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SENATE BILL 5543

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State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson and Eide

Read first time 01/27/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to the assumption of water-sewer districts;  
2 amending RCW 35.13A.020, 35.13A.030, 35.13A.050, 35.13A.060,  
3 35.13A.070, 35.13A.090, 36.70A.030, 36.70A.215, 36.93.180, and  
4 57.16.010; adding new sections to chapter 35.13A RCW; adding a new  
5 section to chapter 36.70A RCW; and repealing RCW 35.13A.0301.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13A RCW  
8 to read as follows:

9 (1) Prior to a city legislative body adopting a resolution or  
10 ordinance assuming all or part of a district, the city shall prepare a  
11 study which discusses financial, operational, and physical aspects of  
12 the proposed full or partial assumption. Within thirty days of a  
13 city's request, the district shall provide copies of all documents,  
14 including but not limited to drafts and interagency memoranda, records,  
15 information, and data identified by the city as necessary for  
16 preparation of the study. The public disclosure act, including the  
17 exemptions from disclosure, does not apply to a city's request under  
18 this section.

1 (2) Following completion, the city shall make the study available  
2 for public review by providing copies at public offices and libraries  
3 designated by the city and located within or near the proposed  
4 assumption area. Prior to adoption of a resolution or ordinance under  
5 this chapter assuming all or part of a district, the legislative body  
6 of the city shall hold a public hearing to gather public comments on  
7 the proposed assumption. Upon conclusion of the public hearing, the  
8 city's legislative body may adopt a resolution or ordinance assuming  
9 all or part of a district, as provided by this chapter.

10 (3) The procedures in this chapter shall be the only process  
11 applicable to a city or town's assumption of jurisdiction over a water-  
12 sewer district. The action of a city council adopting a resolution or  
13 ordinance assuming jurisdiction shall be final and conclusive unless a  
14 vote is required under RCW 35.13A.050 or pursuant to a referendum  
15 petition where the assuming city or town has provided for a referendum  
16 under RCW 35.17.230, 35.22.200, 35A.11.080, or 35A.29.170.

17 **Sec. 2.** RCW 35.13A.020 and 1998 c 326 s 2 are each amended to read  
18 as follows:

19 (1) Whenever all of the territory of a water-sewer district is  
20 included within the corporate boundaries of a city, the city  
21 legislative body may adopt a resolution or ordinance to assume  
22 jurisdiction over all of the district.

23 (2) Upon the effective date of the assumption ordinance or  
24 resolution, the district shall be dissolved to the same extent as if  
25 pursuant to a superior court order of dissolution under RCW 35.13A.080.  
26 Furthermore, upon the effective date of the assumption ordinance or  
27 resolution, all real and personal property, franchises, rights, assets,  
28 taxes levied but not collected for the district for other than  
29 indebtedness, water, sewer, and drainage facilities, and all other  
30 facilities and equipment of the district shall become the property of  
31 the city subject to all financial, statutory, or contractual  
32 obligations of the district for the security or performance of which  
33 the property may have been pledged. The city, in addition to its other  
34 powers, shall have the power to manage, control, maintain, and operate  
35 the property, facilities and equipment and to fix and collect service  
36 and other charges from owners and occupants of properties so served by  
37 the city, subject, however, to any outstanding indebtedness, bonded or  
38 otherwise, of the district payable from taxes, assessments, or revenues

1 of any kind or nature and to any other contractual obligations of the  
2 district.

3 ~~((3) The city may by resolution or ordinance of its legislative~~  
4 ~~body, assume the obligation of paying such district indebtedness and of~~  
5 ~~levying and of collecting or causing to be collected the district~~  
6 ~~taxes, assessments, and utility rates and charges of any kind or nature~~  
7 ~~to pay and secure the payment of the indebtedness, according to all of~~  
8 ~~the terms, conditions and covenants incident to the indebtedness, and~~  
9 ~~shall assume and perform all other outstanding contractual obligation~~  
10 ~~of the district in accordance with all of their terms, conditions, and~~  
11 ~~covenants. An assumption shall not be deemed to impair the obligation~~  
12 ~~of any indebtedness or other contractual obligation. During the period~~  
13 ~~until the outstanding indebtedness of the district has been discharged,~~  
14 ~~the territory of the district and the owners and occupants of property~~  
15 ~~therein, shall continue to be liable for its and their proportionate~~  
16 ~~share of the indebtedness, including any outstanding assessments levied~~  
17 ~~within any local improvement district or utility local improvement~~  
18 ~~district thereof. The city shall assume the obligation of causing the~~  
19 ~~payment of the district's indebtedness, collecting the district's~~  
20 ~~taxes, assessments, and charges, and observing and performing the other~~  
21 ~~district contractual obligations. The legislative body of the city~~  
22 ~~shall act as the officers of the district for the purpose of certifying~~  
23 ~~the amount of any property tax to be levied and collected therein, and~~  
24 ~~causing service and other charges and assessments to be collected from~~  
25 ~~the property or owners or occupants thereof, enforcing the collection~~  
26 ~~and performing all other acts necessary to ensure performance of the~~  
27 ~~district's contractual obligations in the same manner and by the same~~  
28 ~~means as if the territory of the district had not been included within~~  
29 ~~the boundaries of a city.~~

30 ~~When a city assumes the obligation of paying the outstanding~~  
31 ~~indebtedness, and if property taxes or assessments have been levied and~~  
32 ~~service and other charges have accrued for this purpose but have not~~  
33 ~~been collected by the district prior to the assumption, the same when~~  
34 ~~collected shall belong and be paid to the city and be used by the city~~  
35 ~~so far as necessary for payment of the indebtedness of the district~~  
36 ~~existing and unpaid on the date the city assumes the indebtedness. Any~~  
37 ~~funds received by the city which have been collected for the purpose of~~  
38 ~~paying any bonded or other indebtedness of the district, shall be used~~  
39 ~~for the purpose for which they were collected and for no other purpose.~~

1 ~~Any outstanding indebtedness shall be paid as provided in the terms,~~  
2 ~~conditions, and covenants of the indebtedness. All funds of the~~  
3 ~~district on deposit with the county treasurer at the time of title~~  
4 ~~transfer shall be used by the city solely for the benefit of the~~  
5 ~~assumed utility and shall not be transferred to or used for the benefit~~  
6 ~~of the city's general fund.))~~

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.13A RCW  
8 to read as follows:

9 When a city assumes the full and complete jurisdiction for an  
10 entire district, the city shall by resolution or ordinance of its  
11 legislative body, assume the obligation of paying any district  
12 indebtedness and of levying and collecting or causing to be collected  
13 the district taxes, assessments, and utility rates and charges of any  
14 kind or nature to pay and secure the payment of the indebtedness,  
15 according to all of the terms, conditions, and covenants incident to  
16 the indebtedness, and shall assume and perform all other outstanding  
17 contractual obligations of the district in accordance with all of their  
18 terms, conditions, and covenants, except as provided by the following:  
19 A district may not take any action that would establish or have the  
20 effect of establishing different contractual obligations, requirements  
21 for retiring indebtedness, authority to issue debt in parity with the  
22 district's existing outstanding indebtedness, rates of compensation, or  
23 terms of employment contracts, if a city assumes jurisdiction of all or  
24 a portion of the district. Should any such obligations, requirements,  
25 terms or provisions be enacted by a district, they shall not be binding  
26 on a city which assumes or attempts to assume the district. Nothing in  
27 this section shall be construed to prevent a district from issuing  
28 obligations on a parity with its outstanding obligations, to repeat  
29 terms and conditions of obligations provided with respect to earlier  
30 parity obligations, or to provide covenants that are customary for  
31 obligations of similar utilities whether those utilities are operated  
32 by cities or special purpose districts, provided such obligations do  
33 not establish or have the effect of establishing different contractual  
34 obligations, requirements for retiring indebtedness, authority to issue  
35 debt, rates of compensation, or terms of contracts or covenants in the  
36 event the district is assumed by a city.

37 When a city assumes only a portion of a district under this  
38 chapter, it shall assume the responsibility for the proportionate share

1 of district indebtedness for the area and properties which are assumed.  
2 Following the effective date of the assumption, the district may not  
3 issue new debt or contractual obligations that would be binding on the  
4 property, its owners, and occupants within the area that has been  
5 assumed by the city under this provision.

6 An assumption shall not be deemed to impair the obligation of any  
7 indebtedness or other contractual obligation, except as provided in  
8 this section. During the period until the outstanding indebtedness of  
9 the district has been discharged, the territory of the district, and  
10 the owners and occupants of property therein, shall continue to be  
11 liable for it and their proportionate share of the indebtedness,  
12 including any outstanding assessments levied within any local  
13 improvement district or utility local improvement district thereof.  
14 The city shall assume the obligation of causing the full or  
15 proportionate share of the payment of the district's indebtedness,  
16 collecting the district's taxes, assessments, and charges, and  
17 observing and performing the other district's contractual obligations.  
18 The legislative body of the city shall act as the officers of the  
19 district for the purpose of certifying the amount of any property tax  
20 to be levied within the assumed area and collected therein, and causing  
21 service and other charges and assessments to be collected from the  
22 property or owners or occupants thereof, enforcing the collection, and  
23 performing all other acts necessary to ensure performance of the  
24 district's contractual obligations in the same manner and by the same  
25 means as if the territory of the district had not been included within  
26 the boundaries of a city.

27 When a city assumes the obligation of paying the outstanding  
28 indebtedness, and if property taxes or assessments have been levied and  
29 service and other charges have accrued for this purpose, but have not  
30 been collected by the district prior to the assumption, the same when  
31 collected shall belong and be paid to the city and be used by the city  
32 so far as necessary for payment of the indebtedness of the district  
33 existing and unpaid on the date the city assumes the indebtedness. Any  
34 funds received by the city which have been collected for the purpose of  
35 paying any bond or other indebtedness of the district shall be used for  
36 the purpose for which they were collected and for no other purpose.  
37 Except as otherwise provided in this section, any outstanding  
38 indebtedness shall be paid as provided in the terms, conditions, and  
39 covenants of the indebtedness. All funds of the district on deposit

1 with the county treasurer on the effective date of the assumption shall  
2 be used by the city solely for the benefit of the assumed utility and  
3 shall not be transferred into the city's general fund.

4 If one or more cities initiates an assumption by taking any actions  
5 provided for in this chapter, the district or districts proposed to be  
6 assumed may not spend any district funds on a public relations campaign  
7 or lobbying effort the purpose of which is to generate individual or  
8 public opposition to: (1) Approval of the assumption by a boundary  
9 review board or a board of county commissioners; or (2) the outcome of  
10 an election under RCW 35.13A.050 or a referendum petition, if  
11 available. This section shall not be construed as prohibiting the  
12 district or districts from including factual information about the  
13 assumption in monthly bills sent to district ratepayers: PROVIDED,  
14 That as part of any such factual information the district or districts  
15 must, at their own cost, provide the assuming city or cities equal time  
16 and space to provide such supplemental factual information deemed  
17 appropriate by the city or cities.

18 **Sec. 4.** RCW 35.13A.030 and 1971 ex.s. c 95 s 3 are each amended to  
19 read as follows:

20 Whenever a portion of a water-sewer district (~~(or sewer district)~~)  
21 equal to at least sixty percent of the area or sixty percent of the  
22 assessed valuation of the real property lying within such district, is  
23 included within the corporate boundaries of a city, the city may assume  
24 by ordinance the full and complete management and control of that  
25 portion of the entire district not included within another city(~~(or~~  
26 ~~whereupon)~~) or cities or, at the assuming city's discretion, that  
27 portion of the entire district included within the assuming city or  
28 cities and their urban growth area designated under RCW 36.70A.210. If  
29 prior to the effective date of the assumption, the cities in which the  
30 district is located have reached an agreement approving of the full and  
31 complete assumption of the district by the city initiating the  
32 assumption, the provisions of RCW 35.13A.020 and section 3 of this act  
33 shall be operative(~~(or)~~). In the alternative, the assuming city may,  
34 at its option, proceed directly under the provisions of RCW 35.13A.050.

35 **Sec. 5.** RCW 35.13A.050 and 1971 ex.s. c 95 s 5 are each amended to  
36 read as follows:

1       When electing under RCW 35.13A.030 or 35.13A.040 to proceed under  
2 this section, the city may assume, by ordinance, jurisdiction of the  
3 district's responsibilities, property, facilities and equipment within  
4 the corporate limits of the city: PROVIDED, That if on the effective  
5 date of such an ordinance the territory of the district included within  
6 the city contains any facilities serving or designed to serve any  
7 portion of the district outside the corporate limits of the city or if  
8 the territory lying within the district and outside the city contains  
9 any facilities serving or designed to serve territory included within  
10 the city (which facilities are hereafter in this section called the  
11 "serving facilities"), the city or district shall for the economically  
12 useful life of any such serving facilities make available sufficient  
13 capacity therein to serve the sewage or water requirements of such  
14 territory, to the extent that such facilities were designed to serve  
15 such territory at a rate charged to the municipality being served which  
16 is reasonable to all parties.

17       Alternatives and provisions for serving facilities and rates  
18 charged to the municipality being served shall be evaluated in the  
19 study required in section 1 of this act. The city and the district  
20 shall enter into a contract, consistent with RCW 35.13A.070, for the  
21 operation, maintenance, and cost sharing for the serving facilities as  
22 well as for the division of assets, liabilities, employees, debt, and  
23 other contractual obligations relative to the area being assumed by the  
24 city. In the event that no agreement by good faith negotiations,  
25 including mediation where appropriate, can be reached between the city  
26 and the district within one hundred eighty calendar days from the  
27 adoption of the ordinance, the matter shall be resolved by a board of  
28 arbitrators, to be convened at the request of either party; such board  
29 of arbitrators to consist of a representative from the city or town  
30 involved, a representative of the district, and a third representative  
31 to be appointed by the other two representatives. If no agreement can  
32 be reached with regard to the third representative, the third  
33 representative shall be appointed by a judge of the superior court of  
34 the county of jurisdiction. The determination by the board of  
35 arbitrators shall be binding on all parties. Each party shall pay the  
36 costs of their individual representatives on the board of arbitrators  
37 and they shall pay one-half of the cost of the third representative.

38       In the event a city proceeds under this section, the district may  
39 elect upon a favorable vote of a majority of all voters within the

1 district voting upon such propositions to require the city to assume  
2 (~~responsibility for the operation and maintenance of the district's~~  
3 ~~property, facilities and equipment throughout the entire district and~~  
4 ~~to pay the city a charge for such operation and maintenance which is~~  
5 ~~reasonable under all of the circumstances)) the full and complete  
6 management and control of the entire district, whereupon the provisions  
7 of RCW 35.13A.020 and section 3 of this act shall be operative. Such  
8 a vote may not invalidate an assumption of the portion of the district  
9 within the corporate limits by the city under the provisions of this  
10 chapter.~~

11 A city acquiring property, facilities and equipment under the  
12 provisions of this section shall (~~acquire such property, facilities~~  
13 ~~and equipment, and fix and collect service and other charges from~~  
14 ~~owners and occupants of properties served by the city, subject, to any~~  
15 ~~contractual obligations of the district which relate to the property,~~  
16 ~~facilities, or equipment so acquired by the city or which are secured~~  
17 ~~by taxes, assessments or revenues from the territory of the district~~  
18 ~~included within the city. In such cases, the property included within~~  
19 ~~the city and the owners and occupants thereof shall continue to be~~  
20 ~~liable for payment of its and their proportionate share of any~~  
21 ~~outstanding district indebtedness. The district and its officers shall~~  
22 ~~continue to levy taxes and assessments on and to collect service and~~  
23 ~~other charges from such property, or owners or occupants thereof, to~~  
24 ~~enforce such collections, and to perform all other acts necessary to~~  
25 ~~insure performance of the district's contractual obligations in the~~  
26 ~~same manner and by the same means as if the territory of the district~~  
27 ~~had not been included within the boundaries of a city)) be subject to  
28 the outstanding indebtedness and contractual obligation requirements of  
29 section 3 of this act.~~

30 **Sec. 6.** RCW 35.13A.060 and 1971 ex.s. c 95 s 6 are each amended to  
31 read as follows:

32 Whenever more than one city, in whole or in part, is included  
33 within a (~~water district or sewer~~) water-sewer district, the city  
34 which has within its boundaries sixty percent or more of the area of  
35 the assessed valuation of the district (in this section referred to as  
36 the "principal city") may, with the approval of any other city  
37 containing part of such district, assume responsibility for operation  
38 and maintenance of the district's property, facilities and equipment



1 within such other city and make and enforce such charges for operation,  
2 maintenance and retirement of indebtedness as may be reasonable under  
3 all the circumstances.

4 Whenever more than sixty percent of the area or assessed valuation  
5 of any water-sewer district is included within the boundaries of more  
6 than one city, the cities may enter into a contract under the  
7 provisions of RCW 35.13A.070 to mutually assume by ordinances of each  
8 city the full and complete management and control of the entire  
9 district, whereupon the provisions of RCW 35.13A.020 and section 3 of  
10 this act shall be operative.

11 Any other city having less than sixty percent in area or assessed  
12 valuation of such district, within its boundaries may install  
13 facilities and create local improvement districts or otherwise finance  
14 the cost of installation of such facilities and if such facilities have  
15 been installed in accordance with reasonable standards fixed by the  
16 principal city, such other city may connect such facilities to the  
17 utility system of such district operated by the principal city upon  
18 providing for payment by the owners or occupants of properties served  
19 thereby, of such charges established by the principal city as may be  
20 reasonable under the circumstances.

21 **Sec. 7.** RCW 35.13A.070 and 1997 c 426 s 2 are each amended to read  
22 as follows:

23 Notwithstanding any provision of this chapter to the contrary, one  
24 or more cities and one or more districts may, through their  
25 legislative authorities, authorize a contract with respect to the  
26 rights, powers, duties, and obligation of such cities, or districts  
27 with regard to the use and ownership of property, the providing of  
28 services, the maintenance and operation of facilities, allocation of  
29 cost, financing and construction of new facilities, application and use  
30 of assets, disposition of liabilities and debts, the performance of  
31 contractual obligations, and any other matters arising out of the  
32 inclusion, in whole or in part, of the district or districts within any  
33 city or cities, or the assumption by the city of jurisdiction of a  
34 district under RCW 35.13A.110. The contract may provide for the  
35 furnishing of services by any party thereto and the use of city or  
36 district facilities or real estate for such purpose, and may also  
37 provide for the time during which such district or districts may  
38 continue to exercise any rights, privileges, powers, and functions

1 provided by law for such district or districts as if the district or  
2 districts or portions thereof were not included within a city or were  
3 not subject to an assumption of jurisdiction under RCW 35.13A.110,  
4 including but not by way of limitation, the right to promulgate rules  
5 and regulations, to levy and collect special assessments, rates,  
6 charges, service charges, and connection fees, to adopt and carry out  
7 the provisions of a comprehensive plan, and amendments thereto, for a  
8 system of improvements, and to issue general obligation bonds or  
9 revenue bonds in the manner provided by law. The contract may provide  
10 for the transfer to a city of district facilities, property, rights,  
11 and powers as provided in RCW 35.13A.030, 35.13A.050, and 35.13A.110,  
12 whether or not (~~sixty percent or~~) any of the area or assessed  
13 valuation of real estate lying within the district or districts is  
14 included within such city. The contract may provide that any party  
15 thereto may authorize, issue, and sell revenue bonds to provide funds  
16 for new water or sewer improvements or to refund any water revenue,  
17 sewer revenue, or combined water and sewer revenue bonds outstanding of  
18 any city, or district which is a party to such contract if such  
19 refunding is deemed necessary, providing such refunding will not  
20 increase interest costs. The contract may provide that any party  
21 thereto may authorize and issue, in the manner provided by law, general  
22 obligation or revenue bonds of like amounts, terms, conditions, and  
23 covenants as the outstanding bonds of any other party to the contract,  
24 and such new bonds may be substituted or exchanged for such outstanding  
25 bonds. However, no such exchange or substitution shall be effected in  
26 such a manner as to impair the obligation or security of any such  
27 outstanding bonds.

28 **Sec. 8.** RCW 35.13A.090 and 1971 ex.s. c 95 s 9 are each amended to  
29 read as follows:

30 Whenever a city (~~acquires all of the facilities of a water~~  
31 ~~district or sewer district, pursuant to this chapter, such a city~~) or  
32 cities assume jurisdiction over an entire water-sewer district pursuant  
33 to RCW 35.13A.020, 35.13A.030, or section 3 of this act, the assuming  
34 city or cities shall offer to employ every full time employee of the  
35 district who, as of the effective date of the assumption, is engaged in  
36 the operation of (~~such a~~) the district's facilities (~~on the date on~~  
37 ~~which such city acquires the district facilities~~). When a city  
38 (~~acquires any portion of the facilities of such a district, such a~~

1 city)) or cities assume jurisdiction over only a portion of the  
2 district, the assuming city or cities shall offer to employ those full  
3 time employees of the district ((as of the date of the acquisition of  
4 the facilities of the district who are not longer needed by the  
5 district)) who, as of the effective date of the assumption, are engaged  
6 in the operation of those facilities over which the city or cities have  
7 assumed jurisdiction. This section shall not require an assuming city  
8 to extend offers of employment to employees engaged in management  
9 functions as opposed to operation of facilities, unless required by the  
10 terms of a collective bargaining agreement.

11 Whenever a city employs a person who was employed immediately prior  
12 thereto by the district, arrangements shall be made:

13 (1) ~~((For the retention of service credits under the pension plan~~  
14 ~~of the district pursuant to RCW 41.04.070 through 41.04.110.~~

15 ~~(2))~~ For the retention of all sick leave standing to the  
16 employee's credit in the plan of such district.

17 ~~((3))~~ (2) For a vacation with pay during the first year of  
18 employment equivalent to that to which he would have been entitled if  
19 he had remained in the employment of the district.

20 If one or more cities initiates an assumption by taking any actions  
21 provided for in this chapter, the district or districts may not enter  
22 into any written employment contracts with any person who, on the date  
23 the assumption was initiated, was an employee of the district or  
24 districts, unless the employee's position was not an "at will" position  
25 prior to the initiation of the assumption and a written employment  
26 contract for the position was previously in effect. Furthermore, any  
27 written employment contracts entered into within sixty days prior to  
28 the initiation of the assumption, where the position was not an "at  
29 will" position prior to execution of the written employment contract,  
30 are voidable upon the effective date of the assumption at the  
31 discretion of the assuming city or cities.

32 NEW SECTION. Sec. 9. A new section is added to chapter 36.70A RCW  
33 to read as follows:

34 The policies required to be addressed pursuant to RCW  
35 36.70A.210(3)(b) shall include policies providing for assumptions of an  
36 urban service or urban services by a general local government from a  
37 special district government in those cases where that local government  
38 is willing and able to assume such services and the area to be served

1 lies wholly or partially within the local government's corporate or  
2 urban growth boundaries.

3 **Sec. 10.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to  
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

7 (1) "Adopt a comprehensive land use plan" means to enact a new  
8 comprehensive land use plan or to update an existing comprehensive land  
9 use plan.

10 (2) "Agricultural land" means land primarily devoted to the  
11 commercial production of horticultural, viticultural, floricultural,  
12 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
13 straw, turf, seed, Christmas trees not subject to the excise tax  
14 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
15 hatcheries, or livestock, and that has long-term commercial  
16 significance for agricultural production.

17 (3) "Capital facilities owned by public entities" means capital  
18 facilities owned or managed by any agency, local government, or special  
19 purpose district and which must be sited consistent with the terms of  
20 the comprehensive plan and development regulations of the county, city,  
21 or town in which they are, or are proposed to be, located.

22 (4) "City" means any city or town, including a code city.

23 ~~((+4))~~ (5) "Comprehensive land use plan," "comprehensive plan," or  
24 "plan" means a generalized coordinated land use policy statement of the  
25 governing body of a county or city that is adopted pursuant to this  
26 chapter.

27 ~~((+5))~~ (6) "Critical areas" include the following areas and  
28 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect  
29 on aquifers used for potable water; (c) fish and wildlife habitat  
30 conservation areas; (d) frequently flooded areas; and (e) geologically  
31 hazardous areas.

32 ~~((+6))~~ (7) "Department" means the department of community, trade,  
33 and economic development.

34 ~~((+7))~~ (8) "Development regulations" or "regulation" means the  
35 controls placed on development or land use activities by a county or  
36 city, including, but not limited to, zoning ordinances, critical areas  
37 ordinances, shoreline master programs, official controls, planned unit  
38 development ordinances, subdivision ordinances, and binding site plan

1 ordinances together with any amendments thereto. A development  
2 regulation does not include a decision to approve a project permit  
3 application, as defined in RCW 36.70B.020, even though the decision may  
4 be expressed in a resolution or ordinance of the legislative body of  
5 the county or city.

6 ~~((+8+))~~ (9) "Forest land" means land primarily devoted to growing  
7 trees for long-term commercial timber production on land that can be  
8 economically and practically managed for such production, including  
9 Christmas trees subject to the excise tax imposed under RCW 84.33.100  
10 through 84.33.140, and that has long-term commercial significance. In  
11 determining whether forest land is primarily devoted to growing trees  
12 for long-term commercial timber production on land that can be  
13 economically and practically managed for such production, the following  
14 factors shall be considered: (a) The proximity of the land to urban,  
15 suburban, and rural settlements; (b) surrounding parcel size and the  
16 compatibility and intensity of adjacent and nearby land uses; (c) long-  
17 term local economic conditions that affect the ability to manage for  
18 timber production; and (d) the availability of public facilities and  
19 services conducive to conversion of forest land to other uses.

20 ~~((+9+))~~ (10) "Geologically hazardous areas" means areas that  
21 because of their susceptibility to erosion, sliding, earthquake, or  
22 other geological events, are not suited to the siting of commercial,  
23 residential, or industrial development consistent with public health or  
24 safety concerns.

25 ~~((+10+))~~ (11) "Long-term commercial significance" includes the  
26 growing capacity, productivity, and soil composition of the land for  
27 long-term commercial production, in consideration with the land's  
28 proximity to population areas, and the possibility of more intense  
29 uses of the land.

30 ~~((+11+))~~ (12) "Minerals" include gravel, sand, and valuable  
31 metallic substances.

32 ~~((+12+))~~ (13) "Public facilities" include streets, roads, highways,  
33 sidewalks, street and road lighting systems, traffic signals, domestic  
34 water systems, storm and sanitary sewer systems, parks and recreational  
35 facilities, and schools.

36 ~~((+13+))~~ (14) "Public services" include fire protection and  
37 suppression, law enforcement, public health, education, recreation,  
38 environmental protection, and other governmental services.

1       (~~(14)~~) (15) "Rural character" refers to the patterns of land use  
2 and development established by a county in the rural element of its  
3 comprehensive plan:

4       (a) In which open space, the natural landscape, and vegetation  
5 predominate over the built environment;

6       (b) That foster traditional rural lifestyles, rural-based  
7 economies, and opportunities to both live and work in rural areas;

8       (c) That provide visual landscapes that are traditionally found in  
9 rural areas and communities;

10       (d) That are compatible with the use of the land by wildlife and  
11 for fish and wildlife habitat;

12       (e) That reduce the inappropriate conversion of undeveloped land  
13 into sprawling, low-density development;

14       (f) That generally do not require the extension of urban  
15 governmental services; and

16       (g) That are consistent with the protection of natural surface  
17 water flows and ground water and surface water recharge and discharge  
18 areas.

19       (~~(15)~~) (16) "Rural development" refers to development outside the  
20 urban growth area and outside agricultural, forest, and mineral  
21 resource lands designated pursuant to RCW 36.70A.170. Rural  
22 development can consist of a variety of uses and residential densities,  
23 including clustered residential development, at levels that are  
24 consistent with the preservation of rural character and the  
25 requirements of the rural element. Rural development does not refer to  
26 agriculture or forestry activities that may be conducted in rural  
27 areas.

28       (~~(16)~~) (17) "Rural governmental services" or "rural services"  
29 include those public services and public facilities historically and  
30 typically delivered at an intensity usually found in rural areas, and  
31 may include domestic water systems, fire and police protection  
32 services, transportation and public transit services, and other public  
33 utilities associated with rural development and normally not associated  
34 with urban areas. Rural services do not include storm or sanitary  
35 sewers, except as otherwise authorized by RCW 36.70A.110(4).

36       (~~(17)~~) (18) "Urban growth" refers to growth that makes intensive  
37 use of land for the location of buildings, structures, and impermeable  
38 surfaces to such a degree as to be incompatible with the primary use of  
39 land for the production of food, other agricultural products, or fiber,

1 or the extraction of mineral resources, rural uses, rural development,  
2 and natural resource lands designated pursuant to RCW 36.70A.170. A  
3 pattern of more intensive rural development, as provided in RCW  
4 36.70A.070(5)(d), is not urban growth. When allowed to spread over  
5 wide areas, urban growth typically requires urban governmental  
6 services. "Characterized by urban growth" refers to land having urban  
7 growth located on it, or to land located in relationship to an area  
8 with urban growth on it as to be appropriate for urban growth.

9 ~~((18))~~ (19) "Urban growth areas" means those areas designated by  
10 a county pursuant to RCW 36.70A.110.

11 ~~((19))~~ (20) "Urban governmental services" or "urban services"  
12 include those public services and public facilities at an intensity  
13 historically and typically provided in cities, specifically including  
14 storm and sanitary sewer systems, domestic water systems, street  
15 cleaning services, fire and police protection services, public transit  
16 services, and other public utilities associated with urban areas and  
17 normally not associated with rural areas.

18 ~~((20))~~ (21) "Wetland" or "wetlands" means areas that are  
19 inundated or saturated by surface water or ground water at a frequency  
20 and duration sufficient to support, and that under normal circumstances  
21 do support, a prevalence of vegetation typically adapted for life in  
22 saturated soil conditions. Wetlands generally include swamps, marshes,  
23 bogs, and similar areas. Wetlands do not include those artificial  
24 wetlands intentionally created from nonwetland sites, including, but  
25 not limited to, irrigation and drainage ditches, grass-lined swales,  
26 canals, detention facilities, wastewater treatment facilities, farm  
27 ponds, and landscape amenities, or those wetlands created after July 1,  
28 1990, that were unintentionally created as a result of the construction  
29 of a road, street, or highway. Wetlands may include those artificial  
30 wetlands intentionally created from nonwetland areas created to  
31 mitigate conversion of wetlands.

32 **Sec. 11.** RCW 36.70A.215 and 1997 c 429 s 25 are each amended to  
33 read as follows:

34 (1) Subject to the limitations in subsection (7) of this section,  
35 a county shall adopt, in consultation with its cities, county-wide  
36 planning policies to establish a review and evaluation program. This  
37 program shall be in addition to the requirements of RCW 36.70A.110,  
38 36.70A.130, and 36.70A.210. In developing and implementing the review

1 and evaluation program required by this section, the county and its  
2 cities shall consider information from other appropriate jurisdictions  
3 and sources. The purpose of the review and evaluation program shall be  
4 to:

5 (a) Determine whether a county and its cities are achieving urban  
6 densities within urban growth areas by comparing growth and development  
7 assumptions, targets, and objectives contained in the county-wide  
8 planning policies and the county and city comprehensive plans with  
9 actual growth and development that has occurred in the county and its  
10 cities; (~~and~~)

11 (b) Determine whether special purpose districts and their  
12 comprehensive plans are in compliance with and are implementing the  
13 terms of comprehensive plans for those counties, cities, and towns  
14 included in whole or in part within the corporate boundaries of the  
15 districts, and whether the provisions of section 9 of this act have  
16 been incorporated within county-wide planning policies; and

17 (c) Identify reasonable measures, other than adjusting urban growth  
18 areas, that will be taken to comply with the requirements of this  
19 chapter.

20 (2) The review and evaluation program shall:

21 (a) Encompass land uses and activities both within and outside of  
22 urban growth areas and provide for annual collection of data on urban  
23 and rural land uses, development, critical areas, and capital  
24 facilities to the extent necessary to determine the quantity and type  
25 of land suitable for development, both for residential and employment-  
26 based activities;

27 (b) Provide for evaluation of the data collected under (a) of this  
28 subsection every five years as provided in subsection (3) of this  
29 section. The first evaluation shall be completed not later than  
30 September 1, 2002. The county and its cities may establish in the  
31 county-wide planning policies indicators, benchmarks, and other similar  
32 criteria to use in conducting the evaluation;

33 (c) Provide for methods to resolve disputes among jurisdictions  
34 relating to the county-wide planning policies required by this section  
35 and procedures to resolve inconsistencies in collection and analysis of  
36 data; and

37 (d) Provide for the amendment of the county-wide policies and  
38 county and city comprehensive plans as needed to remedy an  
39 inconsistency identified through the evaluation required by this



1 section, or to bring these policies into compliance with the  
2 requirements of this chapter.

3 (3) At a minimum, the evaluation component of the program required  
4 by subsection (1) of this section shall:

5 (a) Determine whether there is sufficient suitable land to  
6 accommodate the county-wide population projection established for the  
7 county pursuant to RCW 43.62.035 and the subsequent population  
8 allocations within the county and between the county and its cities and  
9 the requirements of RCW 36.70A.110;

10 (b) Determine the actual density of housing that has been  
11 constructed and the actual amount of land developed for commercial and  
12 industrial uses within the urban growth area since the adoption of a  
13 comprehensive plan under this chapter or since the last periodic  
14 evaluation as required by subsection (1) of this section; and

15 (c) Based on the actual density of development as determined under  
16 (b) of this subsection, review commercial, industrial, and housing  
17 needs by type and density range to determine the amount of land needed  
18 for commercial, industrial, and housing for the remaining portion of  
19 the twenty-year planning period used in the most recently adopted  
20 comprehensive plan.

21 (4) If the evaluation required by subsection (3) of this section  
22 demonstrates an inconsistency between what has occurred since the  
23 adoption of the county-wide planning policies and the county and city  
24 comprehensive plans and development regulations and what was envisioned  
25 in those policies and plans and the planning goals and the requirements  
26 of this chapter, as the inconsistency relates to the evaluation factors  
27 specified in subsection (3) of this section, the county and its cities  
28 shall adopt and implement measures that are reasonably likely to  
29 increase consistency during the subsequent five-year period. If  
30 necessary, a county, in consultation with its cities as required by RCW  
31 36.70A.210, shall adopt amendments to county-wide planning policies to  
32 increase consistency. The county and its cities shall annually monitor  
33 the measures adopted under this subsection to determine their effect  
34 and may revise or rescind them as appropriate.

35 (5)(a) Not later than July 1, 1998, the department shall prepare a  
36 list of methods used by counties and cities in carrying out the types  
37 of activities required by this section. The department shall provide  
38 this information and appropriate technical assistance to counties and

1 cities required to or choosing to comply with the provisions of this  
2 section.

3 (b) By December 31, 2007, the department shall submit to the  
4 appropriate committees of the legislature a report analyzing the  
5 effectiveness of the activities described in this section in achieving  
6 the goals envisioned by the county-wide planning policies and the  
7 comprehensive plans and development regulations of the counties and  
8 cities.

9 (6) From funds appropriated by the legislature for this purpose,  
10 the department shall provide grants to counties, cities, and regional  
11 planning organizations required under subsection (7) of this section to  
12 conduct the review and perform the evaluation required by this section.

13 (7) The provisions of this section shall apply to counties, and the  
14 cities within those counties, that were greater than one hundred fifty  
15 thousand in population in 1995 as determined by office of financial  
16 management population estimates and that are located west of the crest  
17 of the Cascade mountain range. Any other county planning under RCW  
18 36.70A.040 may carry out the review, evaluation, and amendment programs  
19 and procedures as provided in this section.

20 **Sec. 12.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read  
21 as follows:

22 ((The)) (1) In evaluating an assumption by a city or cities of a  
23 water-sewer district under chapter 35.13A RCW, the decision of the  
24 boundary review board shall attempt to achieve only the following  
25 objectives:

26 (a) Preservation of logical service areas. The boundary review  
27 board shall find that an assumption furthers preservation of logical  
28 service areas if:

29 (i) Following assumption, one or more cities can provide service to  
30 ratepayers within the assumed area; or

31 (ii) When a city or cities assume only a portion of the district  
32 pursuant to RCW 35.13A.050, the assuming city or cities can provide  
33 service to ratepayers within the assumed area and the district or other  
34 municipalities can provide service, by contract with the assuming city  
35 or cities or otherwise, within any area not assumed but which was part  
36 of the district prior to assumption.

37 (b) Growth planning. If the assuming city is located in a county  
38 that is required or chooses to plan under RCW 36.70A.040, and in lieu

1 of application of RCW 36.93.157, the boundary review board shall find  
2 that growth planning is furthered if one or more of the following  
3 criteria are met:

4 (i) The assumption is consistent with the county-wide planning  
5 policies adopted pursuant to RCW 36.70A.210 and in effect at the time  
6 of the assumption;

7 (ii) The assumption would assist the assuming city or cities in  
8 implementation of the city's comprehensive plan; or

9 (iii) The assumption would permit the assuming city or cities to  
10 provide service within an urban growth area designated under RCW  
11 36.70A.110(1), or within the assuming city's or cities' urban growth or  
12 potential annexation area designated pursuant to county-wide planning  
13 policies adopted pursuant to RCW 36.70A.210.

14 (c) Governmental efficiency. The boundary review board shall find  
15 that governmental efficiency is furthered if one or more of the  
16 following criteria are met:

17 (i) The assumption would eliminate duplication of some governmental  
18 services or positions; or

19 (ii) The assumption would consolidate within one or more cities the  
20 responsibility for planning under RCW 36.70A.040 and processing of  
21 development permit applications requiring water and sewer availability.

22 (2) All other decisions of the boundary review board shall attempt  
23 to achieve the following objectives:

24 ~~((+1))~~ (a) Preservation of natural neighborhoods and communities;

25 ~~((+2))~~ (b) Use of physical boundaries, including but not limited  
26 to bodies of water, highways, and land contours;

27 ~~((+3))~~ (c) Creation and preservation of logical service areas;

28 ~~((+4))~~ (d) Prevention of abnormally irregular boundaries;

29 ~~((+5))~~ (e) Discouragement of multiple incorporations of small  
30 cities and encouragement of incorporation of cities in excess of ten  
31 thousand population in heavily populated urban areas;

32 ~~((+6))~~ (f) Dissolution of inactive special purpose districts;

33 ~~((+7))~~ (g) Adjustment of impractical boundaries;

34 ~~((+8))~~ (h) Incorporation as cities or towns or annexation to  
35 cities or towns of unincorporated areas which are urban in character;  
36 and

37 ~~((+9))~~ (i) Protection of agricultural and rural lands which are  
38 designated for long term productive agricultural and resource use by a  
39 comprehensive plan adopted by the county legislative authority.

1       **Sec. 13.** RCW 57.16.010 and 1997 c 447 s 18 are each amended to  
2 read as follows:

3       Before ordering any improvements or submitting to vote any  
4 proposition for incurring any indebtedness, the district commissioners  
5 shall adopt a general comprehensive plan for the type or types of  
6 facilities the district proposes to provide. A district may prepare a  
7 separate general comprehensive plan for each of these services and  
8 other services that districts are permitted to provide, or the district  
9 may combine any or all of its comprehensive plans into a single general  
10 comprehensive plan.

11       (1) For a general comprehensive plan of a water supply system, the  
12 commissioners shall investigate the several portions and sections of  
13 the district for the purpose of determining the present and reasonably  
14 foreseeable future needs ~~((thereof))~~ and household and employment  
15 targets set forth in the comprehensive plans adopted pursuant to  
16 chapter 36.70A RCW by each city, town, or county in which the district  
17 provides water service; shall examine and investigate, determine, and  
18 select a water supply or water supplies for such district suitable and  
19 adequate for present and reasonably foreseeable future needs thereof  
20 set forth in the comprehensive plans adopted pursuant to chapter 36.70A  
21 RCW by each city, town, or county in which the district provides water  
22 service; and shall consider and ~~((determine))~~ adopt a general system or  
23 plan for acquiring such water supply or water supplies, and the lands,  
24 waters, and water rights and easements necessary therefor, and for  
25 retaining and storing any such waters, and erecting dams, reservoirs,  
26 aqueducts, and pipe lines to convey the same throughout such district.  
27 There may be included as part of the system the installation of fire  
28 hydrants at suitable places throughout the district. The commissioners  
29 shall determine and adopt a general comprehensive plan providing for  
30 the present and future water supply or supplies necessary to meet  
31 present and future needs determined as set forth herein, for  
32 distributing such water throughout such portion of the district as may  
33 then reasonably be served by means of subsidiary aqueducts and pipe  
34 lines, and a long-term plan for financing the planned projects and the  
35 method of distributing the cost and expense thereof, including the  
36 creation of local improvement districts ~~((or utility local improvement~~  
37 ~~districts, and shall determine))~~ and provide whether the whole or part  
38 of the cost and expenses shall be paid from revenue or general  
39 obligation bonds. In addition, the general comprehensive plan shall be

1 consistent with and implement the comprehensive plans adopted under  
2 chapter 36.70A RCW by each city and county in which the district  
3 provides service, shall identify the household and employment targets  
4 contained in each of the land use elements of those jurisdictions'  
5 comprehensive plans and discuss how water supplies and services will be  
6 provided to each of those targets, shall comply with the requirements  
7 of RCW 36.70A.070 (3) (a) through (d) and (4), and shall be updated as  
8 needed to comply with the requirements of this section and to maintain  
9 consistency with the comprehensive plans of the cities and county in  
10 which the district provides service. Furthermore, the district shall  
11 maintain a docket and consider and adopt changes to its general  
12 comprehensive plan in the manner provided for in RCW 36.70A.470.

13 (2) For a general comprehensive plan for a sewer system, the  
14 commissioners shall investigate all portions and sections of the  
15 district and select and adopt a general comprehensive plan for a sewer  
16 system for the district suitable and adequate for present and  
17 reasonably foreseeable future needs (~~thereof~~) and household and  
18 employment targets set forth in the comprehensive plans adopted  
19 pursuant to chapter 36.70A RCW by each city, town, or county in which  
20 the district provides sewer service. The general comprehensive plan  
21 shall provide for treatment plants and other methods and services, if  
22 any, for the prevention, control, and reduction of water pollution and  
23 for the treatment and disposal of sewage and industrial and other  
24 liquid wastes now produced or which may reasonably be expected to be  
25 produced within the district and shall, for such portions of the  
26 district as may then reasonably be served or must reasonably be served  
27 in the future in order to provide service to household or employment  
28 targets contained in the comprehensive plans adopted pursuant to  
29 chapter 36.70A RCW by each city, town, or county in which the district  
30 provides sewer service, provide for the acquisition or construction and  
31 installation of laterals, trunk sewers, intercepting sewers, syphons,  
32 pumping stations or other sewage collection facilities, septic tanks,  
33 septic tank systems or drainfields, and systems for the transmission  
34 and treatment of wastewater. The general comprehensive plan shall  
35 provide a long-term plan for financing the planned projects and the  
36 method of distributing the cost and expense of the sewer system and  
37 services, including the creation of local improvement districts or  
38 utility local improvement districts; and provide whether the whole or  
39 some part of the cost and expenses shall be paid from revenue or

1 general obligation bonds. In addition, the general comprehensive plan  
2 shall be consistent with and implement the comprehensive plans adopted  
3 under chapter 36.70A RCW by each city and county in which the district  
4 provides service, shall identify the household and employment targets  
5 contained in each of the land use elements of those jurisdictions'  
6 comprehensive plans and discuss how sewer service will be provided to  
7 each of those targets, shall comply with the requirements of RCW  
8 36.70A.070 (3) (a) through (d) and (4), and shall be updated as needed  
9 to comply with the requirements of this section and to maintain  
10 consistency with the comprehensive plans of the cities and county in  
11 which the district provides service. Furthermore, the district shall  
12 maintain a docket and consider and adopt changes to its general  
13 comprehensive plan in the manner provided for in RCW 36.70A.470.

14 (3) For a general comprehensive plan for a drainage system, the  
15 commissioners shall investigate all portions and sections of the  
16 district and adopt a general comprehensive plan for a drainage system  
17 for the district suitable and adequate for present and future needs  
18 (~~thereof~~) and household and employment targets set forth in the  
19 comprehensive plans adopted pursuant to chapter 36.70A RCW by each  
20 city, town, or county in which the district maintains a drainage  
21 system. The general comprehensive plan shall provide for a system to  
22 collect, treat, and dispose of storm water or surface waters, including  
23 use of natural systems and the construction or provision of culverts,  
24 storm water pipes, ponds, and other systems. The general comprehensive  
25 plan shall provide for a long-term plan for financing the planned  
26 projects and provide for a method of distributing the cost and expense  
27 of the drainage system, including local improvement districts or  
28 utility local improvement districts, and provide whether the whole or  
29 some part of the cost and expenses shall be paid from revenue or  
30 general obligation bonds. In addition, the general comprehensive plan  
31 shall be consistent with and implement the comprehensive plans adopted  
32 under chapter 36.70A RCW by each city and county in which the district  
33 provides service, shall identify the household and employment targets  
34 contained in each of the land use elements of those jurisdictions'  
35 comprehensive plans and discuss how drainage will be provided for those  
36 targets, shall comply with the requirements of RCW 36.70A.070 (3) (a)  
37 through (d) and (4), and shall be updated as needed to comply with the  
38 requirements of this section and to maintain consistency with the  
39 comprehensive plans of the cities and county in which the district

1 provides service. Furthermore, the district shall maintain a docket  
2 and consider and adopt changes to its general comprehensive plan in the  
3 manner provided for in RCW 36.70A.470.

4 (4) For a general comprehensive plan for street lighting, the  
5 commissioners shall investigate all portions and sections of the  
6 district and adopt a general comprehensive plan for street lighting for  
7 the district suitable and adequate for present and future needs  
8 ~~((thereof))~~ and household and employment targets set forth in the  
9 comprehensive plans adopted pursuant to chapter 36.70A RCW by each  
10 city, town, or county in which the district maintains a drainage  
11 system. The general comprehensive plan shall provide for a system or  
12 systems of street lighting, provide for a long-term plan for financing  
13 the planned projects, and provide for a method of distributing the cost  
14 and expense of the street lighting system, including local improvement  
15 districts or utility local improvement districts, and provide whether  
16 the whole or some part of the cost and expenses shall be paid from  
17 revenue or general obligation bonds. In addition, the general  
18 comprehensive plan shall be consistent with and implement the  
19 comprehensive plans adopted under chapter 36.70A RCW by each city and  
20 county in which the district provides service, shall identify the  
21 household and employment targets contained in each of the land use  
22 elements of those jurisdictions' comprehensive plans and discuss how  
23 street lighting will be provided for those targets, shall comply with  
24 the requirements of RCW 36.70A.070 (3) (a) through (d) and (4), and  
25 shall be updated as needed to comply with the requirements of this  
26 section and to maintain consistency with the comprehensive plans of the  
27 cities and county in which the district provides service. Furthermore,  
28 the district shall maintain a docket and consider and adopt changes to  
29 its general comprehensive plan in the manner provided for in RCW  
30 36.70A.470.

31 (5) The commissioners may employ such engineering and legal service  
32 as in their discretion is necessary in carrying out their duties.

33 (6) Any general comprehensive plan or plans shall be adopted by  
34 resolution and submitted to an engineer designated by the legislative  
35 authority of the county in which fifty-one percent or more of the area  
36 of the district is located, and to the director of health of the county  
37 in which the district or any portion thereof is located, and must be  
38 approved in writing by the engineer and director of health, except that  
39 a comprehensive plan relating to street lighting shall not be submitted

1 to or approved by the director of health. The general comprehensive  
2 plan shall be approved, conditionally approved, or rejected by the  
3 director of health and by the designated engineer within sixty days of  
4 their respective receipt of the plan. However, this sixty-day time  
5 limitation may be extended by the director of health or engineer for up  
6 to an additional sixty days if sufficient time is not available to  
7 review adequately the general comprehensive plans.

8 Before becoming effective, the general comprehensive plan shall  
9 also be submitted to, and approved by resolution of, the legislative  
10 authority of every county within whose boundaries all or a portion of  
11 the district lies. The general comprehensive plan shall be approved,  
12 conditionally approved, or rejected by each of the county legislative  
13 authorities pursuant to the criteria in RCW 57.02.040 for approving the  
14 formation, reorganization, annexation, consolidation, or merger of  
15 districts. The resolution, ordinance, or motion of the legislative  
16 body that rejects the comprehensive plan or a part thereof shall  
17 specifically state in what particular the comprehensive plan or part  
18 thereof rejected fails to meet these criteria. The general  
19 comprehensive plan shall not provide for the extension or location of  
20 facilities that are inconsistent with the requirements of RCW  
21 36.70A.110. Nothing in this chapter shall preclude a county from  
22 rejecting a proposed plan because it is in conflict with the criteria  
23 in RCW 57.02.040. Each general comprehensive plan shall be deemed  
24 approved if the county legislative authority fails to reject or  
25 conditionally approve the plan within ninety days of the plan's  
26 submission to the county legislative authority or within thirty days of  
27 a hearing on the plan when the hearing is held within ninety days of  
28 submission to the county legislative authority. However, a county  
29 legislative authority may extend this ninety-day time limitation by up  
30 to an additional ninety days where a finding is made that ninety days  
31 is insufficient to review adequately the general comprehensive plan.  
32 In addition, the commissioners and the county legislative authority may  
33 mutually agree to an extension of the deadlines in this section.

34 If the district includes portions or all of one or more cities or  
35 towns, the general comprehensive plan shall be submitted also to, and  
36 approved by resolution of, the legislative authorities of the cities  
37 and towns before becoming effective. The general comprehensive plan  
38 shall be deemed approved by the city or town legislative authority if  
39 the city or town legislative authority fails to reject or conditionally



1 approve the plan within ninety days of the plan's submission to the  
2 city or town or within thirty days of a hearing on the plan when the  
3 hearing is held within ninety days of submission to the ((county)) city  
4 or town legislative authority. However, a city or town legislative  
5 authority may extend this time limitation by up to an additional ninety  
6 days where a finding is made that insufficient time exists to  
7 adequately review the general comprehensive plan within these time  
8 limitations. In addition, the commissioners and the city or town  
9 legislative authority may mutually agree to an extension of the  
10 deadlines in this section.

11 Before becoming effective, the general comprehensive plan shall be  
12 approved by any state agency whose approval may be required by  
13 applicable law. Before becoming effective, any amendment to,  
14 alteration of, or addition to, a general comprehensive plan shall also  
15 be subject to such approval as if it were a new general comprehensive  
16 plan. However, only if the amendment, alteration, or addition affects  
17 a particular city or town, shall the amendment, alteration, or addition  
18 be subject to approval by such particular city or town governing body.

19 (7) A water-sewer district that fails to comply with subsections  
20 (1) through (4) of this section, or that fails within ninety days to  
21 amend its comprehensive plan to correct deficiencies identified by the  
22 decision of any city, county, or town rejecting or conditionally  
23 approving a comprehensive plan under subsection (6) of this section,  
24 shall be ineligible to receive any grant, loan, or assistance  
25 administered under chapter 43.330 RCW.

26 NEW SECTION. Sec. 14. RCW 35.13A.0301 and 1998 c 326 s 3 are each  
27 repealed.

--- END ---