
HOUSE BILL 2004

State of Washington

57th Legislature

2001 Regular Session

By Representatives O'Brien, Ballasiotes, Kirby, Bush, Kagi, Edwards, Grant and Lisk

Read first time 02/12/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to allowing recreational use of lands designated as
2 resource lands under the growth management act; and amending RCW
3 36.70A.020 and 36.70A.060.

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

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

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

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

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

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

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

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

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

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

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

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

31 (10) Environment. Protect the environment and enhance the state's
32 high quality of life, including air and water quality, and the
33 availability of water.

34 (11) Citizen participation and coordination. Encourage the
35 involvement of citizens in the planning process and ensure coordination
36 between communities and jurisdictions to reconcile conflicts.

37 (12) Public facilities and services. Ensure that those public
38 facilities and services necessary to support development shall be
39 adequate to serve the development at the time the development is

1 available for occupancy and use without decreasing current service
2 levels below locally established minimum standards.

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

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

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

24 (a) Recreational uses shall be designed to visually screen adjacent
25 agricultural users from recreational users and restrict physical
26 trespass to such adjacent properties;

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

30 (c) No use that permanently compacts, removes, sterilizes,
31 pollutes, or otherwise materially impairs the future use of the soil
32 for raising agricultural crops shall be allowed;

33 (d) Any soil surfaces temporarily disturbed through construction
34 activities shall be restored in a manner consistent with agricultural
35 uses; however, driveways and parking may be constructed provided they
36 encumber no more than ten percent of the land area;

1 (e) Access to recreational uses shall be designed to minimize
2 impact on the surrounding agricultural, forest, or mineral resource
3 lands whenever feasible; and

4 (f) Although recreational use of the subject lands may be long-
5 term, the recreational use may be changed at a subsequent date if the
6 county or city declares after proper study that a critical shortage of
7 agricultural soils exists and initiates a process to relocate any
8 recreational uses off the subject property with due compensation.

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

21 ((+2)) (3) Each county and city shall adopt development
22 regulations that protect critical areas that are required to be
23 designated under RCW 36.70A.170. For counties and cities that are
24 required or choose to plan under RCW 36.70A.040, such development
25 regulations shall be adopted on or before September 1, 1991. For the
26 remainder of the counties and cities, such development regulations
27 shall be adopted on or before March 1, 1992.

28 ((+3)) (4) Such counties and cities shall review these
29 designations and development regulations when adopting their
30 comprehensive plans under RCW 36.70A.040 and implementing development
31 regulations under RCW 36.70A.120 and may alter such designations and
32 development regulations to insure consistency.

33 ((+4)) (5) Forest land and agricultural land located within urban
34 growth areas shall not be designated by a county or city as forest land
35 or agricultural land of long-term commercial significance under RCW
36 36.70A.170 unless the city or county has enacted a program authorizing
37 transfer or purchase of development rights.

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