

HOUSE BILL REPORT

EHB 2067

As Amended by the Senate

Title: An act relating to withdrawals of public ground waters for domestic use of clustered residential developments.

Brief Description: Permitting withdrawals of public ground waters.

Sponsors: By Representatives Schoesler and Cox.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/5/03 [DP].

Floor Activity:

Passed House: 3/13/03, 96-0.

Senate Amended.

Passed Senate: 4/10/03, 47-2.

Brief Summary of Engrossed Bill

- Establishes a pilot project for Whitman County that exempts, from water permit requirements, withdrawals of ground water for certain clustered residential developments for up to 1,200 gallons a day per residence.
- Terminates certain new uses of the exemption on December 31, 2015.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

Minority Report: Do not pass. Signed by 1 member: Representative Holmquist, Assistant Ranking Minority Member.

Staff: Kenneth Hirst (786-7105).

Background:

The Ground Water Code prohibits a person from withdrawing ground water or constructing wells or other works for such a withdrawal without a water right permit from the Department of Ecology. However, the code exempts a number of withdrawals from this requirement. One exemption is for single or group domestic uses in an amount not exceeding 5,000 gallons per day. In a recent decision of the state's Supreme Court, the Court found that this exemption did not allow the developer in the case to provide water for group uses by multiple homes each withdrawing up to 5,000 gallons per day.

Summary of Engrossed Bill:

The following is exempted, on a pilot project basis, from the water right permit requirements of the Ground Water Code: the domestic use of water for clustered residential developments not exceeding 1,200 gallons a day per residence for residential developments that have an overall density equal to or less than one residence per 10 acres. The pilot project applies only in Whitman County. No new right to use water for a clustered development under the pilot project may be established where the first residential use of water for the development begins after December 31, 2015.

The Department of Ecology must report to the Legislature biennially through 2016 regard the use of water under the pilot project and its impact on water resources in the county.

EFFECT OF SENATE AMENDMENT(S):

Effect of Senate Amendment: Requires a clustered residential housing development in the pilot project in Whitman County to have a minimum of six homes.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: 1) The bill represents a way of thinking outside of the box, which is necessary because of the problems with the line for processing water right permits. 2) Whitman County has one of the strongest agricultural land protection ordinances; farmland must lie idle for three years before it may be developed. However, it also needs a way to locate housing in way that is compatible with surrounding farm activities and in areas with no source of municipal water. 3) The Department of Ecology has not issued a water permit in Whitman County for a decade. Something needs to change; this proposal for clustered housing would not allow water mining and would actually encourage true clustering, with open space (perhaps in a cover crop) separating it from

farmland. 4) The type of clustered housing allowed in the bill reduces the cost of providing other public services, such as fire protection, over scattered housing. The bill represents a small step in the right direction.

Testimony Against: None.

(Comments) The bill represents one of the ways that should be considered when municipal supplies are not available for housing.

Testified: (In support) Representative Schoesler, prime sponsor; Jean Wardwell, Whitman County Planning Commission; and Dahrva Luthram and Paul Parker, Washington State Association of Counties.

(Comments) Jim Waldo, Office of the Governor.