SUBSTITUTE SENATE BILL 5248
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State of Washington   **60th Legislature**   **2007 Regular Session**

By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist)

READ FIRST TIME 02/07/07.

1   AN ACT Relating to preserving the viability of 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   **Sec. 1.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read
5 as follows:
6   (1)(a) Except as provided in RCW 36.70A.1701, each county that is
7 required or chooses to plan under RCW 36.70A.040, and each city within
8 such county, shall adopt development regulations on or before September
9 1, 1991, to assure the conservation of agricultural, forest, and
10 mineral resource lands designated under RCW 36.70A.170. Regulations
11 adopted under this subsection may not prohibit uses legally existing on
12 any parcel prior to their adoption and shall remain in effect until the
13 county or city adopts development regulations pursuant to RCW
14 36.70A.040.   Such regulations shall assure that the use of lands
15 adjacent to agricultural, forest, or mineral resource lands shall not
16 interfere with the continued use, in the accustomed manner and in
17 accordance with best management practices, of these designated lands
18 for the production of food, agricultural products, or timber, or for
19 the extraction of minerals.

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

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

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

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

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

1   <u>NEW SECTION.</u> **Sec. 2.** This act applies prospectively only and not
2 retroactively.

<p style="text-align:center">--- **END** ---</p>