

SENATE BILL REPORT

SB 5786

As Reported By Senate Committee On:
Land Use & Planning, February 27, 2003

Title: An act relating to rural development.

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

Sponsors: Senators T. Sheldon and Mulliken.

Brief History:

Committee Activity: Land Use & Planning: 2/24/03, 2/27/03 [DPS].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Staff: Jennifer Arnold (786-7471)

Background: Under the Growth Management Act (GMA), comprehensive plans are required to include a rural element, which may allow for "limited areas of more intensive rural development" (LAMIRDS). There are three types of LAMIRDS authorized by the 1997 amendments to the GMA: (1) existing commercial, industrial or mixed-use areas; (2) intensification or new development of small-scale recreational or tourist uses; and (3) intensification or new development of isolated cottage industries and isolated small-scale businesses.

The first type of LAMIRD, otherwise known as "type d1," consists of infill, development or redevelopment of existing commercial, industrial, residential, or mixed-use areas. The area or use must exist on July 1, 1990, or the date initially required to plan under the GMA.

The Western Washington Growth Management Hearings Board (WWGMHB) has held that an area that combines industrial and commercial areas is a mixed-use area. Industrial areas are exempt from the GMA requirement to be "principally designed" to serve the existing and projected rural populations. According to the WWGMHB, this rural population service exemption only applies to industrial areas and not to industrial uses within a mixed-use area.

There are concerns that the board's narrow interpretation of the types of uses that may be lawfully zoned within a rural area has caused particular hardship in counties suffering from loss of logging and agriculture due to economic forces. Such counties have a need to find new sources of economic sustenance in order to achieve the goal of providing economic opportunity to those areas not enjoying a fair share of economic growth.

Summary of Substitute Bill: The Growth Management Act is amended to expressly allow industrial uses in both industrial areas and mixed-use areas within a "type d1" LAMIRD. Industrial uses are not required to be principally designed to serve the existing and projected rural population in order to be lawfully zoned within a "type d1" LAMIRD and thus, industrial uses are treated the same as industrial areas.

Substitute Bill Compared to Original Bill: A technical correction is made for the purpose of clarifying that industrial uses may be lawfully zoned in industrial and mixed-use areas, but not in areas zoned exclusively as residential areas or as commercial areas.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The GMA authorizes industrial uses as a permitted use; the WWGMHB was incorrect to find otherwise. Counties and cities planning under the GMA should not be required to zone industrial uses as nonconforming uses in a mixed use or industrial zone, rather industrial uses should be lawfully zoned in such areas.

Testimony Against: None.

Testified: Darren Nienaber, Mason County (pro).