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SENATE BILL 5073

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State of Washington

60th Legislature

2007 Regular Session

By Senators Honeyford, Schoesler and Delvin

Read first time 01/10/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to phasing out building permit moratoriums for  
2 cities with unprocessed water right permit applications; and amending  
3 RCW 19.27.097.

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

5 **Sec. 1.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to read  
6 as follows:

7 (1) Each applicant for a building permit of a building  
8 necessitating potable water shall provide evidence of an adequate water  
9 supply for the intended use of the building. Evidence may be in the  
10 form of a water right permit from the department of ecology, a letter  
11 from an approved water purveyor stating the ability to provide water,  
12 or another form sufficient to verify the existence of an adequate water  
13 supply. In addition to other authorities, the county or city may  
14 impose conditions on building permits requiring connection to an  
15 existing public water system where the existing system is willing and  
16 able to provide safe and reliable potable water to the applicant with  
17 reasonable economy and efficiency. An application for a water right  
18 shall not be sufficient proof of an adequate water supply.

1 (2) Within counties not required or not choosing to plan pursuant  
2 to RCW 36.70A.040, the county and the state may mutually determine  
3 those areas in the county in which the requirements of subsection (1)  
4 of this section shall not apply. The departments of health and ecology  
5 shall coordinate on the implementation of this section. Should the  
6 county and the state fail to mutually determine those areas to be  
7 designated pursuant to this subsection, the county may petition the  
8 department of community, trade, and economic development to mediate or,  
9 if necessary, make the determination.

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

15 (4) For the purposes of this section and beginning on the effective  
16 date of this section:

17 (a) A moratorium on the issuance of building permits within any  
18 city that has had a water right application pending with the department  
19 of ecology for more than five years is deemed void and the moratorium  
20 must be lifted; and

21 (b) No state, county, or city agency or authority may thereafter  
22 place a moratorium on the issuance of building permits within any city  
23 that has had a water right application pending with the department of  
24 ecology for more than five years.

25 (5) For the purposes of this section and beginning one year after  
26 the effective date of this section:

27 (a) A moratorium on the issuance of building permits within any  
28 city that has had a water right application pending with the department  
29 of ecology for more than three years is deemed void and the moratorium  
30 must be lifted; and

31 (b) No state, county, or city agency or authority may thereafter  
32 place a moratorium on the issuance of building permits within any city  
33 that has had a water right application pending with the department of  
34 ecology for more than three years.

35 (6) For the purposes of this section and beginning two years after  
36 the effective date of this section:

37 (a) A moratorium on the issuance of building permits within any

1 city that has had a water right application pending with the department  
2 of ecology for more than one year is deemed void and the moratorium  
3 must be lifted; and

4 (b) No state, county, or city agency or authority may thereafter  
5 place a moratorium on the issuance of building permits within any city  
6 that has had a water right application pending with the department of  
7 ecology for more than one year.

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