Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Local Government Committee

HB 2241

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

Sponsors: Representatives Dunshee, Lovick and O'Brien.

Brief Summary of Bill

- Authorizes counties meeting specified criteria to, until June 30, 2006, designate qualifying agricultural lands as recreational lands.
- Specifies that qualifying agricultural lands must have playing fields and supporting facilities existing before July 1, 2004, and must not be in use for commercial agricultural production.
- Specifies activities that may be allowed on designated recreational lands.
- Establishes a study committee on outdoor recreation to make legislative findings and recommendations to the appropriate committees of the Legislature by January 1, 2006.

Hearing Date: 3/1/05

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.

GMA jurisdictions 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 GMA requires six western Washington counties (*i.e.*, Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation "buildable lands" program. The purpose of the program is to determine whether a county and its cities are achieving urban densities, and identify reasonable measures, subject to statutory provisions, that will be taken to comply with GMA requirements.

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 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 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:

Designation of Recreational Lands

The legislative authority of a county may designate qualifying agricultural lands of long-term commercial significance (agricultural lands) as recreational lands if the county:

- is subject to the buildable lands provisions of the Growth Management Act (GMA);
- has a population fewer than 1,000,000; and
- has a total market value of [agricultural] production greater than $125 million as reported by the U.S. Department of Agriculture's *2002 Census of Agriculture County Profile*.

"Recreational land" is land designated as such that was agricultural land immediately prior to this designation. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

Counties 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 county. The authority of a county to designate agricultural lands as recreational lands terminates on June 30, 2006.

Numerous designation criteria are specified. 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 July 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 or for agricultural uses. Lands eligible for designation as recreational lands must also be registered by the property owner or owners with the applicable county at least 90 days before being designated as recreational land. The designation of recreational land must not affect other agricultural lands and must not preclude reversion to agricultural uses.

Agricultural lands designated under the GMA that: were purchased in full or in part with public funds; or with property rights or interests that were purchased in full or in part with public funds, may not be designated as recreational land.

Playing fields and supporting facilities for sports played on grass playing fields must comply with applicable permitting requirements and development regulations. Additionally, the size and capacity of the fields and facilities, irrespective of parcel size, may not exceed the infrastructure capacity of the county.

Until June 30, 2006, a qualifying county may amend its comprehensive plan more frequently than annually to accommodate a recreational lands designation. A county may not, however, amend its comprehensive plan under this method more frequently than every 18 months.

Playing fields and supporting facilities existing before July 1, 2004, on designated recreational lands that were designated according to specified provisions, must be considered in compliance with the requirements of the GMA.

Study Committee on Outdoor Recreation.
A study committee on outdoor recreation (committee) is established. The committee must consist of four legislators, two from each chamber. The committee must consult with private and public sector individuals, including representatives from:

- state agencies;
- local governments;
- recreation organizations;
- agriculture;
- environmental organizations; and
- citizens' organizations.

The committee must:

- review local government responses to accommodating population growth and the resulting recreational facility needs;
- study infrastructure funding issues pertaining to recreational facilities and examine methods by which local governments can reduce or eliminate related funding shortfalls;
- compile and review information about publically-owned properties that may be suitable for use as recreational facilities; and
- make legislative findings and recommendations related to recreational facility and funding needs.

The committee must use staff from the House of Representatives, the Senate, and the Department of Community, Trade, and Economic Development. The committee, which expires on January 1, 2006, must report its findings and recommendations to the appropriate committees of the Legislature prior to its expiration.

Appropriation: None.

Fiscal Note: Not requested.

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