

ESHB 1727 - S AMD TO S AMD (S-3435.1/07) 420
By Senator Haugen

1 On page 13, after line 9 of the amendment, insert the following:

2 "Sec. 6. RCW 36.70A.177 and 2006 c 147 s 1 are each amended to
3 read as follows:

4 (1) A county or a city may use a variety of innovative zoning
5 techniques in areas designated as agricultural lands of long-term
6 commercial significance under RCW 36.70A.170. The innovative zoning
7 techniques should be designed to conserve agricultural lands and
8 encourage the agricultural economy. Except as provided in subsection
9 (3) of this section, a county or city (~~should~~) shall encourage
10 nonagricultural uses, including wetland mitigation banking projects, to
11 be limited to lands with poor soils or otherwise not suitable for
12 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, including nonagricultural accessory uses and
18 activities, that support, promote, or sustain agricultural operations
19 and production, as provided in subsection (3) of this section;

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

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

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

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

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

3 (a) Accessory uses shall be located, designed, and operated so as
4 to not interfere with, and to support the continuation of, the overall
5 agricultural use of the property and neighboring properties, and shall
6 comply with the requirements of this chapter;

7 (b) Accessory uses may include:

8 (i) Agricultural accessory uses and activities, including but not
9 limited to the storage, distribution, and marketing of regional
10 agricultural products from one or more producers, agriculturally
11 related experiences, or the production, marketing, and distribution of
12 value-added agricultural products, including support services that
13 facilitate these activities; and

14 (ii) Nonagricultural accessory uses and activities as long as they
15 are consistent with the size, scale, and intensity of the existing
16 agricultural use of the property and the existing buildings on the
17 site. Nonagricultural accessory uses and activities, including new
18 buildings, parking, or supportive uses, shall not be located outside
19 the general area already developed for buildings and residential uses
20 and shall not otherwise convert more than one acre of agricultural land
21 to nonagricultural uses; and

22 (c) Counties and cities have the authority to limit or exclude
23 accessory uses otherwise authorized in this subsection (3) in areas
24 designated as agricultural lands of long-term commercial significance.

25 (4)(a) Off-site wetland mitigation banking projects, as provided
26 for in chapter 90.84 RCW, including but not limited to projects for
27 residential, commercial, or industrial purposes, may be permitted by
28 conditional or special use on agricultural lands, including
29 agricultural lands of long-term commercial significance, if the local
30 government has adopted criteria for evaluating and permitting such
31 projects. The criteria shall reflect the priority expressed in this
32 chapter for preserving agricultural lands of long-term commercial
33 significance, without precluding the establishment of wetland
34 mitigation bank sites on lands with poor soils or otherwise not
35 suitable for agricultural purposes. The criteria shall minimize the
36 impact on the continued agricultural use of high value agricultural
37 lands of long-term commercial significance. Conservation projects that

1 consist of exclusively planting vegetation or on-site mitigation
2 projects required for permitted activities shall be allowed.

3 (b) This subsection (4) shall not affect lands purchased or
4 otherwise acquired before June 30, 2001, by a port district in whole or
5 in part for use as a wetland mitigation bank.

6 (5) This section shall not be interpreted to limit agricultural
7 production on designated agricultural lands."

8 Renumber the remaining sections consecutively and correct any
9 internal references accordingly.

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10 On page 19, at the beginning of line 17 of the title amendment,
11 strike "and 36.70A.110" and insert "36.70A.110, and 36.70A.177"

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