
SENATE BILL 5825

State of Washington

57th Legislature

2001 Regular Session

By Senators Finkbeiner, Jacobsen, McDonald, Shin, McCaslin, Horn and Prentice

Read first time 02/05/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to use of resource lands for active recreation; and
2 amending RCW 36.70A.020 and 36.70A.060.

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

4 **Sec. 1.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
5 amended to read as follows:

6 The following goals are adopted to guide the development and
7 adoption of comprehensive plans and development regulations of those
8 counties and cities that are required or choose to plan under RCW
9 36.70A.040. The following goals are not listed in order of priority
10 and shall be used exclusively for the purpose of guiding the
11 development of comprehensive plans and development regulations:

12 (1) Urban growth. Encourage development in urban areas where
13 adequate public facilities and services exist or can be provided in an
14 efficient manner.

15 (2) Reduce sprawl. Reduce the inappropriate conversion of
16 undeveloped land into sprawling, low-density development.

17 (3) Transportation. Encourage efficient multimodal transportation
18 systems that are based on regional priorities and coordinated with
19 county and city comprehensive plans.

1 (4) Housing. Encourage the availability of affordable housing to
2 all economic segments of the population of this state, promote a
3 variety of residential densities and housing types, and encourage
4 preservation of existing housing stock.

5 (5) Economic development. Encourage economic development
6 throughout the state that is consistent with adopted comprehensive
7 plans, promote economic opportunity for all citizens of this state,
8 especially for unemployed and for disadvantaged persons, and encourage
9 growth in areas experiencing insufficient economic growth, all within
10 the capacities of the state's natural resources, public services, and
11 public facilities.

12 (6) Property rights. Private property shall not be taken for
13 public use without just compensation having been made. The property
14 rights of landowners shall be protected from arbitrary and
15 discriminatory actions.

16 (7) Permits. Applications for both state and local government
17 permits should be processed in a timely and fair manner to ensure
18 predictability.

19 (8) Natural resource industries. Maintain and enhance natural
20 resource-based industries, including productive timber, agricultural,
21 and fisheries industries. Encourage the conservation of productive
22 forest lands and productive agricultural lands, and discourage
23 incompatible uses.

24 (9) Open space and recreation. (~~Encourage~~) Maintain and enhance
25 the retention of open space and development of recreational
26 opportunities, conserve fish and wildlife habitat, increase access to
27 natural resource lands and water, and develop parks.

28 (10) Environment. Protect the environment and enhance the state's
29 high quality of life, including air and water quality, and the
30 availability of water.

31 (11) Citizen participation and coordination. Encourage the
32 involvement of citizens in the planning process and ensure coordination
33 between communities and jurisdictions to reconcile conflicts.

34 (12) Public facilities and services. Ensure that those public
35 facilities and services necessary to support development shall be
36 adequate to serve the development at the time the development is
37 available for occupancy and use without decreasing current service
38 levels below locally established minimum standards.

1 (13) Historic preservation. Identify and encourage the
2 preservation of lands, sites, and structures, that have historical or
3 archaeological significance.

4 **Sec. 2.** RCW 36.70A.060 and 1998 c 286 s 5 are each amended to read
5 as follows:

6 (1) Each county that is required or chooses to plan under RCW
7 36.70A.040, and each city within such county, shall adopt development
8 regulations on or before September 1, 1991, to assure the conservation
9 of agricultural, forest, and mineral resource lands designated under
10 RCW 36.70A.170. Regulations adopted under this subsection may not
11 prohibit uses legally existing on any parcel prior to their adoption
12 and shall remain in effect until the county or city adopts development
13 regulations pursuant to RCW 36.70A.040. Such regulations shall assure
14 that the use of lands adjacent to agricultural, forest, or mineral
15 resource lands shall not interfere with the continued use, in the
16 accustomed manner and in accordance with best management practices, of
17 these designated lands for the production of food, agricultural
18 products, or timber, or for the extraction of minerals. Such
19 regulations shall provide that active recreation, together with
20 essential facilities such as backstops and goals, may be permitted on
21 or adjacent to such designated agricultural, forest, or mineral
22 resource lands provided that:

23 (a) Active recreational uses shall be designed to restrict physical
24 trespass on adjacent properties;

25 (b) Buildings associated with recreational uses shall be limited to
26 restroom facilities, picnic shelters, storage, or maintenance
27 facilities for equipment used on-site;

28 (c) Any soil surfaces temporarily disturbed through construction
29 activities shall be restored in a manner consistent with agricultural
30 uses; however, driveways and parking may be constructed;

31 (d) Access to recreational uses shall be designed to minimize
32 impact on the surrounding agricultural, forest, or mineral resource
33 lands whenever feasible; and

34 (e) Although recreational use of the subject lands may be long
35 term, the recreational use may be changed at a subsequent date if the
36 county or city declares after proper study that a critical shortage of
37 agricultural soils exists and initiates a process to relocate any
38 recreational uses off the subject property with due compensation.

1 Counties and cities shall require that all plats, short plats,
2 development permits, and building permits issued for development
3 activities on, or within five hundred feet of, lands designated as
4 agricultural lands, forest lands, or mineral resource lands, contain a
5 notice that the subject property is within or near designated
6 agricultural lands, forest lands, or mineral resource lands on which a
7 variety of commercial activities may occur that are not compatible with
8 residential development for certain periods of limited duration. The
9 notice for mineral resource lands shall also inform that an application
10 might be made for mining-related activities, including mining,
11 extraction, washing, crushing, stockpiling, blasting, transporting, and
12 recycling of minerals.

13 (2) Each county and city shall adopt development regulations that
14 protect critical areas that are required to be designated under RCW
15 36.70A.170. For counties and cities that are required or choose to
16 plan under RCW 36.70A.040, such development regulations shall be
17 adopted on or before September 1, 1991. For the remainder of the
18 counties and cities, such development regulations shall be adopted on
19 or before March 1, 1992.

20 (3) Such counties and cities shall review these designations and
21 development regulations when adopting their comprehensive plans under
22 RCW 36.70A.040 and implementing development regulations under RCW
23 36.70A.120 and may alter such designations and development regulations
24 to insure consistency.

25 (4) Forest land and agricultural land located within urban growth
26 areas shall not be designated by a county or city as forest land or
27 agricultural land of long-term commercial significance under RCW
28 36.70A.170 unless the city or county has enacted a program authorizing
29 transfer or purchase of development rights.

--- END ---