (p) A member of the public from east of the crest of the Cascade  
12 mountains.

13 (2) One or more representatives of Washington tribes must also be  
14 invited to participate on the task force.

15 (3) One youth representative from an organization that encourages  
16 students to engage in agricultural education must also be invited to  
17 participate on the task force when available.

18 (4) The task force shall build upon existing pollinator research  
19 and pollinator habitat plans at the national and state level  
20 including, but not limited to, the state-managed pollinator plan, to  
21 assist with the development of an implementation plan to implement  
22 the state pollinator health strategy.

23 (5) The task force shall assist, as practicable, with  
24 implementation of the recommendations of the task force submitted to  
25 the legislature in November 2020.

26 (6) The department shall provide the implementation plan to the  
27 appropriate committees of the senate and house of representatives by  
28 December 31, 2021, in compliance with RCW 43.01.036.

29 (7) The department shall provide information related to  
30 implementation of the state pollinator health strategy and a  
31 recommendation of whether to extend the task force beyond January 1,  
32 2024, to the appropriate committees of the senate and house of  
33 representatives by December 1, 2022, in compliance with RCW  
34 43.01.036.

35 (8) This section expires January 1, 2024.

36 **Sec. 3.** RCW 43.23.300 and 2019 c 353 s 2 are each amended to  
37 read as follows:

38 (1) The department shall establish a program to promote and  
39 protect pollinator habitat and the health and sustainability of

1 pollinator species. As funds are made available, the program must  
2 provide technical and financial assistance to state agencies, local  
3 governments, and private landowners to implement practices that  
4 promote habitat for managed pollinators, as well as beekeeper and  
5 grower best management practices. The program must be administered in  
6 coordination with the apiary program established in chapter 15.60  
7 RCW, the honey bee commission authorized in chapter 15.62 RCW, and  
8 programs administered by the conservation commission and conservation  
9 districts.

10 (2) Subject to the availability of funds appropriated for this  
11 specific purpose, the department must:

12 (a) Develop protocols to increase communication between  
13 beekeepers, farmers and growers, and pesticide applicators including,  
14 but not limited to, education and outreach to beekeepers, farmers and  
15 growers, and pesticide applicators;

16 (b) Review, in consultation with Washington State University,  
17 education needs related to pollinator education and develop a plan  
18 that outlines the goals related to pollinator education and the  
19 necessary partners, personnel, and other resources;

20 (c) Create a catalog of current resources on best management  
21 practices and other educational resources related to pollinator  
22 health and make those resources available to the public on the  
23 department's website;

24 (d) Document, in consultation with Washington State University,  
25 the bee species within the state and map their distributions as  
26 practicable;

27 (e) Provide economic and environmental impacts of weed listing  
28 and categorization on pollinator health to county noxious weed  
29 control boards in consultation with the state noxious weed control  
30 board and annually submit a report to the noxious weed control board  
31 describing pollinator health issues;

32 (f) Provide materials, where practicable and in consultation with  
33 Washington State University, about certification programs that  
34 support pollinator health, biodiversity, and low-impact pesticide  
35 application to the public;

36 (g) Educate the public through plant nurseries about the  
37 necessity for blooming nectar plants to be available to pollinators  
38 throughout their respective active seasons;

1 (h) Survey registered beekeepers to determine whether the current  
2 apiary program should be expanded to include apiary inspections or  
3 registration of apiary yards;

4 (i) Continue and maintain partnership with federal agencies and  
5 neighboring states to promote and enhance the implementation of the  
6 national strategy to promote the health of honey bees and improve  
7 pollinator health;

8 (j) Increase the availability of pollinator-related resources on  
9 the department's website, as practicable, and other state agencies'  
10 websites as appropriate;

11 (k) Develop guidelines for allowing beekeeping on state managed  
12 lands so that impacts to wild pollinators from honey bees may be  
13 minimized.

14 NEW SECTION. Sec. 4. A new section is added to chapter 17.21  
15 RCW to read as follows:

16 (1) The department shall continue to evaluate and update, as  
17 necessary, pesticide regulatory and education programs focused on  
18 measures to protect pollinator health. This work by the department,  
19 when appropriate, must be coordinated with Washington State  
20 University pesticide education programs to limit duplication and  
21 ensure consistent information sharing.

22 (2) Subject to the availability of amounts appropriated for this  
23 specific purpose, the department must:

24 (a) Evaluate and adapt pesticide training and drift reduction  
25 technical assistance programs to include up-to-date protection  
26 measures for pollinators;

27 (b) Support Washington State University's pesticide education  
28 programs continued incorporation of pollinator protection measures  
29 during their training and certification classes;

30 (c) Coordinate with Washington State University on presented  
31 research, new protection measures, technological advancements, and  
32 any other significant science-based information for reducing  
33 pollinator health impacts associated with pesticides;

34 (d) Coordinate with pollinator health staff in the department and  
35 at Washington State University to conduct investigations and share  
36 annual findings from pesticide-related investigations with the  
37 pollinator health task force;

38 (e) Evaluate and, if necessary, update the pesticide civil  
39 penalty matrix related to pollinator death or damage due to the

1 misuse of pesticides and ensure pollinator health protections are  
2 included when evaluating either pesticide investigation violations or  
3 penalties, or both;

4 (f) Evaluate the inclusion of pollinator protection course  
5 materials for pesticide license credit issuance. When possible, the  
6 department must provide credits for pesticide courses focused on  
7 pollinator protection measures.

8 **Sec. 5.** RCW 17.24.081 and 1991 c 257 s 12 are each amended to  
9 read as follows:

10 It shall be unlawful for a person to:

11 (1) Sell, offer for sale, or distribute a noxious weed or a plant  
12 or plant product or regulated article infested or infected with a  
13 plant pest declared by rule to be a threat to the state's forest,  
14 agricultural, horticultural, floricultural, or beekeeping industries  
15 or environment;

16 (2) Knowingly receive a noxious weed, or a plant, plant product,  
17 bees, bee hive or appliances, or regulated article sold, given away,  
18 carried, shipped, or delivered for carriage or shipment within this  
19 state, in violation of the provisions of this chapter or the rules  
20 adopted under this chapter;

21 (3) Fail to immediately notify the department and isolate and  
22 hold the noxious weed, bees, bee hives or appliances, plants or plant  
23 products, or other thing unopened or unused subject to inspection or  
24 other disposition as may be provided by the department, where the  
25 item has been received without knowledge of the violation and the  
26 receiver has become subsequently aware of the potential problem;

27 (4) Knowingly conceal or willfully withhold available information  
28 regarding an infected or infested plant, plant product, regulated  
29 article, or noxious weed;

30 (5) Introduce or move into this state, or to move or dispose of  
31 in this state, a plant, plant product, or other item included in a  
32 quarantine, except under rules as may be prescribed by the  
33 department, after a quarantine order has been adopted under this  
34 chapter against a place, nursery, orchard, vineyard, apiary, other  
35 agricultural establishment, county of this state, another state,  
36 territory, or a foreign country as to a plant pest, bee pest, or  
37 noxious weed or genetically engineered plant or plant pest organism,  
38 until such quarantine is removed;

1       (6) Introduce or move nonnative managed bumble bees into this  
2 state to be used in open-field agricultural use.

3       NEW SECTION.   **Sec. 6.**   A new section is added to chapter 28B.30  
4 RCW to read as follows:

5       The Washington State University extension program must develop a  
6 pollinator extension education and outreach program and develop a  
7 statewide, science-based, pollinator education plan to educate  
8 beekeepers, agricultural producers, land managers, licensed pesticide  
9 applicators, other professionals, and the public. The plan should  
10 emphasize pollinator best management practices for both native and  
11 managed species.

12       NEW SECTION.   **Sec. 7.**   A new section is added to chapter 39.04  
13 RCW to read as follows:

14       If a public works project includes landscaping, at least 25  
15 percent of the landscaping must be pollinator habitat. For purposes  
16 of this section, "pollinator habitat" means an area of land that is  
17 or may be developed as habitat beneficial for the feeding, nesting,  
18 and reproduction of all pollinators, including honey bees. The  
19 department of agriculture, in consultation with the conservation  
20 commission, must develop landscape standards guidelines that include  
21 a list of native forage plants that are pollen-rich or nectar-rich  
22 and beneficial for all pollinators, including honey bees, and how  
23 pollinator plants and habitat should be designed and maintained after  
24 installation.

25       **Sec. 8.**   RCW 77.12.058 and 2019 c 353 s 8 are each amended to  
26 read as follows:

27       (1) The department must implement practices necessary to maintain  
28 pollinator habitat on department-owned and managed agricultural and  
29 grazing lands where practicable. ((For the purposes of this section,  
30 "pollinator habitat" means an area of land that is or may be  
31 developed as habitat beneficial for the feeding, nesting, and  
32 reproduction of all pollinators, including honey bees, as determined  
33 by the department.))

34       (2) The department must evaluate various restoration techniques  
35 with the goal of improving habitat for native pollinators. The  
36 department must update its riparian habitat recommendations to

1 encourage development of pollinator habitat where practicable when  
2 making habitat improvements or for riparian restoration.

3 (3) For the purposes of this section, "pollinator habitat" means  
4 an area of land that is or may be developed as habitat beneficial for  
5 the feeding, nesting, and reproduction of all pollinators, including  
6 honey bees, as determined by the department.

7 **Sec. 9.** RCW 89.08.620 and 2020 c 351 s 4 are each amended to  
8 read as follows:

9 (1) When prioritizing grant recipients, the commission, in  
10 consultation with the department of agriculture, Washington State  
11 University, and the United States department of agriculture natural  
12 resources conservation service, shall seek to maximize the benefits  
13 of the grant program by leveraging other state, nonstate, public, and  
14 private sources of money. The primary metrics used to rank grant  
15 applications must be made public by the commission.

16 (2) The grant program must prioritize or weight projects based on  
17 consideration of the individual project's ability to:

18 (a) Increase the quantity of organic carbon in topsoil through  
19 practices including, but not limited to, cover cropping, no-till and  
20 minimum tillage conservation practices, crop rotations, manure  
21 application, biochar application, compost application, and changes in  
22 grazing management;

23 (b) Increase the quantity of organic carbon in aquatic soils;

24 (c) Intentionally integrate trees, shrubs, seaweed, or other  
25 vegetation into management of agricultural and aquacultural lands;

26 (d) Reduce or avoid carbon dioxide equivalent emissions in or  
27 from soils;

28 (e) Reduce nitrous oxide and methane emissions through changes to  
29 livestock or soil management; and

30 (f) Increase usage of precision agricultural practices.

31 (3) The commission shall develop and approve a prioritization  
32 metric to guide the distribution of funds appropriated by the  
33 legislature for this purpose, with the goal of producing cost-  
34 effective carbon dioxide equivalent impact benefits.

35 (4) Applicants that create riparian buffers along waterways, or  
36 otherwise benefit fish habitat, must receive an enhanced  
37 prioritization compared to other grant applications that perform  
38 similarly under the prioritization metrics developed by the  
39 commission.



1       (5)(a) Applicants that create or maintain pollinator habitat must  
2 receive an enhanced prioritization compared to other grant  
3 applications that perform similarly under the prioritization metrics  
4 developed by the commission.

5       (b) For the purposes of this subsection, "pollinator habitat"  
6 means an area of land that is or may be developed as habitat  
7 beneficial for the feeding, nesting, and reproduction of all  
8 pollinators, including honey bees, as determined by the department of  
9 agriculture.

10       (6) The commission shall downgrade a specific grant proposal  
11 within its prioritization metric if the proposal is expected to cause  
12 significant environmental damage to fish and wildlife habitat.

13       **Sec. 10.** RCW 84.34.020 and 2014 c 125 s 2 are each amended to  
14 read as follows:

15       The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17       (1) "Open space land" means (a) any land area so designated by an  
18 official comprehensive land use plan adopted by any city or county  
19 and zoned accordingly, or (b) any land area, the preservation of  
20 which in its present use would (i) conserve and enhance natural or  
21 scenic resources, or (ii) protect streams or water supply, or (iii)  
22 promote conservation of soils, wetlands, beaches or tidal marshes, or  
23 (iv) enhance the value to the public of abutting or neighboring  
24 parks, forests, wildlife preserves, nature reservations or  
25 sanctuaries or other open space, or (v) enhance recreation  
26 opportunities, or (vi) preserve historic sites, or (vii) preserve  
27 visual quality along highway, road, and street corridors or scenic  
28 vistas, or (viii) provide pollinator habitat through habitat  
29 management practices described in a conservation plan, or (ix) retain  
30 in its natural state tracts of land not less than one acre situated  
31 in an urban area and open to public use on such conditions as may be  
32 reasonably required by the legislative body granting the open space  
33 classification, or (c) any land meeting the definition of farm and  
34 agricultural conservation land under subsection (8) of this section.  
35 As a condition of granting open space classification, the legislative  
36 body may not require public access on land classified under (b)(iii)  
37 of this subsection for the purpose of promoting conservation of  
38 wetlands.

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

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

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

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

8 (iii) Other similar commercial activities as may be established  
9 by rule;

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

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

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

23 (ii) For the purposes of (b) (i) of this subsection, "gross income  
24 from agricultural uses" includes, but is not limited to, the  
25 wholesale value of agricultural products donated to nonprofit food  
26 banks or feeding programs;

27 (c) Any parcel of land of less than five acres devoted primarily  
28 to agricultural uses which has produced a gross income as of January  
29 1, 1993, of:

30 (i) One thousand dollars or more per year for three of the five  
31 calendar years preceding the date of application for classification  
32 under this chapter for all parcels of land that are classified under  
33 this subsection or all parcels of land for which an application for  
34 classification under this subsection is made with the granting  
35 authority prior to January 1, 1993; and

36 (ii) On or after January 1, 1993, fifteen hundred dollars or more  
37 per year for three of the five calendar years preceding the date of  
38 application for classification under this chapter. Parcels of land  
39 described in (b) (i) (A) and (c) (i) of this subsection will, upon any  
40 transfer of the property excluding a transfer to a surviving spouse

1 or surviving state registered domestic partner, be subject to the  
2 limits of (b) (i) (B) and (c) (ii) of this subsection;

3 (d) Any parcel of land that is five acres or more but less than  
4 twenty acres devoted primarily to agricultural uses, which meet one  
5 of the following criteria:

6 (i) Has produced a gross income from agricultural uses equivalent  
7 to two hundred dollars or more per acre per year for three of the  
8 five calendar years preceding the date of application for  
9 classification under this chapter;

10 (ii) Has standing crops with an expectation of harvest within  
11 seven years, except as provided in (d) (iii) of this subsection, and a  
12 demonstrable investment in the production of those crops equivalent  
13 to one hundred dollars or more per acre in the current or previous  
14 calendar year. For the purposes of this subsection (2) (d) (ii),  
15 "standing crop" means Christmas trees, vineyards, fruit trees, or  
16 other perennial crops that: (A) Are planted using agricultural  
17 methods normally used in the commercial production of that particular  
18 crop; and (B) typically do not produce harvestable quantities in the  
19 initial years after planting; or

20 (iii) Has a standing crop of short rotation hardwoods with an  
21 expectation of harvest within fifteen years and a demonstrable  
22 investment in the production of those crops equivalent to one hundred  
23 dollars or more per acre in the current or previous calendar year;

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

34 (f) The land on which housing for employees and the principal  
35 place of residence of the farm operator or owner of land classified  
36 pursuant to (a) of this subsection is sited if: The housing or  
37 residence is on or contiguous to the classified parcel; and the use  
38 of the housing or the residence is integral to the use of the  
39 classified land for agricultural purposes;

1 (g) Any land that is used primarily for equestrian related  
2 activities for which a charge is made, including, but not limited to,  
3 stabling, training, riding, clinics, schooling, shows, or grazing for  
4 feed and that otherwise meet the requirements of (a), (b), or (c) of  
5 this subsection; or

6 (h) Any land primarily used for commercial horticultural  
7 purposes, including growing seedlings, trees, shrubs, vines, fruits,  
8 vegetables, flowers, herbs, and other plants in containers, whether  
9 under a structure or not, subject to the following:

10 (i) The land is not primarily used for the storage, care, or  
11 selling of plants purchased from other growers for retail sale;

12 (ii) If the land is less than five acres and used primarily to  
13 grow plants in containers, such land does not qualify as "farm and  
14 agricultural land" if more than twenty-five percent of the land used  
15 primarily to grow plants in containers is open to the general public  
16 for on-site retail sales;

17 (iii) If more than twenty percent of the land used for growing  
18 plants in containers qualifying under this subsection (2)(h) is  
19 covered by pavement, none of the paved area is eligible for  
20 classification as "farm and agricultural land" under this subsection  
21 (2)(h). The eligibility limitations described in this subsection  
22 (2)(h)(iii) do not affect the land's eligibility to qualify under (e)  
23 of this subsection; and

24 (iv) If the land classified under this subsection (2)(h), in  
25 addition to any contiguous land classified under this subsection, is  
26 less than twenty acres, it must meet the applicable income or  
27 investment requirements in (b), (c), or (d) of this subsection.

28 (3) "Timberland" means any parcel of land that is five or more  
29 acres or multiple parcels of land that are contiguous and total five  
30 or more acres which is or are devoted primarily to the growth and  
31 harvest of timber for commercial purposes. Timberland means the land  
32 only and does not include a residential homesite. The term includes  
33 land used for incidental uses that are compatible with the growing  
34 and harvesting of timber but no more than ten percent of the land may  
35 be used for such incidental uses. It also includes the land on which  
36 appurtenances necessary for the production, preparation, or sale of  
37 the timber products exist in conjunction with land producing these  
38 products.

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

1 (5) "Owner" means the party or parties having the fee interest in  
2 land, except that where land is subject to real estate contract  
3 "owner" means the contract vendee.

4 (6) (a) "Contiguous" means land adjoining and touching other  
5 property held by the same ownership. Land divided by a public road,  
6 but otherwise an integral part of a farming operation, is considered  
7 contiguous.

8 (b) For purposes of this subsection (6):

9 (i) "Same ownership" means owned by the same person or persons,  
10 except that parcels owned by different persons are deemed held by the  
11 same ownership if the parcels are:

12 (A) Managed as part of a single operation; and

13 (B) Owned by:

14 (I) Members of the same family;

15 (II) Legal entities that are wholly owned by members of the same  
16 family; or

17 (III) An individual who owns at least one of the parcels and a  
18 legal entity or entities that own the other parcel or parcels if the  
19 entity or entities are wholly owned by that individual, members of  
20 his or her family, or that individual and members of his or her  
21 family.

22 (ii) "Family" includes only:

23 (A) An individual and his or her spouse or domestic partner,  
24 child, stepchild, adopted child, grandchild, parent, stepparent,  
25 grandparent, cousin, or sibling;

26 (B) The spouse or domestic partner of an individual's child,  
27 stepchild, adopted child, grandchild, parent, stepparent,  
28 grandparent, cousin, or sibling;

29 (C) A child, stepchild, adopted child, grandchild, parent,  
30 stepparent, grandparent, cousin, or sibling of the individual's  
31 spouse or the individual's domestic partner; and

32 (D) The spouse or domestic partner of any individual described in  
33 (b) (ii) (C) of this subsection (6).

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

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

38 (a) Land that was previously classified under subsection (2) of  
39 this section, that no longer meets the criteria of subsection (2) of

1 this section, and that is reclassified under subsection (1) of this  
2 section; or

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

--- END ---