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SENATE BILL 6228

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State of Washington

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By Senators Haugen, Anderson, Owen, Hargrove, Sellar, Oke, McAuliffe and M. Rasmussen

Read first time 01/17/94. Referred to Committee on Natural Resources.

1 AN ACT Relating to definitions of agricultural and forest land of  
2 long-term commercial significance; and amending RCW 36.70A.030,  
3 36.70A.060, and 36.70A.170.

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

5 **Sec. 1.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each  
6 amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Adopt a comprehensive land use plan" means to enact a new  
10 comprehensive land use plan or to update an existing comprehensive land  
11 use plan.

12 (2) "Agricultural land" means land primarily devoted to the  
13 commercial production of horticultural, viticultural, floricultural,  
14 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
15 straw, turf, seed, Christmas trees not subject to the excise tax  
16 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
17 long-term commercial significance for agricultural production.

18 (3) "City" means any city or town, including a code city.

1 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"  
2 means a generalized coordinated land use policy statement of the  
3 governing body of a county or city that is adopted pursuant to this  
4 chapter.

5 (5) "Critical areas" include the following areas and ecosystems:  
6 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
7 used for potable water; (c) fish and wildlife habitat conservation  
8 areas; (d) frequently flooded areas; and (e) geologically hazardous  
9 areas.

10 (6) "Department" means the department of community, trade, and  
11 economic development.

12 (7) "Development regulations" means any controls placed on  
13 development or land use activities by a county or city, including, but  
14 not limited to, zoning ordinances, official controls, planned unit  
15 development ordinances, subdivision ordinances, and binding site plan  
16 ordinances.

17 (8) "Forest land" means land (~~((primarily useful for growing trees))~~)  
18 currently devoted to commercial timber production, including Christmas  
19 trees subject to the excise tax imposed under RCW 84.33.100 through  
20 84.33.140, (~~((for commercial purposes,))~~) and that also has long-term  
21 commercial significance (~~((for growing trees commercially))~~).

22 (9) "Geologically hazardous areas" means areas that because of  
23 their susceptibility to erosion, sliding, earthquake, or other  
24 geological events, are not suited to the siting of commercial,  
25 residential, or industrial development consistent with public health or  
26 safety concerns.

27 (10) "Long-term commercial significance" (~~((includes))~~) means land  
28 that has the growing capacity, productivity, ((and)) soil composition  
29 ((of the land)), and economic viability for long-term commercial  
30 production, ((in consideration with)) based on the land's proximity to  
31 population areas, surrounding parcel sizes, and the possibility of more  
32 intense uses of the land and means land that is managed, and can be  
33 managed, economically and practically for long-term commercial  
34 production.

35 (11) "Minerals" include gravel, sand, and valuable metallic  
36 substances.

37 (12) "Public facilities" include streets, roads, highways,  
38 sidewalks, street and road lighting systems, traffic signals, domestic

1 water systems, storm and sanitary sewer systems, parks and recreational  
2 facilities, and schools.

3 (13) "Public services" include fire protection and suppression, law  
4 enforcement, public health, education, recreation, environmental  
5 protection, and other governmental services.

6 (14) "Urban growth" refers to growth that makes intensive use of  
7 land for the location of buildings, structures, and impermeable  
8 surfaces to such a degree as to be incompatible with the primary use of  
9 such land for the production of food, other agricultural products, or  
10 fiber, or the extraction of mineral resources. When allowed to spread  
11 over wide areas, urban growth typically requires urban governmental  
12 services. "Characterized by urban growth" refers to land having urban  
13 growth located on it, or to land located in relationship to an area  
14 with urban growth on it as to be appropriate for urban growth.

15 (15) "Urban growth areas" means those areas designated by a county  
16 pursuant to RCW 36.70A.110.

17 (16) "Urban governmental services" include those governmental  
18 services historically and typically delivered by cities, and include  
19 storm and sanitary sewer systems, domestic water systems, street  
20 cleaning services, fire and police protection services, public transit  
21 services, and other public utilities associated with urban areas and  
22 normally not associated with nonurban areas.

23 (17) "Wetland" or "wetlands" means areas that are inundated or  
24 saturated by surface water or ground water at a frequency and duration  
25 sufficient to support, and that under normal circumstances do support,  
26 a prevalence of vegetation typically adapted for life in saturated soil  
27 conditions. Wetlands generally include swamps, marshes, bogs, and  
28 similar areas. Wetlands do not include those artificial wetlands  
29 intentionally created from nonwetland sites, including, but not limited  
30 to, irrigation and drainage ditches, grass-lined swales, canals,  
31 detention facilities, wastewater treatment facilities, farm ponds, and  
32 landscape amenities. However, wetlands may include those artificial  
33 wetlands intentionally created from nonwetland areas created to  
34 mitigate conversion of wetlands, if permitted by the county or city.

35 **Sec. 2.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended  
36 to read as follows:

37 (1) Each county that is required or chooses to plan under RCW  
38 36.70A.040, and each city within such county, shall adopt development

1 regulations on or before September 1, 1991, to assure the conservation  
2 of agricultural, forest, and mineral resource lands as defined under  
3 RCW 36.70A.030 (2), (8), (10), and (11) and as designated under RCW  
4 36.70A.170. Regulations adopted under this subsection may not prohibit  
5 uses legally existing on any parcel prior to their adoption and shall  
6 remain in effect until the county or city adopts development  
7 regulations pursuant to RCW 36.70A.120. Such regulations shall assure  
8 that the use of lands adjacent to agricultural, forest, or mineral  
9 resource lands shall not interfere with the continued use, in the  
10 accustomed manner and in accordance with best management practices, of  
11 these designated lands for the production of food, agricultural  
12 products, or timber, or for the extraction of minerals. Counties and  
13 cities shall require that all plats, short plats, development permits,  
14 and building permits issued for development activities on, or within  
15 three hundred feet of, lands designated as agricultural lands, forest  
16 lands, or mineral resource lands, contain a notice that the subject  
17 property is within or near designated agricultural lands, forest lands,  
18 or mineral resource lands on which a variety of commercial activities  
19 may occur that are not compatible with residential development for  
20 certain periods of limited duration.

21 (2) Each county and city shall adopt development regulations that  
22 protect critical areas that are required to be designated under RCW  
23 36.70A.170. For counties and cities that are required or choose to  
24 plan under RCW 36.70A.040, such development regulations shall be  
25 adopted on or before September 1, 1991. For the remainder of the  
26 counties and cities, such development regulations shall be adopted on  
27 or before March 1, 1992.

28 (3) Such counties and cities shall review these designations and  
29 development regulations when adopting their comprehensive plans under  
30 RCW 36.70A.040 and implementing development regulations under RCW  
31 36.70A.120 and may alter such designations and development regulations  
32 to insure consistency. At the time of adoption of the comprehensive  
33 plan and development regulations as required by this chapter, all  
34 designations must be in compliance with the definitions in this  
35 chapter.

36 (4) Forest land and agricultural land located within urban growth  
37 areas shall not be designated by a county or city as forest land or  
38 agricultural land of long-term commercial significance under RCW

1 36.70A.170 unless the city or county has enacted a program authorizing  
2 transfer or purchase of development rights.

3 **Sec. 3.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each  
4 amended to read as follows:

5 (1) On or before September 1, 1991, each county, and each city,  
6 shall designate where appropriate:

7 (a) Agricultural lands that are not already characterized by urban  
8 growth and that have long-term significance for the commercial  
9 production of food or other agricultural products, as defined in RCW  
10 36.70A.030 (2) and (10);

11 (b) Forest lands that are not already characterized by urban growth  
12 and that have long-term significance for the commercial production of  
13 timber as defined in RCW 36.70A.030 (8) and (10);

14 (c) Mineral resource lands that are not already characterized by  
15 urban growth and that have long-term significance for the extraction of  
16 minerals; and

17 (d) Critical areas.

18 (2) In making the designations required by this section, counties  
19 and cities shall consider the guidelines established pursuant to RCW  
20 36.70A.050.

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