

1 **ESB 6025** - H AMD TO LG COMM AMD (H4486.1) **1329 ADOPTED 3-4-94**
2 By Representative Heavey

3 On page 8, after line 34, insert the following new sections:

4 "NEW SECTION. **Sec. 13.** A new section is added to chapter
5 35.21 RCW to read as follows:

6 (1) Except as otherwise provided in subsection (2) of this
7 section, nothing in this chapter authorizes a city or town that
8 provides water or sewer service outside the corporate boundaries of
9 the city or town to require, as condition of providing water or
10 sewer service, the property owner who has requested water or sewer
11 service to agree to:

12 (a) Lot sizes different from those required by the
13 jurisdiction with zoning authority over the property; or

14 (b) Other development or design requirements not required by
15 the local government with jurisdiction over the property.

16 (2) A city or town may impose conditions not otherwise allowed
17 under subsection (1) of this section if:

18 (a) The conditions are reasonably necessary to the proper
19 functioning of the water or sewer service; or

20 (b) The local government with jurisdiction over the property
21 concurs with the conditions during review pursuant to chapter
22 43.21C RCW, interlocal cooperation agreement under chapter 39.34
23 RCW, or the project approval process.

24 NEW SECTION. **Sec. 14.** A new section is added to chapter
25 35.92 RCW to read as follows:

1 (1) Except as otherwise provided in subsection (2) of this
2 section, nothing in this chapter authorizes a city or town that
3 provides water or sewer service outside the corporate boundaries of
4 the city or town to require, as condition of providing water or
5 sewer service, the property owner who has requested water or sewer
6 service to agree to:

7 (a) Lot sizes different from those required by the
8 jurisdiction with zoning authority over the property; or

9 (b) Other development or design requirements not required by
10 the local government with jurisdiction over the property.

11 (2) A city or town may impose conditions not otherwise allowed
12 under subsection (1) of this section if:

13 (a) The conditions are reasonably necessary to the proper
14 functioning of the water or sewer service; or

15 (b) The local government with jurisdiction over the property
16 concurs with the conditions during review pursuant to chapter
17 43.21C RCW, interlocal cooperation agreement under chapter 39.34
18 RCW, or the project approval process.

19 NEW SECTION. **Sec. 15.** Sections 13 and 14 of this act shall
20 take effect July 1, 1994.

21 NEW SECTION. **Sec. 16.** (1) Sections 13 and 14 of this act do
22 not apply to any application for a plat or subdivision subject to
23 chapter 58.17 RCW and filed before July 1, 1994. Nor do such
24 sections apply to any land located within such a plat or
25 subdivision.

26 (2) Nothing in subsection (1) of this section and sections 13
27 and 14 of this act shall be construed to affect, in any manner
28 whatsoever, the validity or invalidity of any city's or town's
29 regulations or restrictions with respect to applications and lands
30 that, under subsection (1) of this section, are excluded from the
31 application of sections 13 and 14 of this act. It is the intent of

1 the legislature that any legal questions concerning the authority
2 of a city or town to apply such regulations or restrictions to such
3 excluded applications and lands shall be determined as if
4 subsection (1) and sections 13 and 14 were not law."

EFFECT: With exceptions, provides that cities or towns may not condition their providing sewer or water services outside their boundaries on the property owners' compliance with their development regulations. This rule would not apply to plat or subdivision applications filed before July 1, 1994 or to land covered by such application.