

ESHB 2905 - S AMD 775  
By Senator Swecker

WITHDRAWN 03/03/2004

1 On page 8, after line 34, insert the following:

2 "Sec. 2. RCW 36.70A.030 and 1997 c 429 s 3 are each amended to  
3 read as follows:

4 (~~Unless the context clearly requires otherwise,~~) The definitions  
5 in this section apply throughout this chapter unless the context  
6 clearly requires otherwise.

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" or "regulation" means the controls  
30 placed on development or land use activities by a county or city,  
31 including, but not limited to, zoning ordinances, critical areas

1 ordinances, shoreline master programs, official controls, planned unit  
2 development ordinances, subdivision ordinances, and binding site plan  
3 ordinances together with any amendments thereto. A development  
4 regulation does not include a decision to approve a project permit  
5 application, as defined in RCW 36.70B.020, even though the decision may  
6 be expressed in a resolution or ordinance of the legislative body of  
7 the county or city.

8 (8) "Forest land" means land primarily devoted to growing trees for  
9 long-term commercial timber production on land that can be economically  
10 and practically managed for such production, including Christmas trees  
11 subject to the excise tax imposed under RCW 84.33.100 through  
12 84.33.140, and that has long-term commercial significance. In  
13 determining whether forest land is primarily devoted to growing trees  
14 for long-term commercial timber production on land that can be  
15 economically and practically managed for such production, the following  
16 factors shall be considered: (a) The proximity of the land to urban,  
17 suburban, and rural settlements; (b) surrounding parcel size and the  
18 compatibility and intensity of adjacent and nearby land uses; (c) long-  
19 term local economic conditions that affect the ability to manage for  
20 timber production; and (d) the availability of public facilities and  
21 services conducive to conversion of forest land to other uses.

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~~) is based on  
28 the nature and needs of the agriculture industry in the county.  
29 Factors to be considered include: (a) Historic and projected crops and  
30 products; (b) the current and projected needs of the agriculture  
31 industry to ensure long-term viability; and (c) the growing capacity,  
32 productivity, and soil composition of the land for long-term commercial  
33 production, in consideration with the land's proximity to population  
34 areas, and the possibility of more intense uses of the land.

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) "Rural character" refers to the patterns of land use and  
7 development established by a county in the rural element of its  
8 comprehensive plan:

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

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

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

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

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

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

21 (g) That are consistent with the protection of natural surface  
22 water flows and ground water and surface water recharge and discharge  
23 areas.

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

32 (16) "Rural governmental services" or "rural services" include  
33 those public services and public facilities historically and typically  
34 delivered at an intensity usually found in rural areas, and may include  
35 domestic water systems, fire and police protection services,  
36 transportation and public transit services, and other public utilities  
37 associated with rural development and normally not associated with  
38 urban areas. Rural services do not include storm or sanitary sewers,  
39 except as otherwise authorized by RCW 36.70A.110(4).

1 (17) "Urban growth" refers to growth that makes intensive use of  
2 land for the location of buildings, structures, and impermeable  
3 surfaces to such a degree as to be incompatible with the primary use of  
4 land for the production of food, other agricultural products, or fiber,  
5 or the extraction of mineral resources, rural uses, rural development,  
6 and natural resource lands designated pursuant to RCW 36.70A.170. A  
7 pattern of more intensive rural development, as provided in RCW  
8 36.70A.070(5)(d), is not urban growth. When allowed to spread over  
9 wide areas, urban growth typically requires urban governmental  
10 services. "Characterized by urban growth" refers to land having urban  
11 growth located on it, or to land located in relationship to an area  
12 with urban growth on it as to be appropriate for urban growth.

13 (18) "Urban growth areas" means those areas designated by a county  
14 pursuant to RCW 36.70A.110.

15 (19) "Urban governmental services" or "urban services" include  
16 those public services and public facilities at an intensity  
17 historically and typically provided in cities, specifically including  
18 storm and sanitary sewer systems, domestic water systems, street  
19 cleaning services, fire and police protection services, public transit  
20 services, and other public utilities associated with urban areas and  
21 normally not associated with rural areas.

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

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1        On page 1, line 2 of the title, after "36.70A.070" insert "and  
2 36.70A.030"

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