

---

**SENATE BILL 6544**

---

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Zeiger, Warnick, Takko, Fortunato, and Becker

Read first time 01/22/20. Referred to Committee on Local Government.

1 AN ACT Relating to encouraging the success of agriculture on  
2 agricultural land; and amending RCW 36.70A.020, 36.70A.177, and  
3 36.70A.190.

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

5 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to  
6 read as follows:

7 The following goals are adopted to guide the development and  
8 adoption of comprehensive plans and development regulations of those  
9 counties and cities that are required or choose to plan under RCW  
10 36.70A.040. The following goals are not listed in order of priority  
11 and shall be used exclusively for the purpose of guiding the  
12 development of comprehensive plans and development regulations:

13 (1) Urban growth. Encourage development in urban areas where  
14 adequate public facilities and services exist or can be provided in  
15 an efficient manner.

16 (2) Reduce sprawl. Reduce the inappropriate conversion of  
17 undeveloped land into sprawling, low-density development.

18 (3) Transportation. Encourage efficient multimodal transportation  
19 systems that are based on regional priorities and coordinated with  
20 county and city comprehensive plans.

1 (4) Housing. Encourage the availability of affordable housing to  
2 all economic segments of the population of this state, promote a  
3 variety of residential densities and housing types, and encourage  
4 preservation of existing housing stock.

5 (5) Economic development. Encourage economic development  
6 throughout the state that is consistent with adopted comprehensive  
7 plans, promote economic opportunity for all citizens of this state,  
8 especially for unemployed and for disadvantaged persons, promote the  
9 retention and expansion of existing businesses and recruitment of new  
10 businesses, recognize regional differences impacting economic  
11 development opportunities, and encourage growth in areas experiencing  
12 insufficient economic growth, all within the capacities of the  
13 state's natural resources, public services, and public facilities.

14 (6) Property rights. Private property shall not be taken for  
15 public use without just compensation having been made. The property  
16 rights of landowners shall be protected from arbitrary and  
17 discriminatory actions.

18 (7) Permits. Applications for both state and local government  
19 permits should be processed in a timely and fair manner to ensure  
20 predictability.

21 (8) Natural resource industries. Maintain and enhance natural  
22 resource-based industries, including productive timber, agricultural,  
23 and fisheries industries. Encourage the conservation of productive  
24 forestlands and productive agricultural lands, and discourage  
25 incompatible uses. Encouraging the conservation of productive  
26 agricultural lands requires local governments to have a regulatory  
27 strategy that allows agricultural landowners to successfully engage  
28 in agriculture.

29 (9) Open space and recreation. Retain open space, enhance  
30 recreational opportunities, conserve fish and wildlife habitat,  
31 increase access to natural resource lands and water, and develop  
32 parks and recreation facilities.

33 (10) Environment. Protect the environment and enhance the state's  
34 high quality of life, including air and water quality, and the  
35 availability of water.

36 (11) Citizen participation and coordination. Encourage the  
37 involvement of citizens in the planning process and ensure  
38 coordination between communities and jurisdictions to reconcile  
39 conflicts.

1 (12) Public facilities and services. Ensure that those public  
2 facilities and services necessary to support development shall be  
3 adequate to serve the development at the time the development is  
4 available for occupancy and use without decreasing current service  
5 levels below locally established minimum standards.

6 (13) Historic preservation. Identify and encourage the  
7 preservation of lands, sites, and structures, that have historical or  
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.177 and 2006 c 147 s 1 are each amended to  
10 read as follows:

11 (1) A county or a city may use a variety of innovative zoning  
12 techniques and other measures described in this section in areas  
13 designated as agricultural lands of long-term commercial significance  
14 (~~under RCW 36.70A.170~~). This section applies to lands that are  
15 within an urban growth area and lands that are not within an urban  
16 growth area. The innovative zoning techniques (~~should~~) and other  
17 measures must be designed to conserve agricultural lands and  
18 encourage the agricultural economy. Except as provided in subsection  
19 (3) of this section, a county or city should encourage  
20 nonagricultural uses to be limited to lands with poor soils or  
21 otherwise not suitable for agricultural purposes.

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

24 (a) Agricultural zoning, which limits the density of development  
25 and restricts or prohibits nonfarm uses of agricultural land and may  
26 allow accessory uses, including nonagricultural accessory uses and  
27 activities, that support, promote, or sustain agricultural operations  
28 and production, as provided in subsection (3) of this section;

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

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

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

37 (e) Sliding scale zoning, which allows the number of lots for  
38 single-family residential purposes with a minimum lot size of one

1 acre to increase inversely as the size of the total acreage  
2 increases.

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

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

9 (b) Accessory uses may include:

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

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

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

28 (4) Other measures that a county or city may use with regard to  
29 agricultural lands include, but are not limited to:

30 (a) Consolidating multiple permit requirements to create a more  
31 efficient permitting system;

32 (b) Reducing the amount of time required for permit review;

33 (c) Expanding opportunities for county or city employees to  
34 provide technical assistance to landowners who request assistance;  
35 and

36 (d) Increasing coordination among counties or cities and other  
37 agencies to avoid duplication of work during permit review.

38 (5) This section shall not be interpreted to limit agricultural  
39 production on designated agricultural lands. Furthermore, this

1 section must be applied in a manner that allows agricultural  
2 landowners to successfully engage in agriculture.

3 **Sec. 3.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended  
4 to read as follows:

5 (1) The department shall establish a program of technical and  
6 financial assistance and incentives to counties and cities to  
7 encourage and facilitate the adoption and implementation of  
8 comprehensive plans and development regulations throughout the state.

9 (2) The department shall develop a priority list and establish  
10 funding levels for planning and technical assistance grants both for  
11 counties and cities that plan under RCW 36.70A.040. Priority for  
12 assistance (~~shall~~) must be based on a county's or city's population  
13 growth rates, commercial and industrial development rates, the  
14 existence and quality of a comprehensive plan and development  
15 regulations, and other relevant factors.

16 (3) The department shall develop and administer a grant program  
17 to provide direct financial assistance to counties and cities for the  
18 preparation of comprehensive plans under this chapter. The department  
19 may establish provisions for county and city matching funds to  
20 conduct activities under this subsection. Grants may be expended for  
21 any purpose directly related to the preparation of a county or city  
22 comprehensive plan as the county or city and the department may  
23 agree, including, without limitation, the conducting of surveys,  
24 inventories and other data gathering and management activities, the  
25 retention of planning consultants, contracts with regional councils  
26 for planning and related services, and other related purposes.

27 (4) The department shall establish a program of technical  
28 assistance:

29 (a) Utilizing department staff, the staff of other state  
30 agencies, and the technical resources of counties and cities to help  
31 in the development of comprehensive plans required under this  
32 chapter. The technical assistance may include, but not be limited to,  
33 model land use ordinances, regional education and training programs,  
34 and information for local and regional inventories; and

35 (b) Adopting by rule procedural criteria to assist counties and  
36 cities in adopting comprehensive plans and development regulations  
37 that meet the goals and requirements of this chapter. These criteria  
38 shall reflect regional and local variations and the diversity that

1 exists among different counties and cities that plan under this  
2 chapter.

3 (5) The department shall provide mediation services to resolve  
4 disputes between counties and cities regarding, among other things,  
5 coordination of regional issues and designation of urban growth  
6 areas.

7 (6) The department shall provide planning grants to enhance  
8 citizen participation under RCW 36.70A.140.

9 (7) The department may provide financial assistance and  
10 incentives to counties and cities to promote innovative zoning  
11 techniques and other measures under RCW 36.70A.177.

--- END ---