

HOUSE BILL REPORT

HB 1233

As Reported by House Committee On:
Local Government

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

Brief Description: Concerning limited areas of more intensive rural development.

Sponsors: Representatives Barkis, Griffey and Eslick.

Brief History:

Committee Activity:

Local Government: 1/27/21, 2/12/21 [DPS].

Brief Summary of Substitute Bill

- Allows a county to provide for limited areas of more intensive rural development (LAMIRDs) and to determine what development and redevelopment is consistent with the character of the existing area through local development regulations.
- Allows a county to delineate the logical outer boundary of a more intensive area of rural development based on various factors, and requires consideration of the needs of the rural community and the distance to the nearest urban growth area where services can be contained when setting the boundary.
- Allows a local government to connect two separate LAMIRDs and to expand the logical outer boundary for the LAMIRDs established prior to July 1, 2021, in order to serve the needs of the rural population.
- Requires that new planning for an LAMIRD should rectify systematic equity violations imposed on disadvantaged communities and should provide incentives for the redevelopment and revitalization of existing buildings and infrastructure that have fallen into disuse.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Pollet, Chair; Goehner, Ranking Minority Member; Berg, Robertson and Senn.

Minority Report: Without recommendation. Signed by 1 member: Representative Duerr, Vice Chair.

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. The central part of the planning process is the comprehensive plan. The Legislature has established 13 goals that should act as the basis for all comprehensive plans. Examples of goals include reducing sprawl, providing for affordable housing, and protecting property rights. The comprehensive plan addresses these goals, and sets out the policies and standards that are meant to guide the city or county's actions and decisions in the future. These plans are required to be updated every eight years and must contain certain elements, such as a land use element, a housing element, and a capital facilities plan.

One required element of the comprehensive plan that applies only to counties is the rural element. This element covers rural development. One of the primary goals of the rural element is to protect the rural character of the area. Measures to protect this character include containing or controlling rural development; assuring visual compatibility of development with the surrounding rural area; reducing the conversion of undeveloped land into low-density development; protecting critical areas; and protecting against conflicts with agricultural, forest, and mineral resource lands. The rural element can also allow limited areas of more intensive rural development (LAMIRD).

This more intensive development can occur through infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas. Development or redevelopment, other than that in an industrial area or of an industrial use, must be designed to principally serve the existing and projected rural population. Similarly, any development or redevelopment in terms of building size, scale, use, or intensity must be consistent with the character of the existing area and changes in use of vacant land or a change in use from an existing use must conform to these requirements and to the overall requirements of the rural element of the comprehensive plan.

More intensive development can also occur through the intensification or development of small-scale recreational or tourist uses that rely on a rural setting. These uses cannot include new residential development, and public services and facilities must be limited to

those necessary to serve the recreational or tourist uses and cannot be provided in a way that permits low-density sprawl. Recreational or tourist uses are not required to principally serve the existing and projected rural population.

Another allowed means of more intensive rural development can occur through the intensification of development on lots containing isolated cottage industries or small-scale businesses that are not designed to principally serve the existing and projected rural population, but which do provide rural job opportunities. The expansion of these small-scale businesses can be allowed as long as they conform to the rural character of the area. Any public services and facilities must be limited to those needed to serve the businesses and cannot be provided in a manner that permits low-density sprawl.

A county must adopt measures to minimize and contain areas of existing intensive rural development, and lands included within those areas must not extend past the logical outer boundary of the area. An existing area is a clearly identifiable area based on the built environment that was in place at the time that the county became subject to the requirements of the GMA. A county is required to establish the logical outer boundary of existing intensive rural development based on the need to preserve the character of existing communities; on physical boundaries such as bodies of water, streets, and land forms; on the prevention of abnormally irregular boundaries; and on the ability to provide public facilities and services in a way that does not permit low-density sprawl.

Summary of Substitute Bill:

An LAMIRD may be provided for in the rural element of the comprehensive plan as well as in development regulations. Development and redevelopment in terms of building sizes, uses, or intensity must be determined by the county through development regulations consistent with the character of existing areas. New uses are allowed in local development regulations, as long as the new use conforms to the requirements in the rural element of the comprehensive plan and with requirements for LAMIRDs.

When dealing with the intensification of development on lots containing small-scale tourist or recreational uses, residential development may be allowed for the property owner.

A county must adopt measures to minimize and contain areas of existing intensive rural development, and lands included within those areas must not extend past the logical boundary of the area. An existing area is an identifiable area where there is a boundary delineated by the local government. The local government may consider multiple factors in setting the boundary, including the existing built environment, physical boundaries, land forms, and correcting land use patterns that perpetuate disadvantages on communities of color, immigrants, and indigenous peoples. A local government must also consider the needs of the surrounding rural community and the proximity of the nearest urban growth area (UGA) where services may be obtained. Both undeveloped and underdeveloped land

may be included within a LAMIRD. A local government may connect two geographically separated areas of more intensive rural development. A boundary LAMIRD established prior to July 1, 2021, may be expanded by a local government to primarily serve the needs of the existing rural population.

New planning for an LAMIRD should rectify systematic equity violations imposed on disadvantaged communities, indigenous people, and communities of color that reside in rural areas by reducing the need to travel to UGAs to obtain necessities. The permitting process in an LAMIRD should provide incentives for redeveloping, revitalizing, or rehabilitating properties that have existing buildings or infrastructure that has fallen into disuse or disrepair. Revitalization efforts can include expanded broadband access and environmentally beneficial modifications to transportation infrastructure and land use patterns.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes:

- allows local governments to consider correcting land use patterns that perpetuate disadvantages on communities of color, immigrants, and indigenous peoples when determining the logical outer boundary to an LAMIRD;
- requires a local government to consider the needs of the surrounding rural community and proximity of the nearest UGA where services may be obtained in order to address community needs associated with natural population growth and actual development patterns when determining the logical outer boundary to an LAMIRD;
- limits the boundaries of more intensive rural development that can be expanded by a local government to meet the needs of the rural population to those areas established prior to July 1, 2021;
- requires new planning in an LAMIRD to address systemic equity violations imposed on disadvantaged communities, indigenous peoples, and communities of color that reside in rural areas by reducing the need to travel to UGAs to obtain basic services related to food, housing, and health; and
- provides that permitting effort within an LAMIRD should provide incentives for redevelopment of properties with buildings or infrastructure that have fallen into disuse, including upgrades to broadband and environmentally desirable changes related to transportation infrastructure and land use patterns.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The flexibility and emphasis on maintaining local decision-making authority in the bill is appreciated, as the current regulations are very restrictive. Counties should have more flexibility. The GMA restricts LAMIRDs to only a snapshot in time that must be maintained forever, and those constraints are no longer appropriate. Right now, the usage can not change even though things have changed significantly since the 1990s. Limited areas of more intensive rural development should be allowed to evolve. The University of Washington process on GMA reform worked to develop such widely supported amendments to create needed flexibility. Rural areas need new opportunities and services, and currently cannot make needed upgrades. More flexibility will allow for more opportunities.

(Opposed) None.

Persons Testifying: Representative Barkis, prime sponsor; Paul Jewell, Washington State Association of Counties; and Nora Burnes, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.