

SENATE BILL REPORT

SB 5660

As of February 10, 2025

Title: An act relating to making it possible for more properties to have access to water, storm drains, and sanitary sewage systems.

Brief Description: Making it possible for more properties to have access to water, storm drains, and sanitary sewage systems.

Sponsors: Senators Goehner, Torres, Warnick and Dozier.

Brief History:

Committee Activity: Local Government: 2/10/25.

Brief Summary of Bill

- Allows for development in limited areas of more intensive rural development to include access to domestic water, storm, and sanitary sewer systems to meet the needs of the community when feasible and affordable for the location.
- Allows for the extension of publicly provided water, storm water, and sanitary sewer services outside of a city and urban growth area to meet the needs of people outside of the city under certain conditions.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Karen Epps (786-7424)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. 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

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satisfy all planning requirements of the GMA.

Comprehensive Plans. The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must contain certain elements, such as a land use element, a housing element, and rural element. This element covers rural development and measures to protect the rural character of an area. The rural element can also allow for limited areas of more intensive rural development (LAMIRDs).

Limited Areas of More Intensive Rural Development. There are three types of LAMIRDs. The first type involves infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas. The second involves small-scale recreational or tourist uses. The third involves isolated cottage industries or small-scale businesses that do not serve the rural population but that do provide job opportunities.

In Type I LAMIRDs, any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area must be principally designed to serve the existing and projected rural population. Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment.

Urban Growth Areas. Counties that fully plan under the GMA must designate urban growth areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. UGAs must contain sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. Fully planning counties must review the designated UGAs, patterns of development within the UGAs, and the densities permitted within the incorporated and unincorporated portions of each UGA during the regularly scheduled comprehensive review update cycle.

Urban Services. In general, cities are the units of local government most appropriate to provide urban governmental services. Urban governmental services include those public services that are typically provided in cities, including storm and sewer systems, domestic water systems, public transit, public safety, and other services associated with urban areas and not associated with rural areas. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

Summary of Bill: Any development or redevelopment that may be permitted in a Type I

LAMIRD subject to confirmation from all existing providers of public facilities and public services of sufficient capacity to serve new or additional demand should also meet the needs of the people in those communities, including access to domestic water, storm, and sanitary sewer systems that are feasible and affordable for the location.

Publicly provided water, stormwater, and sanitary sewer systems may be extended beyond city and urban growth area boundaries to meet the needs of those living outside of the city when there is existing development inconsistent with rural character, if the expansion will not foster expanded unplanned urban development and the city makes findings that the extension is feasible, cost-effective within 20 years, and environmentally beneficial. To be environmentally beneficial, an action must be subject to a quantified analysis under the State Environmental Policy Act that finds that the action would mitigate current or projected environmental impacts or would provide defined benefits that help advance state, federal or state environmental policies, or policies in the city's comprehensive plan. The provision of water, sanitary sewage systems, and stormwater control facilities may be used to protect basic public health, safety, and the environment outside of city and urban growth area boundaries.

The GMHB may not base a finding of noncompliance on the provision of water, sewer, or stormwater facilities outside of a city's boundaries when an extension is approved after satisfying the requirements for the extension of such services, and state funding cannot be restricted or reduced for such a reason.

A boundary review board may not review an extension of permanent water or sewer service outside of a city, town, or special purpose district's corporate boundaries when an extension is approved after satisfying the requirements for the extension.

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: PRO: This bill allows a city to provide services for a couple of homes just outside the UGA. The bill provides environmental benefits, because if there are failed septic systems, this would give them the opportunity to tie into an existing system. This bill would provide a more cost effective approach for someone just outside the UGA with a failing septic system, while potentially being cost effective for the municipalities that are offering those services.

The bill allows flexibly to provide public utility services to development or redevelopment projects that serve residents in rural areas in situations where those services are feasible,

cost effective, and environmentally beneficial. The guardrails in the bill require that the provisions of those services must be otherwise consistent with the goals of GMA, existing environmental law, and city or county comprehensive plans. Technologically sound infrastructure, deployed where appropriate, provides benefits not only to the residents served, but also to community public health and the broader environment. This bill would provide cities with flexibility to respond to problems in areas around the city.

CON: There is a provision in the GMA that allows services to be extended in those limited circumstances to be necessary to protect basic health and safety in the environment, and when such services are financially supportable at rural densities and do not permit urban development. This bill undermines the goals and intent of the GMA, which limits extending services outside the UGA. The bill would preclude boundary review board review of utility extensions that would shut off the only opportunity for public comment on proposed service extensions in rural areas.

Persons Testifying: PRO: Senator Keith Goehner, Prime Sponsor; Andrea Smiley, Building Industry Association of Washington; James Fletcher, City of Cashmere; Kelsey Hulse, Washington State Association of Counties.

CON: Chandler Felt, WA State Association of Boundary Review Boards; Bryce Yadon, Futurewise.

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