HOUSE BILL REPORT
HB 1084

As Reported by House Committee On:
Local Government

Title: An act relating to 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.

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 History:
Committee Activity:
Local Government: 1/24/05, 2/16/05 [DPS].

Brief Summary of Substitute 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 January 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.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan and Takko.

Minority Report: Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Woods.

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.

The 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 Substitute 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 January 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 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 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 January 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.

Substitute Bill Compared to Original Bill:

Numerous changes to the original bill are made, including the following:

- The eligibility criteria for jurisdictions that may designate recreational lands is modified from a county or city planning under the major provisions of the GMA, to a county subject to the buildable lands provisions of the GMA meeting specified population and agricultural production criteria.
- The latest date by which an eligible jurisdiction may designate recreational land is shortened by four years to June 30, 2006.
- Comprehensive plan amendment provisions are modified to specify that until June 30, 2006, a county may amend its comprehensive plan more frequently than annually due to the designation of recreational lands. These counties, however are prohibited from completing updates for this purpose more frequently than every 18 months.
- The term "recreational land" is defined.
- A provision allowing designated recreational lands to be used for agricultural uses is added.
- A requirement specifying that lands eligible for designation as recreational land must be registered by the property owner or owners with the applicable county at least 90 days before being designated as recreational land is added.
- A provision specifying that designated agricultural lands of long-term commercial significance: that were purchased in full or part with public funds; or with property rights or interests that were purchased in full or part with public funds, may not be designated as recreational land is added.
- A stipulation that playing fields and supporting facilities for sports played on grass playing fields must comply with applicable permitting requirements and development regulations is added.
- A provision stating that the size and capacity of playing fields and supporting facilities, irrespective of parcel size, may not exceed the infrastructure capacity of the county is added.
- A provision stating that the designation of recreational land must not affect other lands designated as agricultural lands and must not preclude reversion to agricultural uses is added.
- Modifications to the GMA description of "characterized by urban growth" are deleted.
- A provision requiring qualifying fields and supporting facilities designated through a process satisfying certain requirements to be considered "characteristics of urban growth" is deleted.
- A study committee on outdoor recreation with specified responsibilities is established.
- An intent section is added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) This bill is a compromise that may not satisfy ideologues on either side of the equation. The history of this issue begins with 10-20 years of neglectful planning by local governments. Citizens, responding to this lack of action, constructed illegal ball fields on agricultural lands, seemingly with the support of government officials. This bill will resolve the issue for existing fields and will take children out of the battle. This bill is only part of the solution as funding issues need to be addressed.

State actions and inactions, including the absence of enacted legislation addressing ball field issues, have contributed to the problems underlying the bill. Local governments should have the discretion to determine where to site ball fields. It is not economically viable to build ball fields on non-agricultural lands. Comprehensive plans take a year to update. The government should not oppose the efforts of citizens, and public funds should not be used to finance projects private citizens are willing to pay for. Geographic factors and little league requirements limit the number of areas that may be suitable for ball fields.

While a comprehensive solution is needed, this bill solves the immediate crisis and will help children. Less expensive properties or financial assistance from the government is needed to resolve this issue. School fields are not a viable option for little league use as they do not satisfy league safety requirements.

Little league fields and programs provide numerous benefits. Health issues for children, including obesity, can be addressed through physical activity on grass fields. Little league fields and programs can also prevent urban sprawl and reduce prison costs. Little league fields can be reconverted to agricultural land.

Failure to pass this bill will result in the loss of existing little league fields and will also affect soccer clubs.

Population growth has created pressures for additional fields. This is a temporary solution and the problem will resurface again as the county population continues to grow. The little league fields were constructed because they were needed.

Support exists for amending the bill to require a registration of existing fields. This bill has statewide implications and should be examined closely. There are better solutions to this issue than using dwindling, unique, and finite farm soils for ball fields.

(With concerns) This bill may impact neighboring agricultural lands. Agricultural lands must remain available for agricultural uses. The impacts of this bill extend beyond Snohomish County. Long-term solutions, including long-term funding solutions, must be pursued.

Testimony Against: None.

Persons Testifying: (In support) Jeff Sax, Snohomish County Council; Terry Albrecht and Dawn Hillis, South Snohomish Little League; David K. Austin, Carol A. Aichele, Michael, Brandon, Mark Kilpatrick, Robert Brandt, and David Staeheci, North Snohomish Little League; Mike Harper, Sky River Soccer; Genesee Adkins, 1000 Friends of Washington; Janet Phillips, Washington District 1 Soccer; Naomi Johnson, Snohomish County Youth and Adult Soccer; Kristen Bush, Northwest Parks Foundation; Tony Monfiletto, Washington District 1 Little League; Gary Newsome, Washington District 8 Little League; Charles Griesen, Alderwood Little League; Nathan Gorton, Snohomish County Council Association of Realtors; Margaret Suthurland, Preserve Land for Agriculture Now; Greg Wright, Washington Association of Realtors; and Ann Mack, private citizen.

(With concerns) Leonard Bauer, Community, Trade and Economic Development; and Dawn Vyvyan, Washington Recreation & Parks Association.

Persons Signed In To Testify But Not Testifying: None.