

HOUSE BILL REPORT

HB 1285

As Reported by House Committee On:
Agriculture and Natural Resources

Title: An act relating to modifying the scope of locations to which a water right established as a family farm permit may be transferred.

Brief Description: Modifying the scope of locations to which a water right established as a family farm permit may be transferred.

Sponsors: Representatives Goehner and Chandler.

Brief History:

Committee Activity:

Agriculture and Natural Resources: 1/24/23, 2/17/23 [DPS].

Brief Summary of Substitute Bill

- Expands the locations to which a family farm permit may be transferred to include a limited area of more intensive rural development.

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

Minority Report: Without recommendation. Signed by 1 member: Representative Morgan, Vice Chair.

Staff: Robert Hatfield (786-7117).

Background:

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

Family Farm Permits.

Family farm permits are water right permits issued under the Family Farm Water Act (Act). The Act was adopted by the voters through the approval of Initiative Measure No. 59 in 1977. The Act requires that all water right permits issued after December 8, 1977, for irrigating agricultural lands be classified as: family farm permits; family farm development permits; public water entity permits; or publicly owned land permits. The principal permit for using water to irrigate privately owned agricultural lands under the Act is the family farm permit.

Growth Management Act—Urban Growth Area.

Each county that plans under the Growth Management Act (GMA) must designate an urban growth area within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.

Growth Management Act—Limited Areas of More Intensive Rural Development.

County comprehensive plans must include a rural element to plan for land that is not designated for urban growth, agriculture, forest, or mineral resources. In the rural element of the plan, counties must protect the rural character of the area by containing and controlling development, among other things.

The rural element of county comprehensive plans allows for the designation of limited areas of more intensive rural development (LAMIRDs), including public facilities and services. Counties may designate LAMIRDs under three general circumstances. The Department of Commerce, in rules adopted to implement the GMA, refers to these as Type 1, Type 2, and Type 3 LAMIRDs:

- Type 1 LAMIRDs are the infill, development, or redevelopment of commercial, industrial, residential, or mixed-use areas.
- Type 2 LAMIRDs are new and increased development of small-scale recreational or tourist uses that do not include new residential development. Type 2 LAMIRDs are not required to principally serve rural populations.
- Type 3 LAMIRDs are new and increased development of isolated small-scale businesses and cottage industries that provide job opportunities for local residents, even though they need not primarily serve the existing population.

Summary of Substitute Bill:

The locations to which a family farm permit may be transferred are expanded to include a limited area of more intensive rural development.

Substitute Bill Compared to Original Bill:

The substitute bill removes the provision that would have authorized a family farm permit to be transferred to a master planned resort.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The benefit of this bill is that the water stays where it was originally appropriated and is used within the community. An urban growth area can be a stand-alone area outside of a city. A limited area of more intensive rural development is a clearly defined area within a county. Past legislation has sought to help preserve agricultural economies by expanding how a family farm water permit can be used. That legislation recognized the need to provide some flexibility for the uses of family farm permits. This bill just allows for another land use designation to receive water from a family farm permit.

There are a number of situations where family farm water permits are located in areas that allow some forms of development, but the family farm permit cannot be changed to serve that development.

(Opposed) None.

Persons Testifying: Representative Keith Goehner, prime sponsor; and Pete Fraley.

Persons Signed In To Testify But Not Testifying: None.