
Local Government Committee

BILL ANALYSIS HB 2450

TITLE OF THE BILL: Regulating conditions that may be enforced with regard to water service in unincorporated areas.

Brief Summary:

- Requires county-wide planning policies to encourage agreements between cities and counties on allowed land uses in unincorporated urban growth areas contiguous or in close proximity to cities.
- Prohibits local governments from conditioning water service to properties outside their jurisdictional limits but inside their service areas on:
(1) signing an annexation petition; (2) supporting or agreeing to an annexation proposal; or (3) complying with the local government's land use regulations if the land use complies with the regulations of the jurisdiction in which it is located.
- Requires local governments to identify any conditions for any properties outside their jurisdictional limits.

SPONSORS: Representatives McDonald, Mielke, Dunn and Kastama.

HEARING DATE: Wednesday, January 26, 2000.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.

FISCAL NOTE: Not requested.

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156).

BACKGROUND:

Cities are authorized to provide water service and may operate water systems for both residents and nonresidents. Cities and other public water purveyors must establish water service areas designating each purveyor's geographic boundaries. A city's water service area may include the city's jurisdictional boundaries and any unincorporated areas it is designated to serve in a coordinated water system plan.

City water service outside city limits is generally based on contract principles. Absent an express or implied agreement to do so, a city has no obligation to supply water outside its boundaries. Washington courts have determined a city may impose conditions on water service to unincorporated areas, including requirements for property owners to sign preannexation agreements or to comply with the city's land use regulations.

The Growth Management Act (GMA) requires counties and cities meeting certain population and growth criteria to plan under statutory requirements. Counties not meeting these criteria may choose to plan under the GMA. The GMA includes certain requirements applicable to all counties, and other requirements are applied only to counties and cities planning under RCW 36.70A.040 (GMA jurisdictions).

Among other requirements, GMA jurisdictions must adopt county-wide planning policies in a collaborative process involving the county and all of its cities. County-wide planning policies must address a variety of issues to facilitate cooperative planning efforts among jurisdictions. Among other policies, county-wide planning policies must include policies related to urban growth area (UGA) designations, provision of urban services, siting of public capital facilities, transportation facilities and strategies, and affordable housing.

"Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses. GMA jurisdictions must designate urban growth areas in which urban growth is encouraged and outside of which urban growth is prohibited. The GMA specifies cities are generally considered the units of local government most appropriate to provide urban governmental services.

SUMMARY:

County-wide planning policies adopted according to Growth Management Act (GMA) requirements must include policies to encourage agreements between cities and counties on allowed land uses in unincorporated urban growth areas (UGAs) that are contiguous or in close proximity to cities.

Local governments operating or maintaining public water systems are prohibited from conditioning water service to any property outside their jurisdictional limits but within their service areas on:

- execution (present or future) of an annexation petition for the property to be served;
- support for or acquiescence to an annexation proposal for the property to be served; or
- compliance with the local government's land use regulations if the current or proposed use of the property complies with the land use regulations of the local government having jurisdiction over development of the property.

Local governments operating or maintaining public water systems must identify in their coordinated water system plans any condition imposed on water service for areas outside their jurisdictional limits but within their service areas.

