
SUBSTITUTE SENATE BILL 6516

State of Washington

65th Legislature

2018 Regular Session

By Senate Local Government (originally sponsored by Senators Wilson, Short, and Sheldon)

READ FIRST TIME 02/02/18.

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

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
6 provide rural areas the same opportunity to retain and enhance the
7 job base as those in urban areas, while protecting the environment,
8 preventing urban sprawl, and ensuring lands may be used for all
9 allowed uses. The legislature affirms that rural counties must have
10 flexibility to create opportunities for business, to retain existing
11 businesses and allow them to expand. The legislature finds that
12 public facilities are a necessary aspect of infrastructure, as well
13 as protecting groundwater and the environment, and that without such
14 services rural areas are at a disadvantage for providing
15 opportunities to live and work in rural areas. The legislature
16 recognizes that not all business developments in rural counties
17 require an urban level of services, however there are allowed
18 economic development activities where storm and sanitary sewer
19 systems are appropriate and would provide the greatest level of
20 protection to groundwater and the environment. The legislature
21 further recognizes that rural development consists of a variety of

1 uses and that essential public facilities are needed to serve rural
2 areas to accommodate rural economic advancement and uses. Therefore,
3 the legislature finds that there is a need for counties and cities to
4 have the option to provide storm and sanitary sewer systems to rural
5 areas for specific and allowed rural economic development that does
6 not allow urban sprawl.

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

9 (1) Each county that is required or chooses to plan under RCW
10 36.70A.040 shall designate an urban growth area or areas within which
11 urban growth shall be encouraged and outside of which growth can
12 occur only if it is not urban in nature. Each city that is located in
13 such a county shall be included within an urban growth area. An urban
14 growth area may include more than a single city. An urban growth area
15 may include territory that is located outside of a city only if such
16 territory already is characterized by urban growth whether or not the
17 urban growth area includes a city, or is adjacent to territory
18 already characterized by urban growth, or is a designated new fully
19 contained community as defined by RCW 36.70A.350.

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

32 Each urban growth area shall permit urban densities and shall
33 include greenbelt and open space areas. In the case of urban growth
34 areas contained totally within a national historical reserve, the
35 city may restrict densities, intensities, and forms of urban growth
36 as determined to be necessary and appropriate to protect the
37 physical, cultural, or historic integrity of the reserve. An urban
38 growth area determination may include a reasonable land market supply
39 factor and shall permit a range of urban densities and uses. In

1 determining this market factor, cities and counties may consider
2 local circumstances. Cities and counties have discretion in their
3 comprehensive plans to make many choices about accommodating growth.

4 Within one year of July 1, 1990, each county that as of June 1,
5 1991, was required or chose to plan under RCW 36.70A.040, shall begin
6 consulting with each city located within its boundaries and each city
7 shall propose the location of an urban growth area. Within sixty days
8 of the date the county legislative authority of a county adopts its
9 resolution of intention or of certification by the office of
10 financial management, all other counties that are required or choose
11 to plan under RCW 36.70A.040 shall begin this consultation with each
12 city located within its boundaries. The county shall attempt to reach
13 agreement with each city on the location of an urban growth area
14 within which the city is located. If such an agreement is not reached
15 with each city located within the urban growth area, the county shall
16 justify in writing why it so designated the area an urban growth
17 area. A city may object formally with the department over the
18 designation of the urban growth area within which it is located.
19 Where appropriate, the department shall attempt to resolve the
20 conflicts, including the use of mediation services.

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

31 (4)(a) In general, cities are the units of local government most
32 appropriate to provide urban governmental services. In general, it is
33 not appropriate that urban governmental services be extended to or
34 expanded (~~in rural areas~~) outside an urban growth area except (~~in~~
35 ~~those~~) for allowed uses or in those limited circumstances shown to
36 be necessary to protect basic public health and safety (~~and~~),
37 protect the environment (~~and~~), or encourage economic development in
38 light industrial and heavy industrial zoning areas when such services
39 are financially supportable at rural densities and do not permit
40 urban residential development.

1 (b) Except as provided in (c) of this subsection, cities and
2 water-sewer districts may extend storm and sanitary sewer systems
3 outside an urban growth area for allowed uses or in those limited
4 circumstances listed in (a) of this subsection by designing and
5 sizing the sewer line so that it may serve only particular structures
6 and not intervening lands.

7 (c) Where a storm and sanitary sewer system has been extended
8 beyond an urban growth area to serve particular structures as
9 provided in (b) of this subsection, if the property owner so requests
10 and the county, all affected cities, and any affected water-sewer
11 district agree with the request, then the storm and sanitary sewer
12 system may serve a property or properties:

13 (i) Adjacent to the sewer line;

14 (ii) That, as of the effective date of this section, contains
15 structures; and

16 (iii) Whose septic system has failed.

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

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

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

38 (8)(a) Except as provided in (b) of this subsection, the
39 expansion of an urban growth area is prohibited into the one hundred
40 year floodplain of any river or river segment that: (i) Is located

1 west of the crest of the Cascade mountains; and (ii) has a mean
2 annual flow of one thousand or more cubic feet per second as
3 determined by the department of ecology.

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

5 (i) Urban growth areas that are fully contained within a
6 floodplain and lack adjacent buildable areas outside the floodplain;

7 (ii) Urban growth areas where expansions are precluded outside
8 floodplains because:

9 (A) Urban governmental services cannot be physically provided to
10 serve areas outside the floodplain; or

11 (B) Expansions outside the floodplain would require a river or
12 estuary crossing to access the expansion; or

13 (iii) Urban growth area expansions where:

14 (A) Public facilities already exist within the floodplain and the
15 expansion of an existing public facility is only possible on the land
16 to be included in the urban growth area and located within the
17 floodplain; or

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

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

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

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

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

37 (9) If a county, city, or utility has adopted a capital facility
38 plan or utilities element to provide sewer service within the urban
39 growth areas during the twenty-year planning period, nothing in this
40 chapter obligates counties, cities, or utilities to install sanitary

1 sewer systems to properties within urban growth areas designated
2 under subsection (2) of this section by the end of the twenty-year
3 planning period when those properties:

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

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

9 (iii) Have no redevelopment capacity; or

10 (b) Do not require sewer service because development densities
11 are limited due to wetlands, flood plains, fish and wildlife
12 habitats, or geological hazards.

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