

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 3 - 0

Yeas: Clem, Cowan, Garrett, Greenlick, Nolan

Nays: Esquivel, Hanna, Wingard

Exc.: 0

Prepared By: Cheyenne Ross, Administrator

Meeting Dates: 2/28, 3/12, 3/24, 3/26, 3/31

WHAT THE MEASURE DOES: Permits the Land Conservation Development Commission to study and update requirements for county approval of destination resorts. Removes some detailed requirements from statute that are duplicated in the Commission's statewide planning Goal 8 to allow the Commission to adapt requirements for resort approval via rulemaking.

ISSUES DISCUSSED:

- Original function of destination resorts as visitor/tourist accommodation versus rural residential development
- Great potential economic benefit for those connected with destination resorts
- Need for evaluation due to lack of data; income is easy to calculate, but infrastructure, wildlife and resource degradation and water depreciation are not
- Evaluation will help maintain both vibrant rural economies and sustainable resources
- Concern regarding land and water supplies; rural sprawl; traffic and transportation impacts
- Concern that cost of protection of development in fire-prone areas cannot be sustained by State's general fund
- Measure has no immediate impact and is not retroactive
- Developers support more flexibility in overnight ratio, especially for smaller developments, and for subsidies
- Need to honor the areas already mapped by the counties and developers
- Caution against giving too much power to one agency
- Disfavor of agency rulemaking process; rules are overly complex; study only but make no changes
- Requirements should remain in statute regardless of inflexibility
- Support for immediate cease of current approval requirements until evaluations are complete
- Should either limit number of resorts or require them to build green and sustainable
- Negative effects go beyond the county where a resort is sited
- Public should not subsidize subdivisions, roads, emergency services — tourists should pay entirely
- Decision-making at local level favors local economies and is not in best interest of general population
- Resorts being approved prematurely while planning for long-term impacts is put off
- Caution against influence of developers and interest groups
- Desire for greater flexibility, discretion, local interpretation a catch-22, because the broader, more open-ended language that is required to serve that end, causes, in turn, concern about misinterpretation, too much discretion, and the possibility of unintended consequences

EFFECT OF COMMITTEE AMENDMENT: Makes Commission's review and update of destination resort siting requirements discretionary. Replaces Section 5 with language achieved via efforts of informal workgroup. Creates faster alternative to existing process. Restores existing language usage in Section 6 for consistency. Adds requirement to address transportation impacts. Allows counties some interpretive discretion, as well as discretion regarding firefighting and workforce housing requirements. Removes language excluding destination resorts from the definition of residential use; corrects statutory citation. Corrects Section 5(1)(c) as "within an *irrigation* district"; and adds two issues for LCDC to consider if review and update is undertaken.

4/3/2009 9:42:00 AM

This summary has not been adopted or officially endorsed by action of the committee.

BACKGROUND: State land use planning law allowing destination resort siting on farm and forests lands has not been updated in 25 years and may not adequately reflect contemporary concerns. Destination resorts were originally authorized to encourage tourism, but the practical function of some has evolved to resemble rural residential development. The locations, functions, successes and failures of these resorts varies widely across the state and public testimony received by the Land Conservation Development Commission and the House Interim Committee on Agriculture and Natural Resources in October of 2008 generally supported a full policy review.