

# SENATE BILL REPORT

## SHB 1016

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As of March 20, 2013

**Title:** An act relating to designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements.

**Brief Description:** Designating facilities and infrastructure of water purveyors as essential public facilities under growth management planning requirements. .

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Angel, Takko, Zeiger, Johnson, Haigh and Magendanz).

**Brief History:** Passed House: 2/18/13, 87-9.

**Committee Activity:** Governmental Operations: 3/18/13.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Karen Epps (786-7424)

**Background:** The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under GMA, known as planning jurisdictions, and a reduced number of directives for all other counties and cities.

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.

Comprehensive plans must include a process for identifying and siting essential public facilities. GMA specifies that essential public facilities include facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, regional transit authority facilities, state and local correctional facilities, solid waste facilities, and certain inpatient facilities such as substance abuse facilities or group homes. Comprehensive plans and development regulations may not preclude the siting of essential public facilities.

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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. About 725,000 Washington residents receive their drinking water from individual private wells.

**Summary of Bill:** Facilities of Group A public water system water purveyors serving 100 or more service connections are considered an essential public facilities under GMA. Group A public water system is defined as a public water system with 15 or more service connections, regardless of the number of people; or 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 1000 or more people for two or more consecutive days.

Purveyor is defined in under GMA, using a public water system definition, to mean any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, person, or any other entity, that owns or operates for wholesale or retail service a public water system, or the authorized agents of these entities.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 is designed to address concerns that water purveyors in Pierce County have about getting their system up after an earthquake. Water purveyors are concerned about situations when infrastructure is destroyed and they would like to ensure that water purveyors have the statutory framework in place to rebuild facilities and infrastructure. This bill provides that the facilities of water purveyors would be essential public facilities. This bill fixes an administrative omission of important consequence because of the important nature of water facilities to provide water to citizens. Counties and cities cannot grow without water, but counties fail to engage water companies in the planning process. This bill provides an administrative fix by adding group A water systems that serve more than 100 connections to the list of essential public facilities. It is often difficult to permit water storage facilities in locations where they are needed. It is important that water purveyors have the ability to site facilities to provide water for growth. Water purveyors have difficulties in getting approval to site new water storage facilities and in getting approval to make repairs to existing water storage facilities. This bill would help address those issues.

CON: Cities want to work with the water purveyors to site facilities and work with them in planning for growth. It is unclear whether this bill provides a solution to the problem that the water purveyors raised. Designating these facilities as essential public facilities will not

address the issues of the water purveyors. Essential public facilities under GMA are facilities that have historically been difficult to site, such as airports, solid waste facilities, and correctional facilities. Under current law, OFM must keep a list of essential facilities and the addition of water facilities may make this list much longer. Across the state in most situations, zoning is already set, so the water purveyor is already dealing with those zoning requirements. If a water purveyor is providing regional services, then the water purveyor can go to the jurisdiction and ask to be considered an essential public facility. This will make it difficult for counties, cities, and communities to mitigate for some facilities that might need to be sited. If there is an emergency situation, there are allowances for counties and cities that can be used.

**Persons Testifying:** PRO: Representative Angel, prime sponsor; Marc Marcantonio, Water Cooperative of Pierce County; Jeff Johnson, Spanaway Water Company.

CON: Doug Levy, Cities of Kent, Renton, & Issaquah; Laura Merrill, WA State Assn. of Counties.