
SENATE BILL 5276

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hobbs, Honeyford, Hatfield, Pearson, Hargrove, Shin, Delvin, and Schoesler

Read first time 01/24/13. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to the use of designated agricultural lands;
2 amending RCW 36.70A.060; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature intends to clarify the
5 provisions regarding the protection of designated agricultural land for
6 future agricultural use.

7 **Sec. 2.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read
8 as follows:

9 (1)(a) Except as provided in RCW 36.70A.1701, each county that is
10 required or chooses to plan under RCW 36.70A.040, and each city within
11 such county, shall adopt development regulations on or before September
12 1, 1991, to assure the conservation of agricultural, forest, and
13 mineral resource lands designated under RCW 36.70A.170. Regulations
14 adopted under this subsection may not prohibit uses legally existing on
15 any parcel prior to their adoption and shall remain in effect until the
16 county or city adopts development regulations pursuant to RCW
17 36.70A.040. Such regulations shall assure that the use of lands
18 adjacent to agricultural, forest, or mineral resource lands shall not

1 interfere with the continued use, in the accustomed manner and in
2 accordance with best management practices, of these designated lands
3 for the production of food, agricultural products, or timber, or for
4 the extraction of minerals.

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

17 (c) Any city, county, or state agency owning land designated as
18 agricultural land of long-term commercial significance by a
19 comprehensive plan or development regulations adopted under this
20 chapter must protect and maintain that land for future agricultural use
21 and for uses compatible with agricultural uses allowed by the
22 applicable development regulations. This subsection (1)(c) shall not
23 be construed to prohibit uses compatible with future agricultural use
24 or prohibit the exchange or sale of state forest lands or state lands
25 as defined in RCW 79.02.010 at the highest and best value for use as
26 allowed by applicable development regulations. This subsection (1)(c)
27 shall not constrain the acquisition or use of lands necessary for
28 construction, operation, and maintenance of highway facilities,
29 however, siting of mitigation projects shall not take place on
30 agricultural lands of long-term commercial significance.

31 (2) Each county and city shall adopt development regulations that
32 protect critical areas that are required to be designated under RCW
33 36.70A.170. For counties and cities that are required or choose to
34 plan under RCW 36.70A.040, such development regulations shall be
35 adopted on or before September 1, 1991. For the remainder of the
36 counties and cities, such development regulations shall be adopted on
37 or before March 1, 1992.

1 (3) Such counties and cities shall review these designations and
2 development regulations when adopting their comprehensive plans under
3 RCW 36.70A.040 and implementing development regulations under RCW
4 36.70A.120 and may alter such designations and development regulations
5 to insure consistency.

6 (4) Forest land and agricultural land located within urban growth
7 areas shall not be designated by a county or city as forest land or
8 agricultural land of long-term commercial significance under RCW
9 36.70A.170 unless the city or county has enacted a program authorizing
10 transfer or purchase of development rights.

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