

HOUSE BILL REPORT

SSB 5786

As Passed House:

April 11, 2003

Title: An act relating to rural development.

Brief Description: Clarifying the scope of industrial uses allowed in rural areas under GMA.

Sponsors: By Senate Committee on Land Use & Planning (originally sponsored by Senators T. Sheldon and Mulliken).

Brief History:

Committee Activity:

Local Government: 3/26/03, 4/3/03 [DP].

Floor Activity:

Passed House: 4/11/03, 82-0.

Brief Summary of Substitute Bill

- Specifies that the Growth Management Act provisions for limited areas of more intensive rural development apply to industrial uses within a mixed use area or industrial area.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

Staff: Ethan Moreno (786-7386).

Background:

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major GMA requirements. Counties not meeting these

criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Comprehensive Land Use Plans

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are required to include provisions for the following elements:

- land use;
- housing;
- capital facilities plan;
- utilities;
- rural;
- transportation;
- economic development; and
- park and recreation.

The economic development and park and recreation elements do not require jurisdictional compliance or action until state funding is provided.

The rural element of a comprehensive plan requires counties complying with the major GMA requirements to specify provisions for lands not designated for urban growth, agriculture, forest, or mineral resources. Such provisions include:

- allowing counties to consider local circumstances when establishing patterns of rural densities and uses;
- permitting specific development, varieties of densities, uses, essential public facilities, and rural government services;
- requiring measures governing rural development, including measures to protect an area's rural character; and
- permitting limited areas of more intensive rural development (LAMIRDs), including necessary public facilities and public services to serve limited areas.

Limited Areas of More Intensive Rural Development (LAMIRDs)

Subject to GMA requirements, counties may permit three types of LAMIRDs providing for the following:

- rural development - allowing the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas;
- recreational and tourist uses - allowing intensification of development on lots containing, or new development of, small-scale recreational or tourists uses; and
- nonresidential/cottage industry - allowing intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

In accordance with other GMA provisions, industrial areas, small-scale recreation and tourist uses, and isolated cottage industries and small-scale business are not required to be principally designed to serve the existing and projected rural population.

The Western Washington Growth Management Hearings Board (Board) ruled that the GMA/LAMIRD provisions that exempt industrial areas from being principally designed to serve the existing and projected rural population do not apply to industrial uses. *See* RCW 36.70A.070(5)(d)(i). The Board decision identified a mixed-use area as an area that combines commercial and industrial uses.

Summary of Bill:

The GMA rural element comprehensive plan provisions for limited areas of more intensive rural development are amended to specify that an industrial use within a mixed-use area or an industrial area is not required to be principally designed to serve the existing and projected rural population.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The bill is intended to assist small businesses located in rural areas by clarifying existing law. Rural businesses are an important part of the local economy. In Mason County, 54 percent of all businesses within the county are outside of the urban growth area. This bill will allow small businesses within limited areas of more intensive rural development to design products for statewide and national use, not just for the local population. This bill resulted from a decision of the Board. Rural development and other requirements of the GMA are not affected by this bill. This bill does not invite new industrial development into the county; this bill helps existing businesses to survive. Under the provisions of this bill, the local community does not have to be served in order to provide for a small industrial base.

Testimony Against: None.

Testified: Senator T. Sheldon, prime sponsor; Darren Nienaber, Mason County Prosecutor's Office; and Mike Ryherd, American Planning Association.