

SENATE BILL REPORT

SB 6463

As of February 5, 2014

Title: An act relating to including the facilities of certain public water systems in the utilities element of a comprehensive plan.

Brief Description: Including the facilities of certain public water systems in the utilities element of a comprehensive plan.

Sponsors: Senators Angel and Dansel.

Brief History:

Committee Activity: Governmental Operations: 2/04/14.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Karen Epps (786-7424)

Background: Public Water Systems. More than 5.5 million Washington residents receive their drinking water from group A or group B public water systems, representing roughly 85 percent of the state's population. Group A water systems either have 15 or more service connections, regularly serve 25 or more people 60 or more days per year, or serve 1000 or more people for two or more consecutive days. Group B water systems serve fewer than 15 connections and fewer than 25 people per day.

Some public water systems must submit a water system plan for review and approval by the Department of Health (Department). These public water systems include the following:

- systems having 1000 or more services;
- systems required to develop water system plans under the Public Water System Coordination Act of 1977;
- new systems or expanding systems; and
- other specified systems.

The Growth Management Act (GMA). GMA is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly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 them that are obligated to satisfy all planning requirements under GMA.

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.

GMA directs counties and cities that fully plan under GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address certain planning elements, including a land use element, a housing element, a capital facilities plan element, a utilities element, a rural element, a transportation element, an economic development element, and a park and recreation element.

Summary of Bill: The utilities element of a comprehensive plan must consist of the general location, proposed location, and capacity of all facilities that are included in the most recent approved water system plan for group A public water systems that are required to submit a water system plan to the Department.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill addresses the need for information sharing between local planning entities and water systems in a comprehensive plan utilities element. The bill would add public water systems that are required to plan by the Department to a list of electrical facilities and natural gas facilities that are currently identified in the utilities element. Through the inclusion of existing and proposed water infrastructure, both the water utility and the local planning entity will be better able to address the water needs of a proposed comprehensive plan amendment. Regional water providers believe that this bill will help ensure public water supply is available for citizens and businesses in Washington State. It is essential that the local planning agency fully understand the current and planned water system infrastructure capacity in making land use determinations. This bill will provide planning agencies with necessary water utility information.

OTHER: It is important to have coordination between the planners and the water purveyors as the information is critical when updating comprehensive plans. Unfortunately, there have been a number of instances recently where the Growth Management Hearings Board (GMHB) and the courts tried to use their authority to review land use plans to also consider water decisions made by the Department of Ecology and the Department of Health. The concern is that, by including this provision in comprehensive plans, there is an invitation for additional litigation. The language in this bill might encourage the GMHB to begin to take a second look at water availability decisions that have already been made by the Department of Ecology.

Persons Testifying: PRO: Senator Angel, prime sponsor; Randy Black, Water Cooperative of Pierce County.

OTHER: Scott Hazlegrove, WA Assn. of Sewer and Water Districts.