

HOUSE BILL REPORT

SHB 1016

As Passed House:
February 18, 2013

Title: An act relating to designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements.

Brief Description: Designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements. .

Sponsors: House Committee on Local Government (originally sponsored by Representatives Angel, Takko, Zeiger, Johnson, Haigh and Magendanz).

Brief History:

Committee Activity:

Local Government: 1/15/13, 2/1/13 [DPS].

Floor Activity:

Passed House: 2/18/13, 87-9.

Brief Summary of Substitute Bill

- Adds facilities and infrastructure of water purveyors to the list of essential public facilities delineated under the Growth Management Act (GMA).
- Defines "water purveyor" in the GMA to mean any person or other entity that owns or operates for wholesale or retail service a public water system, or the authorized agents of these entities.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Kochmar, Assistant Ranking Minority Member; Buys, Liias and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Taylor, Ranking Minority Member; Upthegrove.

Staff: Ethan Moreno (786-7386).

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.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated by mandate or choice to satisfy all planning requirements of the GMA.

The Department of Commerce provides technical and financial assistance to jurisdictions that must implement requirements of the GMA.

The GMA directs planning jurisdictions (*i.e.*, jurisdictions that fully plan under the GMA) to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans, which are the frameworks of county and city planning actions, are implemented through locally-adopted development regulations.

Comprehensive plans must include a process for identifying and siting essential public facilities (EPFs). Although not expressly defined in statute, the GMA specifies that the EPFs include facilities that are typically difficult to site, such as airports, regional transportation facilities, and state and local correctional facilities. Comprehensive plans and development regulations may not preclude the siting of the EPFs, and facilities using an EPF siting process remain obligated to comply with all applicable aspects of the GMA as well as local, state, and federal regulations.

The list of the EPFs specified in the GMA has been periodically modified through adopted legislation. Most recently, in 2010 Senate Bill 6279 (enacted as chapter 62, Laws of 2010) expanded the delineated list of the EPFs to include certain regional transit authority facilities.

Provisions governing public water systems include criteria-based classification structures for these systems. As defined in statute, a "Group A public water system" is:

- a public water system with 15 or more service connections, regardless of the number of people;
- a system serving an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections; or
- a system serving 1,000 or more people for two or more consecutive days.

Summary of Substitute Bill:

Facilities of Group A public water system water purveyors serving 100 or more service connections are added to the delineated list of essential public facilities in the GMA. For purposes of this addition, the term "Group A public water system" is defined using an existing public water system definition.

"Purveyor" is defined in the GMA using a public water system definition to mean any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity, that owns or

operates for wholesale or retail service a public water system, or the authorized agents of these entities.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is a request of the Pierce County Water Cooperative, an organization that has concerns about replacing water facilities and infrastructure after natural occurrences or other events. This organization wants to ensure that water purveyors can rebuild systems and make them functional as soon as possible. Clean water is essential and this bill fixes an administrative omission. Of all the designated EPFs, none are as essential as water facilities. This is a common sense bill on an issue that is critical to the health and safety of citizens. Proponents are willing to tighten the language, if necessary.

Pierce County recently proposed banning all water treatment facilities within urban growth areas: this would have been problematic for water purveyors. Water facilities face multiple levels of permitting, and proper location siting, including elevation concerns, are important. This bill would not remove development regulations.

(With concerns) Counties have not been able to fully evaluate the bill, but they have concerns about the broad definition of "water purveyor" and the capital planning implications. The requested savings clause should be added.

(Neutral) A savings clause addressing water rights issues would be a beneficial addition.

(Opposed) None.

Persons Testifying: (In support) Representative Angel, prime sponsor; and Jeff Johnson, Water Cooperative of Pierce County.

(With concerns) Laura Merrill, Washington Association of Counties; and Bruce Wishart, Sierra Club and The Center for Environmental Law and Policy.

(Neutral) Evan Sheffels, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.