
**Agriculture & Natural Resources
Committee**

HB 2542

Brief Description: Contracting for a comparative review of local governments' land use plans and the water availability found in those planning areas.

Sponsors: Representatives Hinkle, Blake and Warnick.

Brief Summary of Bill

- Requires the Department of Commerce to contract with a consulting firm to produce a comparative review of local land use plans adopted by local governments and the water availability found in those planning areas.

Hearing Date: 1/15/10

Staff: Jaclyn Ford (786-7339).

Background:

Land Use Plans and the Growth Management Act

The Growth Management Act (GMA) directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that implement and conform with their comprehensive plan.

Under the GMA, "rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan. "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands. "Rural governmental services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas.

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.

Fish Critical Basins

The 16 water resource inventory areas designated by the Department of Ecology as critical basins in its March 2003 "Washington Water Acquisition Program" report include: Lower Yakima, Methow, Middle Snake, Naches, Okanogan, Upper Yakima, Walla Walla, Wenatchee, Cedar-Sammamish, Chambers-Clover, Elwha-Dungeness, Green-Duwamish, Nooksack, Puyallup-White, Quilcene-Snow and Snohomish.

Summary of Bill:

The Department of Commerce must contract with a consulting firm qualified in land use and water supply planning to produce a comparative review of local land use plans adopted by local governments and the water availability found in those planning areas.

The geographic scope of the comparative review must include the 16 water resource inventory areas designated by the DOE as critical basins in its March 2003 "Washington Water Acquisition Program" report, as well as Clallam, Jefferson, Skagit, Skamania, Kittitas, Whatcom, Thurston, Snohomish, Clark, Cowlitz, Walla Walla, Columbia, Chelan, and Yakima counties.

The comparative review must investigate the following issues associated with land use plans in rural areas: (1) the planned amount of residential development in rural areas of counties that will not be served by existing water purveyors; (2) the water demand necessary to serve residential development, including water for both potable and nonpotable uses; and (3) whether the water demand is available based on water right permit decisions or instream flow rules adopted by the DOE. The comparative review must also identify and report on mechanisms and strategies that could be implemented in rural areas that would assist in providing the water supply necessary to meet planned levels of rural growth.

In addition, the comparative review must also report on how the following mechanisms may be implemented in each geographic area: (1) provision of water by water purveyors at rural levels of service that would be consistent with the GMA terms "rural character," "rural development," and "rural governmental services;" (2) water right transfers; (3) a mechanism for banking water; (4) water exchanges; (5) mitigation for consumptive water uses; (6) water storage; (7) purchase or transfer of development rights; and (8) other programs, mechanisms, and strategies identified in the report.

In identifying and reporting on mechanisms and strategies to address rural water supply issues, the comparative review must look at: (1) mechanisms and strategies being implemented in other states to address similar issues; and (2) the adequacy of financial resources and technical expertise at the county level to implement the mechanisms and strategies identified in the report.

The comparative review may not be used for any purposes in land use or water resource planning processes, quasi-judicial appeals, or judicial review proceedings.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.