
HOUSE BILL 1955

State of Washington

58th Legislature

2003 Regular Session

By Representatives Nixon, Sullivan, Anderson, Kristiansen, Tom and Berkey

Read first time 02/18/2003. Referred to Committee on Local Government.

1 AN ACT Relating to allowing the use of agricultural lands not
2 currently being farmed as sites for recreational activities; and
3 amending RCW 36.70A.060 and 36.70A.177.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.060 and 1998 c 286 s 5 are each amended to read
6 as follows:

7 (1) Each county that is required or chooses to plan under RCW
8 36.70A.040, and each city within such county, shall adopt development
9 regulations on or before September 1, 1991, to assure the conservation
10 of agricultural, forest, and mineral resource lands designated under
11 RCW 36.70A.170. Regulations adopted under this subsection may not
12 prohibit uses legally existing on any parcel prior to their adoption
13 and shall remain in effect until the county or city adopts development
14 regulations pursuant to RCW 36.70A.040. Such regulations shall assure
15 that the use of lands adjacent to agricultural, forest, or mineral
16 resource lands shall not interfere with the continued use, in the
17 accustomed manner and in accordance with best management practices, of
18 these designated lands for the production of food, agricultural
19 products, or timber, or for the extraction of minerals. Nothing in

1 this chapter may be construed as preventing a county or city from
2 allowing agricultural lands that are not currently being used in
3 commercial production from being used for recreational activities,
4 including, but not limited to, playing fields for sports played on
5 grass, provided that no permanent structures are erected and no
6 substantial subsurface modifications are performed on the agricultural
7 land. "Substantial subsurface modification" under this section means
8 subsurface modifications, such as the placement of gravel drainage
9 fields, that would prevent the land from being used as agricultural
10 land in the future. Counties and cities shall require that all plats,
11 short plats, development permits, and building permits issued for
12 development activities on, or within five hundred feet of, lands
13 designated as agricultural lands, forest lands, or mineral resource
14 lands, contain a notice that the subject property is within or near
15 designated agricultural lands, forest lands, or mineral resource lands
16 on which a variety of commercial activities may occur that are not
17 compatible with residential development for certain periods of limited
18 duration. The notice for mineral resource lands shall also inform that
19 an application might be made for mining-related activities, including
20 mining, extraction, washing, crushing, stockpiling, blasting,
21 transporting, and recycling of minerals.

22 (2) Each county and city shall adopt development regulations that
23 protect critical areas that are required to be designated under RCW
24 36.70A.170. For counties and cities that are required or choose to
25 plan under RCW 36.70A.040, such development regulations shall be
26 adopted on or before September 1, 1991. For the remainder of the
27 counties and cities, such development regulations shall be adopted on
28 or before March 1, 1992.

29 (3) Such counties and cities shall review these designations and
30 development regulations when adopting their comprehensive plans under
31 RCW 36.70A.040 and implementing development regulations under RCW
32 36.70A.120 and may alter such designations and development regulations
33 to insure consistency.

34 (4) Forest land and agricultural land located within urban growth
35 areas shall not be designated by a county or city as forest land or
36 agricultural land of long-term commercial significance under RCW
37 36.70A.170 unless the city or county has enacted a program authorizing
38 transfer or purchase of development rights.

1 **Sec. 2.** RCW 36.70A.177 and 1997 c 429 s 23 are each amended to
2 read as follows:

3 (1) A county or a city may use a variety of innovative zoning
4 techniques in areas designated as agricultural lands of long-term
5 commercial significance under RCW 36.70A.170. The innovative zoning
6 techniques should be designed to conserve agricultural lands and
7 encourage the agricultural economy. A county or city should encourage
8 nonagricultural uses to be limited to lands with poor soils or
9 otherwise not suitable for agricultural purposes.

10 (2) Innovative zoning techniques a county or city may consider
11 include, but are not limited to:

12 (a) Agricultural zoning, which limits the density of development
13 and restricts or prohibits nonfarm uses of agricultural land;

14 (b) Cluster zoning, which allows new development on one portion of
15 the land, leaving the remainder in agricultural or open space uses;

16 (c) Large lot zoning, which establishes as a minimum lot size the
17 amount of land necessary to achieve a successful farming practice;

18 (d) Quarter/quarter zoning, which permits one residential dwelling
19 on a one-acre minimum lot for each one-sixteenth of a section of land;
20 and

21 (e) Sliding scale zoning, which allows the number of lots for
22 single-family residential purposes with a minimum lot size of one acre
23 to increase inversely as the size of the total acreage increases.

24 (3) A county or city may permit agricultural lands that are not
25 currently being used in commercial production to be used for
26 recreational activities, including, but not limited to, playing fields
27 for sports played on grass, provided that no permanent structures are
28 erected and no substantial subsurface modifications are performed on
29 the agricultural land. "Substantial subsurface modification" under
30 this section means subsurface modifications, such as the placement of
31 gravel drainage fields, that would prevent the land from being used as
32 agricultural land in the future.

--- END ---