

SENATE BILL REPORT

EHB 2241

As Reported By Senate Committee On:
Government Operations & Elections, March 28, 2005

Title: An act relating to 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.

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 History: Passed House: 3/11/05, 93-0.

Committee Activity: Government Operations & Elections: 3/24/05, 3/28/05 [DP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach, Ranking Minority Member.

Staff: Genevieve Pisarski (786-7488)

Background: The Growth Management Act (GMA) requires all counties to designate and conserve natural resource lands, including agricultural lands of long-term significance for commercial production. In *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543 (2000), the state Supreme Court held that once such agricultural lands have been designated and protected in a county comprehensive plan, they may not be re-designated by plan amendment for any other use, including recreational playing fields.

Summary of Bill: Until June 30, 2006, designated agricultural lands may be designated as recreational land by the legislative authority of a qualifying county.

"Recreational land" is defined as land that was designated agricultural land immediately before being designated recreational land. It must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

To qualify, a county must be subject to the buildable lands provisions of the GMA, have a population of less than 1 million, and have agricultural production with a total market value of more than \$125 million.

Counties designating recreational land must do so by resolution and must satisfy specific notification and public participation requirements. The recreational land designation supersedes previous designations and requires an amendment to the comprehensive plan.

To be eligible for designation as recreational land, designated agricultural lands must not be in use for the commercial production of food or other agricultural products, must be registered by the property owner with the county at least 90 days before being designated as recreational land, and must not have been purchased or had property rights or interests in them purchased in full or in part with public funds.

Designated recreational land 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. The designation of recreational land must not affect other agricultural lands and must not preclude return to agricultural uses.

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 adopt a recreational land designation, but not more frequently than every 18 months.

Playing fields and supporting facilities existing before July 1, 2004, on recreational land designated according to these requirements must be considered in compliance with the GMA.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill solves a very specific situation and is limited to existing fields in Snohomish County that are facing eviction. It is a compromise to help the kids and their parents. Kids, families, and their communities are benefitting from these fields and pitching in to maintain them; the agricultural lands are not being harmed. Lack of planning by the county is the problem, and the county still needs to provide appropriate, long-term solutions for needed recreational facilities. This will take the pressure off for awhile and allow discussion of reasonable approaches to the problem, such as public-private partnerships, to proceed. Land inside UGAs is just too expensive. The more comprehensive solutions proposed in SB 5933 and SB 5739 are preferable. For example, specifically allowing playing fields in shorelines would provide a low-cost solution that wouldn't affect agricultural land. The county is not mandated to buy land for parks. The creation of a task force should be put back into the bill.

Testimony Against: There was no testimony in opposition.

Who Testified: PRO: Rep. Dunshee, Prime Sponsor; Michael Kilpatrick, Kenji Akazawa, Carol Aichele, North Snohomish Little League; Genesee Atkins, Futurewise; Jeff Sax, Snohomish County Council; Nathan Gordon, Snohomish County Association of Realtors.

Signed in, Unable to Testify & Submitted Written Testimony: PRO: Lincoln Ferry, Northwest Parks Foundation.