

1492

Sponsor(s): Representatives Buck, Kessler and Schoesler

Brief Title: Creating easements across natural area preserves.

HB 1492 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Provides that the department shall not purchase, lease, set aside, or exchange any public land or state-owned trust lands which are deemed to be natural areas where such an action would deny a right of way to any privately owned property, unless the department grants an easement across the proposed natural area preserve to the affected property owner.

Allows the department to negotiate with a willing adjoining private property owner for the granting of a private way of necessity for the affected property owner, but may not seek a private way of necessity through condemnation of land.

Declares that if a landowner has lost his or her right of way due to a natural area preserve created since January 1, 1972, the department shall provide a private way of necessity across the natural area preserve that created the lack of access.

Requires the department to pay the legal and related court costs for landowners who successfully sue to enforce the private way of necessity requirement under chapter 79.70 RCW and chapter 8.24 RCW, or pay to provide and construct a private way of necessity.

Requires the department to hold a public hearing in the county where the majority of the land in the proposed natural area preserve is located prior to establishing the boundary.