

SENATE BILL REPORT

SHB 1605

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 22, 2008

Title: An act relating to the effect of extension of sewer services in aquatic rehabilitation zone one.

Brief Description: Regarding the extension of sewer services in aquatic rehabilitation zone one.

Sponsors: House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes).

Brief History: Passed House: 3/07/07, 94-0.

Committee Activity: Water, Energy & Telecommunications: 3/27/07; 2/20/08, 2/22/08 [DPA].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford, Ranking Minority Member; Fraser, Hatfield, Holmquist, Morton, Oemig, Pridemore and Regala.

Staff: Jan Odano (786-7486)

Background: Portions of Hood Canal have had low dissolved oxygen concentrations for many years, some that have been recorded since the 1950s. However, there are concerns that the concentrations appear to be worsening and that human-related activities may be a factor. In 2005, the Legislature established an aquatic rehabilitation zone (ARZ) for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The first ARZ, known as ARZ One, was created for the watersheds that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

The Growth Management Act (GMA) sets the foundation and goals for state and local governments planning for land development. State and local governments are required to distinguish between urban and rural growth and plan accordingly to encourage development in urban areas where adequate public facilities and services exist and in rural areas to recognize, among other things, the importance of rural lands and rural character to Washington State. Under GMA, urban services include those public services and public facilities at an intensity historically and typically provided in cities and specifically include storm and sanitary sewer systems and other public utilities associated with urban areas that are not normally associated with rural areas. In general, extension of urban service to rural areas is not considered

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appropriate unless it is shown to be necessary to protect basic public health and safety and the environment, and when the services are financially supportable at rural densities.

Summary of Substitute Bill (Recommended Amendments): The development of a sewer system or the extension of an existing sewer system is permitted to serve areas outside the urban growth area within two areas of the Aquatic Rehabilitation Zone One. The sewer service is permitted for areas within a defined area of the north shoreline and the south shoreline of Hood Canal, or one hundred horizontal feet or less landward of the north or south shore. Sewer service is limited to commercial and residential development currently in existence and to undeveloped legally platted commercial or residential properties.

The sewer system may connect with an existing system provided that the new area served is contiguous to the urban growth area, the system has the capacity to meet all existing, applicable sewer treatment standards, and have all known, available and reasonable methods for nitrogen removal. The sewer system or extension of the sewer system outside of the urban growth area must be no larger than needed to serve the eligible properties and development.

The development or extension of sewer systems outside an existing urban growth area does not provide a basis for designation of that area as urban, nor does it provide a basis for rezoning the area to allow development at a greater density than what existed before the sewer system.

EFFECT OF CHANGES MADE BY WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments): A sewer system or extension of the sewer system must have all known, available and reasonable methods for nitrogen removal. The extension of the sewer system must be no larger than needed to serve the development and properties eligible for service.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute Bill: PRO: This bill is permissive, it allows sewerage of an urbanized shoreline within ARZ1. It does not interfere with the GMA. The bill gives attention to the low dissolved oxygen issue of Hood Canal.

OTHER: The bill targets an area of concern and it is permissive. It allows that area to have sewers and meet GMA tests. Failing on-site sewage systems are a major contributor to Hood Canal water quality. We don't want to create new problems with growth, which sewerage may allow. The bill should have provisions to limit sewers to existing developments and platted areas eligible for the service.

Persons Testifying: PRO: Katy Johansson, Puget Sound Partnership.

OTHER: Melodie Selby, Department of Ecology; Bruce Wishart, People for Puget Sound; April Putney, Futurewise.