

HOUSE BILL REPORT

SB 5555

As Reported by House Committee On:
Local Government

Title: An act relating to irrigation district review and conditioning authority.

Brief Description: Concerning irrigation district review and conditioning authority.

Sponsors: Senators Warnick, Hatfield and Honeyford.

Brief History:

Committee Activity:

Local Government: 3/17/15, 3/19/15 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Requires a county, city, or town that receives an application for alteration of an existing subdivision, creation of a new parcel or parcels, or modification of existing parcels for real property that lies wholly or partially in an irrigation district, to give written notice of the application to the irrigation district.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 5 members: Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon, McBride and Peterson.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

Staff: Michaela Murdock (786-7289).

Background:

Irrigation Districts.

An irrigation district (district) may be organized when 50 holders of title to land, or a majority of title holders to land susceptible of irrigation, wish to organize a district for certain

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statutorily authorized purposes. Districts may be organized for numerous purposes, including to:

- construct or purchase works for the irrigation of lands;
- reconstruct, repair, improve, operate, or maintain existing irrigation works;
- construct, reconstruct, repair, or maintain a system of diverting conduits from a natural source of water supply to the point of individual distribution for irrigation purposes;
- execute and perform contracts authorized by law with the federal or state government for reclamation or irrigation purposes;
- purchase and sell electric power to district inhabitants for purposes of irrigation and domestic use; and
- acquire, install, and maintain necessary water mains and fire hydrants to make water available for firefighting purposes.

Divisions of Land.

Counties, cities, and towns regulate divisions of land within their jurisdictions, and define by local ordinance the requirements for a fully completed application for subdivisions or short subdivisions. Any proposed division of land is considered under the subdivision, short subdivision, zoning, and other land use control ordinances in effect on the land at the time a fully completed application is submitted to the county, city, or town.

A "subdivision" is the division or redivision of land into five or more lots for the purpose of sale, lease, or transfer of ownership, while a "short subdivision" is a division or redivision of land into four or fewer lots. The legislative authority of a city or town may increase a short subdivision to a maximum of nine or fewer lots, and the legislative authority of a county planning under the Growth Management Act may increase a short subdivision to a maximum of nine or fewer lots in any urban growth area. A lot, tract, or parcel is a fractional part of divided lands with fixed boundaries and sufficient area and dimension to meet minimum zoning requirements.

Boundary Line Adjustments.

A boundary line adjustment (BLA) alters or adjusts boundary lines between platted lots, unplatted lots, or both. A BLA does not create any new lots, tracts, parcels, sites, or divisions of land, and does not create any lots, tracts, parcels, sites, or divisions of land that contain insufficient area and dimension to meet minimum requirements for the width and area of building sites.

Land Use Applications for Land Located in Irrigation Districts.

When a county, city, or town receives an application for approval of a plat for a subdivision that lies wholly or partially in a district, written notice of the application must be given to the district. After receiving notice, the district must submit to the county, city, or town a statement containing any information or conditions for approval that the district deems necessary, regarding the proposed division's effect upon the structural integrity of district facilities, other risk exposures, and the safety of the public and the district.

The legislative authority of a county, city, or town may not approve a short plat or final plat for any subdivision, short subdivision, lot, tract, parcel, or site that lies wholly or partially in a district unless an irrigation water right-of-way for each parcel of land in the district has

been provided. In addition, irrigation water distribution facilities for land classified as irrigable may be required. Finally, if the applicable land is located in a district of 200,000 acres or more and was previously platted as a farm unit by the United States Bureau of Reclamation (Bureau), the short plat or final plat may not be approved without the approval of the district and the Bureau.

Federal Reclamation Projects and Irrigation Districts.

The Bureau is a federal agency engaged in water and electricity generating projects in 17 western states. The Bureau manages, develops, and protects water and related resources, and is the nation's largest wholesale water supplier. The Bureau is the second largest producer of hydroelectric power in the west and has constructed more than 600 dams and reservoirs.

Summary of Amended Bill:

Statutory provisions requiring counties, cities, and towns to provide notice to districts of applications for the approval of plats for subdivisions that lie wholly or partially in the district are modified. In addition to applications for the approval of subdivision plats, counties, cities, and towns must give notice to districts of applications for the alteration of an existing subdivision, creation of a new parcel or parcels, or modification of existing parcels, not including BIAs, for real property that lies wholly or partially in the district.

Amended Bill Compared to Original Bill:

The amended bill makes technical changes to clarify when counties, cities, and towns are required to give notice to irrigation districts of applications for land use approvals. The amended bill establishes that the requirement applies only to certain land use applications concerning real property that lies in whole or in part in an irrigation district.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Irrigation districts need to be notified of development activities that occur on property within the district. Districts are required to provide easements and ensure that there are setbacks on those easements. Unless notice of development activities is provided, a house could be built in the middle of a district easement, or someone could receive approval for a project that otherwise conflicts with district infrastructure. This bill will ensure that districts are notified when there is a change to existing subdivisions, creation of a new parcel, or modification of an existing parcel within the district. The bill extends the notice currently

provided to a district for new subdivision plats to other types of land developments that can have similar impacts on districts.

Districts have been around a long time, and when they were first organized in eastern Washington, there was not much development. However, now with the state's growing population, there is more residential, industrial, and commercial development occurring on agricultural lands. As a result, it is becoming increasingly important for districts to be notified of development activities.

A number of years ago, the Legislature amended the land development statutes to include districts in the development process so that they could have an opportunity to participate in the orderly division of lands. This was done for two reasons. First, districts levy a special assessment on lands benefitted by a district for the operation and maintenance of irrigation systems. In order to ensure that lands continue to receive district water, easements need to be provided and protected. Second, development activities can create breaches in irrigation pipelines and canals, which leads to public safety concerns. Involvement in the process by the district can help prevent such problems.

(Opposed) None.

Persons Testifying: Senator Warnick, prime sponsor; and Mike Schwisow, Washington State Water Resources Association.

Persons Signed In To Testify But Not Testifying: None.