
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 protection to those
7 natural resource lands that are critical to and can be managed
8 profitably for commercial production of food, fiber, and minerals. The
9 1994 amendments to RCW 36.70A.030 (8) and (10) (section 2 of this act)
10 are intended to clarify legislative intent regarding the designation of
11 natural resource lands and are not intended to require every county
12 that has already complied with the interim designation requirements of
13 chapter 36.70A RCW to reconsider its actions. Among other things, it
14 is the intent of the legislature to distinguish between natural
15 resource lands that can be managed for the long-term and be designated
16 as such, and lands that can be managed only for the short-term.

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

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

1 (10) "Long-term commercial significance" (~~((includes))~~) means land
2 that has the growing capacity, productivity, (~~((and))~~) soil composition
3 (~~((of the land))~~), and economic viability for long-term commercial
4 production, (~~((in consideration with))~~) based on the land's proximity to
5 population areas, surrounding uses and parcel sizes, and the
6 possibility of more intense uses of the land and means land that can be
7 managed, economically and practically, for long-term commercial
8 production.

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

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

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

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

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

29 (16) "Urban governmental services" include those governmental
30 services historically and typically delivered by cities, and include
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 nonurban areas.

35 (17) "Wetland" or "wetlands" means areas that are inundated or
36 saturated by surface water or ground water at a frequency and duration
37 sufficient to support, and that under normal circumstances do support,
38 a prevalence of vegetation typically adapted for life in saturated soil
39 conditions. Wetlands generally include swamps, marshes, bogs, and

1 similar areas. Wetlands do not include those artificial wetlands
2 intentionally created from nonwetland sites, including, but not limited
3 to, irrigation and drainage ditches, grass-lined swales, canals,
4 detention facilities, wastewater treatment facilities, farm ponds, and
5 landscape amenities. However, wetlands may include those artificial
6 wetlands intentionally created from nonwetland areas created to
7 mitigate conversion of wetlands, if permitted by the county or city.

--- END ---