
SUBSTITUTE SENATE BILL 5661

State of Washington

58th Legislature

2003 Regular Session

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

READ FIRST TIME 03/05/03.

1 AN ACT Relating to allowing the conservation of unused agricultural
2 lands with interim recreational uses; and amending RCW 36.70A.060 and
3 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. Counties and

1 cities shall require that all plats, short plats, development permits,
2 and building permits issued for development activities on, or within
3 five hundred feet of, lands designated as agricultural lands, forest
4 lands, or mineral resource lands, contain a notice that the subject
5 property is within or near designated agricultural lands, forest lands,
6 or mineral resource lands on which a variety of commercial activities
7 may occur that are not compatible with residential development for
8 certain periods of limited duration. The notice for mineral resource
9 lands shall also inform that an application might be made for mining-
10 related activities, including mining, extraction, washing, crushing,
11 stockpiling, blasting, transporting, and recycling of minerals.

12 (2) A county or city that is required or chooses to plan under RCW
13 36.70A.040 may, upon written request by the property owner and
14 following the procedures required in this chapter, amend its
15 comprehensive plan and development regulations to allow agricultural
16 lands that have not been in use for commercial production within the
17 previous five years to be used for recreational activities, including
18 fields for sports played on grass, provided that: (a) The lands are
19 conserved for potential future agricultural use; (b) no permanent
20 structures are erected on or beneath the lands; and (c) the county or
21 city annually reviews this interim use and the potential productive
22 agricultural use of the lands.

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

30 ~~((3))~~ (4) Such counties and cities shall review these
31 designations and development regulations when adopting their
32 comprehensive plans under RCW 36.70A.040 and implementing development
33 regulations under RCW 36.70A.120 and may alter such designations and
34 development regulations to insure consistency.

35 ~~((4))~~ (5) Forest land and agricultural land located within urban
36 growth areas shall not be designated by a county or city as forest land
37 or agricultural land of long-term commercial significance under RCW

1 36.70A.170 unless the city or county has enacted a program authorizing
2 transfer or purchase of development rights.

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

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

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

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

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

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

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

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

26 (3) A county or city that is required or chooses to plan under RCW
27 36.70A.040 may, upon written request by the property owner and
28 following the procedures required in this chapter, amend its
29 comprehensive plan and development regulations to allow agricultural
30 lands that have not been in use for commercial production within the
31 previous five years to be used for recreational activities, including
32 fields for sports played on grass, provided that: (a) The lands are
33 conserved for potential future agricultural use; (b) no permanent
34 structures are erected on or beneath the lands; and (c) the county or
35 city annually reviews this interim use and the potential productive

1 agricultural use of the lands.

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