

2 **HB 1816** - S AMD - 467

3 By Senators Finkbeiner, McCaslin and Haugen

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5 On page 4, after line 24, insert the following:

6 "Sec. 2. RCW 36.70A.030 and 1995 c 382 s 9 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Adopt a comprehensive land use plan" means to enact a new
11 comprehensive land use plan or to update an existing comprehensive land
12 use plan.

13 (2) "Agricultural land" means land primarily (~~devoted~~) suited to
14 the commercial production of horticultural, viticultural,
15 floricultural, dairy, apiary, vegetable, or animal products or of
16 berries, grain, hay, straw, turf, seed, Christmas trees not subject to
17 the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in
18 upland hatcheries, or livestock, and that has long-term commercial
19 significance for agricultural production. In determining whether land
20 is primarily suited to agriculture and has long-term commercial
21 significance, cities and counties shall use the land-capability
22 classification system of the United States Department of Agriculture
23 Soil Conservation Service as defined in Agriculture Handbook No. 210 or
24 its successor. Counties and cities shall also consider the combined
25 effects of proximity to population areas and the possibility of more
26 intense uses of the land as indicated by: (a) The availability of
27 public facilities; (b) tax status; (c) the availability of public
28 services; (d) relationship or proximity to urban growth areas; (e)
29 predominant parcel size; (f) land use settlement patterns and their
30 compatibility with agricultural practices; (g) intensity of nearby land
31 uses; (h) history of land development permits issued nearby (i) land
32 values under alternative uses; and (j) proximity of markets. In
33 defining categories of agricultural lands of long-term commercial
34 significance for agricultural production, counties and cities should
35 consider using the classification of prime and unique farmland soils as

1 mapped by the Soil Conservation Service. Counties and cities may
2 further classify additional agricultural lands of local importance.

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

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

8 (5) "Critical areas" include the following areas and ecosystems:
9 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
10 used for potable water; (c) fish and wildlife habitat conservation
11 areas; (d) frequently flooded areas; and (e) geologically hazardous
12 areas.

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

15 (7) "Development regulations" means the controls placed on
16 development or land use activities by a county or city, including, but
17 not limited to, zoning ordinances, critical areas ordinances, shoreline
18 master programs, official controls, planned unit development
19 ordinances, subdivision ordinances, and binding site plan ordinances
20 together with any amendments thereto. A development regulation does
21 not include a decision to approve a project permit application, as
22 defined in RCW 36.70B.020, even though the decision may be expressed in
23 a resolution or ordinance of the legislative body of the county or
24 city.

25 (8) "Forest land" means land primarily devoted to growing trees for
26 long-term commercial timber production on land that can be economically
27 and practically managed for such production, including Christmas trees
28 subject to the excise tax imposed under RCW 84.33.100 through
29 84.33.140, and that has long-term commercial significance. In
30 determining whether forest land is primarily devoted to growing trees
31 for long-term commercial timber production on land that can be
32 economically and practically managed for such production, the following
33 factors shall be considered: (a) The proximity of the land to urban,
34 suburban, and rural settlements; (b) surrounding parcel size and the
35 compatibility and intensity of adjacent and nearby land uses; (c) long-
36 term local economic conditions that affect the ability to manage for
37 timber production; and (d) the availability of public facilities and
38 services conducive to conversion of forest land to other uses.

1 (9) "Geologically hazardous areas" means areas that because of
2 their susceptibility to erosion, sliding, earthquake, or other
3 geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health or
5 safety concerns.

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

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

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

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

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

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

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

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

1 conditions. Wetlands generally include swamps, marshes, bogs, and
2 similar areas. Wetlands do not include those artificial wetlands
3 intentionally created from nonwetland sites, including, but not limited
4 to, irrigation and drainage ditches, grass-lined swales, canals,
5 detention facilities, wastewater treatment facilities, farm ponds, and
6 landscape amenities, or those wetlands created after July 1, 1990, that
7 were unintentionally created as a result of the construction of a road,
8 street, or highway. Wetlands may include those artificial wetlands
9 intentionally created from nonwetland areas created to mitigate
10 conversion of wetlands."

11 Renumber the sections consecutively and correct any internal
12 references accordingly.

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16 On page 1, line 2 of the title, after "36.70A.070" insert "and
17 36.70A.030".

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EFFECT: Provides further definition of "agricultural land"
consistent with the department of community trade and economic
development minimum guidelines for comprehensive plans.