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HOUSE BILL 1624

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Thompson, Dunn, Mulliken, Mielke and Boldt

Read first time 02/03/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to defining wetlands for growth management  
2 purposes; and amending RCW 36.70A.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70A.030 and 1995 c 382 s 9 are each amended to read  
5 as follows:

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

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

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

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

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

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

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

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

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

36 (9) "Geologically hazardous areas" means areas that because of  
37 their susceptibility to erosion, sliding, earthquake, or other  
38 geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health or  
2 safety concerns.

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

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

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

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

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

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

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

33 (17) "Wetland" or "wetlands" means areas that are inundated or  
34 saturated by surface water or ground water at a frequency and duration  
35 sufficient to support, and that under normal circumstances do support,  
36 a prevalence of vegetation typically adapted for life in saturated soil  
37 conditions. Wetlands generally include swamps, marshes, bogs, and  
38 similar areas. Wetlands do not include those artificial wetlands  
39 intentionally created from nonwetland sites, including, but not limited

1 to, irrigation and drainage ditches, grass-lined swales, canals,  
2 detention facilities, wastewater treatment facilities, farm ponds, and  
3 landscape amenities, or those wetlands created after July 1, 1990, that  
4 were unintentionally created as a result of the construction of a road,  
5 street, or highway. Wetlands may include those artificial wetlands  
6 intentionally created from nonwetland areas created to mitigate  
7 conversion of wetlands. Wetlands do not include any portion of any  
8 land unless that portion is larger than ten acres and has been  
9 naturally wet at least eleven months of the year from time immemorial.

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