

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6228

53rd Legislature
1994 Regular Session

Passed by the Senate March 6, 1994
YEAS 38 NAYS 0

President of the Senate

Passed by the House March 2, 1994
YEAS 90 NAYS 4

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6228** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6228

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

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 designated lands. The 1994 amendment to RCW 36.70A.030(8) (section
15 2(8) of this act) is intended to clarify legislative intent regarding
16 the designation of forest lands and is not intended to require every
17 county that has already complied with the interim forest land
18 designation requirement of RCW 36.70A.170 to review its actions until

1 the adoption of its comprehensive plans and development regulations as
2 provided in RCW 36.70A.060(3).

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

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

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

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

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

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

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

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

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

34 (8) "Forest land" means land primarily ~~((useful for))~~ devoted to
35 growing trees for long-term commercial timber production on land that
36 can be economically and practically managed for such production,
37 including Christmas trees subject to the excise tax imposed under RCW
38 84.33.100 through 84.33.140, ~~((for commercial purposes,))~~ and that has

1 long-term commercial significance (~~(for growing trees commercially)~~).
2 In determining whether forest land is primarily devoted to growing
3 trees for long-term commercial timber production on land that can be
4 economically and practically managed for such production, the following
5 factors shall be considered: (a) The proximity of the land to urban,
6 suburban, and rural settlements; (b) surrounding parcel size and the
7 compatibility and intensity of adjacent and nearby land uses; (c) long-
8 term local economic conditions that affect the ability to manage for
9 timber production; and (d) the availability of public facilities and
10 services conducive to conversion of forest land to other uses.

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

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

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

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

26 (13) "Public services" include fire protection and suppression, law
27 enforcement, public health, education, recreation, environmental
28 protection, and other governmental services.

29 (14) "Urban growth" refers to growth that makes intensive use of
30 land for the location of buildings, structures, and impermeable
31 surfaces to such a degree as to be incompatible with the primary use of
32 such land for the production of food, other agricultural products, or
33 fiber, or the extraction of mineral resources. When allowed to spread
34 over wide areas, urban growth typically requires urban governmental
35 services. "Characterized by urban growth" refers to land having urban
36 growth located on it, or to land located in relationship to an area
37 with urban growth on it as to be appropriate for urban growth.

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

1 (16) "Urban governmental services" include those governmental
2 services historically and typically delivered by cities, and include
3 storm and sanitary sewer systems, domestic water systems, street
4 cleaning services, fire and police protection services, public transit
5 services, and other public utilities associated with urban areas and
6 normally not associated with nonurban areas.

7 (17) "Wetland" or "wetlands" means areas that are inundated or
8 saturated by surface water or ground water at a frequency and duration
9 sufficient to support, and that under normal circumstances do support,
10 a prevalence of vegetation typically adapted for life in saturated soil
11 conditions. Wetlands generally include swamps, marshes, bogs, and
12 similar areas. Wetlands do not include those artificial wetlands
13 intentionally created from nonwetland sites, including, but not limited
14 to, irrigation and drainage ditches, grass-lined swales, canals,
15 detention facilities, wastewater treatment facilities, farm ponds, and
16 landscape amenities. However, wetlands may include those artificial
17 wetlands intentionally created from nonwetland areas created to
18 mitigate conversion of wetlands, if permitted by the county or city.

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