
Environment Committee

HB 1683

Brief Description: Addressing sewer service within urban growth areas.

Sponsors: Representatives Appleton and Griffey.

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| <p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Specifies that counties and cities are not obligated to install sanitary sewer systems to certain properties within Urban Growth Areas served by on-site sewage systems. |
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Hearing Date: 2/2/17

Staff: Jacob Lipson (786-7196).

Background:

Growth Management Act Planning Obligations.

The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA (planning jurisdictions).

The GMA directs 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, each of which is a subset of a comprehensive plan. Capital facilities plan elements are one such planning element that must be included in comprehensive plans, and which must include an inventory of existing capital facilities, a forecast of the future needs for capital facilities, the proposed locations of new or expanded capital facilities. Likewise, a second mandatory element that must be included in

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comprehensive plans is a land use element, which must include designation of lands for essential public facilities, including sanitary sewer systems.

The GMA also considers sanitary sewer systems to be urban services. The GMA provides that urban growth is typically required to be served by urban services, and that cities are the units of local government most appropriate to provide urban governmental services.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. This 20-year planning period has planning and service implications. For example, the Growth Management Hearing Board, the quasi-judicial board established in the GMA, has found that counties have an obligation to bring already developed areas within a UGA to an urban level of service within the 20-year planning period. With respect to urban service provisions in UGAs, the Department of Commerce, the agency charged with providing technical and financial assistance to jurisdictions that must implement the GMA, indicates in its agency rules that the use of on-site sewage systems (OSS) within UGAs may be appropriate in limited circumstances where there is no negative effect on basic public health, safety and the environment, and where the use of OSS does not preclude development at urban densities.

On-Site Sewage Systems.

The State Board of Health adopts rules addressing the design, construction, installation, operation, and maintenance of OSS. Local health jurisdictions (LHJ) in each county administer and enforce those OSS regulations alongside any additional or discrepant local requirements. Owners of an OSS are generally responsible for maintaining the OSS. Once OSS systems have been installed, the systems must be inspected at least once every three years if the system has a septic tank and relies on a gravity-powered drain field, or at least once per year for other types of OSS, unless a county LHJ requires more frequent inspections. In general, the owner bears the costs associated with repair and upkeep of the OSS.

Counties and Cities - Sanitary Sewer Systems.

Counties and cities have broad authority to construct, operate, maintain, and regulate sanitary sewer systems within all or part of their jurisdictions. Cities and towns are also authorized, subject to certain limits, to extend sewer services beyond their corporate limits.

Mandatory Connections to Public Sanitary Sewer Systems.

If adequate public sewer services are available within 200 feet of the residence or facility, the LHJ, upon the failure of an existing OSS may require connection to a public sewer system. If a conforming system can be designed and installed, the LHJ may also permit the repair or replacement of the OSS.

The owner of a residence or other facility served by an OSS may also be required to connect to a public sewer system when:

- connection is deemed necessary to protect public health by the LHJ;

- an adequate public sewer becomes available within 200 feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
- the sewer utility allows the sewer connection.

Additionally, LHJs may require a new development to connect to a public sewer system to protect public health. The LHJ must require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations of the county or city.

Summary of Bill:

Counties and cities that have adopted a capital facility plan to provide sewer service within a UGA during a 20-year planning period are not obligated to install sanitary sewer systems to certain properties within the UGA before the end of the planning period. The properties within a UGA that are not required to be served by sanitary sewer systems must:

- have existing, functioning, non-polluting OSS that receives periodic inspection by a public agency to verify proper functioning, that does not pollute surface or groundwater, and that have no redevelopment capacity; or
- not require sewer service as a result of density limitations due to wetlands, floodplains, habitats, or geological hazards.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.