

***Local Government & Housing
Committee***

HB 1151

Brief Description: *Providing land use flexibility for family farms owned or operated by senior citizens.*

Sponsors: *Representatives Clements, Grant, Mulliken, Gombosky, G. Chandler, Mastin, Schoesler, Armstrong, Skinner, Lisk, Benson, B. Chandler, Linville, Hatfield, Kessler, Talcott, McMorris, O'Brien and Pflug.*

Brief Summary of Bill

- *Allows local governments, until July 1, 2006, to authorize rezones of agricultural lands to densities permitted for rural development standards for family farms owned or operated by senior citizens if: (1) the farm was occupied as such by the prior to the county beginning GMA planning; and (2) the family farm has experienced significant economic distress as a result of economic decline within the agricultural industry; and (3) the farm owner or occupier can demonstrate continued operations is an economic hardship.*
- *Defines "family farm" as a farm of 100 or fewer acres that is owned and operated by an individual, family, or family-controlled business entity from which the resulting agricultural products are not produced for the family's primary consumption.*

Hearing Date: *2/19/01*

Staff: *Caroleen Dineen (786-7156).*

Background:

The Growth Management Act (GMA) requires a county and its cities to plan if the county:

- *has a population of 50,000 or more and had its population increase by at least 17 percent in the past 10 years; or*
- *has a population of fewer than 50,000 and had its population increase by at least 20*

percent in the past 10 years (unless the county adopted or adopts a resolution removing itself from this requirement within the specified time period).

The population and 10-year growth criteria are determined by the Office of Financial Management. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties plan under the GMA.

The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on counties and cities planning under the GMA (GMA jurisdictions), including identification and protection of critical areas; identification and conservation of agricultural, forest, and mineral resource lands; and adoption of county-wide planning policies to coordinate comprehensive planning among counties and their cities.

GMA jurisdictions must designate urban growth areas (UGAs), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses. GMA jurisdictions must also adopt a comprehensive plan which contains planning policies and incorporates these UGA designations. A GMA jurisdiction's comprehensive plan must include certain required elements, including :

- a land use element, designating proposed general distribution, location and uses of land;*
- a housing element, inventorying available housing and identifying sufficient land for housing;*
- a capital facilities plan element, identifying existing capital facilities and forecasting future capital facilities needs and funding;*
- a utilities element, describing the general location and capacity of existing and proposed utilities;*
- a rural element, specifying policies for land development and uses for lands that are not designated for urban growth, agriculture, forest or mineral resources; and*
- a transportation element, implementing the land use element and identifying facilities and service needs, level of service standards, traffic forecasts, demand-management strategies, intergovernmental coordination, and financing.*

A GMA jurisdiction also must adopt development regulations to implement the comprehensive plan policies. By September 1, 2002, and every five years thereafter, GMA jurisdictions must review their comprehensive plans and development regulations for consistency with GMA requirements and must revise their plans and regulations if necessary.

Legislation enacted in 1997 (i.e., ESB 6094, enacted as Chapter 429, Laws of 1997) added new standards for the rural element of GMA comprehensive plans. Among other changes, the 1997 legislation:

- defined "rural character," focusing on predominance of natural landscape, fostering traditional rural lifestyles and providing rural landscapes, and being compatible with*

- *habitat and prevention of sprawl;*
- *defined "rural development" to include a variety of uses and densities other than agriculture and forestry that are consistent with rural character;*
- *amended the definition of urban growth– to provide that a pattern of more intensive rural development is not urban growth; and*
- *added "rural development" provisions allowing "infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas" subject to the requirement to "minimize and contain" the existing areas so as not to extend beyond their logical outer boundaries.*

The GMA specifies that local governments may use innovative zoning techniques for agricultural lands of long-term commercial significance to conserve agricultural lands and to encourage the agricultural economy. These techniques include agricultural zoning, cluster zoning, large lot zoning, quarter/quarter zoning, and sliding scale zoning. The GMA also specifies that nonagricultural uses should be limited to lands with poor soils or lands that are otherwise not suitable for agricultural purposes.

Summary of Bill:

Until July 1, 2006, local governments may allow by ordinance rezones of agricultural lands on which family farms are operated based on specified findings. These rezone ordinances may provide for densities on agricultural lands within the same ranges and consistent with the standards established for rural development.

The local government ordinance may allow an agricultural land rezone only if:

- *the farming activity meets the definition of "family farm," which is defined for this purpose as a farm of 100 or fewer acres owned and operated by an individual, family, or family-controlled business entity from which the resulting agricultural products are not produced for the primary consumption of the owner or owner's family;*
- *the family farm's owner or operator is a senior citizen;*
- *the family farm has experienced significant economic distress because of economic decline within the agricultural industry;*
- *the family farm owner or operator has demonstrated continued operation of the family farm would constitute an economic hardship; and*
- *the land was owned and operated by the individual, family, or family-controlled business entity prior to: (1) July 1, 1990, for a county initially required to plan under the GMA; (2) the date the county adopted a resolution choosing to plan under the GMA; or (3) the date the county became required to plan based on population or growth criteria.*

Legislative findings are included regarding concerns about economic decline within the agricultural industry and the impact of this decline on family farms. Legislative intent to allow land use flexibility for a limited period to address economic distress of family farm owners and operators is specified.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.