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HOUSE BILL 2561

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Alexander, Orcutt, DeBolt, Lytton, Kretz, Johnson, and Ross

Read first time 01/17/12. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to specifying options for potable water delivery to  
2 ski facilities; amending RCW 19.27.015, 19.27.097, and 19.27.040; and  
3 adding a new section to chapter 70.119A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.27.015 and 2009 c 362 s 2 are each amended to read  
6 as follows:

7 ~~((As used in this chapter\*))~~ The definitions in this section apply  
8 throughout this chapter unless the context clearly requires otherwise.

9 (1) "Agricultural structure" means a structure designed and  
10 constructed to house farm implements, hay, grain, poultry, livestock,  
11 or other horticultural products. This structure may not be a place of  
12 human habitation or a place of employment where agricultural products  
13 are processed, treated, or packaged, nor may it be a place used by the  
14 public((+)).

15 (2) "City" means a city or town((+)).

16 (3) "Multifamily residential building" means common wall  
17 residential buildings that consist of four or fewer units, that do not  
18 exceed two stories in height, that are less than five thousand square

1 feet in area, and that have a one-hour fire-resistive occupancy  
2 separation between units(~~(+and)~~).

3 (4) "Ski facilities" means an operation open to the public that  
4 holds itself out as the purveyor of alpine or cross-country skiing  
5 opportunities and is required to abide by the signage requirements of  
6 RCW 79A.45.010.

7 (5) "Temporary growing structure" means a structure that has the  
8 sides and roof covered with polyethylene, polyvinyl, or similar  
9 flexible synthetic material and is used to provide plants with either  
10 frost protection or increased heat retention.

11 **Sec. 2.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to  
12 read as follows:

13 (1)(a) Each applicant for a building permit of a building  
14 necessitating potable water shall provide evidence of an adequate water  
15 supply for the intended use of the building. Evidence may be in the  
16 form of:

17 (i) A water right permit from the department of ecology(~~(+)~~).  
18 However, an application for a water right is not sufficient proof of an  
19 adequate water supply;

20 (ii) A letter from an approved water purveyor stating the ability  
21 to provide water(~~(+)~~); or

22 (iii) Another form sufficient to verify the existence of an  
23 adequate water supply.

24 (b) A ski facility is considered to have satisfied the requirements  
25 of this section if the ski facility provides evidence that it has:

26 (i) A water tank on its premises, or has an agreement to store  
27 water in a water tank reasonably near to its premises, that has a  
28 storage capacity large enough to serve the anticipated daily potable  
29 water needs of the ski facility operations, guests, and employees; and

30 (ii) Has an agreement with an approved water purveyor to provide  
31 sufficient water to meet the needs of the ski facility regardless of  
32 whether the ski facility or the water purveyor plan to fill the water  
33 tank through a direct connection to a water main, through a direct  
34 connection to a well, or by manually transporting unpressurized water  
35 by vehicle from a water main or well to the water tank located at or  
36 near the ski facility.

1        (c) In addition to other authorities, the county or city may impose  
2 conditions on building permits requiring connection to an existing  
3 public water system where the existing system is willing and able to  
4 provide safe and reliable potable water to the applicant with  
5 reasonable economy and efficiency. (~~An application for a water right  
6 shall not be sufficient proof of an adequate water supply.~~)

7        (2) Within counties not required or not choosing to plan pursuant  
8 to RCW 36.70A.040, the county and the state may mutually determine  
9 those areas in the county in which the requirements of subsection (1)  
10 of this section shall not apply. The departments of health and ecology  
11 shall coordinate on the implementation of this section. Should the  
12 county and the state fail to mutually determine those areas to be  
13 designated pursuant to this subsection, the county may petition the  
14 department of (~~general administration~~) enterprise services to mediate  
15 or, if necessary, make the determination.

16        (3) Buildings that do not need potable water facilities are exempt  
17 from the provisions of this section. The department of ecology, after  
18 consultation with local governments, may adopt rules to implement this  
19 section, which may recognize differences between high-growth and low-  
20 growth counties.

21        **Sec. 3.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to read  
22 as follows:

23        (1) Except for the potable water requirements for ski facilities as  
24 provided in RCW 19.27.097, the governing body of each county or city is  
25 authorized to amend the state building code as it applies within the  
26 jurisdiction of the county or city. The minimum performance standards  
27 of the codes and the objectives enumerated in RCW 19.27.020 shall not  
28 be diminished by any county or city amendments.

29        (2) Nothing in this chapter shall authorize any modifications of  
30 the requirements of chapter 70.92 RCW.

31        NEW SECTION. **Sec. 4.** A new section is added to chapter 70.119A  
32 RCW to read as follows:

33        A ski facility that meets the potable water requirements set forth  
34 in RCW 19.27.040 must be deemed acceptable by the department in terms

1 of adequate water supply and may not be found in violation of this  
2 chapter.

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