
SENATE BILL 5661

State of Washington

58th Legislature

2003 Regular Session

By Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke

Read first time 02/05/2003. Referred to Committee on Land Use & Planning.

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

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. 2.** RCW 36.70A.177 and 1997 c 429 s 23 are each amended to
36 read 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;

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

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

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

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

21 (3) A county or city may permit agricultural lands that are not
22 currently being used in commercial production to be used for
23 recreational activities, including, but not limited to, playing fields
24 for sports played on grass, provided that no permanent structures are
25 erected on the agricultural land.

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