H-3972.1 _____

HOUSE BILL 2716

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State of Washington   **52nd Legislature**   **1992 Regular Session**

By Representatives Forner, Wynne, Sheldon, Hochstatter, Morton, Vance, Betrozoff, Mitchell, Wilson, Brough, Carlson, Van Luven, P. Johnson, Bowman, May, Tate, McLean and Wood

Read first time 01/24/92. Referred to Committee on Natural Resources & Parks.

1   AN ACT Relating to critical areas; and amending RCW 36.70A.060.

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

3   **Sec. 1.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended

4 to read as follows:

5   (1) Each county that is required or chooses to plan under RCW

6 36.70A.040, and each city within such county, shall adopt development

7 regulations on or before September 1, 1991, to assure the conservation

8 of agricultural, forest, and mineral resource lands designated under

9 RCW 36.70A.170. Regulations adopted under this subsection may not

10 prohibit uses legally existing on any parcel prior to their adoption

11 and shall remain in effect until the county or city adopts development

12 regulations pursuant to RCW 36.70A.120. Such regulations shall assure

13 that the use of lands adjacent to agricultural, forest, or mineral

14 resource lands shall not interfere with the continued use, in the

accustomed manner and in accordance with best management practices, of
these designated lands for the production of food, agricultural
products, or timber, or for the extraction of minerals. Counties and
cities shall require that all plats, short plats, development permits,
and building permits issued for development activities on, or within
three hundred feet of, lands designated as agricultural lands, forest
lands, or mineral resource lands, contain a notice that the subject
property is within or near designated agricultural lands, forest lands,
or mineral resource lands on which a variety of commercial activities
may occur that are not compatible with residential development for
certain periods of limited duration.

(2) Each county and city shall adopt development regulations that
protect critical areas that are required to be designated under RCW
36.70A.170. For counties and cities that are required or choose to
plan under RCW 36.70A.040, such development regulations shall be
adopted on or before September 1, 1991. For the remainder of the
counties and cities, such development regulations shall be adopted on
or before March 1, 1992.

When performance standards are used to designate or protect
critical areas, counties and cities, in designing their development
regulations required in this subsection, shall minimize the economic
costs to applicants to the extent practicable. In minimizing costs of
conformance to these development regulations while ensuring critical
areas are adequately designated and protected, counties and cities
shall consider: (a) Mapping known critical areas and relying on these
maps as much as possible; (b) allowing for reasonable exceptions,
waivers, or variances when circumstances warrant, such as development
on small, platted lots in heavily developed areas or remodeling
existing structures; and (c) other reasonable approaches to balance the

1 <u>protection of critical areas with minimizing economic costs and</u>

2 <u>interference with private property rights.</u>

3   (3) Such counties and cities shall review these designations and

4 development regulations when adopting their comprehensive plans under

5 RCW 36.70A.040 and implementing development regulations under RCW

6 36.70A.120 and may alter such designations and development regulations

7 to insure consistency.

8   (4) Forest land and agricultural land located within urban growth

9 areas shall not be designated by a county or city as forest land or

10 agricultural land of long-term commercial significance under RCW

11 36.70A.170 unless the city or county has enacted a program authorizing

12 transfer or purchase of development rights.