
SENATE BILL 5582

State of Washington

58th Legislature

2003 Regular Session

By Senators Haugen, Mulliken and Winsley

Read first time 01/31/2003. Referred to Committee on Land Use & Planning.

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

22 (8) "Enhance" means to improve from the current condition, to
23 increase from the current amount, or intensify the current use.

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

1 (~~(9)~~) (10) "Geologically hazardous areas" means areas that
2 because of their susceptibility to erosion, sliding, earthquake, or
3 other geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health or
5 safety concerns.

6 (~~(10)~~) (11) "Long-term commercial significance" includes the
7 growing capacity, productivity, and soil composition of the land for
8 long-term commercial production, in consideration with the land's
9 proximity to population areas, and the possibility of more intense
10 uses of the land.

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

13 (~~(12)~~) (13) "Protect" and "preserve" means to maintain the
14 current condition, to maintain the current amount, or to avoid a net
15 loss.

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

20 (~~(13)~~) (15) "Public services" include fire protection and
21 suppression, law enforcement, public health, education, recreation,
22 environmental protection, and other governmental services.

23 (~~(14)~~) (16) "Rural character" refers to the patterns of land use
24 and development established by a county in the rural element of its
25 comprehensive plan:

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

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

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

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

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

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

1 (g) That are consistent with the protection of natural surface
2 water flows and ground water and surface water recharge and discharge
3 areas.

4 (~~(15)~~) (17) "Rural development" refers to development outside the
5 urban growth area and outside agricultural, forest, and mineral
6 resource lands designated pursuant to RCW 36.70A.170. Rural
7 development can consist of a variety of uses and residential densities,
8 including clustered residential development, at levels that are
9 consistent with the preservation of rural character and the
10 requirements of the rural element. Rural development does not refer to
11 agriculture or forestry activities that may be conducted in rural
12 areas.

13 (~~(16)~~) (18) "Rural governmental services" or "rural services"
14 include those public services and public facilities historically and
15 typically delivered at an intensity usually found in rural areas, and
16 may include domestic water systems, fire and police protection
17 services, transportation and public transit services, and other public
18 utilities associated with rural development and normally not associated
19 with urban areas. Rural services do not include storm or sanitary
20 sewers, except as otherwise authorized by RCW 36.70A.110(4).

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

33 (~~(18)~~) (20) "Urban growth areas" means those areas designated by
34 a county pursuant to RCW 36.70A.110.

35 (~~(19)~~) (21) "Urban governmental services" or "urban services"
36 include those public services and public facilities at an intensity
37 historically and typically provided in cities, specifically including
38 storm and sanitary sewer systems, domestic water systems, street

1 cleaning services, fire and police protection services, public transit
2 services, and other public utilities associated with urban areas and
3 normally not associated with rural areas.

4 ~~((+20))~~ (22) "Wetland" or "wetlands" means areas that are
5 inundated or saturated by surface water or ground water at a frequency
6 and duration sufficient to support, and that under normal circumstances
7 do support, a prevalence of vegetation typically adapted for life in
8 saturated soil conditions. Wetlands generally include swamps, marshes,
9 bogs, and similar areas. Wetlands do not include those artificial
10 wetlands intentionally created from nonwetland sites, including, but
11 not limited to, irrigation and drainage ditches, grass-lined swales,
12 canals, detention facilities, wastewater treatment facilities, farm
13 ponds, and landscape amenities, or those wetlands created after July 1,
14 1990, that were unintentionally created as a result of the construction
15 of a road, street, or highway. Wetlands may include those artificial
16 wetlands intentionally created from nonwetland areas created to
17 mitigate conversion of wetlands.

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