
SENATE BILL 5248

State of Washington 60th Legislature 2007 Regular Session

By Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford,
Haugen, Shin and Holmquist

Read first time 01/15/2007. Referred to Committee on Agriculture &
Rural Economic Development.

1 AN ACT Relating to preserving the viability of agricultural lands;
2 and amending RCW 36.70A.060.

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.

1 (b) 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.

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

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