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## Local Government Committee

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### HB 1639

**Brief Description:** Requiring consideration of water quality during growth management planning.

**Sponsors:** Representatives Upthegrove, Dickerson, Moeller, Dunshee, Sells, B. Sullivan, Simpson, Lantz, Williams, O'Brien, Hunt and Chase.

#### Brief Summary of Bill

- Specifies new water related planning requirements for qualifying counties and cities.
- Requires qualifying jurisdictions to implement the new requirements according to the comprehensive plan and development regulation review and revision schedule of the Growth Management Act.
- Includes legislative intent language.

**Hearing Date:** 2/15/05

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (GMA jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

The GMA requires all local governments to 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.

GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must satisfy requirements for specified "elements," each of which is a planning subset of a comprehensive plan. The *land use* and rural elements include requirements for the protection of certain ground and surface waters. GMA jurisdictions also must adopt development regulations that are consistent with and implement the comprehensive plan.

The adopted comprehensive plans and the corresponding development regulations must be consistent with 14 planning goals established in the GMA. The planning goals, which are listed in a non-prioritized order, must be used for the purpose of guiding the development of comprehensive plans and development regulations. The goals include provisions for protecting the environment, including water quality and the availability of water.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. GMA jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a cyclical seven-year statutory schedule. Jurisdictions that are not fully planning under the GMA must satisfy requirements pertaining to critical areas and natural resource lands according to this same schedule.

In addition to other planning requirements, counties that comply with the major requirements of the GMA 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," as described in the GMA, refers, in part, 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 certain agricultural, mineral, and resources uses.

#### **Summary of Bill:**

Counties whose territory includes Hood Canal, Puget Sound, the Strait of Juan de Fuca, or the Pacific Ocean and the cities and towns in those counties (qualifying saltwater jurisdictions) must satisfy new water related planning requirements. Qualifying saltwater jurisdictions must consider the following when preparing comprehensive plans and development regulations according to the Growth Management Act (GMA) and when reviewing such plans and regulations as provided by law:

- measures to maintain or improve water quality and habitat. These measures may include but are not limited to provisions of plans and programs adopted according to specified laws;
- effects of proposed land use patterns on basic hydrologic functions and on surface and ground water quality;
- land use measures to maintain and, when required, enhance existing hydrologic functions, and to maintain surface and ground water quality, surface water quantity, and certain ground waters; and
- measures to maintain and, when required, enhance existing hydrologic functions.

When designating and protecting critical areas according to the GMA, qualifying saltwater jurisdictions must consider measures to maintain water quality at a level allowing water bodies to support desirable and feasible existing and futures uses.

Qualifying saltwater jurisdictions may not designate urban growth areas on marine shorelines not already occupied by urban growth unless the designation is necessary for water-dependent or water-related uses.

Qualifying saltwater jurisdictions must implement the new water related planning requirements according to the seven-year review and revision schedule of the GMA.

Nothing in the provisions specifying the new water related requirements are intended to affect the requirements or provisions of specified state and federal water laws.

Legislative intent language is included.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.