
HOUSE BILL 2739

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Padden, Ludwig, Forner, Hargrove, Ballard, Paris, Brough, Wynne, Wood, Hochstatter and Edmondson

Read first time 01/27/92. Referred to Committee on Judiciary.

1 AN ACT Relating to land use; and adding new sections to chapter
2 8.28 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes that when a
5 governmental body designates a private property as a wetland, open
6 space, or other public benefit property, or their buffers, the use of
7 that property has been converted to a public one.

8 Whenever private land is designated which prohibits or restricts
9 the use of property by its owner, full compensation to the owner must
10 be paid by the designating agency or jurisdiction. This compensation
11 must be paid at the time of designation. The property owner may not
12 waive this compensation as a condition of permit approval.

13 Compensation must be paid to the owner of a private property
14 designated simultaneously with enactment of the regulation, or

1 restrictions shall not be imposed. Regulations in effect prior to the
2 effective date of this act will remain in effect only if compensation
3 is paid to all property owners affected by July 1, 1992. Upon
4 designation the jurisdiction must provide, at public expense, access to
5 private land made inaccessible by restrictive designation. Full
6 compensation will be the difference in value of the property prior to
7 and after the property was identified as a wetland, plus attorneys'
8 fees or other costs incurred by the property owner to collect the
9 amount due.

10 NEW SECTION. **Sec. 2.** Identification of a wetland, open space,
11 or other public benefit property, or their buffers, can occur prior to
12 a designation. A governmental body may not deflate the value of
13 property by suggesting or threatening a designation to avoid full
14 compensation to the owner. Those properties fitting the description of
15 a wetland, open space, or other public benefit property, or their
16 buffers, set forth by the restricting agency or jurisdiction may be
17 identified as wetlands, open space, or other public benefit property,
18 or their buffers, by their owners, and the public jurisdiction must
19 provide immediate compensation.

20 The value of the wetland prior to designation is the value of the
21 property if there were no restrictions on its use by a governmental
22 body other than those laws applied regardless of designation status.
23 A mitigation for the use of a wetland by its owner is prohibited.

24 NEW SECTION. **Sec. 3.** All studies, mapping, plans, and reports
25 on property being considered for designation as public benefit
26 property, or its buffers, shall be paid for by the governmental entity
27 that is considering designation or that has made the designation.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are
2 each added to chapter 8.28 RCW.