

HOUSE BILL REPORT

HB 1456

As Passed House:

March 4, 2009

Title: An act relating to preventing the conversion of natural resource lands.

Brief Description: Preventing the conversion of certain natural resource lands.

Sponsors: Representative Dunshee.

Brief History:

Committee Activity:

Local Government & Housing: 2/2/09, 2/9/09 [DP].

Floor Activity

Passed House: 3/4/09, 60-35.

Brief Summary of Bill

- Establishes new requirements pertaining to designated natural resource lands that must be met before a new fully contained community can be approved.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 6 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove and White.

Minority Report: Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Short.

Staff: Ethan Moreno (786-7386)

Background:

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Directives applying to all counties and cities require the designation of agricultural, forest, and mineral lands that have long-term significance for commercial use. All counties and cities must also designate and protect critical areas, areas that include wetlands and frequently flooded areas.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

The GMA includes numerous requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA (planning counties) must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Additionally, planning counties and each city within these counties must include within their UGAs, areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period.

Planning counties may authorize the siting of new fully contained communities (FCCs) located outside of initially designated UGAs if specific requirements are met. Examples of requirements that must be met include:

- providing for new infrastructure and establishing impact fees;
- ensuring through development regulations that urban growth will not occur in adjacent nonurban areas; and
- making provisions to mitigate impacts on designated agricultural land, forest lands, and mineral resource lands.

A county establishing a new FCC must also offset UGA population accommodations accordingly for allocations to the new FCC. Additionally, the final approval of an application for a new FCC is considered an adopted amendment to a comprehensive plan, a plan that must designate the new FCC as a UGA.

Summary of Bill:

New requirements pertaining to natural resource lands that must be met before a new FCC can be approved are established. No portion of the area where the new FCC is proposed may be designated as agricultural, forest, or mineral lands of long-term commercial significance. Provisions must be made to mitigate impacts on any affected designated agricultural lands, forest lands, and mineral resource lands located adjacent to or in the vicinity of the proposed FCC.

An FCC that has received final approval by the appropriate local government before the bill's effective date is not affected. The bill does, however, apply to proposed FCCs that have not received final local approval prior to the effective date of the bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Fully contained communities (FCCs) allow developers to plop large developments in rural areas, along rural roads. These FCCs are being proposed in valuable resource lands, but this bill will prevent them from being located in such lands.

The concept of FCCs has been a false one: FCCs have not been fully contained. This bill is a common sense approach to prohibiting FCCs on resource lands. Urban growth must be sent to urban growth areas, not FCCs. The one FCC in the Puget Sound area has not worked well, and a proposal to locate an additional fully contained "city" in Snohomish County is opposed. If developed, this fully contained "city" will occupy 3,000 acres of forest land, and may have 6,000 roofs and 15,000 residents. Forest lands provide benefits. The harvesting of forest lands creates problems, but replanting is helpful.

(Opposed) None.

Persons Testifying: Representative Dunshee, prime sponsor; Kristen Kelly, Futurewise and Pilchuck Audubon Society; and Cindy Howard.

Persons Signed In To Testify But Not Testifying: None.