
SUBSTITUTE SENATE BILL 5836

State of Washington

63rd Legislature

2013 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Honeyford, Bailey, and Hatfield)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to providing certainty for local governments on
2 water resource decisions; and amending RCW 19.27.097 and 58.17.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to
5 read as follows:

6 (1) Each applicant for a building permit of a building
7 necessitating potable water shall provide evidence of an adequate water
8 supply for the intended use of the building. Evidence may be in the
9 form of a water right permit from the department of ecology, a letter
10 from an approved water purveyor stating the ability to provide water,
11 a demonstration by the applicant that the use of water from a permit-
12 exempt well is consistent with applicable rules adopted by the
13 department of ecology under chapter 90.54 RCW for the specific basin or
14 subbasin, or another form sufficient to verify the existence of an
15 adequate water supply. In addition to other authorities, the county or
16 city may impose conditions on building permits requiring connection to
17 an existing public water system where the existing system is willing
18 and able to provide safe and reliable potable water to the applicant

1 with reasonable economy and efficiency. An application for a water
2 right shall not be sufficient proof of an adequate water supply.

3 (2) Within counties not required or not choosing to plan pursuant
4 to RCW 36.70A.040, the county and the state may mutually determine
5 those areas in the county in which the requirements of subsection (1)
6 of this section shall not apply. The departments of health and ecology
7 shall coordinate on the implementation of this section. Should the
8 county and the state fail to mutually determine those areas to be
9 designated pursuant to this subsection, the county may petition the
10 department of (~~general administration~~) enterprise services to mediate
11 or, if necessary, make the determination.

12 (3) Buildings that do not need potable water facilities are exempt
13 from the provisions of this section. The department of ecology, after
14 consultation with local governments, may adopt rules to implement this
15 section, which may recognize differences between high-growth and low-
16 growth counties.

17 **Sec. 2.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read
18 as follows:

19 (1) The city, town, or county legislative body shall inquire into
20 the public use and interest proposed to be served by the establishment
21 of the subdivision and dedication. It shall determine: (a) If
22 appropriate provisions are made for, but not limited to, the public
23 health, safety, and general welfare, for open spaces, drainage ways,
24 streets or roads, alleys, other public ways, transit stops, potable
25 water supplies, sanitary wastes, parks and recreation, playgrounds,
26 schools and schoolgrounds, and shall consider all other relevant facts,
27 including sidewalks and other planning features that assure safe
28 walking conditions for students who only walk to and from school; and
29 (b) whether the public interest will be served by the subdivision and
30 dedication.

31 (2)(a) A proposed subdivision and dedication shall not be approved
32 unless the city, town, or county legislative body makes written
33 findings that: (~~(a)~~) (i) Appropriate provisions are made for the
34 public health, safety, and general welfare and for such open spaces,
35 drainage ways, streets or roads, alleys, other public ways, transit
36 stops, potable water supplies, sanitary wastes, parks and recreation,
37 playgrounds, schools and schoolgrounds and all other relevant facts,

1 including sidewalks and other planning features that assure safe
2 walking conditions for students who only walk to and from school; and
3 (~~(b)~~) (ii) the public use and interest will be served by the platting
4 of such subdivision and dedication. If it finds that the proposed
5 subdivision and dedication make such appropriate provisions and that
6 the public use and interest will be served, then the legislative body
7 shall approve the proposed subdivision and dedication. Dedication of
8 land to any public body, provision of public improvements to serve the
9 subdivision, and/or impact fees imposed under RCW 82.02.050 through
10 82.02.090 may be required as a condition of subdivision approval.
11 Dedications shall be clearly shown on the final plat. No dedication,
12 provision of public improvements, or impact fees imposed under RCW
13 82.02.050 through 82.02.090 shall be allowed that constitutes an
14 unconstitutional taking of private property. The legislative body
15 shall not as a condition to the approval of any subdivision require a
16 release from damages to be procured from other property owners.

17 (b) Permit-exempt wells authorized under RCW 90.44.050 may be used
18 by a city, town, or county legislative authority to satisfy the
19 requirements of this section for the appropriate provision of potable
20 water to a subdivision as long as such use is consistent with
21 applicable rules adopted by the department of ecology under chapter
22 90.54 RCW for the specific basin or subbasin.

23 (3) If the preliminary plat includes a dedication of a public park
24 with an area of less than two acres and the donor has designated that
25 the park be named in honor of a deceased individual of good character,
26 the city, town, or county legislative body must adopt the designated
27 name.

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