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SENATE BILL 5081

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Skratek, Roach, M. Rasmussen, Hargrove, Vognild, Erwin, Owen, Snyder, Drew, Anderson, L. Smith, Haugen, Quigley, Oke, Hochstatter and Barr

Read first time 01/13/93. Referred to Committee on Government Operations.

1 AN ACT Relating to the designation of wetlands; adding a new  
2 section to chapter 36.70A RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
5 provide property owners with a timely opportunity to participate in the  
6 regulatory decisions affecting their property insofar as designations  
7 of wetlands exist. It is not the intent of the legislature to provide  
8 any new legal theory of recovery or remedy for persons on whose  
9 property a wetland is located and no theory or remedy is created by  
10 this act.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
12 to read as follows:

13 (1) Whenever any county or city, under the provisions of this  
14 chapter or any other authority, proposes designation of an area as a  
15 wetland and has determined the parcel, tract, lot, or block on which  
16 the wetland is located, the county or city shall notify the owner of  
17 record of the proposal. The notification shall include all information  
18 concerning the proposal which can reasonably be ascertained including,

1 but not limited to (a) whether the wetland has been assigned a proposed  
2 classification and, if so, what the proposed classification is; (b) the  
3 size and approximate location of the wetland; (c) the listing of animal  
4 and plant specie which are located on the wetland; and (d) any other  
5 data the county or city deems necessary or appropriate.

6 The notification to the owner shall be by first class mail, return  
7 receipt requested.

8 (2) When notice is required under subsection (1) of this section,  
9 the county or city shall also notify by first class mail the owner of  
10 record of any parcel, tract, lot, or block which is contiguous to the  
11 parcel, tract, lot, or block on which the proposed wetland is located.  
12 All notices required by this subsection shall be mailed simultaneously  
13 with the notice to the owner of record of the property on which the  
14 proposed wetland is located.

15 (3) No final determination regarding a wetland designation, or a  
16 classification of a wetland may be made by any county or city less than  
17 sixty days after mailing of the notices required by this section.

18 (4) Failure of a county or city to provide notice required by this  
19 section may be considered in any action brought in which the existence,  
20 character, or nature of a wetland is an issue but failure to provide  
21 notice is not the basis for a determination by any agency or court that  
22 a wetland does not exist on a parcel.

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