

HB 2126 - H AMD 1088

By Representative Pollet

NOT CONSIDERED 03/07/2024

1 On page 2, line 8, after "19.27.097" insert "and RCW 90.44.050"

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3 On page 2, after line 16, insert the following:

4 "(iv) A small water well may not provide water to more than five
5 housing units.

6 (v) The detached accessory dwelling unit may not increase existing
7 water withdrawals for exempt wells without a recognized water right
8 under chapter 90.03 RCW for the additional withdrawal."

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10 On page 3, line 24, after "(4)" insert "A county planning under
11 RCW 36.70A.040 must conduct a study and receive approval from the
12 department of ecology prior to amending its comprehensive plan,
13 countywide planning policy, or multicounty planning policy to
14 authorize the development of detached accessory dwelling units in
15 rural areas.

16 (a) The department of ecology must certify that each groundwater
17 use area and watershed in which the county proposes to allow detached
18 accessory dwelling units has adequate water supply such that the
19 number of proposed allowed units may be built without impairing any
20 instream flow or treaty rights.

21 (b) The analysis required under the state environmental policy
22 act, chapter 43.21C RCW, prior to adoption of any amendment or
23 revision to a comprehensive plan must analyze minimum instream flow
24 and the environmental impacts associated with the increased withdrawal
25 of water based on the maximum number of parcels and units that could
26 be authorized by the county.

27 (5)"

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On page 3, after line 29, insert the following:

"(6) Prior to approving an ordinance authorizing the development of detached accessory dwelling units in rural areas, the county must provide written notice and an opportunity to comment to all federally recognized Indian tribes with treaty rights to ceded lands, fish, or use of resources at all usual and accustomed locations within, downgradient, or downstream from the groundwater recharge area or watershed where any detached accessory dwelling unit may be authorized. If the county and commenting tribe are unable to reach agreement after using the processes in RCW 36.70A.040 and RCW 36.70A.190, the federally recognized Indian tribe may request government-to-government consultation."

EFFECT: Makes the following changes:

- Requires a county planning under the Growth Management Act to conduct a study prior to amending certain plans or policies to authorize the development of detached accessory dwelling units in rural areas.
- Requires the Department of Ecology to certify that groundwater use areas and watersheds have adequate water supply to support detached accessory dwelling units without impairing instream flow or treaty rights.
- Requires a county's State Environmental Policy Act analysis for comprehensive plan amendments or revisions to analyze minimum instream flow and environmental impacts associated with the increased water withdrawal for detached accessory dwelling units.
- Requires a county to provide written notice, an opportunity to comment, good faith negotiations, and mediation with federally recognized Indian tribes, prior to initiating government-to-government consultation, for treaty rights at certain locations where detached accessory dwelling units may be authorized.
- Restricts well use for detached accessory dwelling units to 5,000 gallons, to no more than five housing units, and limiting additional withdrawals, in the absence of a recognized water right.

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