
**Agriculture and Natural Resources
Committee**

HB 1285

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 Summary of Bill

- Expands the locations to which a family farm permit may be transferred to include a limited area of more intensive rural development and a master planned resort.
- Expands the sources of legal authority governing water rights within a master planned resort to include the Family Farm Water Act.

Hearing Date: 1/24/23

Staff: Robert Hatfield (786-7117).

Background:

Family Farm Permits.

Family farm permits are water right permits issued under the Family Farm Water 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.

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.

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.

Master planned resort.

A county that plans under the GMA may permit master planned resorts outside of urban growth areas, subject to certain limitations. A master planned resort is a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities

All waters or use of waters within a master planned resort must be regulated by either the surface water code, chapter 90.03 RCW, or the groundwater code, chapter 90.44 RCW.

Summary of Bill:

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

The sources of legal authority governing water rights within a master planned resort are expanded to include the Family Farm Water Act.

Appropriation: None.

Fiscal Note: Requested on January 17, 2023.

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