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## Local Government Committee

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### HB 1084

**Brief Description:** Authorizing limited recreational activities, playing fields, and supporting facilities existing before January 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040.

**Sponsors:** Representatives Dunshee, Lovick and Pearson.

#### Brief Summary of Bill

- Authorizes counties and cities fully planning under the Growth Management Act (GMA) to, until June 30, 2010, designate qualifying agricultural lands as recreational lands.
- Specifies that qualifying agricultural lands must have playing fields and supporting facilities existing before January 1, 2004, and must not be in use for commercial agricultural production.
- Specifies that designated recreational lands may be used only for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields.
- Includes provisions relating to designation of recreational lands.
- Includes an emergency clause.

**Hearing Date:** 1/24/05

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (GMA jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

The GMA specifies certain designation and conservation requirements for natural resource lands. All local governments must designate, where appropriate, agricultural, forest, and mineral resource lands of long-term significance in areas not already characterized by urban growth.

"Agricultural land," a subset of natural resource lands, is defined by the GMA to include land primarily devoted to the commercial production of specified products, such as horticultural, viticultural, floricultural, vegetable, or animal products. "Characterized by urban growth," as specified in the GMA, "refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth."

GMA jurisdictions also must adopt development regulations to, in part, assure the conservation of designated agricultural and other natural resource lands. These development regulations may include zoning ordinances. The GMA permits counties or cities to use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance. These zoning techniques, however, should be designed to conserve agricultural lands and encourage the agricultural economy.

In addition to the provisions for natural resource lands, GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Except as otherwise provided in the GMA, comprehensive plan amendments may be considered by the governing body of the city or county no more frequently than once per year.

The adopted comprehensive plans and the corresponding development regulations must be consistent with 14 planning goals established in the GMA. The planning goals, which are listed in a non-prioritized order, must be used for the purpose of guiding the development of comprehensive plans and development regulations. The goals include provisions for urban growth, natural resource industries, open space and recreation, and other planning objectives.

#### Agricultural Lands and Recreational Uses – Appeals and Decisions

Quasi judicial and judicial bodies in Washington state have examined the issue of allowing designated agricultural areas to be used for recreational purposes. In 1997 King County amended its comprehensive plan and zoning code to allow, upon the satisfaction of specific criteria, active recreational uses on certain properties within designated agricultural areas. These amendments were appealed to the Central Puget Sound Growth Management Hearings Board (Board) in January of 1998. Upon reviewing the matter, the Board found that the challenged amendments allowing active recreation on designated agricultural land did not comply with specific GMA planning goals, development regulation requirements, designation requirements and agricultural zoning provisions.

Following an appeal to and a reversal by the King County Superior Court, the case was appealed to the Washington State Supreme Court, where, in December of 2000, the court reversed the trial court and reinstated the Board's decision invalidating King County's challenged amendments. In its decision, the court held that, although the GMA offers specific zoning flexibility to jurisdictions and encourages recreational uses of land, the county's comprehensive plan and zoning amendments violated the GMA. *See King County v. Central Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d 543; 14 P.3d 133 (2000)

#### **Summary of Bill:**

Until June 30, 2010, counties and cities fully planning under the GMA may designate qualifying agricultural lands of long-term commercial significance as recreational lands. Jurisdictions designating recreational lands must do so by resolution and must satisfy specific notification and

public participation requirements. The recreational lands designation supersedes previous designations and requires an amendment to the comprehensive plan prepared by the jurisdiction.

Lands eligible for designation as recreational lands must not be in use for the commercial production of food or other agricultural products and must have playing fields and supporting facilities existing before January 1, 2004, for sports played on grass playing fields. Designated recreational lands may be used only for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields.

Current law specifying exceptions by which comprehensive plan amendments may be considered more frequently than annually is amended to include an additional exception whereby, until June 30, 2010, jurisdictions designating recreational lands may update their comprehensive plans more than once per year.

In accordance with designation requirements and other specified provisions, playing fields and supporting facilities existing before January 1, 2004, on designated recreational lands must be considered in compliance with the requirements of the GMA.

The GMA description of "*characterized* by urban growth" is amended to specify that, until June 30, 2010, the term refers, in part, to land with playing fields and supporting facilities existing before January 1, 2004, for sports played on grass playing fields. Additionally, until June 30, 2010, qualifying fields and supporting facilities designated through a process satisfying certain requirements must be considered "*characteristics* of urban growth."

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.