

SENATE BILL REPORT

SB 6238

As Reported By Senate Committee On:
Land Use & Planning, February 5, 2004

Title: An act relating to rural development.

Brief Description: Providing for rural development.

Sponsors: Senators T. Sheldon, Haugen, Mulliken, Hale and Rasmussen.

Brief History:

Committee Activity: Land Use & Planning: 2/2/04, 2/5/04 [DPS].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: That Substitute Senate Bill No. 6238 be substituted therefor, and the substitute bill do pass.

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

Staff: Andrea McNamara (786-7483)

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 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 (d)(i)," consists of infill, development or redevelopment of existing commercial, industrial, residential, or mixed-use areas. The area or use must have existed on July 1, 1990, or the date initially required to plan under the GMA. The 2003 Legislature amended this section in response to a Growth Management Hearings Board's narrow interpretation of allowable uses and expressly authorized industrial uses in both industrial areas and mixed-use areas within a Type (d)(i) LAMIRD.

Concerns continue that the types of uses that may be lawfully zoned within LAMIRDs causes particular hardship in counties suffering from losses of their resource-related industries. Such counties have a need to find new sources of development activity 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: Development or redevelopment within a Type (d)(i) Limited Area of More Intensive Rural Development (LAMIRD), other than industrial areas or authorized industrial uses, must be principally designed to serve the existing and projected rural population. Any redevelopment of commercial, industrial, residential, or mixed-used areas within a Type (d)(i) LAMIRD must be limited to appropriate scale, size, and intensity,

and may include new uses so long as they conform to the rural character of the area as defined by the local government.

The requirement that uses be limited to those in existence on July 1, 1990 or the date a jurisdiction became subject to the GMA is removed.

Substitute Bill Compared to Original Bill: The substitute narrows the title from "rural development" to "LAMIRDs." The word "existing" is reinserted to limit the commercial, industrial, residential or mixed-use areas that may be developed or redeveloped within a Type (d)(i) LAMIRD. The substitute also adds an additional qualifier on the types of redevelopment that may occur, so that in addition to being of an appropriate scale, size, and intensity, redevelopment may also include changes in the use so long as the new use conforms to the rural character of the area as defined by the local government. The substitute removes the limitation relating to uses that were in existence on July 1, 1990, or the date a county became subject to the GMA.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: These changes will give additional flexibility to rural counties that are in desperate need of creating new economic opportunities. The bill provides important clarification regarding "areas" versus "uses" within LAMIRDs and keeps sufficient protections in place so that any new development will be limited in size, scale, and intensity.

Testimony Against: The goal of providing additional flexibility to local governments is a worthy one, but only within parameters that will protect rural areas from sprawl. Allowing local officials to decide what is "appropriate" does not provide sufficient protection. Uses within LAMIRDs should be limited to the same category as those uses that existed in an area when the GMA was implemented.

Testified: Betty Tabbutt, League of Women Voters (pro); Kristen Sawin, AWB (pro); Genesee Adkins, 1000 Friends of WA (con); Scott Merriman, Assoc. of Counties (pro).