
HOUSE BILL 2450

State of Washington 56th Legislature 2000 Regular Session

By Representatives McDonald, Mielke, Dunn and Kastama

Read first time 01/13/2000. Referred to Committee on Local Government.

1 AN ACT Relating to water service in unincorporated areas; amending
2 RCW 36.70A.210; adding a new section to chapter 35.21 RCW; adding a new
3 section to chapter 35.92 RCW; and adding a new section to chapter
4 70.116 RCW.

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

6 **Sec. 1.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read
7 as follows:

8 (1) The legislature recognizes that counties are regional
9 governments within their boundaries, and cities are primary providers
10 of urban governmental services within urban growth areas. For the
11 purposes of this section, a "county-wide planning policy" is a written
12 policy statement or statements used solely for establishing a county-
13 wide framework from which county and city comprehensive plans are
14 developed and adopted pursuant to this chapter. This framework shall
15 ensure that city and county comprehensive plans are consistent as
16 required in RCW 36.70A.100. Nothing in this section shall be construed
17 to alter the land-use powers of cities.

18 (2) The legislative authority of a county that plans under RCW
19 36.70A.040 shall adopt a county-wide planning policy in cooperation

1 with the cities located in whole or in part within the county as
2 follows:

3 (a) No later than sixty calendar days from July 16, 1991, the
4 legislative authority of each county that as of June 1, 1991, was
5 required or chose to plan under RCW 36.70A.040 shall convene a meeting
6 with representatives of each city located within the county for the
7 purpose of establishing a collaborative process that will provide a
8 framework for the adoption of a county-wide planning policy. In other
9 counties that are required or choose to plan under RCW 36.70A.040, this
10 meeting shall be convened no later than sixty days after the date the
11 county adopts its resolution of intention or was certified by the
12 office of financial management.

13 (b) The process and framework for adoption of a county-wide
14 planning policy specified in (a) of this subsection shall determine the
15 manner in which the county and the cities agree to all procedures and
16 provisions including but not limited to desired planning policies,
17 deadlines, ratification of final agreements and demonstration thereof,
18 and financing, if any, of all activities associated therewith.

19 (c) If a county fails for any reason to convene a meeting with
20 representatives of cities as required in (a) of this subsection, the
21 governor may immediately impose any appropriate sanction or sanctions
22 on the county from those specified under RCW 36.70A.340.

23 (d) If there is no agreement by October 1, 1991, in a county that
24 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
25 or if there is no agreement within one hundred twenty days of the date
26 the county adopted its resolution of intention or was certified by the
27 office of financial management in any other county that is required or
28 chooses to plan under RCW 36.70A.040, the governor shall first inquire
29 of the jurisdictions as to the reason or reasons for failure to reach
30 an agreement. If the governor deems it appropriate, the governor may
31 immediately request the assistance of the department of community,
32 trade, and economic development to mediate any disputes that preclude
33 agreement. If mediation is unsuccessful in resolving all disputes that
34 will lead to agreement, the governor may impose appropriate sanctions
35 from those specified under RCW 36.70A.340 on the county, city, or
36 cities for failure to reach an agreement as provided in this section.
37 The governor shall specify the reason or reasons for the imposition of
38 any sanction.

1 (e) No later than July 1, 1992, the legislative authority of each
2 county that was required or chose to plan under RCW 36.70A.040 as of
3 June 1, 1991, or no later than fourteen months after the date the
4 county adopted its resolution of intention or was certified by the
5 office of financial management the county legislative authority of any
6 other county that is required or chooses to plan under RCW 36.70A.040,
7 shall adopt a county-wide planning policy according to the process
8 provided under this section and that is consistent with the agreement
9 pursuant to (b) of this subsection, and after holding a public hearing
10 or hearings on the proposed county-wide planning policy.

11 (3) A county-wide planning policy shall at a minimum, address the
12 following:

13 (a) Policies to implement RCW 36.70A.110;

14 (b) Policies for promotion of contiguous and orderly development
15 and provision of urban services to such development;

16 (c) Policies for siting public capital facilities of a county-wide
17 or state-wide nature, including transportation facilities of state-wide
18 significance as defined in RCW 47.06.140;

19 (d) Policies for county-wide transportation facilities and
20 strategies;

21 (e) Policies that consider the need for affordable housing, such as
22 housing for all economic segments of the population and parameters for
23 its distribution;

24 (f) Policies for joint county and city planning within urban growth
25 areas, including policies to encourage agreements on allowed land uses
26 between cities and the portions of unincorporated urban growth areas
27 that are contiguous or in close proximity to cities;

28 (g) Policies for county-wide economic development and employment;
29 and

30 (h) An analysis of the fiscal impact.

31 (4) Federal agencies and Indian tribes may participate in and
32 cooperate with the county-wide planning policy adoption process.
33 Adopted county-wide planning policies shall be adhered to by state
34 agencies.

35 (5) Failure to adopt a county-wide planning policy that meets the
36 requirements of this section may result in the imposition of a sanction
37 or sanctions on a county or city within the county, as specified in RCW
38 36.70A.340. In imposing a sanction or sanctions, the governor shall
39 specify the reasons for failure to adopt a county-wide planning policy

1 in order that any imposed sanction or sanctions are fairly and
2 equitably related to the failure to adopt a county-wide planning
3 policy.

4 (6) Cities and the governor may appeal an adopted county-wide
5 planning policy to the growth management hearings board within sixty
6 days of the adoption of the county-wide planning policy.

7 (7) Multicounty planning policies shall be adopted by two or more
8 counties, each with a population of four hundred fifty thousand or
9 more, with contiguous urban areas and may be adopted by other counties,
10 according to the process established under this section or other
11 processes agreed to among the counties and cities within the affected
12 counties throughout the multicounty region.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21 RCW
14 to read as follows:

15 No local government operating or maintaining a public water system
16 may condition water service to any property outside its jurisdictional
17 limits but within its service area on any of the following:

18 (1) The present or future execution of any annexation petition for
19 the property to be served;

20 (2) Support for or acquiescence to any annexation proposal for the
21 property to be served; or

22 (3) Compliance with the local government's land use regulations if
23 the current or proposed use of the property to be served complies with
24 the land use regulations of the local government in which the property
25 is located.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.92 RCW
27 to read as follows:

28 No local government operating or maintaining a public water system
29 may condition water service to any property outside its jurisdictional
30 limits but within its service area on any of the following:

31 (1) The present or future execution of any annexation petition for
32 the property to be served;

33 (2) Support for or acquiescence to any annexation proposal for the
34 property to be served; or

35 (3) Compliance with the local government's land use regulations if
36 the current or proposed use of the property to be served complies with

1 the land use regulations of the local government in which the property
2 is located.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.116 RCW
4 to read as follows:

5 (1) No local government operating or maintaining a public water
6 system may condition water service to any property outside its
7 jurisdictional limits but within its service area on any of the
8 following:

9 (a) The present or future execution of any annexation petition for
10 the property to be served;

11 (b) Support for or acquiescence to any annexation proposal for the
12 property to be served; or

13 (c) Compliance with the local government's land use regulations if
14 the current or proposed use of the property to be served complies with
15 the land use regulations of the local government in which the property
16 is located.

17 (2) A local government shall identify in its coordinated water
18 system plan any conditions imposed on water service to any property
19 outside its jurisdictional limits but within its service area.

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