

HB 2469 A STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Carrier: Rep. Smith DB

Action Date: 04/09/19
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 6-0-1-0
Yeas: 6 - Clem, Helm, McLain, Post, Smith DB, Williams
Exc: 1 - Boshart Davis
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Laura Kentnesse, LPRO Analyst
Meeting Dates: 3/19, 4/9

WHAT THE MEASURE DOES:

Allows counties to approve a new single-family dwelling on forestlands provided that: (1) the lot or parcel is no smaller than the minimum size allowed; (2) the lot or parcel contains exactly one existing, lawful single-family dwelling as specified; (3) the shortest distance between the new and existing dwelling is 200 feet maximum; (4) the lot or parcel is within a rural fire protection district; (5) the new dwelling complies with residential specialty code relating to wildfire hazard mitigation; (6) irrevocable deed restrictions are recorded in perpetuity, prohibiting the property from being partitioned to separate the new dwelling from the lot or parcel containing the existing dwelling, and requiring the lot or parcel to be managed as a working forest under a written forest management plan that is attached to the instrument; (7) the existing and new dwellings are or will be occupied by the owner or a relative of the owner; and (8) the purpose of the new dwelling is to allow the relative to assist the owner with the harvesting, processing, or replanting of forest products, or the management, operation, planning, acquisition, or supervision of forest lots or parcels. Prohibits a county from allowing the new or existing dwellings to be used for vacation occupancy if a new single-family dwelling is constructed. Defines "owner or a relative."

ISSUES DISCUSSED:

- Succession considerations for aging forestland owners
- "Century Forestlands" intergenerational transfer concept
- Potential for non-relative dwelling inhabitants following succession
- Relationship between additional forestland dwellings and wildfire risk

EFFECT OF AMENDMENT:

Establishes additional conditions for county approval of a new single-family dwelling on forestlands, including: the lot or parcel must be within a rural fire protection district; the new dwelling must comply with residential specialty code relating to wildfire hazard mitigation; and irrevocable deed restrictions must be recorded in perpetuity, prohibiting the property from being partitioned to separate the new dwelling from the lot or parcel containing the existing dwelling, and requiring the lot or parcel to be managed as a working forest under a written forest management plan that is attached to the instrument. Prohibits a county from allowing the new or existing dwellings to be used for vacation occupancy if a new single-family dwelling is constructed.

BACKGROUND:

In 1993, the Legislative Assembly declared that it is a state policy to provide certain owners of less productive forestland with the opportunity to build a dwelling on their land, while limiting siting and land division on more productive forestland. Counties are authorized to allow certain single-family dwellings to be established on forestlands, and to outline criteria for large tract, alternative, and other forestland dwellings.

HB 2469 A STAFF MEASURE SUMMARY

House Bill 2469 A would allow counties to approve a new single-family dwelling on forestlands near an existing dwelling for a relative of the owner who supports the forestry practices of the owner, provided certain conditions are met.