
HOUSE BILL 2420

State of Washington

64th Legislature

2016 Regular Session

By Representatives Pike and Taylor

1 AN ACT Relating to encouraging sustainable agricultural
2 production and rural development through flexibility in lot sizes;
3 amending RCW 36.70A.030; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that farm fresh
6 products produced near communities throughout the state are part of
7 creating healthier communities. Small, sustainable farms are part of
8 a thriving community. The legislature intends to make clear that
9 agricultural activities can occur on small parcels of land, and that
10 no interpretation of the growth management act or implementing
11 development regulations should restrict the existence of small
12 parcels for agricultural activities.

13 **Sec. 2.** RCW 36.70A.030 and 2012 c 21 s 1 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Adopt a comprehensive land use plan" means to enact a new
18 comprehensive land use plan or to update an existing comprehensive
19 land use plan.

1 (2) "Agricultural land" means land primarily devoted to the
2 commercial production of horticultural, viticultural, floricultural,
3 dairy, apiary, vegetable, or animal products or of berries, grain,
4 hay, straw, turf, seed, Christmas trees not subject to the excise tax
5 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
6 hatcheries, or livestock, and that has long-term commercial
7 significance for agricultural production. There are no minimum
8 acreage requirements in designated agricultural areas.

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

10 (4) "Comprehensive land use plan," "comprehensive plan," or
11 "plan" means a generalized coordinated land use policy statement of
12 the governing body of a county or city that is adopted pursuant to
13 this chapter.

14 (5) "Critical areas" include the following areas and ecosystems:
15 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
16 used for potable water; (c) fish and wildlife habitat conservation
17 areas; (d) frequently flooded areas; and (e) geologically hazardous
18 areas. "Fish and wildlife habitat conservation areas" does not
19 include such artificial features or constructs as irrigation delivery
20 systems, irrigation infrastructure, irrigation canals, or drainage
21 ditches that lie within the boundaries of and are maintained by a
22 port district or an irrigation district or company.

23 (6) "Department" means the department of commerce.

24 (7) "Development regulations" or "regulation" means the controls
25 placed on development or land use activities by a county or city,
26 including, but not limited to, zoning ordinances, critical areas
27 ordinances, shoreline master programs, official controls, planned
28 unit development ordinances, subdivision ordinances, and binding site
29 plan ordinances together with any amendments thereto. A development
30 regulation does not include a decision to approve a project permit
31 application, as defined in RCW 36.70B.020, even though the decision
32 may be expressed in a resolution or ordinance of the legislative body
33 of the county or city.

34 (8) "Forest land" means land primarily devoted to growing trees
35 for long-term commercial timber production on land that can be
36 economically and practically managed for such production, including
37 Christmas trees subject to the excise tax imposed under RCW 84.33.100
38 through 84.33.140, and that has long-term commercial significance. In
39 determining whether forest land is primarily devoted to growing trees
40 for long-term commercial timber production on land that can be

1 economically and practically managed for such production, the
2 following factors shall be considered: (a) The proximity of the land
3 to urban, suburban, and rural settlements; (b) surrounding parcel
4 size and the compatibility and intensity of adjacent and nearby land
5 uses; (c) long-term local economic conditions that affect the ability
6 to manage for timber production; and (d) the availability of public
7 facilities and services conducive to conversion of forest land to
8 other uses.

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

14 (10) "Long-term commercial significance" includes the growing
15 capacity, productivity, and soil composition of the land for long-
16 term commercial production, in consideration with the land's
17 proximity to population areas, and the possibility of more intense
18 uses of the land.

19 (11) "Minerals" include gravel, sand, and valuable metallic
20 substances.

21 (12) "Public facilities" include streets, roads, highways,
22 sidewalks, street and road lighting systems, traffic signals,
23 domestic water systems, storm and sanitary sewer systems, parks and
24 recreational facilities, and schools.

25 (13) "Public services" include fire protection and suppression,
26 law enforcement, public health, education, recreation, environmental
27 protection, and other governmental services.

28 (14) "Recreational land" means land so designated under RCW
29 36.70A.1701 and that, immediately prior to this designation, was
30 designated as agricultural land of long-term commercial significance
31 under RCW 36.70A.170. Recreational land must have playing fields and
32 supporting facilities existing before July 1, 2004, for sports played
33 on grass playing fields.

34 (15) "Rural character" refers to the patterns of land use and
35 development established by a county in the rural element of its
36 comprehensive plan:

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

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

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

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

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

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

9 (g) That are consistent with the protection of natural surface
10 water flows and groundwater and surface water recharge and discharge
11 areas.

12 (16) "Rural development" refers to development outside the urban
13 growth area and outside agricultural, forest, and mineral resource
14 lands designated pursuant to RCW 36.70A.170. Rural development can
15 consist of a variety of uses and residential densities, including
16 clustered residential development, at levels that are consistent with
17 the preservation of rural character and the requirements of the rural
18 element. There are no minimum acreage requirements in designated
19 rural areas. Rural development does not refer to agriculture or
20 forestry activities that may be conducted in rural areas.

21 (17) "Rural governmental services" or "rural services" include
22 those public services and public facilities historically and
23 typically delivered at an intensity usually found in rural areas, and
24 may include domestic water systems, fire and police protection
25 services, transportation and public transit services, and other
26 public utilities associated with rural development and normally not
27 associated with urban areas. Rural services do not include storm or
28 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

29 (18) "Urban governmental services" or "urban services" include
30 those public services and public facilities at an intensity
31 historically and typically provided in cities, specifically including
32 storm and sanitary sewer systems, domestic water systems, street
33 cleaning services, fire and police protection services, public
34 transit services, and other public utilities associated with urban
35 areas and normally not associated with rural areas.

36 (19) "Urban growth" refers to growth that makes intensive use of
37 land for the location of buildings, structures, and impermeable
38 surfaces to such a degree as to be incompatible with the primary use
39 of land for the production of food, other agricultural products, or
40 fiber, or the extraction of mineral resources, rural uses, rural

1 development, and natural resource lands designated pursuant to RCW
2 36.70A.170. A pattern of more intensive rural development, as
3 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
4 to spread over wide areas, urban growth typically requires urban
5 governmental services. "Characterized by urban growth" refers to land
6 having urban growth located on it, or to land located in relationship
7 to an area with urban growth on it as to be appropriate for urban
8 growth.

9 (20) "Urban growth areas" means those areas designated by a
10 county pursuant to RCW 36.70A.110.

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

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