

SENATE BILL REPORT

SB 5995

As Reported by Senate Committee On:
Governmental Operations, February 6, 2014

Title: An act relating to local government selection of the appropriate sewer systems as part of growth management.

Brief Description: Concerning local government selection of the appropriate sewer systems as part of growth management.

Sponsors: Senators Angel and Dammeier.

Brief History:

Committee Activity: Governmental Operations: 1/20/14, 2/06/14 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Dandel and Rivers.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Member; McCoy.

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 Originally enacted in 1990 and 1991, GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly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 them that are obligated to satisfy all planning requirements under GMA.

GMA directs counties and cities that fully plan under GMA, 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, including land use and transportation, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations mandated by GMA.

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.

Counties that fully plan under GMA must designate urban growth areas – areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. These fully planning counties and each city within must include in their urban growth areas, areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period. The GMA defines urban governmental services or urban services to include, in part, storm and sanitary sewer systems, domestic water systems, fire and police protection services, and other public utilities associated with urban areas and normally not associated with rural areas.

On-site septic systems or on-site sewage systems are the most common methods of wastewater treatment for homes, commercial establishments, and other places that are not connected to a public sanitary sewer system. An on-site sewage system consists of a network of pipes, a septic tank, and a drainfield, and provides subsurface soil treatment and dispersal of sewage.

Summary of Bill: Counties and cities may allow approved on-site sewage systems as an alternative to mandatory sanitary sewer connections for sites located in existing developments in urban growth areas where the cost to a property owner to connect to a sanitary sewer system is cost prohibitive.

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: This bill is designed to address the situation in which a septic system fails and the costs to connect to the sewer system are so high that a citizen does not have the money to hook up to the sewer system. Citizens have lost their home because of these costs. This bill allows a local government to make the decision about whether to allow the use of approved on-site septic systems. Currently, if a home is located within 300 feet or less of a sewer line, the house has to tie into the sewer line. In situations in which the cost to repair the system is \$8,000 and the cost to hook up to the sewer line is \$37,000, the cost to hook up to the sewer line is financially devastating. The fear is that a home owner will be afraid to contact a contractor about their septic system because they cannot afford to hook up to the sewer line. The other situation that property owners face is when they buy a vacant lot that is zoned for a septic system, but before a home is built sewer lines come in and the property owner then has to hook up to the sewer line at the main road. This bill is repeating what is already in the WA Administrative Code, that cities may allow the use of septic systems when sewer connection costs are cost prohibitive. This bill is designed to provide more clarity and to define cost prohibitive.

CON: When a city approves an urban growth area, a water-sewer district starts to plan and starts to introduce water and sewer systems into these areas. If the city can establish exceptions, that could create a cost shift. It may make sense to allow for exemptions to rebuild or repair an existing system, but not to allow an exemption to build a new system.

Exemptions like those allowed in this bill could impact latecomer agreements. It is important to encourage developments to be completed and built to use the sewer system. The language in this bill may need to be amended to tighten the exemptions because it could lead to litigation. There is concern about the placement of this language in the GMA because it may not be the most appropriate place in the statute. This bill needs to be amended to establish some parameters around when a local jurisdiction could allow the continued use of a repaired or rebuilt septic system. Currently, cities have an obligation to provide infrastructure for development so that land developers can plan and it is assured that groundwater is protected. The exemptions need to be clarified so that it only works in existing development so that the groundwater is not polluted. Some cities have concerns that the bill as currently written will impact the way local jurisdictions evaluate approval of on-site versus sanitary sewer systems. There is concern around a lack of clarity surrounding the type of approval necessary. Stating that jurisdictions may allow on-site systems may invite legal challenges claiming that rejection of a person's on-site system is arbitrary. The bill does not include a formalized way of evaluating cost effectiveness.

Persons Testifying: PRO: Senator Angel, prime sponsor; Tim Johnson, John Thomas, WA On-Site Sewage Assn.

CON: Steve Lindstrom, Sno-King Water Sewer District Coalition; Kelsey Beck, Futurewise.

Signed In, Unable to Testify & Submitted Written Testimony: CON: Alex Soldano, Cities of Pasco and Lakewood.