

SENATE BILL REPORT

ESB 6401

AS PASSED SENATE, FEBRUARY 17, 1992

Brief Description: Regulating the designation of corridors.

SPONSORS: Senators Barr, Bauer, Hayner and Snyder

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, and Newhouse.

Staff: Bob Lee (786-7404)

Hearing Dates: February 7, 1992

HOUSE COMMITTEE ON LOCAL GOVERNMENT

BACKGROUND:

In 1990, cities and counties who choose to prepare a comprehensive plan under the Growth Management Act are required to identify open space corridors within and between urban growth areas. They are to include lands useful for recreation, wildlife habitat, trails and connection of critical areas. Authority was provided for counties or cities to seek to acquire by purchase the fee simple or lesser interests in these open space corridors.

In 1991, amendments were made to the Growth Management Act. One section of that legislation was subsequently vetoed.

The veto message indicated that the vetoed language was so ambiguous that it gives rise to numerous legal interpretations and invites litigation. Further, the veto message stated that additional work is needed to develop clear and effective open space protection to make sure it gets done next legislative session.

SUMMARY:

It is clarified that open space corridors within and between urban growth areas that are privately owned be identified in the comprehensive plan only if the city or county acquires a sufficient interest to prevent the development and control resource management of the land.

A city or county may identify open space corridors, but identification shall not restrict the development, uses or management of private land within the corridor. Restrictions on the use or management are to be imposed only if the county

or city acquires sufficient interest to prevent development or to control the resource development of the land.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Timberland that is designated as having long-term commercial significance could also be designated as an open space corridor. In the legislation that passed in 1990, there was the implication that land to be designated as open space corridors for recreation, habitat, and trails would be purchased, but acquisition was not a necessity. There is concern that land designated as open space corridors will be subject to increased government regulation and greater public expectations. Before such lands are designated as open space corridors, these lands should be purchased by local government.

TESTIMONY AGAINST:

There are instances where abandoned railroad corridors which have a cloudy legal title would have to be purchased before they could be designated as open space corridors. Further, local governments may not have identified a funding source to purchase lands.

TESTIFIED: Steve Gann, Plum Creek Timber (pro); John Hempelmann, Plum Creek Timber (pro)

HOUSE AMENDMENT(S):

Identification of an open space corridor by a city or county is not to restrict the use or management of lands within the corridor for agricultural or forest purposes. Restrictions on the use or management imposed after identification solely to maintain or enhance the value of such lands as a corridor may occur only if the city or county acquires sufficient interest to prevent development or to control the resource development of the lands.

The requirement for acquisition of sufficient interest does not apply to abandoned railroad corridors regulated by the Interstate Commerce Commission.