
HOUSE BILL 1245

State of Washington

59th Legislature

2005 Regular Session

By Representatives B. Sullivan, Blake, Roberts, O'Brien, P. Sullivan, Nixon and Springer

Read first time 01/19/2005. Referred to Committee on Local Government.

1 AN ACT Relating to improving opportunities to develop outdoor
2 recreational ballfields on agricultural land; amending RCW 79A.25.800,
3 79A.25.820, 36.70A.060, and 36.70A.177; adding a new section to chapter
4 36.70A RCW; creating a new section; providing an expiration date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 79A.25.800 and 2003 c 126 s 701 are each amended to
8 read as follows:

9 (1) The legislature (~~(recognizes)~~) finds that coordinated funding
10 efforts are needed to maintain, develop, and improve the state's
11 community outdoor athletic fields. Rapid population growth and
12 increased urbanization have caused a decline in suitable outdoor fields
13 for community athletic activities and has resulted in overcrowding and
14 deterioration of existing surfaces. Lack of adequate community outdoor
15 athletic fields directly affects the health and well-being of all
16 citizens of the state, reduces the state's economic viability, and
17 prevents Washington from maintaining and achieving the quality of life
18 that it deserves. Therefore, it is the policy of (~~(the)~~) all

1 appropriate state and ((its agencies)) local entities to maintain,
2 develop, fund, and improve youth or community athletic facilities,
3 including but not limited to community outdoor athletic fields.

4 (2) The legislature also finds that the supreme court, in King
5 County v. Central Puget Sound Growth Mgmt. Hearings Bd., 142 Wn.2d 543,
6 14 P.3d 133 (2000), held that lands designated as agricultural may not
7 be used for recreational facilities. Furthermore, the legislature
8 finds that this decision and the absence of an enacted legislative
9 response have illustrated the urgent need for a legislative remedy
10 addressing the growing and interrelated challenges of population
11 growth, the need for outdoor recreational facilities, and the
12 conservation of agricultural lands.

13 (3) In carrying out ((this)) the policy outlined in this section,
14 the legislature intends to promote the building of new community
15 outdoor athletic fields, the upgrading of existing community outdoor
16 athletic fields, and the maintenance of existing community outdoor
17 athletic fields across the state of Washington.

18 **Sec. 2.** RCW 79A.25.820 and 2003 c 126 s 702 are each amended to
19 read as follows:

20 Subject to available resources, the interagency committee for
21 outdoor recreation may:

22 (1) Prepare and update a strategic plan for the development,
23 maintenance, and improvement of community outdoor athletic fields in
24 the state. In the preparation of such plan, the interagency committee
25 for outdoor recreation may use available data from federal, state, and
26 local agencies having community outdoor athletic responsibilities, user
27 groups, private sector interests, and the general public. The plan may
28 include, but is not limited to:

29 (a) An inventory of current community outdoor athletic fields;

30 (b) A survey of land adjacent to or within counties or cities
31 planning under RCW 36.70A.040 that is designated as reserved for
32 agricultural uses, but not currently being used for the commercial
33 production of food or other agricultural products, and may be suitable
34 for temporary use as an outdoor recreational field based on its
35 proximity to communities that are underserved by outdoor recreational
36 fields, its size, the use of neighboring properties, and the initial
37 willingness of the landowner to participate;

- 1 (c) A forecast of demand for these fields;
- 2 ~~((c))~~ (d) An identification and analysis of actual and potential
- 3 funding sources; and
- 4 ~~((d))~~ (e) Other information the interagency committee for outdoor
- 5 recreation deems appropriate to carry out the purposes of RCW
- 6 79A.25.800 through 79A.25.830;
- 7 (2) Determine the eligibility requirements for cities, counties,
- 8 and qualified nonprofit organizations to access funding from the youth
- 9 athletic facility account created in RCW 43.99N.060(4);
- 10 (3) Encourage and provide opportunities for interagency and
- 11 regional coordination and cooperative efforts between public agencies
- 12 and between public entities and nonprofit organizations involved in the
- 13 maintenance, development, and improvement of community outdoor athletic
- 14 fields; and
- 15 (4) Create and maintain data, studies, research, and other
- 16 information relating to community outdoor athletic fields in the state,
- 17 and to encourage the exchange of this information.

18 **Sec. 3.** RCW 36.70A.060 and 1998 c 286 s 5 are each amended to read

19 as follows:

20 (1)(a) Each county that is required or chooses to plan under RCW

21 36.70A.040, and each city within such county, shall adopt development

22 regulations on or before September 1, 1991, to assure the conservation

23 of agricultural, forest, and mineral resource lands designated under

24 RCW 36.70A.170. Regulations adopted under this subsection may not

25 prohibit uses legally existing on any parcel prior to their adoption

26 and shall remain in effect until the county or city adopts development

27 regulations pursuant to RCW 36.70A.040. Such regulations shall assure

28 that the use of lands adjacent to agricultural, forest, or mineral

29 resource lands shall not interfere with the continued use, in the

30 accustomed manner and in accordance with best management practices, of

31 these designated lands for the production of food, agricultural

32 products, or timber, or for the extraction of minerals. Counties and

33 cities shall require that all plats, short plats, development permits,

34 and building permits issued for development activities on, or within

35 five hundred feet of, lands designated as agricultural lands, forest

36 lands, or mineral resource lands, contain a notice that the subject

37 property is within or near designated agricultural lands, forest lands,

1 or mineral resource lands on which a variety of commercial activities
2 may occur that are not compatible with residential development for
3 certain periods of limited duration. The notice for mineral resource
4 lands shall also inform that an application might be made for mining-
5 related activities, including mining, extraction, washing, crushing,
6 stockpiling, blasting, transporting, and recycling of minerals.

7 (b)(i) The development regulations of a county or city planning
8 under RCW 36.70A.040 may permit agricultural lands designated pursuant
9 to RCW 36.70A.170 that are not being used for the commercial production
10 of food or other agricultural products to be used for recreational
11 activities, including, but not limited to, playing fields for sports
12 played on grass.

13 (ii) Counties and cities planning under RCW 36.70A.040 that permit
14 agricultural land to be used for recreational activities may not allow
15 permanent structures to be erected on the land, but may permit
16 removable structures and playing fields constructed before June 1,
17 2004, that support the use of the land for recreational activities.

18 (2) Each county and city shall adopt development regulations that
19 protect critical areas that are required to be designated under RCW
20 36.70A.170. For counties and cities that are required or choose to
21 plan under RCW 36.70A.040, such development regulations shall be
22 adopted on or before September 1, 1991. For the remainder of the
23 counties and cities, such development regulations shall be adopted on
24 or before March 1, 1992.

25 (3) Such counties and cities shall review these designations and
26 development regulations when adopting their comprehensive plans under
27 RCW 36.70A.040 and implementing development regulations under RCW
28 36.70A.120 and may alter such designations and development regulations
29 to insure consistency.

30 (4) Forest land and agricultural land located within urban growth
31 areas shall not be designated by a county or city as forest land or
32 agricultural land of long-term commercial significance under RCW
33 36.70A.170 unless the city or county has enacted a program authorizing
34 transfer or purchase of development rights.

35 **Sec. 4.** RCW 36.70A.177 and 2004 c 207 s 1 are each amended to read
36 as follows:

37 (1) A county or a city may use a variety of innovative zoning

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

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

9 (a) Agricultural zoning, which limits the density of development
10 and restricts or prohibits nonfarm uses of agricultural land and may
11 allow accessory uses that support, promote, or sustain agricultural
12 operations and production, as provided in subsection (3) of this
13 section;

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) Accessory uses allowed under subsection (2)(a) of this
25 section shall comply with the following:

26 (i) Accessory uses shall be located, designed, and operated so as
27 not to interfere with natural resource land uses and shall be accessory
28 to the growing of crops or raising of animals;

29 (ii) Accessory commercial or retail uses shall predominately
30 produce, store, or sell regionally produced agricultural products from
31 one or more producers, products derived from regional agricultural
32 production, agriculturally related experiences, or products produced
33 on-site. Accessory commercial and retail uses shall offer for sale
34 predominantly products or services produced on-site; and

35 (iii) Accessory uses may operate out of existing or new buildings
36 with parking and other supportive uses consistent with the size and
37 scale of existing agricultural buildings on the site but shall not
38 otherwise convert agricultural land to nonagricultural uses.

1 (b) Accessory uses may include compatible commercial or retail uses
2 including, but not limited to:

3 (i) Storage and refrigeration of regional agricultural products;

4 (ii) Production, sales, and marketing of value-added agricultural
5 products derived from regional sources;

6 (iii) Supplemental sources of on-farm income that support and
7 sustain on-farm agricultural operations and production;

8 (iv) Support services that facilitate the production, marketing,
9 and distribution of agricultural products; and

10 (v) Off-farm and on-farm sales and marketing of predominately
11 regional agricultural products and experiences, locally made art and
12 arts and crafts, and ancillary retail sales or service activities.

13 (4)(a) A county or city planning under RCW 36.70A.040 may permit
14 agricultural lands designated pursuant to RCW 36.70A.170 that are not
15 being used for the commercial production of food or other agricultural
16 products to be used for recreational activities, including, but not
17 limited to, playing fields for sports played on grass.

18 (b) Counties and cities planning under RCW 36.70A.040 that permit
19 agricultural land to be used for recreational activities may not allow
20 permanent structures to be erected on the land, but may permit
21 removable structures and playing fields constructed before June 1,
22 2004, that support the use of the land for recreational activities.

23 NEW SECTION. Sec. 5. (1) A study committee on outdoor recreation
24 shall consist of four members, as follows:

25 (a) One member from each of the two largest caucuses of the house
26 of representatives, appointed by the speaker of the house of
27 representatives; and

28 (b) One member from each of the two largest caucuses of the senate,
29 appointed by the president of the senate.

30 (2) The study committee members shall, by an affirmative vote of at
31 least three members, select a chair from among its membership.

32 (3) The study committee shall consult with individuals from the
33 public and private sectors and other interested parties, as may be
34 appropriate, for technical advice and assistance and may ask such
35 individuals to establish advisory committees or work groups that report
36 to the study committee. Those with whom the study committee must
37 consult include, but are not limited to, the following:

- 1 (a) Representatives from state agencies;
2 (b) Representatives from local governments;
3 (c) Representatives from agriculture;
4 (d) Representatives from environmental organizations; and
5 (e) Representatives from citizens' organizations.

6 (4) The study committee shall review relevant statutes,
7 legislation, rules, court decisions, and studies and make legislative
8 findings and recommendations related to recreational facility needs,
9 the conservation of agricultural lands, and the appropriate use of such
10 lands for recreational facilities.

11 (5) The study committee shall use staff from the house of
12 representatives office of program research, senate committee services,
13 and the department of community, trade, and economic development.

14 (6) The study committee shall report its findings and
15 recommendations to the appropriate committees of the house of
16 representatives and the senate by January 1, 2006.

17 (7) The task force expires January 1, 2006.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW
19 to read as follows:

20 Removable structures and playing fields permitted in accordance
21 with the provisions of sections 3 and 4, chapter . . ., Laws of 2005
22 (sections 3 and 4 of this act) shall be considered in compliance with
23 the requirements of this chapter.

24 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act expire
25 December 31, 2009.

26 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

--- END ---