

HOUSE BILL REPORT

SSB 6140

As Passed House:
February 27, 2024

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

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

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Short, Lovelett, Braun and Kuderer).

Brief History:

Committee Activity:

Local Government: 2/16/24, 2/21/24 [DP].

Floor Activity:

Passed House: 2/27/24, 94-0.

Brief Summary of Substitute Bill

- Allows a new or redeveloped retail and food service use in a mixed-use limited area of more intensive rural development (LAMIRD) to have retail space of up to 10,000 square feet, or the size of the previously occupied space, whichever is greater, if the retail space is for an essential rural retail service and the LAMIRD is at least 10 miles from an urban growth area.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Kellen Wright (786-7134).

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.

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 14 goals that act as the basis of all comprehensive plans. Examples of goals include reducing sprawl, providing for affordable housing, and protecting property rights. The comprehensive plan must address these goals and set 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 10 years and must contain certain elements, such as a land use element, a housing element, and a capital facilities plan. These elements must satisfy the requirements for each individual element while fitting within the overall comprehensive plan.

One required element of the comprehensive plan that applies only to counties is the rural element. This element covers rural development and measures to protect the rural character of an area. Measures to protect rural 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 for limited areas of more intensive rural development (LAMIRD).

There are three types of LAMIRD. The first type involves infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas. The second involves small-scale recreational or tourist uses. The third involves isolated cottage industries or small-scale businesses that do not serve the rural population but that do provide job opportunities.

The first type of LAMIRD is most relevant here. Within this type of LAMIRD, infill, development or redevelopment (Development), other than that in an industrial area or of an industrial use, must be designed to principally serve the existing and projected rural population. Any Development that would change building size, scale, use, or intensity may be allowed if all existing providers of public facilities and public services confirm that there is sufficient capacity to serve any increased demand from the new Development. This Development may include changes from vacant land or from a prior land use if the new use is consistent with the rural element requirements and is consistent with the local character.

Any commercial Development in such a LAMIRD must be designed primarily to serve the existing and projected rural population. Any retail or food service space in the Development may not exceed the greater of the footprint of the previously occupied space or 5,000 square feet if the prior use was the same or similar, and may not exceed 2,500 square feet for included retail or food service space if the retail or food service use will be a new use.

A county is required to adopt measures to minimize and contain areas of more intensive rural development within existing areas of 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; physical boundaries such as bodies of water, streets, and land forms; the prevention of abnormally irregular boundaries; and the ability to provide public facilities and services in a way that does not permit low-density sprawl.

Summary of Bill:

An essential rural retail service is a business selling grocery, pharmacy, hardware, automotive parts, or similar products or services necessary for health and safety, such as food, medication, sanitation supplies, products for maintaining habitability, or products for maintaining mobility.

Within the first type of LAMIRD, any retail or food service development in a previously occupied space may not exceed the greater of the footprint of the previously occupied space or 5,000 square feet if the prior use was the same or similar, unless the retail space is for an essential rural retail service and the LAMIRD is 10 miles or more from an existing urban growth area. If those conditions are met, then the retail space may instead be up to the greater of the previously occupied space or 10,000 square feet.

For a new use within the first type of LAMIRD, the retail space may not exceed 2,500 square feet for included retail or food service space unless the retail space is for an essential rural retail service and the LAMIRD is 10 miles or more from an existing urban growth area. If those conditions are met, then the retail space may instead be up to 10,000 square feet.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill deals with the type of LAMIRD that essentially functions as a small town. It would allow more flexibility in these relatively isolated communities. People in these areas need access to food, medicine, and other supplies, and this bill would allow them to continue being served by essential services. The flexibility for locating essential

retail services is appreciated, as those services are just as needed in rural communities as they are in urban ones. We need people to continue living in LAMIRDs and these people should not have to travel long distances to obtain essential services. Many jobs in these communities are from resource lands and we need people to continue living near and working these jobs. These workers need essential retail options without having to drive 10 or more miles. This bill will support rural communities and jobs. A recent similar bill was too restrictive on buildings like grocery stores and this bill would add more flexibility for essential services. The buildings allowed in this bill are only about a quarter of the size of an urban retail building. This bill will help to reduce vehicle miles traveled.

(Opposed) None.

Persons Testifying: Mindy Brooks, Lewis County; Dave Andersen, Washington Department of Commerce; Jan Himebaugh, Building Industry Association of Washington; Paul Jewell, Washington State Association of Counties; and Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.