

# SENATE BILL REPORT

## SB 6121

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As Reported by Senate Committee On:  
Local Government, January 23, 2018

**Title:** An act relating to the siting of institutions of higher education and accompanying facilities.

**Brief Description:** Siting of institutions of higher education and accompanying facilities.

**Sponsors:** Senator Honeyford.

**Brief History:**

**Committee Activity:** Local Government: 1/16/18, 1/23/18 [DPS].

**Brief Summary of First Substitute Bill**

- Allows counties planning under the Growth Management Act (GMA) to extend public facilities and utilities to small, private higher education institutions that are located in close proximity to an urban growth area.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 6121 be substituted therefor, and the substitute bill do pass.

Signed by Senators Takko, Chair; Palumbo, Vice Chair; Short, Ranking Member; Angel.

**Staff:** Greg Vogel (786-7413)

**Background:** GMA. The GMA is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA: (1) the county legislative authority must adopt a countywide planning policy; (2) the county, and the cities within the county, must designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and (3) the county must designate and take other actions related to Urban Growth Areas (UGAs).

UGAs. Counties that fully plan under the GMA must designate UGAs, areas within which urban growth must be encouraged and outside of which growth may occur only if it is not

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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. In addition, cities must include sufficient areas 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.

The GMA provides that, in general, it is not appropriate for urban governmental services, such as public services and public facilities typically provided in cities, to be extended to or expanded outside of the UGA into rural areas. Extension or expansion may be permitted in limited circumstances where: (1) it is shown to be necessary to protect basic public health and safety, and the environment; and (2) when such services are financially supportable at rural densities and do not permit urban development.

**Summary of Bill (First Substitute):** A county planning under the GMA that (1) has a population greater than 200,000, but less than 300,000 persons and (2) is located east of the crest of the Cascade mountain range may extend public facilities and utilities to serve a privately operated institution of higher education, located on a federally recognized Indian reservation, that serves fewer than 2,000 students and is sited within three miles of a UGA if the following requirements are met:

- the applicable board of directors has adopted a policy addressing the institution's needs;
- the county and all affected cities agree to the extension of public facilities and utilities;
- if the public facility or utility is extended beyond the UGA to serve an institution, the public facility or utility must serve only the institution and the costs of such extension must be borne by the institution based on a reasonable nexus to the impacts of the institution, except as provided for certain property requests; and
- any impacts associated with the siting of the institution are mitigated as required by the State Environmental Policy Act.

The GMA does not prohibit either the expansion or modernization of an existing institution of higher education.

Where a public facility or utility has extended beyond the UGA to serve an institution, the public facility or utility may, where consistent with the GMA's provision on urban governmental services, serve a property or properties owned in fee simple, adjacent to the utility line, containing structures on the effective date of the act, whose septic system has failed if the property owner so requests, provided that the county and all affected cities agree with the request. In this circumstance, the institution may, for a period not to exceed 20 years, seek reimbursement from a requesting property owner for a proportional share of the construction costs incurred in the extension of the public facility or utility. Nothing in the GMA shall prohibit connection to the utility line by any trust land by request of the tribal government.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):**

1. Specifies that the higher education institution is located on a federally recognized Indian reservation and within three miles of a UGA. Specifies that the extension of public facilities and utilities applies only to a county that:
  - a. has a population greater than 200,000, but less than 300,000 persons as determined by the 2010 census; and
  - b. is located east of the crest of the Cascade mountain range.
2. Provides that the extension, where the extension has occurred, may also serve a property owned in fee simple, adjacent to the utility line, containing structures on the effective date of the act, and whose septic system has failed, if requested by the property owner and agreed upon by the county and any affected cities.
3. Specifies that nothing in the chapter shall prohibit the connection to the utility line by any trust land by request of the tribal government.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This is a bill for Heritage University, located near Toppenish. They are in a bind. The school is expanding, but the septic system is not adequate for future development and would need to be replaced if they continued in operation, which would be a large expense. The idea of the bill is to extend sewer services from Toppenish to help avoid the significant costs of maintenance and operation. The city is in support of extending these services to help keep valuable space for education and expansion. Higher education is a priority in terms of economic development in rural areas.

CON: There is concern over section three of the bill, in that it would encourage growth outside of the UGA. This connection piece would encourage growth in the long-term because the infrastructure would already be in place.

OTHER: Generally speaking, there is concern at the idea of extending urban services outside of the UGA and that it would lead to urban sprawl. The extension allowed under this bill is also an expensive option, costing about \$1 million dollars per mile. It is appreciated that the bill is narrowly focused and that the sponsor is willing to work with Commerce and other stakeholders.

**Persons Testifying:** PRO: Senator Jim Honeyford, Prime Sponsor; Lance Hoyt, Toppenish City Manager; Dr. Andrew Sund, President, Heritage University; Jonathan Smith, Yakima County Development Association.

CON: Bryce Yadon, Futurewise.

OTHER: Alexandre Chateaubriand, Legislative Director, Washington State Department of Commerce; Laura Berg, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** No one.