
HOUSE BILL 2905

State of Washington 59th Legislature 2006 Regular Session

By Representatives Bailey, Schindler, Clements, Haler, Alexander, Ahern, Strow, Curtis, Dunn, McCune, Chandler, Skinner and Holmquist

Read first time 01/16/2006. Referred to Committee on Local Government.

1 AN ACT Relating to nonagricultural activities on agricultural lands
2 to support farming; and amending RCW 36.70A.177 and 36.70A.280.

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

4 **Sec. 1.** RCW 36.70A.177 and 2004 c 207 s 1 are each amended to read
5 as follows:

6 (1) A county or a city may use a variety of innovative zoning
7 techniques in areas designated as agricultural lands of long-term
8 commercial significance under RCW 36.70A.170. The innovative zoning
9 techniques should be designed to conserve agricultural lands and
10 encourage the agricultural economy. A county or city should encourage
11 nonagricultural uses to be limited to lands with poor soils or
12 otherwise not suitable for agricultural purposes.

13 (2) Innovative zoning techniques a county or city may consider
14 include, but are not limited to:

15 (a) Agricultural zoning, which limits the density of development
16 and (~~restricts or prohibits nonfarm uses of agricultural land and may~~
17 ~~allow accessory uses that support, promote, or sustain~~) supports
18 accessory nonfarm home-based or similar businesses that supplement on-

1 farm income, agricultural operations, and production, as provided in
2 subsection (3) of this section;

3 (b) Cluster zoning, which allows new development on one portion of
4 the land, leaving the remainder in agricultural or open space uses;

5 (c) Large lot zoning, which establishes as a minimum lot size the
6 amount of land necessary to achieve a successful farming practice;

7 (d) Quarter/quarter zoning, which permits one residential dwelling
8 on a one-acre minimum lot for each one-sixteenth of a section of land;
9 and

10 (e) Sliding scale zoning, which allows the number of lots for
11 single-family residential purposes with a minimum lot size of one acre
12 to increase inversely as the size of the total acreage increases.

13 (3)~~((a))~~ Accessory uses allowed under subsection (2)(a) of this
14 section shall comply with the following:

15 ~~((i))~~ (a) Accessory uses shall be located, designed, and operated
16 so as not to interfere with natural resource land uses ~~((and shall be
17 accessory to the growing of crops or raising of animals;~~

18 ~~((ii))~~ ~~Accessory commercial or retail uses shall predominately
19 produce, store, or sell regionally produced agricultural products from
20 one or more producers, products derived from regional agricultural
21 production, agriculturally related experiences, or products produced
22 on site. Accessory commercial and retail uses shall offer for sale
23 predominantly products or services produced on site; and))~~;

24 ~~((iii))~~ (b) Accessory uses may operate out of existing or new
25 buildings with parking and other supportive uses consistent with the
26 size and scale of existing agricultural buildings on the site but shall
27 not otherwise convert agricultural land to nonagricultural uses~~((~~);
28 and

29 ~~((b))~~ (c) Accessory uses may include compatible commercial or
30 retail uses ~~((including, but not limited to:~~

31 ~~(i) Storage and refrigeration of regional agricultural products;~~

32 ~~(ii) Production, sales, and marketing of value added agricultural
33 products derived from regional sources;~~

34 ~~(iii) Supplemental sources of on farm income that support and
35 sustain on farm agricultural operations and production;~~

36 ~~(iv) Support services that facilitate the production, marketing,
37 and distribution of agricultural products; and~~

1 ~~(v) Off farm and on farm sales and marketing of predominately~~
2 ~~regional agricultural products and experiences, locally made art and~~
3 ~~arts and crafts, and ancillary retail sales or service activities)).~~

4 **Sec. 2.** RCW 36.70A.280 and 2003 c 332 s 2 are each amended to read
5 as follows:

6 (1) A growth management hearings board shall hear and determine
7 only those petitions alleging either:

8 (a) That a state agency, county, or city planning under this
9 chapter is not in compliance with the requirements of this chapter,
10 chapter 90.58 RCW as it relates to the adoption of shoreline master
11 programs or amendments thereto, or chapter 43.21C RCW as it relates to
12 plans, development regulations, or amendments, adopted under RCW
13 36.70A.040 or chapter 90.58 RCW; or

14 (b) That the twenty-year growth management planning population
15 projections adopted by the office of financial management pursuant to
16 RCW 43.62.035 should be adjusted.

17 (2) A petition may be filed only by: (a) The state, or a county or
18 city that plans under this chapter; (b) a person who has participated
19 orally or in writing before the county or city regarding the matter on
20 which a review is being requested; (c) a person who is certified by the
21 governor within sixty days of filing the request with the board; or (d)
22 a person qualified pursuant to RCW 34.05.530.

23 (3) For purposes of this section "person" means any individual,
24 partnership, corporation, association, state agency, governmental
25 subdivision or unit thereof, or public or private organization or
26 entity of any character.

27 (4) The board's authority to hear and determine petitions alleging
28 noncompliance with the requirements of this chapter does not include
29 the authority to review policies and development regulations regarding
30 innovative zoning techniques in areas designated as agricultural lands
31 of long-term commercial significance and accessory uses on those lands
32 pursuant to RCW 36.70A.177.

33 (5) To establish participation standing under subsection (2)(b) of
34 this section, a person must show that his or her participation before
35 the county or city was reasonably related to the person's issue as
36 presented to the board.

1 (~~(5)~~) (6) When considering a possible adjustment to a growth
2 management planning population projection prepared by the office of
3 financial management, a board shall consider the implications of any
4 such adjustment to the population forecast for the entire state.

5 The rationale for any adjustment that is adopted by a board must be
6 documented and filed with the office of financial management within ten
7 working days after adoption.

8 If adjusted by a board, a county growth management planning
9 population projection shall only be used for the planning purposes set
10 forth in this chapter and shall be known as a "board adjusted
11 population projection". None of these changes shall affect the
12 official state and county population forecasts prepared by the office
13 of financial management, which shall continue to be used for state
14 budget and planning purposes.

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