

SENATE BILL REPORT

SB 5661

As Reported By Senate Committee On:
Land Use & Planning, March 3, 2003

Title: An act relating to allowing the use of agricultural lands not currently being farmed as sites for recreational activities; and amending RCW 36.70A.060 and 36.70A.177.

Brief Description: Allowing the use of agricultural lands not currently being farmed as sites for recreational activities.

Sponsors: Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke.

Brief History:

Committee Activity: Land Use & Planning: 2/24/03, 3/3/03 [DPS].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Staff: Tim Watterson (786-7441)

Background: The Growth Management Act (GMA) requires that all counties designate and conserve natural resource lands, including agricultural lands that have long-term significance for commercial production. The Washington Supreme Court has held that once such agricultural lands have been designated and protected within a GMA comprehensive plan, such lands may not be redesignated by plan amendment for other uses, including recreational play fields. *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 558-59 (2000).

Summary of Substitute Bill: A GMA county or city may redesignate agricultural lands that have not been in use for commercial production for at least five years to allow use of the lands for recreational activities, including fields for sports played on grass. The redesignated lands must be conserved for potential future agricultural use; no permanent structures may be erected on or beneath the lands; and the county or city must annually review the interim recreational use and the potential productive agricultural use of the lands.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that the local option to allow recreational uses on agricultural lands is restricted to GMA jurisdictions, requires that the agricultural lands must be out of commercial production for at least five years, and provides that any recreational use is an interim conservation of agricultural land, subject to an annual review by the GMA jurisdiction of the interim use and agricultural needs.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Unused land should be put to productive use. This is a positive economic impact of recreational uses. South Snohomish County has few public athletic fields. Agricultural lands that sit idle may not be preserved because wetlands form on land precluding future use. The bill only authorizes local option to allow recreational uses.

Testimony Against: Agricultural land should be preserved. The amount of agricultural land is very small in urban counties. Many recreational sites are available on nonagricultural land. Secondary impacts from recreational uses may occur on neighboring lands. The bill could encourage purchase of or speculation in agricultural lands.

Testified: Senator Schmidt, prime sponsor; Bob Tidball, Farm City Alliance (con); Anne Mack, PLAN (con); Kevin Hughes, Snohomish County (pro); Dave Remlinger, Lund Hill Farms (pro); Genesee Adkins, 1000 Friends of Washington (con).