AN ACT Relating to allowing limited storm and sanitary sewer systems for rural economic development in the growth management act; amending RCW 36.70A.110; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature recognizes the need to provide rural areas the same opportunity to retain and enhance the job base as those in urban areas, while protecting the environment, preventing urban sprawl, and ensuring lands may be used for all allowed uses. The legislature affirms that rural counties must have flexibility to create opportunities for business, to retain existing businesses and allow them to expand. The legislature finds that public facilities are a necessary aspect of infrastructure, as well as protecting groundwater and the environment, and that without such services rural areas are at a disadvantage for providing opportunities to live and work in rural areas. The legislature recognizes that not all business developments in rural counties require an urban level of services, however there are allowed economic development activities where storm and sanitary sewer systems are appropriate and would provide the greatest level of protection to groundwater and the environment. The legislature further recognizes that rural development consists of a variety of
uses and that essential public facilities are needed to serve rural
areas to accommodate rural economic advancement and uses. Therefore,
the legislature finds that there is a need for counties and cities to
have the option to provide storm and sanitary sewer systems to rural
areas for specific and allowed rural economic development that does
not allow urban sprawl.

Sec. 2. RCW 36.70A.110 and 2017 c 305 s 1 are each amended to
read as follows:

(1) Each county that is required or chooses to plan under RCW
36.70A.040 shall designate an urban growth area or areas within which
urban growth shall be encouraged and outside of which growth can
occur only if it is not urban in nature. Each city that is located in
such a county shall be included within an urban growth area. An urban
growth area may include more than a single city. An urban growth area
may include territory that is located outside of a city only if such
territory already is characterized by urban growth whether or not the
urban growth area includes a city, or is adjacent to territory
already characterized by urban growth, or is a designated new fully
contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made
for the county by the office of financial management, the county and
each city within the county shall include areas and densities
sufficient to permit the urban growth that is projected to occur in
the county or city for the succeeding twenty-year period, except for
those urban growth areas contained totally within a national
historical reserve. As part of this planning process, each city
within the county must include areas sufficient to accommodate the
broad range of needs and uses that will accompany the projected urban
growth including, as appropriate, medical, governmental,
institutional, commercial, service, retail, and other nonresidential
uses.

Each urban growth area shall permit urban densities and shall
include greenbelt and open space areas. In the case of urban growth
areas contained totally within a national historical reserve, the
city may restrict densities, intensities, and forms of urban growth
as determined to be necessary and appropriate to protect the
physical, cultural, or historic integrity of the reserve. An urban
growth area determination may include a reasonable land market supply
factor and shall permit a range of urban densities and uses. In
determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4)(a) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except (in those) for allowed uses or in those limited circumstances shown to be necessary to protect basic public health and safety (and), protect the environment (and), or encourage economic development when such services are financially supportable at rural densities and do not permit urban development.

(b) Cities may extend storm and sanitary sewer systems in rural areas for allowed uses or in those limited circumstances listed in p. 3 SB 6516
(a) of this subsection by designing and sizing the sewer line so that
it may serve only particular structures and not intervening lands.

(5) On or before October 1, 1993, each county that was initially
required to plan under RCW 36.70A.040(1) shall adopt development
regulations designating interim urban growth areas under this
chapter. Within three years and three months of the date the county
legislative authority of a county adopts its resolution of intention
or of certification by the office of financial management, all other
counties that are required or choose to plan under RCW 36.70A.040
shall adopt development regulations designating interim urban growth
areas under this chapter. Adoption of the interim urban growth areas
may only occur after public notice; public hearing; and compliance
with the state environmental policy act, chapter 43.21C RCW, and
under this section. Such action may be appealed to the growth
management hearings board under RCW 36.70A.280. Final urban growth
areas shall be adopted at the time of comprehensive plan adoption
under this chapter.

(6) Each county shall include designations of urban growth areas
in its comprehensive plan.

(7) An urban growth area designated in accordance with this
section may include within its boundaries urban service areas or
potential annexation areas designated for specific cities or towns
within the county.

(8)(a) Except as provided in (b) of this subsection, the
expansion of an urban growth area is prohibited into the one hundred
year floodplain of any river or river segment that: (i) Is located
west of the crest of the Cascade mountains; and (ii) has a mean
annual flow of one thousand or more cubic feet per second as
determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a
floodplain and lack adjacent buildable areas outside the floodplain;
(ii) Urban growth areas where expansions are precluded outside
floodplains because:

(A) Urban governmental services cannot be physically provided to
serve areas outside the floodplain; or
(B) Expansions outside the floodplain would require a river or
estuary crossing to access the expansion; or
(iii) Urban growth area expansions where:
(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(9) If a county, city, or utility has adopted a capital facility plan or utilities element to provide sewer service within the urban growth areas during the twenty-year planning period, nothing in this chapter obligates counties, cities, or utilities to install sanitary sewer systems to properties within urban growth areas designated under subsection (2) of this section by the end of the twenty-year planning period when those properties:

(a)(i) Have existing, functioning, nonpolluting on-site sewage systems;

(ii) Have a periodic inspection program by a public agency to verify the on-site sewage systems function properly and do not pollute surface or groundwater; and

(iii) Have no redevelopment capacity; or
(b) Do not require sewer service because development densities are limited due to wetlands, flood plains, fish and wildlife habitats, or geological hazards.

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