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SENATE BILL 5933

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State of Washington

59th Legislature

2005 Regular Session

By Senators Schmidt, Schoesler, Finkbeiner, Stevens and Oke

Read first time 02/15/2005. Referred to Committee on Government Operations & Elections.

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, 36.70A.177, and 90.58.100; adding a new section  
4 to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW;  
5 creating a new section; and 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 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 permit  
15 permanent structures to be erected on the land, and may not permit more  
16 than one percent of the designated agricultural land within the  
17 jurisdiction as of June 1, 2004, to be used for recreational  
18 activities, but may permit removable structures and playing fields  
19 constructed before June 1, 2004, that support the use of the land for  
20 recreational activities. The regulations may require the landowner to  
21 submit to the legislative authority of the jurisdiction a plan  
22 providing for the resumption of the commercial production of food or  
23 other agricultural products on the land.

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

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

36 (4) Forest land and agricultural land located within urban growth  
37 areas shall not be designated by a county or city as forest land or

1 agricultural land of long-term commercial significance under RCW  
2 36.70A.170 unless the city or county has enacted a program authorizing  
3 transfer or purchase of development rights.

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

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

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

15 (a) Agricultural zoning, which limits the density of development  
16 and restricts or prohibits nonfarm uses of agricultural land and may  
17 allow accessory uses that support, promote, or sustain agricultural  
18 operations and production, as provided in subsection (3) of this  
19 section;

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

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

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

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

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

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

35 (ii) Accessory commercial or retail uses shall predominately  
36 produce, store, or sell regionally produced agricultural products from  
37 one or more producers, products derived from regional agricultural

1 production, agriculturally related experiences, or products produced  
2 on-site. Accessory commercial and retail uses shall offer for sale  
3 predominantly products or services produced on-site; and

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

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

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

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

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

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

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

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

25 (b) Counties and cities planning under RCW 36.70A.040 that permit  
26 agricultural land to be used for recreational activities may not permit  
27 permanent structures to be erected on the land, and may not permit more  
28 than one percent of the designated agricultural land within the  
29 jurisdiction as of June 1, 2004, to be used for recreational activities  
30 but may permit removable structures and playing fields constructed  
31 before June 1, 2004, that support the use of the land for recreational  
32 activities. The regulations may require the landowner to submit to the  
33 legislative authority of the jurisdiction a plan providing for the  
34 resumption of the commercial production of food or other agricultural  
35 products on the land.

36 **Sec. 5.** RCW 90.58.100 and 1997 c 369 s 7 are each amended to read  
37 as follows:

1 (1) The master programs provided for in this chapter, when adopted  
2 or approved by the department shall constitute use regulations for the  
3 various shorelines of the state. In preparing the master programs, and  
4 any amendments thereto, the department and local governments shall to  
5 the extent feasible:

6 (a) Utilize a systematic interdisciplinary approach which will  
7 insure the integrated use of the natural and social sciences and the  
8 environmental design arts;

9 (b) Consult with and obtain the comments of any federal, state,  
10 regional, or local agency having any special expertise with respect to  
11 any environmental impact;

12 (c) Consider all plans, studies, surveys, inventories, and systems  
13 of classification made or being made by federal, state, regional, or  
14 local agencies, by private individuals, or by organizations dealing  
15 with pertinent shorelines of the state;

16 (d) Conduct or support such further research, studies, surveys, and  
17 interviews as are deemed necessary;

18 (e) Utilize all available information regarding hydrology,  
19 geography, topography, ecology, economics, and other pertinent data;

20 (f) Employ, when feasible, all appropriate, modern scientific data  
21 processing and computer techniques to store, index, analyze, and manage  
22 the information gathered.

23 (2) The master programs shall include, when appropriate, the  
24 following:

25 (a) An economic development element for the location and design of  
26 industries, industrial projects of statewide significance,  
27 transportation facilities, port facilities, tourist facilities,  
28 commerce and other developments that are particularly dependent on  
29 their location on or use of the shorelines of the state;

30 (b) A public access element making provision for public access to  
31 publicly owned areas;

32 (c) A recreational element for the preservation and enlargement of  
33 recreational opportunities, including but not limited to parks,  
34 tidelands, beaches, and recreational areas;

35 (d) A circulation element consisting of the general location and  
36 extent of existing and proposed major thoroughfares, transportation  
37 routes, terminals, and other public utilities and facilities, all  
38 correlated with the shoreline use element;

1 (e) A use element which considers the proposed general distribution  
2 and general location and extent of the use on shorelines and adjacent  
3 land areas for housing, business, industry, transportation,  
4 agriculture, natural resources, recreation, education, public buildings  
5 and grounds, and other categories of public and private uses of the  
6 land;

7 (f) A conservation element for the preservation of natural  
8 resources, including but not limited to scenic vistas, aesthetics, and  
9 vital estuarine areas for fisheries and wildlife protection;

10 (g) An historic, cultural, scientific, and educational element for  
11 the protection and restoration of buildings, sites, and areas having  
12 historic, cultural, scientific, or educational values;

13 (h) An element that gives consideration to the statewide interest  
14 in the prevention and minimization of flood damages; and

15 (i) Any other element deemed appropriate or necessary to effectuate  
16 the policy of this chapter.

17 (3) The master programs shall include such map or maps, descriptive  
18 text, diagrams and charts, or other descriptive material as are  
19 necessary to provide for ease of understanding.

20 (4) Master programs will reflect that state-owned shorelines of the  
21 state are particularly adapted to providing wilderness beaches,  
22 ecological study areas, and other recreational activities for the  
23 public and will give appropriate special consideration to same.

24 (5) Each master program shall contain provisions to allow for the  
25 varying of the application of use regulations of the program, including  
26 provisions for permits for conditional uses and variances, to insure  
27 that strict implementation of a program will not create unnecessary  
28 hardships or thwart the policy enumerated in RCW 90.58.020. Any such  
29 varying shall be allowed only if extraordinary circumstances are shown  
30 and the public interest suffers no substantial detrimental effect. The  
31 concept of this subsection shall be incorporated in the rules adopted  
32 by the department relating to the establishment of a permit system as  
33 provided in RCW 90.58.140(3).

34 (6) Each master program shall contain standards governing the  
35 protection of single family residences and appurtenant structures  
36 against damage or loss due to shoreline erosion. The standards shall  
37 govern the issuance of substantial development permits for shoreline  
38 protection, including structural methods such as construction of



1 bulkheads, and nonstructural methods of protection. The standards  
2 shall provide for methods which achieve effective and timely protection  
3 against loss or damage to single family residences and appurtenant  
4 structures due to shoreline erosion. The standards shall provide a  
5 preference for permit issuance for measures to protect single family  
6 residences occupied prior to January 1, 1992, where the proposed  
7 measure is designed to minimize harm to the shoreline natural  
8 environment.

9 (7)(a) Master programs may permit agricultural lands within  
10 shorelines of the state that are not being used for the commercial  
11 production of food or other agricultural products to be used for  
12 recreational activities, including, but not limited to, playing fields  
13 for sports played on grass.

14 (b) Master programs may not permit permanent structures to be  
15 erected on the agricultural land, and may not permit more than one  
16 percent of the agricultural land within the jurisdiction within  
17 shorelines of the state as of June 1, 2004, to be used for recreational  
18 activities, but may permit removable structures and playing fields  
19 constructed before June 1, 2004, that support the use of the land for  
20 recreational activities. Master programs may, however, require the  
21 landowner to submit to the legislative authority of the jurisdiction a  
22 plan providing for the resumption of the commercial production of food  
23 or other agricultural products on the land.

24 (c) For the purposes of this subsection (7), "agricultural land"  
25 shall have the same meaning as defined in RCW 90.58.065(2)(d).

26 NEW SECTION. Sec. 6. (1) A study committee on outdoor recreation  
27 shall consist of four members, as follows:

28 (a) One member from each of the two largest caucuses of the house  
29 of representatives, appointed by the speaker of the house of  
30 representatives; and

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

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

35 (3) The study committee shall consult with individuals from the  
36 public and private sectors and other interested parties, as may be  
37 appropriate, for technical advice and assistance and may ask such

1 individuals to establish advisory committees or work groups that report  
2 to the study committee. Those with whom the study committee must  
3 consult include, but are not limited to, the following:

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

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

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

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

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

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW  
22 to read as follows:

23 Removable structures and playing fields permitted in accordance  
24 with the provisions of sections 3, 4, and 5, chapter . . ., Laws of  
25 2005 (sections 3, 4, and 5 of this act) shall be considered in  
26 compliance with the requirements of this chapter.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.58 RCW  
28 to read as follows:

29 Removable structures and playing fields permitted in accordance  
30 with the provisions of sections 3, 4, and 5, chapter . . ., Laws of  
31 2005 (sections 3, 4, and 5 of this act) shall be considered in  
32 compliance with the requirements of this chapter.

33 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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