

SSB 5248 - H AMD TO LG COMM AMD (H3122.3/07) **806**
By Representative Ericksen

FAILED 4/13/2007

1 Strike everything after page 1, line 2 of the amendment and
2 insert the following:

3 "**Sec. 1.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to
4 read as follows:

5 (1)(a) Except as provided in RCW 36.70A.1701, each county that
6 is required or chooses to plan under RCW 36.70A.040, and each city
7 within such county, shall adopt development regulations on or
8 before September 1, 1991, to assure the conservation of
9 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
12 adoption and shall remain in effect until the county or city adopts
13 development regulations pursuant to RCW 36.70A.040. Such
14 regulations shall assure that the use of lands adjacent to
15 agricultural, forest, or mineral resource lands shall not interfere
16 with the continued use, in the accustomed manner and in accordance
17 with best management practices, of these designated lands for the
18 production of food, agricultural products, or timber, or for the
19 extraction of minerals.

20 (b) Counties and cities shall require that all plats, short
21 plats, development permits, and building permits issued for
22 development activities on, or within five hundred feet of, lands
23 designated as agricultural lands, forest lands, or mineral resource
24 lands, contain a notice that the subject property is within or near
25 designated agricultural lands, forest lands, or mineral resource
26 lands on which a variety of commercial activities may occur that
27 are not compatible with residential development for certain periods
28 of limited duration. The notice for mineral resource lands shall
29 also inform that an application might be made for mining-related

1 activities, including mining, extraction, washing, crushing,
2 stockpiling, blasting, transporting, and recycling of minerals.

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

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

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

20 (5) Critical area ordinances and development regulations
21 developed or amended after the effective date of this section by
22 local governments under this chapter may not prohibit legally
23 existing agricultural activities occurring on agricultural land, as
24 defined in RCW 90.58.065, and may not require removal of
25 agricultural land from production. This section applies only to
26 this chapter and does not affect any other authority of local
27 governments.

28 NEW SECTION. Sec. 2. This act applies prospectively only and
29 not retroactively."

30 Correct the title.

EFFECT: (1) Deletes all provisions of the underlying committee amendment.

(2) Amends the Growth Management Act (GMA) to specify that critical area ordinances and development regulations developed or amended after the effective date of the section by local governments under the GMA may not prohibit legally existing agricultural activities occurring on agricultural land, as

defined in a provision of the Shoreline Management Act, and may not require removal of agricultural land from production.

(3) Specifies that the GMA provisions apply only to the GMA and do not affect any other authority of local governments.

(4) Specifies that the act applies prospectively only and not retroactively.