S-4193.2

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**SUBSTITUTE SENATE BILL 6121**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Local Government (originally sponsored by Senator Honeyford)

AN ACT Relating to the siting of institutions of higher education and accompanying facilities; and adding a new section to chapter 36.70A RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 36.70A RCW to read as follows:

(1) This chapter does not prohibit a county planning under RCW 36.70A.040 that meets the requirements of subsection (2) of this section from authorizing the extension of public facilities and utilities to serve a privately operated institution of higher education, located on a federally recognized Indian reservation, that serves fewer than two thousand students sited within three miles of an urban growth area so long as the following requirements are met:

(a) The applicable board of directors has adopted a policy addressing the institution's needs;

(b) The county and all affected cities agree to the extension of public facilities and utilities to serve the institution;

(c) If the public facility or utility is extended beyond the urban growth area to serve an institution, the public facility or utility must serve only the institution and the costs of such extension must be borne by the institution based on a reasonable nexus to the impacts of the institution except as provided in subsection (4) of this section; and

(d) Any impacts associated with the siting of the institution are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

(2) This section applies only to a county planning under RCW 36.70A.040 that:

(a) Has a population greater than two hundred thousand but less than three hundred thousand persons as determined by the 2010 federal decennial census; and

(b) Is located east of the crest of the Cascade mountain range.

(3) This chapter does not prohibit either the expansion or modernization of an existing institution of higher education.

(4) Where a public facility or utility has been extended beyond the urban growth area to serve an institution, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties owned in fee simple, adjacent to the utility line, containing structures on the effective date of this section, whose septic system has failed if the property owner so requests, provided that the county and all affected cities agree with the request. In such an instance, the institution may, for a period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the institution for the extension of the public facility or utility. Nothing in this chapter shall prohibit connection to the utility line by any trust land by request of the tribal government.

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