

FINAL BILL REPORT

SHB 1683

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Synopsis as Enacted

Brief Description: Addressing sewer service within urban growth areas.

Sponsors: House Committee on Environment (originally sponsored by Representatives Appleton and Griffey).

House Committee on Environment
Senate Committee on Local Government

Background:

Growth Management Act Planning Obligations.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA (planning jurisdictions).

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Among the required plan elements are:

- capital facilities plan elements, which must include an inventory of existing capital facilities, a forecast of the future needs for capital facilities, and the proposed locations of new or expanded capital facilities;
- utilities elements, which must include the general location, proposed location, and capacity of existing and proposed utilities, including electrical, telecommunication, and gas lines; and
- land use elements, which must include designation of lands for essential public facilities, including sanitary sewer systems.

The GMA considers sanitary sewer systems to be urban services. The GMA provides that urban growth is typically required to be served by urban services and that cities are the units of local government most appropriate to provide urban governmental services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. This 20-year planning period has planning and service implications. For example, the Growth Management Hearing Board, the quasi-judicial board established in the GMA, has found that counties have an obligation to bring already developed areas within the UGA to an urban level of service within the 20-year planning period. With respect to urban service provisions in UGAs, the Department of Commerce, the agency charged with providing technical and financial assistance to jurisdictions planning under the GMA, indicates in its agency rules that the use of on-site sewage systems (OSS) within UGAs may be appropriate in limited circumstances where there is no negative effect on basic public health, safety and the environment, and where the use of OSS does not preclude development at urban densities.

On-Site Sewage Systems.

The State Board of Health adopts rules addressing the design, construction, installation, operation, and maintenance of OSS. Local health jurisdictions (LHJs) in each county administer and enforce those OSS regulations alongside any additional or discrepant local requirements. Owners of an OSS are generally responsible for maintaining the OSS. Once an OSS has been installed, the system must be inspected at least once every three years if the system has a septic tank and relies on a gravity-powered drain field, or at least once per year for other types of OSS, unless a county LHJ requires more frequent inspections. In general, the owner bears the costs associated with repair and upkeep of the OSS.

Counties and Cities - Sanitary Sewer Systems.

Counties and cities have broad authority to construct, operate, maintain, and regulate sanitary sewer systems within all or part of their jurisdictions. Cities and towns are also authorized, subject to certain limits, to extend sewer services beyond their corporate limits.

Mandatory Connections to Public Sanitary Sewer Systems.

If adequate public sewer services are available within 200 feet of a residence or facility, the LHJ, upon the failure of an existing OSS, may require connection to a public sewer system. If a conforming system can be designed and installed, the LHJ may also permit the repair or replacement of the OSS.

The owner of a residence or other facility served by an OSS may also be required to connect to a public sewer system when:

- connection is deemed necessary to protect public health by the LHJ;
- an adequate public sewer becomes available within 200 feet of the residence or other facility as measured along the usual or most economically feasible route of access;
- and
- the sewer utility allows the sewer connection.

Additionally, LHJs may require a new development to connect to a public sewer system to protect public health. The LHJ must require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations of the county or city.

Summary:

Counties, cities, and utilities that have adopted a capital facility plan or utilities element to provide sewer service within an Urban Growth Area (UGA) during a 20-year planning period are not obligated to install sanitary sewer systems to certain properties within the UGA before the end of the planning period. The properties within a UGA that are not required to be served by sanitary sewer systems must:

- have no redevelopment capacity and have an existing, functioning, non-polluting OSS that receives periodic inspection by a public agency to verify proper functioning; or
- not require sewer service as a result of development density limitations due to wetlands, floodplains, habitats, or geological hazards.

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: July 23, 2017