
Local Government Committee

SSB 5661

Brief Description: Concerning the use of unused agricultural lands for interim recreational purposes.

Sponsors: Senate Committee on Land Use & Planning (originally sponsored by Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke).

Brief Summary of Substitute Bill

- Authorizes Growth Management Act jurisdictions to redesignate agricultural lands that have not been used for commercial production within the past five years for recreational activities.

Hearing Date: 4/2/03

Staff: Anne Warwick (786-7291).

Background:

Enacted in 1990 and 1991, the Growth Management Act (GMA) created a comprehensive land use planning framework for local governments in Washington. The primary requirements for counties, cities, and towns that plan under the GMA include:

- identifying and protecting critical areas, including wetlands;
- **identifying and conserving natural resource lands with long term commercial significance for agriculture, forestry, or mineral resource extraction;**
- adopting a county-wide planning policy using a process agreed to by the county and the cities and towns within the county;
- designating urban growth areas, inside of which urban growth shall occur and outside of which urban growth shall not occur;
- adopting a comprehensive plan that includes a variety of elements and designations of critical areas and natural resource lands; and
- adopting development regulations implementing the comprehensive plan.

The Washington State Supreme Court held that once a county has designated agriculture lands that have long term significance for commercial production and has protected those lands within the GMA comprehensive plan, such lands may not be redesignated by plan

amendment for other uses, including recreational play fields. *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 558-59 (2000).

Additionally, in 1998, the Central Puget Sound Growth Management Hearings Board held that although local governments are required to "encourage" recreational opportunities, local governments must also "maintain and enhance" natural resource industries. *Green Valley v. King County*, 98-3-008c (1998).

Summary of Bill:

Upon written request by a property owner, a GMA county or city may redesignate agricultural lands that have not been in commercial production for at least five years to allow recreational activities, including fields for sports played on grass. When redesignating the agricultural lands, the local government must:

- conserve the agricultural lands for future agricultural use;
- erect no permanent structures on or beneath the land; and
- conduct an annual review of the recreational use of the lands and the potential productive agricultural use of the land.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.