

SB 6237 - H AMD

By Representative Alexander

1 On page 1, after line 5, insert the following:

2 **"Sec. 1.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to
3 read as follows:

4 Unless the context clearly requires otherwise, the definitions
5 in this section apply throughout this chapter.

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

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

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

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

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

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

28 (7) "Development regulations" or "regulation" means the
29 controls placed on development or land use activities by a county
30 or city, including, but not limited to, zoning ordinances, critical

1 areas ordinances, shoreline master programs, official controls,
2 planned unit development ordinances, subdivision ordinances, and
3 binding site plan ordinances together with any amendments thereto.
4 A development regulation does not include a decision to approve a
5 project permit application, as defined in RCW 36.70B.020, even
6 though the decision may be expressed in a resolution or ordinance
7 of the legislative body of the county or city.

8 (8) "Forest land" means land primarily devoted to growing trees
9 for long-term commercial timber production on land that can be
10 economically and practically managed for such production, including
11 Christmas trees subject to the excise tax imposed under *RCW
12 84.33.100 through 84.33.140, and that has long-term commercial
13 significance. In determining whether forest land is primarily
14 devoted to growing trees for long-term commercial timber production
15 on land that can be economically and practically managed for such
16 production, the following factors shall be considered: (a) The
17 proximity of the land to urban, suburban, and rural settlements;
18 (b) surrounding parcel size and the compatibility and intensity of
19 adjacent and nearby land uses; (c) long-term local economic
20 conditions that affect the ability to manage for timber production;
21 and (d) the availability of public facilities and services
22 conducive to conversion of forest land to other uses.

23 (9) "Geologically hazardous areas" means areas that because of
24 their susceptibility to erosion, sliding, earthquake, or other
25 geological events, are not suited to the siting of commercial,
26 residential, or industrial development consistent with public
27 health or safety concerns.

28 (10) "Long-term commercial significance" (~~includes~~) is based
29 upon the nature and needs of the agriculture industry in the
30 county. Factors to be considered include historic and projected
31 crops and products, the current and projected needs of the industry
32 to assure long-term viability, the growing capacity, productivity,
33 and soil composition of the land for long-term commercial
34 production, (~~in consideration with~~) the land's proximity to
35 population areas, and the possibility of more intense uses of the
36 land.

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

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

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

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

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

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

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

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

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

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

23 (g) That are consistent with the protection of natural surface
24 water flows and ground water and surface water recharge and
25 discharge areas.

26 (15) "Rural development" refers to development outside the
27 urban growth area and outside agricultural, forest, and mineral
28 resource lands designated pursuant to RCW 36.70A.170. Rural
29 development can consist of a variety of uses and residential
30 densities, including clustered residential development, at levels
31 that are consistent with the preservation of rural character and
32 the requirements of the rural element. Rural development does not
33 refer to agriculture or forestry activities that may be conducted
34 in rural areas.

35 (16) "Rural governmental services" or "rural services" include
36 those public services and public facilities historically and
37 typically delivered at an intensity usually found in rural areas,
38 and may include domestic water systems, fire and police protection
39 services, transportation and public transit services, and other

1 public utilities associated with rural development and normally not
2 associated with urban areas. Rural services do not include storm
3 or sanitary sewers, except as otherwise authorized by RCW
4 36.70A.110(4).

5 (17) "Urban growth" refers to growth that makes intensive use
6 of land for the location of buildings, structures, and impermeable
7 surfaces to such a degree as to be incompatible with the primary
8 use of land for the production of food, other agricultural
9 products, or fiber, or the extraction of mineral resources, rural
10 uses, rural development, and natural resource lands designated
11 pursuant to RCW 36.70A.170. A pattern of more intensive rural
12 development, as provided in RCW 36.70A.070(5)(d), is not urban
13 growth. When allowed to spread over wide areas, urban growth
14 typically requires urban governmental services. "Characterized by
15 urban growth" refers to land having urban growth located on it, or
16 to land located in relationship to an area with urban growth on it
17 as to be appropriate for urban growth.

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

20 (19) "Urban governmental services" or "urban services" include
21 those public services and public facilities at an intensity
22 historically and typically provided in cities, specifically
23 including storm and sanitary sewer systems, domestic water systems,
24 street cleaning services, fire and police protection services,
25 public transit services, and other public utilities associated with
26 urban areas and normally not associated with rural areas.

27 (20) "Wetland" or "wetlands" means areas that are inundated or
28 saturated by surface water or ground water at a frequency and
29 duration sufficient to support, and that under normal circumstances
30 do support, a prevalence of vegetation typically adapted for life
31 in saturated soil conditions. Wetlands generally include swamps,
32 marshes, bogs, and similar areas. Wetlands do not include those
33 artificial wetlands intentionally created from nonwetland sites,
34 including, but not limited to, irrigation and drainage ditches,
35 grass-lined swales, canals, detention facilities, wastewater
36 treatment facilities, farm ponds, and landscape amenities, or those
37 wetlands created after July 1, 1990, that were unintentionally
38 created as a result of the construction of a road, street, or
39 highway. Wetlands may include those artificial wetlands

- 1 intentionally created from nonwetland areas created to mitigate
- 2 conversion of wetlands."

- 3 Renumber the sections consecutively.

- 4 Correct the title.

EFFECT: Modifies the Growth Management Act definition of "long-term commercial significance" to specify that such significance is based upon the nature and needs of the agriculture industry in the county. Factors to be considered [in determining whether lands qualify for long-term commercial significance designation] include historic and projected crops and products, and the current and projected needs of the industry to assure long-term viability.