

SENATE BILL REPORT

SB 6611

As Reported by Senate Committee On:
Government Operations & Security, February 4, 2016

Title: An act relating to traditional and alternative sewer systems.

Brief Description: Concerning traditional and alternative sewer systems.

Sponsors: Senators Angel, Rolfes and Roach.

Brief History:

Committee Activity: Government Operations & Security: 2/04/16 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dansel.

Minority Report: Do not pass.

Signed by Senators Habib, McCoy and Takko.

Staff: Karen Epps (786-7424)

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, which are obligated to satisfy all planning requirements of the GMA.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient

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areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

The GMA provides that, in general, it is not appropriate for urban governmental services, such as public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary systems, domestic water systems, and other public utilities associated with urban areas, to be extended to or expanded outside of the UGA into rural areas. Extension or expansion may be permitted in limited circumstances where: (1) it is shown to be necessary to protect basic public health and safety, and the environment; and (2) when such services are financially supportable at rural densities and do not permit urban development.

Summary of Bill: Counties or cities are not obligated to install sanitary sewer systems to all properties within UGAs by the end of the 20-year period. Urban governmental services includes certain alternative sewer and existing on-site septic systems.

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: The recent Growth Management Hearings Board decisions have indicated that jurisdictions are responsible for providing traditional sewer systems within the entirety of an urban growth area by the end of the twenty year planning period. Many of those twenty year planning periods are coming up in 2016, 2017, and 2018. Failure to extend sewer may lead to a county's invalidity of their comprehensive plan and the withholding of certain state funds. The requirement to install this expensive traditional sewer in areas where they are not needed is an inefficient and illogical use of a jurisdiction's limited infrastructure funding. This bill proposes to acknowledge the existing functioning septic systems as urban services under the GMA. The bill also removes the requirement that jurisdictions provide sewer systems to the entire urban growth area by the arbitrary end of the twenty year planning period. This bill would provide relief from the arbitrary timeline by which counties have to provide sewer to the urban growth areas.

CON: Generally, having people using sewer systems and utilizing sewage treatment plants is better for water quality because centralized systems do a better job over the long term of protecting water quality. This has to do with the way that they are regulated. There tends to be operation and maintenance problems with decentralized systems, such as septic systems. Septic systems do not get regulated as well, they are not under NPDES permits, and over time, they will fail.

Persons Testifying: PRO: Senator Angel, Rob Gelder, Kitsap County Commissioner.

CON: Bruce Wishart, Puget Soundkeeper.

Persons Signed In To Testify But Not Testifying: CON: Bryce Yadon, Futurewise.