

SENATE BILL REPORT

SB 5867

As of February 17, 2009

Title: An act relating to verifying water supply to new subdivisions.

Brief Description: Verifying water supplies for new subdivisions.

Sponsors: Senators Fraser, Swecker, Pridemore, Ranker, Fairley, Kauffman, Marr, Regala, Morton and Kline.

Brief History:

Committee Activity: Environment, Water & Energy: 2/17/09.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Karen Epps (786-7424)

Background: Under the State Building Code, an applicant for a building permit for a building that requires potable water must provide evidence of an adequate water supply for the intended use of the building. The evidence may be in the form of a water right permit from the Department of Ecology, a letter from an approved water purveyor stating the purveyor's ability to provide water, or another form verifying the existence of an adequate water supply. The county or city may impose conditions on building permits it issues that require connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

Summary of Bill: Verification of a water supply must occur at the preliminary plat approval stage. Verification of sufficient water supply must demonstrate that sufficient water supply for uses of all lots anticipated with full development of the subdivision and that such water supply will be available presently or before development of the lots in the subdivision. An exempt groundwater withdrawal may only serve six or fewer lots.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: PRO: The general direction of this bill to require verification of water supply before site prep work has begun is a good idea. Preliminary plat may be the right stage for some development projects, especially those that are going to move ahead right away. However, some plats may be applied for and not moved on for development and site preparation right away and this bill would require the utility to tie up water waiting for that development. The bill does not discuss how existing plats would be treated.

CON: The preliminary plat stage is not the appropriate time for this final determination of water availability. The determination of water availability should take place farther along in the development process. This bill will force water purveyors and local governments to bank their water on the promise that development of a subdivision will occur. This bill would tie up water for plats that may never be developed. This bill would mean that cities cannot plan for development. There are cities who have decided that there is not going to be water available for future growth and they have called for a moratorium. This bill would require a water purveyor to promise water to a development project that may never be developed, thus making that water unavailable to other projects that are ready to proceed. This bill will have impacts on struggling housing and real estate industries. Additionally, this bill could affect funding for development projects. Many developers obtain preliminary plat approval just to sell the property.

OTHER: This bill raises a number of interesting questions. There are cities that are planning under the Growth Management Act that have sufficient water rights and other cities planning under the Growth Management Act that do not have sufficient water rights. When cities plan for growth, they do not have all the services available for that growth all at once. This bill would require water availability to be handled differently than those other services that cities provide to their citizens.

Persons Testifying: PRO: Ken Slattery, Department of Ecology.

CON: Ron Harding, city of Yelm; Kathleen Collins, Washington Water Policy Alliance; Bill Clarke, PUD Association; Chris McCabe, Association of Washington Businesses; Julie Nichols, Building Industry Association of Washington; Scott Hildebrand, Master Builders Association of Snohomish County.

OTHER: Dave Williams, Association of Washington Cities.