

FINAL BILL REPORT

SHB 1135

C 159 L 07

Synopsis as Enacted

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).

House Committee on Local Government

Senate Committee on Government Operations & Elections

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.

The GMA prescribes 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.

Summary:

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 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.

Votes on Final Passage:

House	94	0
Senate	49	0

Effective: July 22, 2007