
HOUSE BILL 2278

State of Washington

57th Legislature 2001 Second Special Session

By Representatives Mulliken, Mielke, McMorris, Buck, Cox, Lisk, Clements, Sump, Schindler, Delvin, Armstrong, Ericksen, Schoesler, Crouse, Benson, Ahern, Morell, Casada, DeBolt, Alexander, Mastin and B. Chandler

Read first time . Referred to Committee on .

1 AN ACT Relating to efficient and effective land use planning in
2 Washington; amending RCW 36.70A.130; and adding a new section to
3 chapter 90.58 RCW.

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

5 **Sec. 1.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to
6 read as follows:

7 (1)(a) Each comprehensive land use plan and development regulations
8 shall be subject to continuing review and evaluation by the county or
9 city that adopted them. (~~Not later than September 1, 2002, and at~~
10 ~~least every five years thereafter,)~~ A county or city planning under
11 RCW 36.70A.040 shall take action to review and, if needed, revise its
12 comprehensive land use plan and development regulations to ensure that
13 the plan and regulations ((are complying)) comply with the requirements
14 of this chapter according to the time periods specified in subsection
15 (4) of this section. A county or city not planning under RCW
16 36.70A.040 shall take action to review and, if needed, revise its
17 policies and development regulations regarding critical areas and
18 natural resource lands adopted according to this chapter to ensure that
19 these policies and regulations comply with the requirements of this

1 chapter according to the time periods specified in subsection (4) of
2 this section. The review and evaluation required by this subsection
3 may be combined with the review required by subsection (3) of this
4 section.

5 (b) Any amendment of or revision to a comprehensive land use plan
6 shall conform to this chapter(~~(, and)~~). Any ((change)) amendment of or
7 revision to development regulations shall be consistent with and
8 implement the comprehensive plan.

9 (2)(a) Each county and city shall establish and broadly disseminate
10 to the public a public participation program identifying procedures
11 whereby proposed amendments or revisions of the comprehensive plan are
12 considered by the governing body of the county or city no more
13 frequently than once every year (~~except that~~). Amendments may be
14 considered more frequently than once per year under the following
15 circumstances:

16 (i) The initial adoption of a subarea plan;

17 (ii) The adoption or amendment of a shoreline master program under
18 the procedures set forth in chapter 90.58 RCW; and

19 (iii) The amendment of the capital facilities element of a
20 comprehensive plan that occurs concurrently with the adoption or
21 amendment of a county or city budget.

22 (b) Except as otherwise provided in (a) of this subsection, all
23 proposals shall be considered by the governing body concurrently so the
24 cumulative effect of the various proposals can be ascertained.
25 However, after appropriate public participation a county or city may
26 adopt amendments or revisions to its comprehensive plan that conform
27 with this chapter whenever an emergency exists or to resolve an appeal
28 of a comprehensive plan filed with a growth management hearings board
29 or with the court.

30 (3) Each county that designates urban growth areas under RCW
31 36.70A.110 shall review, at least every ten years, its designated urban
32 growth area or areas, and the densities permitted within both the
33 incorporated and unincorporated portions of each urban growth area. In
34 conjunction with this review by the county, each city located within an
35 urban growth area shall review the densities permitted within its
36 boundaries, and the extent to which the urban growth occurring within
37 the county has located within each city and the unincorporated portions
38 of the urban growth areas. The county comprehensive plan designating
39 urban growth areas, and the densities permitted in the urban growth

1 areas by the comprehensive plans of the county and each city located
2 within the urban growth areas, shall be revised to accommodate the
3 urban growth projected to occur in the county for the succeeding
4 twenty-year period. The review required by this subsection may be
5 combined with the review and evaluation required by RCW 36.70A.215.

6 (4) The department shall establish a schedule for counties and
7 cities to conduct the review and evaluation required by subsection (1)
8 of this section. The schedule established by the department shall
9 provide for the reviews and evaluations to be completed as follows:

10 (a) On or before the following dates, and at least every five years
11 thereafter, for Clark, King, Kitsap, Pierce, Snohomish, and Thurston
12 counties and the cities within those counties:

13 (i) December 1, 2003, for policies and regulations regarding
14 critical areas. However, any amendments to these policies and
15 regulations adopted as a result of this review and evaluation shall not
16 be effective before July 1, 2004; and

17 (ii) July 1, 2004, for policies, comprehensive plans, and
18 development regulations other than policies and regulations regarding
19 critical areas that are adopted according to this chapter;

20 (b) On or before December 1, 2004, and at least every ten years
21 thereafter, for Clallam, Jefferson, and Whatcom counties and the cities
22 within those counties;

23 (c) On or before December 1, 2005, and at least every ten years
24 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
25 Skamania counties and the cities within those counties;

26 (d) On or before December 1, 2006, and at least every ten years
27 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
28 Yakima counties and the cities within those counties; and

29 (e) On or before December 1, 2007, and at least every ten years
30 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
31 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
32 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
33 within those counties.

34 (5) Nothing in this section precludes a county or city from
35 conducting the review and evaluation required by this section before
36 the time limits established in subsection (4) of this section.
37 Counties and cities may begin this process early and may be eligible
38 for grants from the department, subject to available funding, if they
39 elect to do so.

1 (6) A county or city subject to the time periods in subsection
2 (4)(a) of this section that, pursuant to an ordinance adopted by the
3 county or city establishing a schedule for periodic review of its
4 comprehensive plan and development regulations, has conducted a review
5 and evaluation of its comprehensive plan and development regulations
6 and, on or after January 1, 2001, has taken action in response to that
7 review and evaluation shall be deemed to have conducted the first
8 review required by subsection (4)(a) of this section. Subsequent
9 review and evaluation by the county or city of its comprehensive plan
10 and development regulations shall be conducted in accordance with the
11 time periods established under subsection (4)(a) of this section.

12 NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW
13 to read as follows:

14 (1) The guidelines adopted by the department and master programs
15 developed or amended by local governments according to RCW 90.58.080
16 shall not require modification of or limit agricultural activities
17 occurring on agricultural lands. In jurisdictions where agricultural
18 activities occur, master programs developed or amended after the
19 effective date of this act shall include provisions addressing new
20 agricultural activities on land not meeting the definition of
21 agricultural land, conversion of agricultural lands to other uses, and
22 development not meeting the definition of agricultural activities.
23 Nothing in this section limits or changes the terms of the current
24 exception to the definition of substantial development in RCW
25 90.58.030(3)(e)(iv).

26 (2) For the purposes of this section:

27 (a) "Agricultural activities" means agricultural uses and practices
28 including, but not limited to: Producing, breeding, or increasing
29 agricultural products; rotating and changing agricultural crops;
30 allowing land used for agricultural activities to lie fallow in which
31 it is plowed and tilled but left unseeded; allowing land used for
32 agricultural activities to lie dormant as a result of adverse
33 agricultural market conditions; allowing land used for agricultural
34 activities to lie dormant because the land is enrolled in a local,
35 state, or federal conservation program, or the land is subject to a
36 conservation easement; conducting agricultural operations; maintaining,
37 repairing, and replacing agricultural equipment; maintaining,
38 repairing, and replacing agricultural facilities, provided that the

1 replacement facility is no closer to the shoreline than the original
2 facility; and maintaining agricultural lands under production or
3 cultivation;

4 (b) "Agricultural products" includes but is not limited to
5 horticultural, viticultural, floricultural, vegetable, fruit, berry,
6 grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or
7 forage for livestock; Christmas trees; hybrid cottonwood and similar
8 hardwood trees grown as crops and harvested within twenty years of
9 planting; and livestock including both the animals themselves and
10 animal products including but not limited to meat, upland finfish,
11 poultry and poultry products, and dairy products;

12 (c) "Agricultural equipment" and "agricultural facilities"
13 includes, but is not limited to: (i) The following used in
14 agricultural operations: Equipment; machinery; constructed shelters,
15 buildings, and ponds; fences; upland finfish rearing facilities; water
16 diversion, withdrawal, conveyance, and use equipment and facilities
17 including but not limited to pumps, pipes, tapes, canals, ditches, and
18 drains; (ii) corridors and facilities for transporting personnel,
19 livestock, and equipment to, from, and within agricultural lands; (iii)
20 farm residences and associated equipment, lands, and facilities; and
21 (iv) roadside stands and on-farm markets for marketing fruit or
22 vegetables; and

23 (d) "Agricultural land" means those specific land areas on which
24 agricultural activities are conducted.

25 (3) The department and local governments shall assure that local
26 shoreline master programs use definitions consistent with the
27 definitions in this section.

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