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HOUSE BILL 2991

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State of Washington

55th Legislature

1998 Regular Session

By Representative Lambert

Read first time . Referred to Committee on .

1 AN ACT Relating to agricultural land under the growth management  
2 act; 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 1997 c 429 s 3 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~~) suited to  
12 the commercial production of horticultural, viticultural,  
13 floricultural, dairy, apiary, vegetable, or animal products or of  
14 berries, grain, hay, straw, turf, seed, Christmas trees not subject to  
15 the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in  
16 upland hatcheries, or livestock, and that has long-term commercial  
17 significance for agricultural production. In determining whether land  
18 is primarily suited to agriculture and has long-term commercial  
19 significance, cities and counties shall primarily consider the land-

1 capability classification system of the United States department of  
2 agriculture soil conservation service as defined in Agriculture  
3 Handbook No. 210 as it existed on the effective date of this section or  
4 its successor as determined by the department.

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

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

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

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

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

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

1 timber production; and (d) the availability of public facilities and  
2 services conducive to conversion of forest land to other uses.

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

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

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

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

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

21 (14) "Rural character" refers to the patterns of land use and  
22 development established by a county in the rural element of its  
23 comprehensive plan:

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

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

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

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

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

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

36 (g) That are consistent with the protection of natural surface  
37 water flows and ground water and surface water recharge and discharge  
38 areas.

1 (15) "Rural development" refers to development outside the urban  
2 growth area and outside agricultural, forest, and mineral resource  
3 lands designated pursuant to RCW 36.70A.170. Rural development can  
4 consist of a variety of uses and residential densities, including  
5 clustered residential development, at levels that are consistent with  
6 the preservation of rural character and the requirements of the rural  
7 element. Rural development does not refer to agriculture or forestry  
8 activities that may be conducted in rural areas.

9 (16) "Rural governmental services" or "rural services" include  
10 those public services and public facilities historically and typically  
11 delivered at an intensity usually found in rural areas, and may include  
12 domestic water systems, fire and police protection services,  
13 transportation and public transit services, and other public utilities  
14 associated with rural development and normally not associated with  
15 urban areas. Rural services do not include storm or sanitary sewers,  
16 except as otherwise authorized by RCW 36.70A.110(4).

17 (17) "Urban growth" refers to growth that makes intensive use of  
18 land for the location of buildings, structures, and impermeable  
19 surfaces to such a degree as to be incompatible with the primary use of  
20 land for the production of food, other agricultural products, or fiber,  
21 or the extraction of mineral resources, rural uses, rural development,  
22 and natural resource lands designated pursuant to RCW 36.70A.170. A  
23 pattern of more intensive rural development, as provided in RCW  
24 36.70A.070(5)(d), is not urban growth. When allowed to spread over  
25 wide areas, urban growth typically requires urban governmental  
26 services. "Characterized by urban growth" refers to land having urban  
27 growth located on it, or to land located in relationship to an area  
28 with urban growth on it as to be appropriate for urban growth.

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

31 (19) "Urban governmental services" or "urban services" include  
32 those public services and public facilities at an intensity  
33 historically and typically provided in cities, specifically including  
34 storm and sanitary sewer systems, domestic water systems, street  
35 cleaning services, fire and police protection services, public transit  
36 services, and other public utilities associated with urban areas and  
37 normally not associated with rural areas.

38 (20) "Wetland" or "wetlands" means areas that are inundated or  
39 saturated by surface water or ground water at a frequency and duration

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

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