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ENGROSSED SUBSTITUTE SENATE BILL 6638

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State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long)

Read first time 02/02/96.

1 AN ACT Relating to standards for development regulations; and  
2 amending RCW 36.70A.172 and 36.70A.060.

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

4 **Sec. 1.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended to  
5 read as follows:

6 (1) In designating and protecting critical areas under this  
7 chapter, counties and cities shall (~~include the best available science~~  
8 ~~in developing~~), after July 1, 1996, develop policies and development  
9 regulations ((to protect)) that result in the protection of the  
10 functions and values of critical areas. These policies and development  
11 regulations shall incorporate the best available science and operate in  
12 a manner consistent with the minimum possible restriction on the use  
13 and enjoyment of private property. In addition, counties and cities  
14 shall give special consideration to conservation or protection measures  
15 necessary to preserve or enhance anadromous fisheries.

16 (2) If it determines that advice from scientific or other experts  
17 is necessary or will be of substantial assistance in reaching its  
18 decision, a growth management hearings board may retain scientific or

1 other expert advice to assist in reviewing a petition under RCW  
2 36.70A.290 that involves critical areas.

3 **Sec. 2.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended  
4 to read as follows:

5 (1) Each county that is required or chooses to plan under RCW  
6 36.70A.040, and each city within such county, shall adopt development  
7 regulations on or before September 1, 1991, to assure the conservation  
8 of agricultural, forest, and mineral resource lands designated under  
9 RCW 36.70A.170. Regulations adopted under this subsection may not  
10 prohibit uses legally existing on any parcel prior to their adoption  
11 and shall remain in effect until the county or city adopts development  
12 regulations pursuant to RCW 36.70A.120. Such regulations shall assure  
13 that the use of lands adjacent to agricultural, forest, or mineral  
14 resource lands shall not interfere with the continued use, in the  
15 accustomed manner and in accordance with best management practices, of  
16 these designated lands for the production of food, agricultural  
17 products, or timber, or for the extraction of minerals. Counties and  
18 cities shall require that all plats, short plats, development permits,  
19 and building permits issued for development activities on, or within  
20 three hundred feet of, lands designated as agricultural lands, forest  
21 lands, or mineral resource lands, contain a notice that the subject  
22 property is within or near designated agricultural lands, forest lands,  
23 or mineral resource lands on which a variety of commercial activities  
24 may occur that are not compatible with residential development for  
25 certain periods of limited duration.

26 (2) Each county and city shall adopt development regulations that  
27 protect critical areas that are required to be designated under RCW  
28 36.70A.170. For counties and cities that are required or choose to  
29 plan under RCW 36.70A.040, such development regulations shall be  
30 adopted on or before September 1, 1991. For the remainder of the  
31 counties and cities, such development regulations shall be adopted on  
32 or before March 1, 1992.

33 (3) Such counties and cities shall review these designations and  
34 development regulations when adopting their comprehensive plans under  
35 RCW 36.70A.040 and implementing development regulations under RCW  
36 36.70A.120 and may alter such designations and development regulations  
37 to insure consistency.

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

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

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

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

13 For the purposes of this section, "best management practices" means  
14 physical, structural, or managerial practices that when used singly or  
15 in combination minimize adverse environmental impacts and comply with  
16 all construction safety standards otherwise required by law. However,  
17 this definition of "best management practices" shall not have the  
18 effect of superseding any definition of "best management practices"  
19 that was adopted by a local government before the effective date of  
20 this act.

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