
Local Government Committee

SSB 5786

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

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

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.

Hearing Date: 3/26/03

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).

The GMA also establishes specific planning requirements for jurisdictions not subject to or not choosing to comply with the major provisions of the Act.

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(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.