
ENGROSSED SUBSTITUTE SENATE BILL 6603

State of Washington

61st Legislature

2010 Regular Session

By Senate Transportation (originally sponsored by Senators Marr, Haugen, Swecker, Eide, and Keiser)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to land uses adjacent to general aviation airports;
2 amending RCW 36.70.547, 36.70.330, 36.70A.070, and 36.70.020;
3 reenacting and amending RCW 36.70A.030; and adding a new section to
4 chapter 36.70A RCW.

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

6 **Sec. 1.** RCW 36.70.547 and 1996 c 239 s 2 are each amended to read
7 as follows:

8 Every county, city, and town in which there is located a general
9 aviation airport that is operated for the benefit of the general
10 public, whether publicly owned or privately owned public use, shall,
11 through its comprehensive plan and development regulations,
12 ((discourage)) evaluate land uses that may be compatible and
13 incompatible with airports and aircraft operations, and encourage and
14 facilitate the adoption and implementation of comprehensive plan
15 policies and development regulations that restrict the siting of
16 incompatible uses adjacent to such general aviation airport. Such
17 plans and regulations may only be adopted or amended after formal
18 consultation with: Airport owners and managers, private airport
19 operators, general aviation pilots, ports, and the aviation division of

1 the department of transportation. The aviation division of the
2 department of transportation shall develop guidelines by rule under
3 chapter 34.05 RCW setting forth consultation procedures and a process
4 to assist counties and cities to identify land uses that may be
5 incompatible with airports and aircraft operations, and to encourage
6 and facilitate the adoption and implementation of comprehensive plan
7 policies and development regulations consistent with this section. The
8 guidelines must recognize regional and airport differences and assist
9 counties and cities to identify best management practices and
10 strategies to prohibit incompatible land uses adjacent to airports.
11 All proposed plan and regulation amendments should be submitted to the
12 aviation division of the department of transportation for early review
13 and comment. All proposed and adopted plans and regulations (~~shall~~)
14 must be filed with the aviation division of the department of
15 transportation within a reasonable time after release for public
16 consideration and comment. Each county, city, and town may obtain
17 technical assistance from the aviation division of the department of
18 transportation to develop plans and regulations consistent with this
19 section.

20 Any additions or amendments to comprehensive plans or development
21 regulations required by this section may be adopted during the normal
22 course of land-use proceedings.

23 This section applies to every county, city, and town, whether
24 operating under chapter 35.63, 35A.63, 36.70, (~~for~~) or 36.70A RCW,
25 or under a charter.

26 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
27 to read as follows:

28 Every county and city that is planning under RCW 36.70A.040 in
29 which there is located a general aviation airport, whether publicly
30 owned or privately owned public use, or whose jurisdictional boundaries
31 include land located in the airport influence area of a general
32 aviation airport, shall, through its comprehensive plan and development
33 regulations, evaluate land uses that may be compatible and incompatible
34 with airports and aircraft operations, and encourage and facilitate the
35 adoption and implementation of comprehensive plan policies and
36 development regulations that restrict the siting of incompatible uses
37 adjacent to such general aviation airport. Such plans and regulations

1 may only be adopted or amended after formal consultation with: Airport
2 owners and managers; private airport operators; general aviation
3 pilots; ports; and the aviation division of the department of
4 transportation, within a reasonable time after release for public
5 consideration and comment. Counties and cities are encouraged to
6 obtain technical assistance from the aviation division of the
7 department of transportation to develop plans and regulations
8 consistent with this section.

9 **Sec. 3.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to read
10 as follows:

11 The comprehensive plan shall consist of a map or maps, and
12 descriptive text covering objectives, principles and standards used to
13 develop it, and shall include each of the following elements:

14 (1) A land use element which designates the proposed general
15 distribution and general location and extent of the uses of land for
16 agriculture, housing, commerce, industry, recreation, education, public
17 buildings and lands, (~~and~~) other categories of public and private use
18 of land, (~~including~~) and pursuant to RCW 36.70.547 uses that would be
19 compatible and incompatible when located in the airport influence area
20 of a general aviation airport. The land use element shall also include
21 a statement of the standards of population density and building
22 intensity recommended for the various areas in the jurisdiction and
23 estimates of future population growth in the area covered by the
24 comprehensive plan, all correlated with the land use element of the
25 comprehensive plan. The land use element shall also provide for
26 protection of the quality and quantity of groundwater used for public
27 water supplies and shall review drainage, flooding, and storm water
28 run-off in the area and nearby jurisdictions and provide guidance for
29 corrective actions to mitigate or cleanse those discharges that pollute
30 Puget Sound or waters entering Puget Sound;

31 (2) A circulation element consisting of the general location,
32 alignment and extent of major thoroughfares, major transportation
33 routes, trunk utility lines, and major terminal facilities, all of
34 which shall be correlated with the land use element of the
35 comprehensive plan;

36 (3) Any supporting maps, diagrams, charts, descriptive material and
37 reports necessary to explain and supplement the above elements.

1 **Sec. 4.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
2 as follows:

3 The comprehensive plan of a county or city that is required or
4 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
5 and descriptive text covering objectives, principles, and standards
6 used to develop the comprehensive plan. The plan shall be an
7 internally consistent document and all elements shall be consistent
8 with the future land use map. A comprehensive plan shall be adopted
9 and amended with public participation as provided in RCW 36.70A.140.

10 Each comprehensive plan shall include a plan, scheme, or design for
11 each of the following:

12 (1) A land use element designating the proposed general
13 distribution and general location and extent of the uses of land, where
14 appropriate, for agriculture, timber production, housing, commerce,
15 industry, recreation, open spaces, general aviation airports, public
16 utilities, public facilities, ~~((and))~~ other land uses, and pursuant to
17 RCW 36.70A.510 uses that would be compatible and incompatible when
18 located in the airport influence area of a general aviation airport.

19 The land use element shall include population densities, building
20 intensities, and estimates of future population growth. The land use
21 element shall provide for protection of the quality and quantity of
22 groundwater used for public water supplies. Wherever possible, the
23 land use element should consider utilizing urban planning approaches
24 that promote physical activity. Where applicable, the land use element
25 shall review drainage, flooding, and storm water run-off in the area
26 and nearby jurisdictions and provide guidance for corrective actions to
27 mitigate or cleanse those discharges that pollute waters of the state,
28 including Puget Sound or waters entering Puget Sound.

29 (2) A housing element ensuring the vitality and character of
30 established residential neighborhoods that: (a) Includes an inventory
31 and analysis of existing and projected housing needs that identifies
32 the number of housing units necessary to manage projected growth; (b)
33 includes a statement of goals, policies, objectives, and mandatory
34 provisions for the preservation, improvement, and development of
35 housing, including single-family residences; (c) identifies sufficient
36 land for housing, including, but not limited to, government-assisted
37 housing, housing for low-income families, manufactured housing,

1 multifamily housing, and group homes and foster care facilities; and
2 (d) makes adequate provisions for existing and projected needs of all
3 economic segments of the community.

4 (3) A capital facilities plan element consisting of: (a) An
5 inventory of existing capital facilities owned by public entities,
6 showing the locations and capacities of the capital facilities; (b) a
7 forecast of the future needs for such capital facilities; (c) the
8 proposed locations and capacities of expanded or new capital
9 facilities; (d) at least a six-year plan that will finance such capital
10 facilities within projected funding capacities and clearly identifies
11 sources of public money for such purposes; and (e) a requirement to
12 reassess the land use element if probable funding falls short of
13 meeting existing needs and to ensure that the land use element, capital
14 facilities plan element, and financing plan within the capital
15 facilities plan element are coordinated and consistent. Park and
16 recreation facilities shall be included in the capital facilities plan
17 element.

18 (4) A utilities element consisting of the general location,
19 proposed location, and capacity of all existing and proposed utilities,
20 including, but not limited to, electrical lines, telecommunication
21 lines, and natural gas lines.

22 (5) Rural element. Counties shall include a rural element
23 including lands that are not designated for urban growth, agriculture,
24 forest, or mineral resources. The following provisions shall apply to
25 the rural element:

26 (a) Growth management act goals and local circumstances. Because
27 circumstances vary from county to county, in establishing patterns of
28 rural densities and uses, a county may consider local circumstances,
29 but shall develop a written record explaining how the rural element
30 harmonizes the planning goals in RCW 36.70A.020 and meets the
31 requirements of this chapter.

32 (b) Rural development. The rural element shall permit rural
33 development, forestry, and agriculture in rural areas. The rural
34 element shall provide for a variety of rural densities, uses, essential
35 public facilities, and rural governmental services needed to serve the
36 permitted densities and uses. To achieve a variety of rural densities
37 and uses, counties may provide for clustering, density transfer, design
38 guidelines, conservation easements, and other innovative techniques

1 that will accommodate appropriate rural densities and uses that are not
2 characterized by urban growth and that are consistent with rural
3 character.

4 (c) Measures governing rural development. The rural element shall
5 include measures that apply to rural development and protect the rural
6 character of the area, as established by the county, by:

7 (i) Containing or otherwise controlling rural development;

8 (ii) Assuring visual compatibility of rural development with the
9 surrounding rural area;

10 (iii) Reducing the inappropriate conversion of undeveloped land
11 into sprawling, low-density development in the rural area;

12 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
13 surface water and groundwater resources; and

14 (v) Protecting against conflicts with the use of agricultural,
15 forest, and mineral resource lands designated under RCW 36.70A.170.

16 (d) Limited areas of more intensive rural development. Subject to
17 the requirements of this subsection and except as otherwise
18 specifically provided in this subsection (5)(d), the rural element may
19 allow for limited areas of more intensive rural development, including
20 necessary public facilities and public services to serve the limited
21 area as follows:

22 (i) Rural development consisting of the infill, development, or
23 redevelopment of existing commercial, industrial, residential, or
24 mixed-use areas, whether characterized as shoreline development,
25 villages, hamlets, rural activity centers, or crossroads developments.

26 (A) A commercial, industrial, residential, shoreline, or mixed-use
27 area shall be subject to the requirements of (d)(iv) of this
28 subsection, but shall not be subject to the requirements of (c)(ii) and
29 (iii) of this subsection.

30 (B) Any development or redevelopment other than an industrial area
31 or an industrial use within a mixed-use area or an industrial area
32 under this subsection (5)(d)(i) must be principally designed to serve
33 the existing and projected rural population.

34 (C) Any development or redevelopment in terms of building size,
35 scale, use, or intensity shall be consistent with the character of the
36 existing areas. Development and redevelopment may include changes in
37 use from vacant land or a previously existing use so long as the new
38 use conforms to the requirements of this subsection (5);

1 (ii) The intensification of development on lots containing, or new
2 development of, small-scale recreational or tourist uses, including
3 commercial facilities to serve those recreational or tourist uses, that
4 rely on a rural location and setting, but that do not include new
5 residential development. A small-scale recreation or tourist use is
6 not required to be principally designed to serve the existing and
7 projected rural population. Public services and public facilities
8 shall be limited to those necessary to serve the recreation or tourist
9 use and shall be provided in a manner that does not permit low-density
10 sprawl;

11 (iii) The intensification of development on lots containing
12 isolated nonresidential uses or new development of isolated cottage
13 industries and isolated small-scale businesses that are not principally
14 designed to serve the existing and projected rural population and
15 nonresidential uses, but do provide job opportunities for rural
16 residents. Rural counties may allow the expansion of small-scale
17 businesses as long as those small-scale businesses conform with the
18 rural character of the area as defined by the local government
19 according to RCW 36.70A.030(~~(14)~~) (15). Rural counties may also
20 allow new small-scale businesses to utilize a site previously occupied
21 by an existing business as long as the new small-scale business
22 conforms to the rural character of the area as defined by the local
23 government according to RCW 36.70A.030(~~(14)~~) (15). Public services
24 and public facilities shall be limited to those necessary to serve the
25 isolated nonresidential use and shall be provided in a manner that does
26 not permit low-density sprawl;

27 (iv) A county shall adopt measures to minimize and contain the
28 existing areas or uses of more intensive rural development, as
29 appropriate, authorized under this subsection. Lands included in such
30 existing areas or uses shall not extend beyond the logical outer
31 boundary of the existing area or use, thereby allowing a new pattern of
32 low-density sprawl. Existing areas are those that are clearly
33 identifiable and contained and where there is a logical boundary
34 delineated predominately by the built environment, but that may also
35 include undeveloped lands if limited as provided in this subsection.
36 The county shall establish the logical outer boundary of an area of
37 more intensive rural development. In establishing the logical outer
38 boundary the county shall address (A) the need to preserve the

1 character of existing natural neighborhoods and communities, (B)
2 physical boundaries such as bodies of water, streets and highways, and
3 land forms and contours, (C) the prevention of abnormally irregular
4 boundaries, and (D) the ability to provide public facilities and public
5 services in a manner that does not permit low-density sprawl;

6 (v) For purposes of (d) of this subsection, an existing area or
7 existing use is one that was in existence:

8 (A) On July 1, 1990, in a county that was initially required to
9 plan under all of the provisions of this chapter;

10 (B) On the date the county adopted a resolution under RCW
11 36.70A.040(2), in a county that is planning under all of the provisions
12 of this chapter under RCW 36.70A.040(2); or

13 (C) On the date the office of financial management certifies the
14 county's population as provided in RCW 36.70A.040(5), in a county that
15 is planning under all of the provisions of this chapter pursuant to RCW
16 36.70A.040(5).

17 (e) Exception. This subsection shall not be interpreted to permit
18 in the rural area a major industrial development or a master planned
19 resort unless otherwise specifically permitted under RCW 36.70A.360 and
20 36.70A.365.

21 (6) A transportation element that implements, and is consistent
22 with, the land use element.

23 (a) The transportation element shall include the following
24 subelements:

25 (i) Land use assumptions used in estimating travel;

26 (ii) Estimated traffic impacts to state-owned transportation
27 facilities resulting from land use assumptions to assist the department
28 of transportation in monitoring the performance of state facilities, to
29 plan improvements for the facilities, and to assess the impact of land-
30 use decisions on state-owned transportation facilities;

31 (iii) Facilities and services needs, including:

32 (A) An inventory of air, water, and ground transportation
33 facilities and services, including transit alignments and general
34 aviation airport facilities, to define existing capital facilities and
35 travel levels as a basis for future planning. This inventory must
36 include state-owned transportation facilities within the city or
37 county's jurisdictional boundaries;

1 (B) Level of service standards for all locally owned arterials and
2 transit routes to serve as a gauge to judge performance of the system.
3 These standards should be regionally coordinated;

4 (C) For state-owned transportation facilities, level of service
5 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
6 to gauge the performance of the system. The purposes of reflecting
7 level of service standards for state highways in the local
8 comprehensive plan are to monitor the performance of the system, to
9 evaluate improvement strategies, and to facilitate coordination between
10 the county's or city's six-year street, road, or transit program and
11 the (~~department of transportation's six-year~~) office of financial
12 management's ten-year investment program. The concurrency requirements
13 of (b) of this subsection do not apply to transportation facilities and
14 services of statewide significance except for counties consisting of
15 islands whose only connection to the mainland are state highways or
16 ferry routes. In these island counties, state highways and ferry route
17 capacity must be a factor in meeting the concurrency requirements in
18 (b) of this subsection;

19 (D) Specific actions and requirements for bringing into compliance
20 locally owned transportation facilities or services that are below an
21 established level of service standard;

22 (E) Forecasts of traffic for at least ten years based on the
23 adopted land use plan to provide information on the location, timing,
24 and capacity needs of future growth;

25 (F) Identification of state and local system needs to meet current
26 and future demands. Identified needs on state-owned transportation
27 facilities must be consistent with the statewide multimodal
28 transportation plan required under chapter 47.06 RCW;

29 (iv) Finance, including:

30 (A) An analysis of funding capability to judge needs against
31 probable funding resources;

32 (B) A multiyear financing plan based on the needs identified in the
33 comprehensive plan, the appropriate parts of which shall serve as the
34 basis for the six-year street, road, or transit program required by RCW
35 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
36 for public transportation systems. The multiyear financing plan should
37 be coordinated with the (~~six-year improvement~~) ten-year investment

1 program developed by the (~~department of transportation~~) office of
2 financial management as required by RCW 47.05.030;

3 (C) If probable funding falls short of meeting identified needs, a
4 discussion of how additional funding will be raised, or how land use
5 assumptions will be reassessed to ensure that level of service
6 standards will be met;

7 (v) Intergovernmental coordination efforts, including an assessment
8 of the impacts of the transportation plan and land use assumptions on
9 the transportation systems of adjacent jurisdictions;

10 (vi) Demand-management strategies;

11 (vii) Pedestrian and bicycle component to include collaborative
12 efforts to identify and designate planned improvements for pedestrian
13 and bicycle facilities and corridors that address and encourage
14 enhanced community access and promote healthy lifestyles.

15 (b) After adoption of the comprehensive plan by jurisdictions
16 required to plan or who choose to plan under RCW 36.70A.040, local
17 jurisdictions must adopt and enforce ordinances which prohibit
18 development approval if the development causes the level of service on
19 a locally owned transportation facility to decline below the standards
20 adopted in the transportation element of the comprehensive plan, unless
21 transportation improvements or strategies to accommodate the impacts of
22 development are made concurrent with the development. These strategies
23 may include increased public transportation service, ride sharing
24 programs, demand management, and other transportation systems
25 management strategies. For the purposes of this subsection (6)
26 "concurrent with the development" shall mean that improvements or
27 strategies are in place at the time of development, or that a financial
28 commitment is in place to complete the improvements or strategies
29 within six years.

30 (c) The transportation element described in this subsection (6),
31 (~~and~~) the six-year plans required by RCW 35.77.010 for cities, RCW
32 36.81.121 for counties, and RCW 35.58.2795 for public transportation
33 systems, and the ten-year investment program required by RCW 47.05.030
34 for the state, must be consistent.

35 (7) An economic development element establishing local goals,
36 policies, objectives, and provisions for economic growth and vitality
37 and a high quality of life. The element shall include: (a) A summary
38 of the local economy such as population, employment, payroll, sectors,

1 businesses, sales, and other information as appropriate; (b) a summary
2 of the strengths and weaknesses of the local economy defined as the
3 commercial and industrial sectors and supporting factors such as land
4 use, transportation, utilities, education, workforce, housing, and
5 natural/cultural resources; and (c) an identification of policies,
6 programs, and projects to foster economic growth and development and to
7 address future needs. A city that has chosen to be a residential
8 community is exempt from the economic development element requirement
9 of this subsection.

10 (8) A park and recreation element that implements, and is
11 consistent with, the capital facilities plan element as it relates to
12 park and recreation facilities. The element shall include: (a)
13 Estimates of park and recreation demand for at least a ten-year period;
14 (b) an evaluation of facilities and service needs; and (c) an
15 evaluation of intergovernmental coordination opportunities to provide
16 regional approaches for meeting park and recreational demand.

17 (9) It is the intent that new or amended elements required after
18 January 1, 2002, be adopted concurrent with the scheduled update
19 provided in RCW 36.70A.130. Requirements to incorporate any such new
20 or amended elements shall be null and void until funds sufficient to
21 cover applicable local government costs are appropriated and
22 distributed by the state at least two years before local government
23 must update comprehensive plans as required in RCW 36.70A.130.

24 **Sec. 5.** RCW 36.70.020 and 2009 c 549 s 4106 are each amended to
25 read as follows:

26 The following words or terms as used in this chapter shall have the
27 following meaning unless a different meaning is clearly indicated by
28 the context:

29 (1) "Approval by motion" is a means by which a board, through other
30 than by ordinance, approves and records recognition of a comprehensive
31 plan or amendments thereto.

32 (2) "Board" means the board of county commissioners.

33 (3) "Certification" means the affixing on any map or by adding to
34 any document comprising all or any portion of a comprehensive plan a
35 record of the dates of action thereon by the commission and by the
36 board, together with the signatures of the officer or officers
37 authorized by ordinance to so sign.

1 (4) "Commission" means a county or regional planning commission.

2 (5) "Commissioners" means members of a county or regional planning
3 commission.

4 (6) "Comprehensive plan" means the policies and proposals approved
5 and recommended by the planning agency or initiated by the board and
6 approved by motion by the board (a) as a beginning step in planning for
7 the physical development of the county; (b) as the means for
8 coordinating county programs and services; (c) as a source of reference
9 to aid in developing, correlating, and coordinating official
10 regulations and controls; and (d) as a means for promoting the general
11 welfare. Such plan shall consist of the required elements set forth in
12 RCW 36.70.330 and may also include the optional elements set forth in
13 RCW 36.70.350 which shall serve as a policy guide for the subsequent
14 public and private development and official controls so as to present
15 all proposed developments in a balanced and orderly relationship to
16 existing physical features and governmental functions.

17 (7) "Conditional use" means a use listed among those classified in
18 any given zone but permitted to locate only after review by the board
19 of adjustment, or zoning adjustor if there be such, and the granting of
20 a conditional use permit imposing such performance standards as will
21 make the use compatible with other permitted uses in the same vicinity
22 and zone and assure against imposing excessive demands upon public
23 utilities, provided the county ordinances specify the standards and
24 criteria that shall be applied.

25 (8) "Department" means a planning department organized and
26 functioning as any other department in any county.

27 (9) "Element" means one of the various categories of subjects, each
28 of which constitutes a component part of the comprehensive plan.

29 (10) "Ex officio member" means a member of the commission who
30 serves by virtue of his or her official position as head of a
31 department specified in the ordinance creating the commission.

32 (11) "Official controls" means legislatively defined and enacted
33 policies, standards, precise detailed maps and other criteria, all of
34 which control the physical development of a county or any part thereof
35 or any detail thereof, and are the means of translating into
36 regulations and ordinances all or any part of the general objectives of
37 the comprehensive plan. Such official controls may include, but are

1 not limited to, ordinances establishing zoning, subdivision control,
2 platting, and adoption of detailed maps.

3 (12) "Ordinance" means a legislative enactment by a board; in this
4 chapter the word, "ordinance", is synonymous with the term
5 "resolution", as representing a legislative enactment by a board of
6 county commissioners.

7 (13) "Planning agency" means (a) a planning commission, together
8 with its staff members, employees and consultants, or (b) a department
9 organized and functioning as any other department in any county
10 government together with its planning commission.

11 (14) "Variance." A variance is the means by which an adjustment is
12 made in the application of the specific regulations of a zoning
13 ordinance to a particular piece of property, which property, because of
14 special circumstances applicable to it, is deprived of privileges
15 commonly enjoyed by other properties in the same vicinity and zone and
16 which adjustment remedies disparity in privileges.

17 (15) "Airport influence area" means the area adjacent to a public
18 use aviation airport that can affect or be affected by airports and
19 aircraft operations. This sphere of influence is contained within
20 airport traffic patterns, aircraft over flight and safety areas, and
21 airspace surfaces critical for air navigation addressed under chapter
22 14.12 RCW and federal aviation regulations (14 C.F.R. Part 77, Subpart
23 C). The airport influence area is used to identify the geographic area
24 that should be considered during the airport land use compatibility
25 planning process. "Airport influence area" includes terrestrial land
26 uses and the navigable airspace necessary to address land use
27 compatibility adjacent to airports.

28 (16) "General aviation airport" means any public use airport with
29 general aviation facilities and where general aviation activities
30 occur. However, a general aviation airport does not include an airport
31 in a county with a population of greater than one million five hundred
32 thousand persons where general aviation activity is less than five
33 percent of the total annual operations.

34 **Sec. 6.** RCW 36.70A.030 and 2009 c 565 s 22 are each reenacted and
35 amended to read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout this chapter.

1 (1) "Adopt a comprehensive land use plan" means to enact a new
2 comprehensive land use plan or to update an existing comprehensive land
3 use plan.

4 (2) "Agricultural land" means land primarily devoted to the
5 commercial production of horticultural, viticultural, floricultural,
6 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
7 straw, turf, seed, Christmas trees not subject to the excise tax
8 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
9 hatcheries, or livestock, and that has long-term commercial
10 significance for agricultural production.

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

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

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

21 (6) "Department" means the department of commerce.

22 (7) "Development regulations" or "regulation" means the controls
23 placed on development or land use activities by a county or city,
24 including, but not limited to, zoning ordinances, critical areas
25 ordinances, shoreline master programs, official controls, planned unit
26 development ordinances, subdivision ordinances, and binding site plan
27 ordinances together with any amendments thereto. A development
28 regulation does not include a decision to approve a project permit
29 application, as defined in RCW 36.70B.020, even though the decision may
30 be expressed in a resolution or ordinance of the legislative body of
31 the county or city.

32 (8) "Forest land" means land primarily devoted to growing trees for
33 long-term commercial timber production on land that can be economically
34 and practically managed for such production, including Christmas trees
35 subject to the excise tax imposed under RCW 84.33.100 through
36 84.33.140, and that has long-term commercial significance. In
37 determining whether forest land is primarily devoted to growing trees
38 for long-term commercial timber production on land that can be

1 economically and practically managed for such production, the following
2 factors shall be considered: (a) The proximity of the land to urban,
3 suburban, and rural settlements; (b) surrounding parcel size and the
4 compatibility and intensity of adjacent and nearby land uses; (c) long-
5 term local economic conditions that affect the ability to manage for
6 timber production; and (d) the availability of public facilities and
7 services conducive to conversion of forest land to other uses.

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

13 (10) "Long-term commercial significance" includes the growing
14 capacity, productivity, and soil composition of the land for long-term
15 commercial production, in consideration with the land's proximity to
16 population areas, and the possibility of more intense uses of the land.

17 (11) "Minerals" include gravel, sand, and valuable metallic
18 substances.

19 (12) "Public facilities" include streets, roads, highways,
20 sidewalks, street and road lighting systems, traffic signals, domestic
21 water systems, storm and sanitary sewer systems, parks and recreational
22 facilities, and schools.

23 (13) "Public services" include fire protection and suppression, law
24 enforcement, public health, education, recreation, environmental
25 protection, and other governmental services.

26 (14) "Recreational land" means land so designated under RCW
27 36.70A.1701 and that, immediately prior to this designation, was
28 designated as agricultural land of long-term commercial significance
29 under RCW 36.70A.170. Recreational land must have playing fields and
30 supporting facilities existing before July 1, 2004, for sports played
31 on grass playing fields.

32 (15) "Rural character" refers to the patterns of land use and
33 development established by a county in the rural element of its
34 comprehensive plan:

35 (a) In which open space, the natural landscape, and vegetation
36 predominate over the built environment;

37 (b) That foster traditional rural lifestyles, rural-based
38 economies, and opportunities to both live and work in rural areas;

1 (c) That provide visual landscapes that are traditionally found in
2 rural areas and communities;

3 (d) That are compatible with the use of the land by wildlife and
4 for fish and wildlife habitat;

5 (e) That reduce the inappropriate conversion of undeveloped land
6 into sprawling, low-density development;

7 (f) That generally do not require the extension of urban
8 governmental services; and

9 (g) That are consistent with the protection of natural surface
10 water flows and groundwater and surface water recharge and discharge
11 areas.

12 (16) "Rural development" refers to development outside the urban
13 growth area and outside agricultural, forest, and mineral resource
14 lands designated pursuant to RCW 36.70A.170. Rural development can
15 consist of a variety of uses and residential densities, including
16 clustered residential development, at levels that are consistent with
17 the preservation of rural character and the requirements of the rural
18 element. Rural development does not refer to agriculture or forestry
19 activities that may be conducted in rural areas.

20 (17) "Rural governmental services" or "rural services" include
21 those public services and public facilities historically and typically
22 delivered at an intensity usually found in rural areas, and may include
23 domestic water systems, fire and police protection services,
24 transportation and public transit services, and other public utilities
25 associated with rural development and normally not associated with
26 urban areas. Rural services do not include storm or sanitary sewers,
27 except as otherwise authorized by RCW 36.70A.110(4).

28 (18) "Urban governmental services" or "urban services" include
29 those public services and public facilities at an intensity
30 historically and typically provided in cities, specifically including
31 storm and sanitary sewer systems, domestic water systems, street
32 cleaning services, fire and police protection services, public transit
33 services, and other public utilities associated with urban areas and
34 normally not associated with rural areas.

35 (19) "Urban growth" refers to growth that makes intensive use of
36 land for the location of buildings, structures, and impermeable
37 surfaces to such a degree as to be incompatible with the primary use of
38 land for the production of food, other agricultural products, or fiber,

1 or the extraction of mineral resources, rural uses, rural development,
2 and natural resource lands designated pursuant to RCW 36.70A.170. A
3 pattern of more intensive rural development, as provided in RCW
4 36.70A.070(5)(d), is not urban growth. When allowed to spread over
5 wide areas, urban growth typically requires urban governmental
6 services. "Characterized by urban growth" refers to land having urban
7 growth located on it, or to land located in relationship to an area
8 with urban growth on it as to be appropriate for urban growth.

9 (20) "Urban growth areas" means those areas designated by a county
10 pursuant to RCW 36.70A.110.

11 (21) "Wetland" or "wetlands" means areas that are inundated or
12 saturated by surface water or groundwater at a frequency and duration
13 sufficient to support, and that under normal circumstances do support,
14 a prevalence of vegetation typically adapted for life in saturated soil
15 conditions. Wetlands generally include swamps, marshes, bogs, and
16 similar areas. Wetlands do not include those artificial wetlands
17 intentionally created from nonwetland sites, including, but not limited
18 to, irrigation and drainage ditches, grass-lined swales, canals,
19 detention facilities, wastewater treatment facilities, farm ponds, and
20 landscape amenities, or those wetlands created after July 1, 1990, that
21 were unintentionally created as a result of the construction of a road,
22 street, or highway. Wetlands may include those artificial wetlands
23 intentionally created from nonwetland areas created to mitigate
24 conversion of wetlands.

25 (22) "Airport influence area" means the area adjacent to a public
26 use aviation airport that can affect or be affected by airports and
27 aircraft operations. This sphere of influence is contained within
28 airport traffic patterns, aircraft over flight and safety areas, and
29 airspace surfaces critical for air navigation addressed under chapter
30 14.12 RCW and federal aviation regulations (14 C.F.R. Part 77, Subpart
31 C). The airport influence area is used to identify the geographic area
32 that should be considered during the airport land use compatibility
33 planning process. "Airport influence area" includes terrestrial land
34 uses and the navigable airspace necessary to address land use
35 compatibility adjacent to airports.

36 (23) "General aviation airport" means any public use airport with
37 general aviation facilities and where general aviation activities
38 occur. However, a general aviation airport does not include an airport

1 in a county with a population of greater than one million five hundred
2 thousand persons where general aviation activity is less than five
3 percent of the total annual operations.

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