

What we now can conclude, after a lengthy, and thorough investigation is that the *Countywide Ordinance, Adopting Natural Resource Land Designations*, was a requirement not by a *Landlord* to a *Tenant*, or by a *Seller* to a *Purchaser*, but it was a **RCW** and **WAC** code Legislative Statute, dating back to 1991, that all *counties* and *cities* were required to disclose; as per **RCW 36.70A.050, RCW 36.70A.060**; presented herein:

RCW 36.70A.050 Guidelines to classify agriculture, forest, and mineral lands and critical areas.

Applicable Cases

(1) Subject to the definitions provided in RCW 36.70A.030, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) **In carrying out its duties under this section, the department shall consult with interested parties**, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) **representatives of developers**; (d) **representatives of builders**; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

[1990 1st ex.s. c 17 § 5.]

RCW 36.70A.060 Natural resource lands and critical areas--Development regulations.

Applicable Cases

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to

assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. **Counties and cities shall require** that all plats, short plats, development permits, and building permits issued for development activities on, or **within five hundred feet of**, lands designated as agricultural lands, forest lands, or mineral resource lands, **contain a notice** that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

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

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

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

[1998 c 286 § 5; 1991 sp.s. c 32 § 21; 1990 1st ex. s. c 17 § 6.]

WAC 365-190-070 Mineral resource lands.

(1) Counties and cities shall identify and classify aggregate and mineral resource lands from which the extraction of minerals occurs or can be anticipated. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses.

(2) Classification criteria. Areas shall be classified as mineral resource lands based on geologic, environmental, the areas to be studied and their order of study shall be specified by counties and cities.

(a) Counties and cities should classify lands with long term commercial significance for extracting at least the following minerals: Sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate.

(b) In classifying these areas, counties and cities should consider maps and information on location and extent of mineral deposits provided by the Washington state department of natural resources and the United States Bureau of Mines.

Additionally, the department of natural resources has a detailed minerals classification system counties and cities may choose to use.

(c) Counties and cities should consider classifying known and potential mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded.

(d) In classifying mineral resource lands, counties and cities shall also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

- (i) General land use patterns in the area;
- (ii) Availability of utilities;
- (iii) Availability and adequacy of water supply;
- (iv) Surrounding parcel sizes and surrounding uses;
- (v) Availability of public roads and other public services;
- (vi) Subdivision or zoning for urban or small lots;
- (vii) Accessibility and proximity to the point of use or market;
- (viii) Physical and topographic characteristics of the mineral resource site;
- (ix) Depth of the resource;
- (x) Depth of the overburden;
- (xi) Physical properties of the resource including quality and type;
- (xii) Life of the resource; and
- (xiii) Resource availability in the region.

[Statutory Authority: RCW 36.70A.050. 91-07-041, § 365-190-070, filed 3/15/91, effective 4/15/91.]