
SENATE BILL 5209

State of Washington

54th Legislature

1995 Regular Session

By Senators McCaslin, Haugen, Swecker, Drew, Schow, Heavey and Winsley

Read first time 01/16/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the extension of water or sewer systems outside
2 of existing corporate boundaries; amending RCW 36.93.100; and declaring
3 an emergency.

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

5 **Sec. 1.** RCW 36.93.100 and 1994 c 216 s 13 are each amended to read
6 as follows:

7 The board shall review and approve, disapprove, or modify any of
8 the actions set forth in RCW 36.93.090 when any of the following shall
9 occur within forty-five days of the filing of a notice of intention:

10 (1) Three members of a five-member boundary review board or five
11 members of a boundary review board in a county with a population of one
12 million or more files a request for review: PROVIDED, That the members
13 of the boundary review board shall not be authorized to file a request
14 for review of the following actions:

15 (a) The incorporation of any special district or change in the
16 boundary of any city, town, or special purpose district;

17 (b) The extension of permanent water service outside of its
18 existing corporate boundaries or within an approved coordinated water
19 system plan service area by a city, town, or special purpose district

1 if (i) the extension is through the installation of water mains of six
2 inches or less in diameter or (ii) the county legislative authority for
3 the county in which the proposed extension is to be built is required
4 or chooses to plan under RCW 36.70A.040 and has by a majority vote
5 waived the authority of the board to initiate review of all other
6 extensions; or

7 (c) The extension of permanent sewer service outside of its
8 existing corporate boundaries or within an approved coordinated water
9 system plan service area by a city, town, or special purpose district
10 if (i) the extension is through the installation of sewer mains of
11 eight inches or less in diameter or (ii) the county legislative
12 authority for the county in which the proposed extension is to be built
13 is required or chooses to plan under RCW 36.70A.040 and has by a
14 majority vote waived the authority of the board to initiate review of
15 all other extensions;

16 (2) Any governmental unit affected, including the governmental unit
17 for which the boundary change or extension of permanent water or sewer
18 service is proposed, or the county within which the area of the
19 proposed action is located, files a request for review of the specific
20 action;

21 (3) A petition requesting review is filed and is signed by:

22 (a) Five percent of the registered voters residing within the area
23 which is being considered for the proposed action (as determined by the
24 boundary review board in its discretion subject to immediate review by
25 writ of certiorari to the superior court); or

26 (b) An owner or owners of property consisting of five percent of
27 the assessed valuation within such area;

28 (4) The majority of the members of boundary review boards concur
29 with a request for review when a petition requesting the review is
30 filed by five percent of the registered voters who deem themselves
31 affected by the action and reside within one-quarter mile of the
32 proposed action but not within the jurisdiction proposing the action.

33 If a period of forty-five days shall elapse without the board's
34 jurisdiction having been invoked as set forth in this section, the
35 proposed action shall be deemed approved.

36 If a review of a proposal is requested, the board shall make a
37 finding as prescribed in RCW 36.93.150 within one hundred twenty days
38 after the filing of such a request for review. If this period of one
39 hundred twenty days shall elapse without the board making a finding as

1 prescribed in RCW 36.93.150, the proposal shall be deemed approved
2 unless the board and the person who submitted the proposal agree to an
3 extension of the one hundred twenty day period.

4 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and shall take
7 effect immediately.

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