

2 SHB 2860 - S AMD - 226

3 By Senator Haugen, McCaslin and Winsley

4 ADOPTED 2/28/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended
8 to read as follows:

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

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

1 (3) Such counties and cities shall review these designations and
2 development regulations when adopting their comprehensive plans under
3 RCW 36.70A.040 and implementing development regulations under RCW
4 36.70A.120 and may alter such designations and development regulations
5 to insure consistency.

6 (4) Forest land and agricultural land located within urban growth
7 areas shall not be designated by a county or city as forest land or
8 agricultural land of long-term commercial significance under RCW
9 36.70A.170 unless the city or county has enacted a program authorizing
10 transfer or purchase of development rights.

11 (5) A jurisdiction planning under this chapter has the discretion
12 to exempt certain utility activities from the regulations required
13 under this section. Examples of such utility activities include, but
14 are not limited to, routine maintenance, repair, or replacement of
15 existing utilities; relocation or extension of utility service in the
16 improved portions of the public or private rights of way; and may
17 include qualifying restrictions that address methods of minimizing harm
18 to the critical area being impacted. The proposed exemptions must be
19 considered at a public hearing during the course of adoption or
20 readoption of the regulations.

21 For the purposes of this subsection, "utilities" does not include
22 any facility for the transmission or distribution of oil or refined oil
23 products.

24 NEW SECTION. Sec. 2. The enactment of section 1 of this act does
25 not have the effect of terminating, or in any way modifying, any
26 regulation for the exemption of any utility activity if that regulation
27 is already in existence on the effective date of this act."

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31 On page 1, line 1 of the title, after "utilities;" strike the
32 remainder of the title and insert "amending RCW 36.70A.060; and
33 creating a new section."

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