

HOUSE BILL REPORT

SHB 1135

As Passed Legislature

Title: An act relating to aquifer conservation zones in qualifying island cities without access to potable water sources outside their jurisdiction.

Brief Description: Allowing certain cities to designate aquifer conservation zones.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Appleton, Rolfes, Lantz, Seaquist and Clibborn).

Brief History:

Committee Activity:

Local Government: 2/6/07, 2/9/07 [DPS].

Floor Activity:

Passed House: 2/23/07, 94-0.

Passed Senate: 4/10/07, 49-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Allows any qualifying island city that meets specified criteria, including relying solely on groundwater aquifers for its potable water source, to designate one or more aquifer conservation zones (conservation zones) to conserve and protect potable water sources.
- Specifies that conservation zones may not be considered critical areas except to the extent that specific areas located within conservation zones qualify for critical area designation and have been designated as such.
- Allows a city declaring one or more conservation zones to consider whether an area is within a zone when determining the residential density of that area.
- Specifies that residential densities within conservation zones, in combination with other densities of the city, must be sufficient to accommodate projected population growth.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a 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 6 members: Representatives Simpson, Chair; Eddy, Vice Chair; Curtis, Ranking Member; Ross, B. Sullivan and Takko.

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The GMA requires all jurisdictions to satisfy specific designation and protection mandates. All local governments, for example, must designate and protect critical areas. Critical areas are defined by statute to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

The GMA includes planning requirements relating to the use or development of land in urban and rural areas. Among other obligations, counties that comply with the major requirements of the GMA (planning counties) must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. "Urban growth" is defined by the GMA, in part, as a reference to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for specified agricultural, mineral resource, and rural purposes.

The GMA includes many requirements pertaining to UGAs that planning jurisdictions must satisfy. Using population projections made by the Office of Financial Management, planning counties and each city within these counties must include within UGAs areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding 20-year period. The UGAs must permit urban densities and include greenbelts and open space areas. The UGA determinations may include a reasonable land market supply factor and must permit a range of urban densities and uses. Additionally, a UGA provision grants planning jurisdictions comprehensive plan discretion to make many choices about accommodating growth.

Residential Density

Although the GMA includes provisions pertaining to density and the reduction of sprawling low-density development, neither "density" nor "residential density" is defined in the Act. The Department of Community, Trade, and Economic Development, defined "residential density" in its September 2004 guidance paper, *Urban Densities - Central Puget Sound Edition*, as, in part, the number of dwelling units over a specified land area.

The GMA does not prescribe a uniform minimum residential density, nor does the Act require jurisdictions to establish uniform minimum residential densities. Growth Management Hearings Boards have, however, issued decisions pertaining to residential densities.

Summary of Substitute Bill:

Any city coterminous with, and comprised only of, an island that relies solely on groundwater aquifers for its potable water source and that does not have reasonable access to a potable water source outside its jurisdiction may designate one or more aquifer conservation zones (conservation zones). Conservation zones may only be designated for the purpose of conserving and protecting potable water sources.

Conservation zones may not be considered critical areas under the GMA except to the extent that specific areas located within conservation zones qualify for critical area designation and have been designated as such under the GMA.

Any city may consider whether an area is within a conservation zone when determining the residential density of that particular area. The residential densities within conservation zones, in combination with other densities of the city, must be sufficient to accommodate projected population growth under the GMA.

Nothing in the provisions authorizing conservation zones may be construed to modify the population accommodation obligations required of jurisdictions under the GMA.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill is necessary as there is no known resource of potable water for Bainbridge Island. The Legislature needs to investigate what would happen if Bainbridge Island outgrows its water resources. This bill is timely and would be improved with an amendment proposed by the city attorney. Bainbridge Island is about the size of Manhattan, but with 22,500 residents. The growth potential for the city is enormous, the entire city is an urban growth area, and its residents are completely dependent upon an island aquifer for their water supply. Bainbridge Island is trying to balance urban density and aquifer protection and this bill will allow the city to accept its required growth and protect its water supply. This bill is important and will help island cities. The bill would be improved with an amendment that clarifies provisions pertaining to residential densities.

(Opposed) None.

Persons Testifying: Representative Appleton, prime sponsor; Representative Rolfes; Chris Snow, Libby Hudson, and Paul McMurray, City of Bainbridge Island.

Persons Signed In To Testify But Not Testifying: None.