

2 **SHB 1624** - S AMD - 463  
3 By Senator Morton

4 WITHDRAWN 4/17/97

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that it is the goal  
8 of the state of Washington to achieve no overall net loss of wetland  
9 functions. Wetlands are recognized as providing public benefits  
10 related to flood control, groundwater recharge, water quality and  
11 wildlife habitat. The legislature further finds that consideration  
12 should be given to the functions wetlands provide and to the needs of  
13 private property owners to assure that wetlands regulations both  
14 reflect the impact to wetland functions and allow for a reasonable use  
15 of property.

16 **Sec. 2.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended  
17 to read as follows:

18 (1) Each county that is required or chooses to plan under RCW  
19 36.70A.040, and each city within such county, shall adopt development  
20 regulations on or before September 1, 1991, to assure the conservation  
21 of agricultural, forest, and mineral resource lands designated under  
22 RCW 36.70A.170. Regulations adopted under this subsection may not  
23 prohibit uses legally existing on any parcel prior to their adoption  
24 and shall remain in effect until the county or city adopts development  
25 regulations pursuant to RCW 36.70A.120. Such regulations shall assure  
26 that the use of lands adjacent to agricultural, forest, or mineral  
27 resource lands shall not interfere with the continued use, in the  
28 accustomed manner and in accordance with best management practices, of  
29 these designated lands for the production of food, agricultural  
30 products, or timber, or for the extraction of minerals. Counties and  
31 cities shall require that all plats, short plats, development permits,  
32 and building permits issued for development activities on, or within  
33 three hundred feet of, lands designated as agricultural lands, forest  
34 lands, or mineral resource lands, contain a notice that the subject  
35 property is within or near designated agricultural lands, forest lands,

1 or mineral resource lands on which a variety of commercial activities  
2 may occur that are not compatible with residential development for  
3 certain periods of limited duration.

4 (2) Each county and city shall adopt development regulations that  
5 protect critical areas that are required to be designated under RCW  
6 36.70A.170. For counties and cities that are required or choose to  
7 plan under RCW 36.70A.040, such development regulations shall be  
8 adopted on or before September 1, 1991. For the remainder of the  
9 counties and cities, such development regulations shall be adopted on  
10 or before March 1, 1992.

11 (3) Such counties and cities shall review these designations and  
12 development regulations when adopting their comprehensive plans under  
13 RCW 36.70A.040 and implementing development regulations under RCW  
14 36.70A.120 and may alter such designations and development regulations  
15 to insure consistency.

16 (4) Forest land and agricultural land located within urban growth  
17 areas shall not be designated by a county or city as forest land or  
18 agricultural land of long-term commercial significance under RCW  
19 36.70A.170 unless the city or county has enacted a program authorizing  
20 transfer or purchase of development rights.

21 (5) In adopting critical areas development regulations, counties and cities shall provide a means  
22 to take into account the relative functions provided by an individual wetland and the relative  
23 significance of potential impact to wetland functions caused by a development proposal.

24 (6) The department of ecology shall provide technical assistance to counties and cities in the  
25 assessment of wetland functions upon request. In addition, the department shall develop a method for  
26 assessing wetland functions that is based on the best available science and includes broad public  
27 involvement.

28 (7) A project permit shall not be denied on the ground of impact on a wetland unless there is  
29 an adverse impact upon the wetland function of the wetland.

30 (8) Development regulations adopted under RCW 36.70A.040 for the protection of wetlands  
31 shall provide a reasonable use exception. A reasonable use exception is a tool to be used at the  
32 discretion of the permitting authority to address those cases in which the application of development  
33 regulations unreasonably and substantially restricts economic use of a parcel of land and the restriction  
34 cannot be remedied by other authorized techniques or conditions. The relief granted by a reasonable  
35 use exception shall be the minimum necessary to permit the reasonable use of the parcel and to ensure

1 that the interests promoted by the development regulations are not harmed. A reasonable use exception  
2 for a specific use of a parcel may be granted only under the following circumstances:  
3 (a) The inability to derive reasonable economic use is not the result of the applicant's action;  
4 (b) The use sought will pose no threat to the public safety and health; and  
5 (c) There is no other reasonable use of the land that would have a lesser impact than the use  
6 for which the permit is sought."

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10 On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert  
11 "amending RCW 36.70A.060 and creating a new section."

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