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SENATE BILL 5137

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State of Washington

52nd Legislature

1991 Regular Session

By Senator McCaslin.

Read first time January 22, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to cities, towns, and counties; and amending RCW  
2 35.44.047 and 36.94.220.

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

4 **Sec. 1.** RCW 35.44.047 and 1969 ex.s. c 258 s 7 are each amended to  
5 read as follows:

6 Notwithstanding the methods of assessment provided in RCW  
7 35.44.030, 35.44.040 and 35.44.045, the city or town may use any other  
8 method or combination of methods to compute assessments which may be  
9 deemed to more fairly reflect the special benefits to the properties  
10 being assessed. The failure of the council to specifically recite in  
11 its ordinance ordering the improvement and creating the local  
12 improvement district that it will not use the zone and termini method  
13 of assessment shall not invalidate the use of any other method or  
14 methods of assessment. An assessment may be determined by a method  
15 which assumes a land usage for a particular lot, tract, or parcel not

1 permitted under existing zoning or land-use planning ordinances or  
2 statutes, provided that the owner may, from the time such assessment is  
3 entered upon the assessment roll, use any such lot, tract, or parcel of  
4 land in the manner assumed in calculating such assessment,  
5 notwithstanding the restrictions of such zoning or land-use planning  
6 ordinances or statutes.

7       **Sec. 2.** RCW 36.94.220 and 1981 c 313 s 3 are each amended to read  
8 as follows:

9       (1) A county shall have the power to establish utility local  
10 improvement districts and local improvement districts within the area  
11 of a sewerage and/or water general plan and to levy special assessments  
12 under a mode of annual installments extending over a period not  
13 exceeding twenty years on all property specially benefited by any local  
14 improvement on the basis of the special benefits to pay in whole or in  
15 part the damages or costs of any improvements ordered in such county.

16       (2) Utility local improvement districts and local improvement  
17 districts may include territory within a city or town only with the  
18 written consent of the city or town, but if the local district is  
19 formed before such area is included within the city or town, no such  
20 consent shall be necessary. Utility local improvement districts and  
21 local improvement districts used to provide sewerage disposal systems  
22 may include territory within a sewer district or within a water  
23 district providing sewerage disposal systems only with the written  
24 consent of the sewer district or such a water district, but if the  
25 local district is formed before such area is included within the sewer  
26 district or such a water district, no consent is necessary. Utility  
27 local improvement districts and local improvement districts used to  
28 provide water systems may include territory within a water district or  
29 within a sewer district providing water systems only with the written

1 consent of the water district or such a sewer district, but if the  
2 local district is formed before such area is included within the water  
3 district or such a sewer district, no consent is necessary.

4 (3) The levying, collection, and enforcement of all public  
5 assessments hereby authorized shall be in the manner now and hereafter  
6 provided by law for the levying, collection, and enforcement of local  
7 improvement assessments by cities and towns, insofar as the same shall  
8 not be inconsistent with the provisions of this chapter. In addition,  
9 the county shall file the preliminary assessment roll at the time and  
10 in the manner prescribed in RCW 35.50.005. The duties devolving upon  
11 the city treasurer under such laws are imposed upon the county  
12 treasurer for the purposes of this chapter. The mode of assessment  
13 shall be in the manner to be determined by the county legislative  
14 authority by ordinance or resolution. As an alternative to equal  
15 annual assessment installments of principal provided for cities and  
16 towns, a county legislative authority may provide for the payment of  
17 such assessments in equal annual installments of principal and  
18 interest. Assessments in any local district may be made on the basis  
19 of special benefits up to but not in excess of the total cost of any  
20 sewerage and/or water improvement made with respect to that local  
21 district and the share of any general sewerage and/or water facilities  
22 allocable to that district. In utility local improvement districts,  
23 assessments shall be deposited into the revenue bond fund or general  
24 obligation bond fund established for the payment of bonds issued to pay  
25 such costs which bond payments are secured in part by the pledge of  
26 assessments, except pending the issuance and sale of such bonds,  
27 assessments may be deposited in a fund for the payment of such costs.  
28 In local improvement districts, assessments shall be deposited into a  
29 fund for the payment of such costs and local improvement bonds issued

1 to finance the same or into the local improvement guaranty fund as  
2 provided by applicable statute.

3 (4) An assessment may be determined by a method which assumes a  
4 land usage for a particular lot, tract, or parcel not permitted under  
5 existing zoning or land-use planning ordinances or statutes, provided  
6 that the owner may, from the time such assessment is entered upon the  
7 assessment roll, use any such lot, tract, or parcel of land in the  
8 manner assumed in calculating such assessment, notwithstanding the  
9 restrictions of such zoning or land-use planning ordinances or  
10 statutes.