
HOUSE BILL 2899

State of Washington

58th Legislature

2004 Regular Session

By Representatives Schindler, Mielke, Kristiansen, Nixon, Holmquist and Clements

Read first time 01/22/2004. Referred to Committee on Local Government.

1 AN ACT Relating to duties of utilities to serve; adding a new
2 section to chapter 35.21 RCW; adding a new section to chapter 35.92
3 RCW; adding a new section to chapter 35A.21 RCW; and providing an
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
7 to read as follows:

8 (1) Except as otherwise provided in subsection (2) of this section,
9 a city or town that provides water or sewer service outside the
10 corporate boundaries of the city or town shall not, as condition of
11 providing water or sewer service, impose, demand, or negotiate any
12 condition requiring:

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

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

17 (2) A city or town may impose conditions not otherwise allowed
18 under subsection (1) of this section if the conditions are necessary to

1 the proper functioning of the water or sewer service. The burden of
2 proof shall be on the city or town to demonstrate that the condition is
3 necessary to the proper functioning of the water or sewer service.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.92 RCW
5 to read as follows:

6 (1) Except as otherwise provided in subsection (2) of this section,
7 a city or town that provides water or sewer service outside the
8 corporate boundaries of the city or town shall not, as condition of
9 providing water or sewer service, impose, demand, or negotiate any
10 condition requiring:

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

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

15 (2) A city or town may impose conditions not otherwise allowed
16 under subsection (1) of this section if the conditions are necessary to
17 the proper functioning of the water or sewer service. The burden of
18 proof shall be on the city or town to demonstrate that the condition is
19 necessary to the proper functioning of the water or sewer service.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW
21 to read as follows:

22 (1) Except as otherwise provided in subsection (2) of this section,
23 a city that provides water or sewer service outside the corporate
24 boundaries of the city shall not, as condition of providing water or
25 sewer service, impose, demand, or negotiate any condition requiring:

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

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

30 (2) A city may impose conditions not otherwise allowed under
31 subsection (1) of this section if the conditions are necessary to the
32 proper functioning of the water or sewer service. The burden of proof
33 shall be on the city to demonstrate that the condition is necessary to
34 the proper functioning of the water or sewer service.

1 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004.

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