

HOUSE BILL REPORT

SB 5238

As Passed House:
April 8, 2015

Title: An act relating to public water systems.

Brief Description: Concerning public water systems' public participation notice provisions.

Sponsors: Senators Angel, Liias, Honeyford, McCoy, Dammeier and Chase.

Brief History:

Committee Activity:

Local Government: 3/18/15, 3/19/15 [DP].

Floor Activity:

Passed House: 4/8/15, 93-4.

Brief Summary of Bill

- Modifies the public participation requirements of the Growth Management Act by establishing new notification provisions related to Group A public water systems.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon, McBride, Peterson and Pike.

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

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act–Introduction.

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 Originally enacted in 1990 and 1991, the GMA

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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 population-based criteria or choice to satisfy all planning requirements of the GMA.

The GMA directs planning jurisdictions (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 must include specific planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must implement comprehensive plans through locally adopted development regulations that conform to the plan.

The GMA also establishes 14 planning goals in a nonprioritized list that must be used exclusively for guiding the development and adoption of comprehensive plans and development regulations. Examples of the topics addressed by the planning goals include:

- urban growth—encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;
- reduce sprawl—reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; and
- citizen participation and coordination—encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Public Participation Requirements.

In addition to the citizen participation and coordination goal of the GMA, each planning jurisdiction is required to establish and broadly disseminate to the public a public participation program that identifies procedures providing for early and continuous public participation in the development and amendment of comprehensive plans and development regulations. The procedures are required to satisfy several requirements, including providing for: broad dissemination of proposals and alternatives; opportunities for written comments; and considerations of and responses to public comments.

The GMA also specifies that public participation requirements must include procedures that are reasonably calculated to provide notice of proposed amendments to comprehensive plans and development regulations to:

- property owners and other affected and interested individuals;
- tribes;
- government agencies;
- businesses;
- school districts; and
- organizations.

Examples of reasonable notice provisions are as specified in statute and include:

- posting the property for site-specific proposals;
- publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;
- notifying public or private groups with a known interest in a certain proposal or in the type of proposal being considered; and

- publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

Public Water Systems.

Public water systems have separate statutory classifications and regulatory requirements. 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.

The Washington State Board of Health (Board of Health) is directed by statute to adopt administrative rules (rules) for Group A public water systems to assure safe and reliable public drinking water, and to protect the public health. Provisions governing the rules include requirements pertaining to specific topics, including the design and construction of public water system facilities, drinking water quality standards, and public water system planning and emergency response requirements.

Additionally, the Department of Health (DOH), in complying with requirements of the Board of Health, has adopted rules requiring the purveyors of certain community public water systems, including systems with 1,000 or more connections, to develop and submit water system plans for review and approval by the DOH. The water system plans must include specific elements, including system descriptions, basic planning data, demand forecasts, and source water protection provisions, for a prospective planning period of 20 or more years.

Summary of Bill:

The list of persons and entities that the public participation requirements of the GMA must, through notice procedures, be reasonably calculated to provide notice of proposed amendments to comprehensive plans and development regulations, is expanded to include Group A public water systems that are required to develop water system plans that are consistent with administrative rules adopted by the Board of Health.

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) The bill adds Group A public water systems that develop water system plans to the list of entities that must receive notice of amendments to comprehensive plans and development regulations. This bill will affect about 281 systems in the state. This bill is good for water systems and ratepayers, as it will allow system operators and payers to participate in planning processes.

This is a common sense bill: water and planning go hand-in-hand. Water systems would like to be notified of changes to development regulations and comprehensive plans. Pierce County was planning to ban water treatment facilities—this is an example of the type of proposed regulation that water system operators want to be aware of.

This bill will promote coordination and the exchange of information between cities and public water systems. This bill helps to correct an oversight in the GMA that does not list water systems as essential public facilities.

Water system operators want to be part of the planning process and to have a chance to provide input on proposals that may affect them. Currently, system operators are discovering, during projects, regulations of which they were not aware, but that have financial impacts to them.

(Opposed) None.

Persons Testifying: Senator Angel, prime sponsor; Jeff Johnson, Regional Water Cooperative of Pierce County; Randy Black, Lakewood Water District; and Larry Jones, Alderwood Water and Wastewater District.

Persons Signed In To Testify But Not Testifying: None.