

---

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.

--- END ---