

SENATE BILL REPORT

SHB 2458

**AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES,
FEBRUARY 22, 1994**

Brief Description: Specifying the duty of publicly owned utilities to serve within their service areas.

SPONSORS: House Committee on Energy & Utilities (originally sponsored by Representatives Heavey, Reams, Kremen, Schmidt and Shin)

HOUSE COMMITTEE ON ENERGY & UTILITIES

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass as amended.

Signed by Senators Sutherland, Chairman; Ludwig, Vice Chairman; Hochstatter, McCaslin, Roach, A. Smith, Vognild, West and Williams.

Staff: Jeff Baird (786-7444)

Hearing Dates: February 17, 1994; February 22, 1994

BACKGROUND:

Cities and towns have authority to establish water and sewer utilities. Although the services are generally provided to those within the boundaries of the city or town, utility services may be provided to those outside of the city or town limits.

A local government has authority to establish zoning requirements for property within its jurisdictional boundaries. Nothing in state law prohibits a city or town providing utility service to property outside of the city or town limits from also requiring an outside property owner to agree to conditions on lot size or other design requirements that are different from those required by the local government which otherwise has jurisdiction over the property.

Cities and towns often have two reasons for imposing zoning requirements on outside utility users: (1) to prepare outside properties for later annexation; and (2) to protect the functioning of water and sewer systems.

SUMMARY:

A city or town is not to be considered authorized by statute to require, as a condition of providing water or sewer service outside the corporate boundaries of the city or town, that a property owner agree to lot size or other development or design standards unless the local government with jurisdiction

over the property agrees to the standards through the environmental review process, an interlocal agreement, or the project approval process, or unless such standards are reasonably necessary to the functioning of the water or sewer service.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

A city or town may not require, as a condition of providing water or sewer service outside the corporate boundaries of the city or town, that a property owner agree to lot size or other development or design standards unless the local government with jurisdiction over the property agrees to the standards through the environmental review process, an interlocal agreement, or the project approval process, or unless such standards are reasonably necessary to the functioning of the water or sewer service.

The signing of an outside utility agreement that includes a waiver of the owner's right not to sign an annexation petition may not be counted as a signature on a later annexation petition.

The date of enactment is moved from July 1, 1994, to January 1, 1995.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: January 1, 1995

TESTIMONY FOR:

Jurisdictions should not extend their land use codes into other jurisdictions without reasonable necessity or consent. Along with the Growth Management Act, this bill would keep citizens from getting caught in the middle of land use code conflicts.

TESTIMONY NEUTRAL:

The fundamental problem cities address with outside utility agreements is bringing later annexations up to standard. Concurrence takes a long time, so requiring conformity as a condition of receiving utility service facilitates later annexation. Further, adequate pipe size for water and sewer facilities is essential for proper functioning of these facilities.

The date of enactment, July 1, 1994, is too soon. Cities need more time.

TESTIFIED: PRO: Jim Halstrom, Master Builders Assn. of King and Snohomish Counties; Bill Huyette, Building Industry Assn. of WA; John Woodring, WA Assn. of Realtors; Joe Daniels, WA State

Water and Wastewater Assn.; George Walk, Pierce County and WA State Assn. of Counties; Paul Parker, WA State Assn. of Counties; NEUTRAL: Kathleen Collins, Assn. of WA Cities; Lisa Clausen, City of Auburn