

SENATE BILL REPORT

SB 5073

As of February 23, 2007

Title: An act relating to phasing out building permit moratoriums for cities with unprocessed water right permit applications.

Brief Description: Phasing out building permit moratoriums for cities with unprocessed water right permit applications.

Sponsors: Senators Honeyford, Schoesler and Delvin.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/06/07.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Staff: Karen Epps (786-7424)

Background: Under the State Building Code, an applicant for a building permit for a building that requires potable water must provide evidence of an adequate water supply for the intended use of the building. The evidence may be in the form of a water right permit from the Department of Ecology (DOE), a letter from an approved water purveyor stating the purveyor's ability to provide water, or another form verifying the existence of an adequate water supply. The county or city may impose conditions on building permits that require connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

The Surface Water Code of 1917 created a permit system for establishing new rights to use surface waters. In 1945, the permit system was expanded to apply to establishing new rights to use ground waters, except for certain "exempt well" uses. The permit system is administered by the DOE.

Washington law recognizes that authority of cities and counties to issue moratoria under statutory provisions relating to planning and zoning as well as the Growth Management Act.

Summary of Bill: If a city has had a water right application pending with the DOE for more than five years, the state, county, city agency or authority may not place a moratorium on the issuance of building permits within the city and if a moratorium is currently in effect then it shall become void and the moratorium must be lifted.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Beginning one year after this bill becomes effective if a city has had a water right application pending with the DOE for more than three years the state, county, or city agency or authority may not place a moratorium on the issuance of building permits within the city and if a moratorium is currently in effect then it shall become void and the moratorium must be lifted.

Within two years after this bill becomes effective, if a city has had a water right application pending with the DOE for more than one year the state, county, or city agency or authority may not place a moratorium on the issuance of building permits within the city and if a moratorium is currently in effect then it shall become void and the moratorium must be lifted.

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: We thought that the County was embracing growth. The city of White Salmon filed for water rights in 1997 that still have not been processed. The city of White Salmon has been ignored for nine years and now is under a moratorium. We are victims of DOE's incompetence or lack of funding. Because of the moratorium, the city is prevented from allowing more hook-ups for water. Exempt wells, which are still allowed, have more of an impact on water in the county. A new company located in the area with between 100 and 200 workers and now most of the work force is leaving the county because of the moratorium. The city has spent \$6 million to comply with state mandates for its water system. The city planned on projected growth to pay for these upgrades, but because of the moratorium will be forced to raise rates.

CON: If salmon are ever going to come back, it is very important that water that is going into streams, and could go into streams in the future, continues to go into streams and continues to increase the flows in these streams. This bill would allow development where there is no water. The day of plenty of water is gone and we need to face reality. Moratoriums serve a purpose and are implemented because of a lack of water. This is the issue that needs to be addressed, including the need for conservation and more storage. This legislation does not get to the root concern, which is the back-log of permit applications.

Persons Testifying: PRO: Donald Struck, Klickitat County Commissioner; Roger Hulen, Michael S. Wellman, citizens of White Salmon.

CON: Michael Mayer, Washington Environmental Council; Steve Wehrly, Muckelshoot Tribe; Steve Robinson, Northwest Indian Fisheries Commission.