

HB 2563 - S AMD 774

By Senator Swecker

1 On page 3, after line 3, insert the following:

2 "Sec. 2. 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 unless the context
6 clearly requires otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

37 (12) "Public facilities" include streets, roads, highways,
38 sidewalks, street and road lighting systems, traffic signals, domestic

1 water systems, storm and sanitary sewer systems, parks and recreational
2 facilities, and schools.

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

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

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

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

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

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

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

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

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

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

32 (16) "Rural governmental services" or "rural services" include
33 those public services and public facilities historically and typically
34 delivered at an intensity usually found in rural areas, and may include
35 domestic water systems, fire and police protection services,
36 transportation and public transit services, and other public utilities
37 associated with rural development and normally not associated with
38 urban areas. Rural services do not include storm or sanitary sewers,
39 except as otherwise authorized by RCW 36.70A.110(4).

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

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

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

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

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1 On page 1, line 4 of the title, after "36.70A.177" insert "and
2 36.70A.030"

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