
ENGROSSED SUBSTITUTE SENATE BILL 6228

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Haugen, Anderson, Owen, Hargrove, Sellar, Oke, McAuliffe and M. Rasmussen)

Read first time 02/04/94.

1 AN ACT Relating to definitions of agricultural and forest land of
2 long-term commercial significance; amending RCW 36.70A.030; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
6 public interest to identify and provide long-term conservation of those
7 productive natural resource lands that are critical to and can be
8 managed economically and practically for long-term commercial
9 production of food, fiber, and minerals. Successful achievement of the
10 natural resource industries' goal set forth in RCW 36.70A.020 requires
11 the conservation of a land base sufficient in size and quality to
12 maintain and enhance those industries and the development and use of
13 land use techniques that discourage uses incompatible to the management
14 of those designated lands. The 1994 amendments to RCW 36.70A.030 (8)
15 and (10) (section 2 of this act) are intended to clarify legislative
16 intent regarding the designation of forest lands and are not intended
17 to require every county that has already complied with the interim
18 forest land designation requirements of chapter 36.70A RCW to
19 reconsider its actions.

1 **Sec. 2.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each
2 amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Adopt a comprehensive land use plan" means to enact a new
6 comprehensive land use plan or to update an existing comprehensive land
7 use plan.

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

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

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

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

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

26 (7) "Development regulations" means any controls placed on
27 development or land use activities by a county or city, including, but
28 not limited to, zoning ordinances, official controls, planned unit
29 development ordinances, subdivision ordinances, and binding site plan
30 ordinances.

31 (8) "Forest land" means land primarily (~~((useful for growing trees))~~)
32 devoted to commercial timber production, including Christmas trees
33 subject to the excise tax imposed under RCW 84.33.100 through
34 84.33.140, (~~((for commercial purposes,))~~) and that has long-term
35 commercial significance (~~((for growing trees commercially))~~).

36 (9) "Geologically hazardous areas" means areas that because of
37 their susceptibility to erosion, sliding, earthquake, or other
38 geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health or
2 safety concerns.

3 (10) "Long-term commercial significance" (~~includes~~) (i) means
4 land that has the growing capacity, productivity, and soil composition
5 (~~of the land~~) for long-term commercial production (~~, in~~
6 consideration with); and (ii) considers the land's proximity to urban,
7 suburban, and rural population areas, surrounding residential uses and
8 parcel sizes, and the possibility of more intense uses of the land; and
9 (iii) for forest land, also considers whether the land can be managed
10 economically and practically for long-term commercial production.

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

13 (12) "Public facilities" include streets, roads, highways,
14 sidewalks, street and road lighting systems, traffic signals, domestic
15 water systems, storm and sanitary sewer systems, parks and recreational
16 facilities, and schools.

17 (13) "Public services" include fire protection and suppression, law
18 enforcement, public health, education, recreation, environmental
19 protection, and other governmental services.

20 (14) "Urban growth" refers to growth that makes intensive use of
21 land for the location of buildings, structures, and impermeable
22 surfaces to such a degree as to be incompatible with the primary use of
23 such land for the production of food, other agricultural products, or
24 fiber, or the extraction of mineral resources. When allowed to spread
25 over wide areas, urban growth typically requires urban governmental
26 services. "Characterized by urban growth" refers to land having urban
27 growth located on it, or to land located in relationship to an area
28 with urban growth on it as to be appropriate for urban growth.

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

31 (16) "Urban governmental services" include those governmental
32 services historically and typically delivered by cities, and include
33 storm and sanitary sewer systems, domestic water systems, street
34 cleaning services, fire and police protection services, public transit
35 services, and other public utilities associated with urban areas and
36 normally not associated with nonurban areas.

37 (17) "Wetland" or "wetlands" means areas that are inundated or
38 saturated by surface water or ground water at a frequency and duration
39 sufficient to support, and that under normal circumstances do support,

1 a prevalence of vegetation typically adapted for life in saturated soil
2 conditions. Wetlands generally include swamps, marshes, bogs, and
3 similar areas. Wetlands do not include those artificial wetlands
4 intentionally created from nonwetland sites, including, but not limited
5 to, irrigation and drainage ditches, grass-lined swales, canals,
6 detention facilities, wastewater treatment facilities, farm ponds, and
7 landscape amenities. However, wetlands may include those artificial
8 wetlands intentionally created from nonwetland areas created to
9 mitigate conversion of wetlands, if permitted by the county or city.

--- END ---