
SUBSTITUTE HOUSE BILL 2860

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Reams and Blanton)

Read first time 02/02/96.

1 AN ACT Relating to limiting development regulations for utilities;
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 1991 sp.s. c 32 s 21 are each amended
5 to read as follows:

6 (1) Each county that is required or chooses to plan under RCW
7 36.70A.040, and each city within such county, shall adopt development
8 regulations on or before September 1, 1991, to assure the conservation
9 of 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 adoption
12 and shall remain in effect until the county or city adopts development
13 regulations pursuant to RCW 36.70A.120. Such regulations shall assure
14 that the use of lands adjacent to agricultural, forest, or mineral
15 resource lands shall not interfere with the continued use, in the
16 accustomed manner and in accordance with best management practices, of
17 these designated lands for the production of food, agricultural
18 products, or timber, or for the extraction of minerals. Counties and
19 cities shall require that all plats, short plats, development permits,

1 and building permits issued for development activities on, or within
2 three hundred feet of, lands designated as agricultural lands, forest
3 lands, or mineral resource lands, contain a notice that the subject
4 property is within or near designated agricultural lands, forest lands,
5 or mineral resource lands on which a variety of commercial activities
6 may occur that are not compatible with residential development for
7 certain periods of limited duration.

8 (2) Each county and city shall adopt development regulations that
9 protect critical areas that are required to be designated under RCW
10 36.70A.170. For counties and cities that are required or choose to
11 plan under RCW 36.70A.040, such development regulations shall be
12 adopted on or before September 1, 1991. For the remainder of the
13 counties and cities, such development regulations shall be adopted on
14 or before March 1, 1992.

15 (3) Such counties and cities shall review these designations and
16 development regulations when adopting their comprehensive plans under
17 RCW 36.70A.040 and implementing development regulations under RCW
18 36.70A.120 and may alter such designations and development regulations
19 to insure consistency.

20 (4) Forest land and agricultural land located within urban growth
21 areas shall not be designated by a county or city as forest land or
22 agricultural land of long-term commercial significance under RCW
23 36.70A.170 unless the city or county has enacted a program authorizing
24 transfer or purchase of development rights.

25 (5) The regulations required by this section shall not apply to the
26 following activities when such activities are undertaken pursuant to
27 best management practices:

28 (a) Normal and routine maintenance or repair, replacement, or
29 expansion of existing utilities; or

30 (b) Relocation or installation of utilities in existing utility
31 corridors or improved public or private rights of way.

32 For purposes of this section, the term "best management practices"
33 means physical, structural, and/or managerial practices that when used
34 singly or in combination minimize adverse environmental impacts and
35 comply with all construction safety standards otherwise required by
36 law.

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