
Environment Committee

HB 1748

Brief Description: Addressing affordable housing opportunities in rural communities.

Sponsors: Representatives Chandler and Johnson.

Brief Summary of Bill

- Eliminates measures that must be included in the rural element of comprehensive plans under the Growth Management Act (GMA) that protect the rural character of rural areas.
- Declares that rural development outside urban growth areas under the GMA includes the use of exempt wells without restriction.

Hearing Date: 2/14/17

Staff: Jacob Lipson (786-7196).

Background:

The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA (planning jurisdictions).

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land-use plans that are generalized, 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.

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.

Rural Elements of GMA Comprehensive Plans.

One element that comprehensive plans must include is a rural element. The rural element of a comprehensive plan must allow for rural development, forestry, and agriculture in rural areas, and must provide for a variety for rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. The GMA provides that urban growth is typically required to be served by urban services, while rural areas generally do not require the extension of urban services.

Under the GMA, rural development refers to development outside the Urban Growth Area and outside agricultural, forest, and mineral resource lands. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural character is defined as the patterns of land use and development established by the rural element of comprehensive plans. The rural element must include measures that apply to rural development and protect rural character by:

- containing or otherwise controlling rural development;
- assuring visual compatibility of rural development and surrounding rural areas;
- reducing inappropriate conversion of undeveloped land to low-density development;
- protecting designated critical areas and surface and groundwater resources; and
- protecting against conflicts with the use of agricultural, forest, and mineral resource lands that have been designated for protection under the GMA.

Rural counties may also allow the expansion of existing small-scale businesses, or the siting of new small-scale businesses, in sites previously-occupied by a small scale business, so long as the new business conforms to the area's rural character.

Groundwater Withdrawals.

Most groundwater withdrawals require an application and permit from the Department of Ecology (ECY). However, there is a class of lawful, unpermitted wells, often referred to as "permit-exempt wells," which may be constructed and used without first obtaining a permit from the ECY. The types of permit-exempt uses include any withdrawal of public groundwater for stock-watering purposes, or for watering a lawn or a noncommercial garden less than one-half acre. Single or group domestic uses or industrial purposes in an amount not exceeding 5,000 gallons per day are also included in the class of permit-exempt wells.

Summary of Bill:

Rural elements of Growth Management Act (GMA) comprehensive plans are no longer required to include the following measures that apply to rural development and protect rural character:

- containing or otherwise controlling rural development;
- assuring visual compatibility of rural development and surrounding rural areas;
- reducing inappropriate conversion of undeveloped land to low-density development; and
- protecting designated critical areas and surface and groundwater resources.

Rural development must include the use of exempt wells without restriction under the GMA.

Rural character is redefined to eliminate references to the following components of rural elements:

- the provision of visual landscapes traditionally found in rural areas;
- the reduction of inappropriate conversion of undeveloped land;
- the restrictions on the extension of urban governmental services; and
- the protections of surface water and groundwater flows.

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.