

HOUSE BILL REPORT

SSB 6238

As Reported by House Committee On:

Local Government

Title: An act relating to modifying provisions for limited areas of more intensive rural development.

Brief Description: Modifying provisions for limited areas of more intensive rural development.

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

Brief History:

Committee Activity:

Local Government: 2/25/04, 2/26/04 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Modifies Growth Management Act (GMA) provisions for the development and redevelopment of qualifying limited areas of more intensive rural development (LAMIRDs).

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 10 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

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 requirements of the GMA. Counties not meeting these criteria may choose to plan under

the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to 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 (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include certain elements, including land use, housing, transportation, and rural elements.

The rural element of a comprehensive plan must 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

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.

Counties authorizing LAMIRDs must adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, including establishing the logical outer boundaries of such areas. Lands included within existing areas or uses must not extend beyond the logical outer boundary of the existing area or use.

Summary of Amended Bill:

Any development or redevelopment within the first type of limited areas of more intensive rural development (*i.e.*, rural development LAMIRDs) other than an industrial area or an industrial use within a mixed-use or industrial area, must be principally designed to serve the existing and projected rural population. Any development or redevelopment in terms of building size, scale, use, or intensity must be consistent with the character of the existing areas. Development or redevelopment may include changes in use from vacant land or a previously existing use if the new use conforms to specific requirements of the Growth Management Act (GMA).

Amended Bill Compared to Substitute Bill:

The amended bill deletes provisions from the underlying bill differing from those adopted by the House in ESHB 2905 and incorporates the House approved language with a grammatical change. More specifically, existing statutory provisions relating to minimizing and containing development within LAMIRDs are restored; new provisions for the development and redevelopment of rural development LAMIRDs are specified; and an amendatory provision specifying that all development and redevelopment within rural development LAMIRDs is subject to specific GMA requirements is deleted.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a bill that both chambers have agreed to, although they may not yet realize it. The Senate is willing to accept the language that is incorporated in the comparable House bill. The rural economy is changing, and local governments are adapting to these changes. Flexibility is needed in the law to allow for unique local circumstances in rural areas. The current bill is not as flexible as earlier proposals, but it will modestly increase flexibility and will provide clear direction to local governments.

(In support with amendments) The bill should be amended, as indicated in materials provided to the Committee. The provided amendment will include needed limitations pertaining to the siting of businesses within certain LAMIRDs. This bill should be amended to incorporate comparable language previously approved by the House in ESHB 2905. The adopted House language represents an agreement by the GMA Working Group, and will provide flexibility and responsible limitations.

Testimony Against: None.

Persons Testifying: (In support) Senator T. Sheldon, prime sponsor; Jayn Kamin,

Mason County Commission; and Darren Neinaber, Mason County Prosecutor.

(In support with amendments) Gerald Steel, citizen; Scott Merriman, Washington Association of Counties; and Genesee Adkins, 1000 Friends of Washington.

Persons Signed In To Testify But Not Testifying: None.