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## Local Government Committee

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### HB 2353

**Brief Description:** Providing for the extension or expansion of urban governmental services when necessary to protect basic public health, safety, and the environment.

**Sponsors:** Representatives Hinkle, Hudgins, O'Brien and Armstrong.

Brief Summary of Bill
<ul style="list-style-type: none"><li>• Authorizes the extension or expansion of urban governmental services in rural areas under specified conditions.</li><li>• Expires the new authority on December 31, 2010.</li></ul>



**Hearing Date:** 1/22/04

**Staff:** Ethan Moreno (786-7386).

**Background:**

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria must comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

The GMA includes numerous provisions relating to the use or development of land in urban and rural areas. Among other planning requirements, counties that comply with the major requirements of the GMA must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Although the GMA does not specifically define "rural areas," the act does include numerous substantive requirements pertaining to lands outside of designated UGAs and outside of designated agricultural, forest, and mineral resource lands.

The GMA also includes general standards that must be met for the limited extension or expansion of urban governmental services in rural areas. More specifically, the GMA states that:

"In general, cities are the units of local government most appropriate to provide urban governmental services. 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." See RCW 36.70A.110(4).

The GMA defines "urban governmental services" or "urban services" to include, in part, storm and sanitary sewer systems, domestic water systems, fire and police protection services, and other public utilities associated with urban areas and normally not associated with rural areas.

In 2002 the Washington Supreme Court affirmed a determination by the Western Washington Growth Management Hearings Board that a county's proposal to extend a sewer line from an urban treatment plant to a designated rural area violated the GMA. In *Thurston County v. Western Washington Growth Management Hearings Board*, 148 Wn.2d 1 (2002), the Washington Supreme Court found, in part, that a more restrictive definition of "necessary," as the term is applied in RCW 36.70A.110(4) to the extension or expression of urban governmental services, is consistent with the Legislature's intent in enacting the GMA to protect the rural character of an area.

### **Summary of Bill:**

The GMA provisions regarding extension or expansion of urban governmental services into rural areas are amended to specify under what circumstances such an extension or expansion is deemed as "necessary to protect basic public health and safety and the environment." Compliance with one of the following meets the necessary standards:

- The issuance of findings by a local health officer specifying the necessity for the extension or expansion and approval of a concurring vote by the majority of the local board of health;
- The filing of a sufficient petition with the county legislative authority specifying the necessity for the extension or expansion signed by the owners of not less than ten percent of the acreage in the area proposed for the extension or expansion and approval of a concurring resolution by the county legislative authority;
- The certification of an election in the area proposed for the extension or expansion conducted according to the general election laws of the state whereby a majority of the voters casting ballots on a ballot measure to allow the extension or expansion in the subject area approve the measure; or
- The approval of a resolution allowing an extension or expansion in the subject area by the county legislative authority.

The authorized service extensions or expansions must not be considered urban growth or development and must be considered in compliance with specific requirements of the GMA.

The authorization to extend or expand urban governmental services into rural areas expires on December 31, 2010.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2004.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.