

2 SSB 5230 - S AMD - 000104

3 By Senators McCaslin, Anderson and Amondson

4 Scoped Out 3/10/93

5 On page 10, after line 20, insert the following:

6 NEW SECTION. **Sec. 7.** It is the intent of the legislature to
7 provide property owners with a timely opportunity to participate in the
8 regulatory decisions affecting their property insofar as designations
9 of wetlands exist. It is not the intent of the legislature to provide
10 any new legal theory of recovery or remedy for persons on whose
11 property a wetland is located and no theory or remedy is created by
12 section 8 of this act.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A RCW
14 to read as follows:

15 (1) Whenever any county or city, under the provisions of this
16 chapter or any other authority, proposes designation of an area as a
17 wetland and has determined the parcel, tract, lot, or block on which
18 the wetland is located, the county or city shall notify the owner of
19 record of the proposal. The notification shall include all information
20 concerning the proposal which can reasonably be ascertained including,
21 but not limited to (a) whether the wetland has been assigned a proposed
22 classification and, if so, what the proposed classification is; (b) the
23 size and approximate location of the wetland; (c) the listing of animal
24 and plant specie which are located on the wetland; and (d) any other
25 data the county or city deems necessary or appropriate.

26 The notification to the owner shall be by first class mail, return
27 receipt requested.

28 (2) When notice is required under subsection (1) of this section,
29 the county or city shall also notify by first class mail the owner of
30 record of any parcel, tract, lot, or block which is contiguous to the
31 parcel, tract, lot, or block on which the proposed wetland is located.
32 All notices required by this subsection shall be mailed simultaneously
33 with the notice to the owner of record of the property on which the
34 proposed wetland is located.

1 (3) No final determination regarding a wetland designation, or a
2 classification of a wetland may be made by any county or city less than
3 sixty days after mailing of the notices required by this section.

4 (4) Failure of a county or city to provide notice required by this
5 section may be considered in any action brought in which the existence,
6 character, or nature of a wetland is an issue but failure to provide
7 notice is not the basis for a determination by any agency or court that
8 a wetland does not exist on a parcel."

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

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14 On page 1, beginning on line 2 of the title, after "82.02.050;"
15 strike "adding a new section to chapter 36.70A RCW;" and insert "adding
16 new sections to chapter 36.70A RCW; creating a new section;"

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