

**ESHB 1727** - S AMD TO S AMD (S-6059.2/08) **314**  
By Senator Haugen

1 On page 13, after line 3 of the amendment, insert the following:

2 "Sec. 5. RCW 36.70A.177 and 2006 c 147 s 1 are each amended to  
3 read as follows:

4 (1) A county or a city may use a variety of innovative zoning  
5 techniques in areas designated as agricultural lands of long-term  
6 commercial significance under RCW 36.70A.170. The innovative zoning  
7 techniques should be designed to conserve agricultural lands and  
8 encourage the agricultural economy. Except as provided in subsection  
9 (3) of this section, a county or city (~~should~~) shall encourage  
10 nonagricultural uses, including wetland mitigation banking projects, to  
11 be limited to lands with poor soils or otherwise not suitable for  
12 agricultural purposes.

13 (2) Innovative zoning techniques a county or city may consider  
14 include, but are not limited to:

15 (a) Agricultural zoning, which limits the density of development  
16 and restricts or prohibits nonfarm uses of agricultural land and may  
17 allow accessory uses, including nonagricultural accessory uses and  
18 activities, that support, promote, or sustain agricultural operations  
19 and production, as provided in subsection (3) of this section;

20 (b) Cluster zoning, which allows new development on one portion of  
21 the land, leaving the remainder in agricultural or open space uses;

22 (c) Large lot zoning, which establishes as a minimum lot size the  
23 amount of land necessary to achieve a successful farming practice;

24 (d) Quarter/quarter zoning, which permits one residential dwelling  
25 on a one-acre minimum lot for each one-sixteenth of a section of land;  
26 and

27 (e) Sliding scale zoning, which allows the number of lots for  
28 single-family residential purposes with a minimum lot size of one acre  
29 to increase inversely as the size of the total acreage increases.

1 (3) Accessory uses allowed under subsection (2)(a) of this section  
2 shall comply with the following:

3 (a) Accessory uses shall be located, designed, and operated so as  
4 to not interfere with, and to support the continuation of, the overall  
5 agricultural use of the property and neighboring properties, and shall  
6 comply with the requirements of this chapter;

7 (b) Accessory uses may include:

8 (i) Agricultural accessory uses and activities, including but not  
9 limited to the storage, distribution, and marketing of regional  
10 agricultural products from one or more producers, agriculturally  
11 related experiences, or the production, marketing, and distribution of  
12 value-added agricultural products, including support services that  
13 facilitate these activities; and

14 (ii) Nonagricultural accessory uses and activities as long as they  
15 are consistent with the size, scale, and intensity of the existing  
16 agricultural use of the property and the existing buildings on the  
17 site. Nonagricultural accessory uses and activities, including new  
18 buildings, parking, or supportive uses, shall not be located outside  
19 the general area already developed for buildings and residential uses  
20 and shall not otherwise convert more than one acre of agricultural land  
21 to nonagricultural uses; and

22 (c) Counties and cities have the authority to limit or exclude  
23 accessory uses otherwise authorized in this subsection (3) in areas  
24 designated as agricultural lands of long-term commercial significance.

25 (4)(a) Off-site wetland mitigation banking projects, as defined in  
26 chapter 90.84 RCW, may be permitted by conditional or special use on  
27 agricultural lands, including agricultural lands of long-term  
28 commercial significance, if the local government has adopted the  
29 criteria for evaluating and permitting such projects. The criteria  
30 shall reflect the priority expressed in this chapter for preserving  
31 agricultural lands of long-term commercial significance, without  
32 precluding the establishment of wetland mitigation bank sites on lands  
33 with poor soils or otherwise not suitable for agricultural purposes.  
34 The criteria shall minimize the impact on the continued agricultural  
35 use of high value agricultural lands of long-term commercial  
36 significance. Conservation projects that consist of exclusively  
37 planting vegetation or on-site mitigation projects required for  
38 permitted activities shall be allowed.

1       (b) This subsection (4) shall not affect lands purchased or  
2 otherwise acquired before June 30, 2001, by a port district in whole or  
3 in part for use as a wetland mitigation bank.

4       (5) This section shall not be interpreted to limit agricultural  
5 production on designated agricultural lands."

6       Renumber the remaining sections consecutively and correct any  
7 internal references accordingly.

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8       On page 17, line 12 of the title amendment, after "36.70A.110,"  
9 strike "and" and insert "36.70A.540, and 36.70A.177"

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