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HOUSE BILL 3009

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Schindler, Boldt and McMahan

Read first time 01/26/2004. Referred to Committee on Local Government.

1            AN ACT Relating to prohibiting cities or towns from imposing land  
2 use controls outside their jurisdiction through utility agreements;  
3 adding a new section to chapter 35.21 RCW; adding a new section to  
4 chapter 35.92 RCW; adding a new section to chapter 35A.21 RCW; and  
5 providing an effective date.

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

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

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

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

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

18            (2) A city or town may impose conditions not otherwise allowed  
19 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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