
SECOND SUBSTITUTE SENATE BILL 6255

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Snyder, Sutherland, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Matson, Bailey, Bauer, Newhouse, Rasmussen, Sellar, Hayner, McCaslin, West, Jesernig, von Reichbauer and Erwin)

Read first time 02/11/92.

1 AN ACT Relating to the mapping of wetlands; amending RCW
2 36.70A.060; adding new sections to chapter 36.70A RCW; creating a new
3 section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that designating
6 land as a wetland to be protected by a county or city's development
7 regulations has a significant impact on the value and permissible uses,
8 both public and private, of that land. The legislature also finds that
9 creating an inventory and map of wetlands within the local jurisdiction
10 will provide local officials with needed knowledge to allow for the
11 integration of wetlands protection programs with the multiple planning
12 goals established in RCW 36.70A.020. Mapping will serve also as an
13 indication to an owner of land that his or her land may be subject to
14 local ordinances that regulate wetlands.

1 The legislature finds that, while precise mapping of wetland
2 boundaries is overly expensive to do on a state-wide basis, an
3 inventory showing the general location and extent of wetlands can be
4 developed by using currently available information. In addition, there
5 is significant benefit in providing local governments with the means to
6 utilize additional wetland mapping tools to map wetlands in anticipated
7 urban growth areas.

8 The legislature finds it beneficial that counties and cities
9 provide information that is currently available on the location of
10 wetlands and also provide pertinent development regulations affecting
11 land value to the county assessor's office to assist in meeting current
12 statutory requirements of determining the value of property for tax
13 purposes.

14 NEW SECTION. **Sec. 2.** (1) Prior to adopting development
15 regulations to protect wetlands, the county or city considering
16 adoption shall develop an inventory of wetlands that may be subject to
17 those regulations. The approximate location of wetlands must be placed
18 on maps of suitable scale for public viewing. At a minimum, the county
19 or city shall use information from existing national wetland inventory
20 maps together with existing soil maps developed by the federal soil
21 conservation service to indicate the approximate location of wetlands
22 to satisfy the requirements of this section.

23 (2) At least fifteen working days prior to the first public hearing
24 on the proposed regulations, the county or city shall mail a notice to
25 the owners of land that can be reasonably determined from existing maps
26 showing property ownership as subject to wetland protection
27 regulations. The notice must state how a landowner may obtain a copy
28 of the proposed ordinance and map, and the time and location of the
29 public hearing. The notice shall also state that the map of

1 inventoried wetlands indicates, based upon the best information
2 currently available, the possible location of wetlands. Further that
3 some areas shown on the maps will not be regulated and some areas will
4 be subject to regulation that are not shown on the map. Any person who
5 owns property within the jurisdiction of a county or city that fails to
6 mail a notice as required by this subsection may bring an action for an
7 injunction in the form of a writ of mandamus to require the county or
8 city to mail a notice and hold another public hearing.

9 The county or city shall also give notice to the public by
10 publishing in a daily newspaper of general circulation one time per
11 week for two consecutive weeks a notice that states how the public may
12 obtain a copy of the proposed ordinance and map, and the time and
13 location of the public hearing. A county or city that publishes a
14 notice to the public is not subject to legal action for damages based
15 upon a failure of providing individual notification.

16 (3) Upon adopting development regulations, a county or city subject
17 to this section shall transmit a copy of the development regulations
18 and wetlands inventory map to the county assessor's office within sixty
19 days of adopting the ordinances. The county assessor shall consider
20 this information in determining a new assessed value of property
21 subject to the ordinance within twelve months of receiving the
22 information.

23 (4) This section shall apply only to a county or city that adopts
24 development regulations after March 15, 1992.

25 NEW SECTION. **Sec. 3.** (1) A county or city that has adopted
26 development regulations by March 15, 1992, shall develop by September
27 1, 1992, an inventory of land that may be subject to wetland
28 regulation. The approximate location of wetlands shall be placed on
29 maps of suitable scale for public viewing. At a minimum, the county or

1 city shall use information from existing national wetland inventory
2 maps together with existing soil maps developed by the federal soil
3 conservation service to indicate the approximate location of wetlands
4 to satisfy the requirements of this section.

5 (2) Within thirty days after the required completion date of the
6 inventory, the county and city shall mail a notice to the owners of
7 land that can be reasonably determined from existing maps showing
8 property ownership as subject to the wetland protection regulation.
9 The notice must inform the landowners how the landowner may obtain a
10 copy of the ordinance and map. The notice shall also state that the
11 map of the inventoried wetlands indicates, based upon the best
12 information currently available, the possible location of wetlands.
13 Further that some areas shown on the maps will not be regulated and
14 some areas will be subject to regulation that are not shown on the map.
15 Any person who owns property within the jurisdiction of a county or
16 city that fails to mail a notice as required by this subsection may
17 bring an action for an injunction in the form of a writ of mandamus to
18 require the county or city to mail a notice and hold another public
19 hearing.

20 The county or city shall give notice to the public by publishing in
21 a daily newspaper of general circulation one time per week for two
22 consecutive weeks a notice that states how a person may obtain a copy
23 of the proposed ordinance and map. A county or city that publishes a
24 notice to the public and that makes reasonable attempts at providing
25 individual notification is not subject to legal action for damages
26 based upon a failure of providing individual notification.

27 (3) A county or city subject to this section shall transmit a copy
28 of the development regulations and the wetlands inventory map to the
29 county assessor within thirty days of the required completion date of
30 the inventory. The county assessor shall consider this information in

1 determining a new assessed value of property subject to the ordinance
2 within twelve months of receiving the information.

3 **Sec. 4.** 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~~) section
10 may not prohibit uses legally existing on any parcel prior to their
11 adoption and shall remain in effect until the county or city adopts
12 development regulations pursuant to RCW 36.70A.120. Such regulations
13 shall assure that the use of lands adjacent to agricultural, forest, or
14 mineral resource lands shall not interfere with the continued use, in
15 the accustomed manner and in accordance with best management practices,
16 of these designated lands for the production of food, agricultural
17 products, or timber, or for the extraction of minerals. Counties and
18 cities shall require that all plats, short plats, development permits,
19 and building permits issued for development activities on, or within
20 three hundred feet of, lands designated as agricultural lands, forest
21 lands, or mineral resource lands, contain a notice that the subject
22 property is within or near designated agricultural lands, forest lands,
23 or mineral resource lands on which a variety of commercial activities
24 may occur that are not compatible with residential development for
25 certain periods of limited duration.

26 (2) In order to comply with the mapping and inventory requirements
27 of sections 2 and 3 of this act, each county and city shall adopt
28 interim development regulations that protect critical areas that are
29 required to be designated under RCW 36.70A.170. For counties and

1 cities that are required or choose to plan under RCW 36.70A.040, such
2 interim development regulations shall be adopted on or before
3 (~~September 1, 1991~~) March 1, 1992. For the remainder of the counties
4 and cities, such development regulations shall be adopted on or before
5 (~~March~~) September 1, 1992.

6 (3) Such counties and cities shall review these designations and
7 development regulations when adopting their comprehensive plans under
8 RCW 36.70A.040 and implementing development regulations under RCW
9 36.70A.120 and may alter such designations and development regulations
10 to insure consistency.

11 (4) Forest land and agricultural land located within urban growth
12 areas shall not be designated by a county or city as forest land or
13 agricultural land of long-term commercial significance under RCW
14 36.70A.170 unless the city or county has enacted a program authorizing
15 transfer or purchase of development rights.

16 NEW SECTION. Sec. 5. The department of community development,
17 in consultation with the Washington state association of counties,
18 Washington association of cities, and representatives of affected
19 interest groups, within thirty days after the effective date of this
20 act shall inquire and evaluate the cost and timeliness of contracting
21 with the federal soil conservation service, institutions of higher
22 education within the state, and private consulting firms to expedite
23 the development of wetland maps for use by local governments for the
24 purposes of implementing sections 2 and 3 of this act.

25 NEW SECTION. Sec. 6. (1) If the county assessor fails to
26 revalue property within the time specified in sections 2(3) and 3(3) of
27 this act, a person who owns land designated or that appears to be
28 subject to regulation as a wetland by a county or city, may request the

1 county assessor for revaluation. If the county assessor fails to make
2 the proper adjustment, the landowner may request a hearing before the
3 county board of equalization under chapter 84.48 RCW.

4 (2) If the value of the property is adjusted under this section or
5 under section 2(3) or 3(3) of this act, the property owner shall be
6 entitled to a refund under chapter 84.69 RCW in the amount of overpaid
7 taxes commencing as of the effective date of the regulation.

8 NEW SECTION. **Sec. 7.** Sections 1 through 3, 5, and 6 of this
9 act are each added to chapter 36.70A RCW.

10 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
11 this act, referencing this act by bill number, is not provided by June
12 30, 1992, in the omnibus appropriations act, this act shall be null and
13 void.

14 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and shall take
17 effect immediately.