
Local Government Committee

HB 1135

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

Sponsors: Representatives Appleton, Rolfes, Lantz, Seaquist and Clibborn.

Brief Summary of Bill

- Allows any city coterminous with, and comprised only of, and island that does not have access to a potable water source outside its jurisdiction to designate one or more aquifer conservation zones (conservation zones).
- Specifies that conservation zones may only be designated for the purpose of conserving and protecting potable water sources and may not include the entirety of a jurisdiction.
- 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 zone to determine residential densities within the zones that, in combination with other densities of the city, are sufficient to accommodate projected population growth.

Hearing Date: 2/6/07

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.

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.

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 (GMA 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, GMA 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 Bill:

Any city coterminous with, and comprised only of, an island that does not have 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 and may not include the entirety of a jurisdiction.

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 declaring one or more conservation zones may determine residential densities within the zones that, in combination with other densities of the city, are sufficient to accommodate projected population growth under the GMA.

Nothing in the legislation 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.