
SUBSTITUTE SENATE BILL 5544

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senator Patterson)

Read first time 03/03/1999.

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, 36.93.090, 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 NEW SECTION. Sec. 7. A new section is added to chapter 35.13A RCW
22 to read as follows:

23 (1) In the event a city or cities elect to assume jurisdiction over
24 all or a portion of a district that is only partially included within
25 any city's corporate boundaries, then upon the completion of all
26 reports required by section 1 of this act, the assuming city shall
27 adopt a resolution to submit to a ballot proposition to district voters
28 residing outside of any city boundaries, which, if approved, requires
29 the district outside of any city boundaries to be assumed by the city
30 or cities. The result of the proposition shall not affect an
31 assumption of district territory located within city boundaries. The
32 cost of the election shall be paid for by the assuming city or cities.

33 (2) A ballot proposition shall not be submitted to voters if all of
34 the territory of the district is located within the corporate
35 boundaries of a city and a city assumes a district under RCW
36 35.13A.020.

37 (3) A ballot proposition shall not be required when all of the
38 territory of a district is located within the corporate boundaries of

1 more than one city when the cities have entered into agreements in
2 accordance with RCW 35.13A.070.

3 (4) Within twenty-four months after the effective date of an
4 assumption by a city over part of the territory of a district, the
5 district customers remaining outside of any city boundaries may deliver
6 a petition for assumption declaring their intent to require the
7 assuming city to assume jurisdiction of all remaining territory of the
8 district, to assume the district indebtedness, and to provide for the
9 dissolution of the district. The petition must be signed by the
10 owners, as defined by RCW 35A.01.040(9) (a) through (d) of not less
11 than sixty percent in value, according to the assessed valuation for
12 general taxation of the property. After the completion of all reports
13 required by section 1 of this act and the city receiving the petition
14 for assumption, the city shall submit a ballot proposition to district
15 voters residing outside of any city corporate boundaries which, if
16 approved, provides for the city assuming jurisdiction over the
17 remaining territory in the district under RCW 35.13A.020, including
18 assumption of all indebtedness, and dissolution of the district. In
19 the event the proposition is approved, the city shall assume
20 jurisdiction over the remaining district territory. All costs of the
21 election shall be paid for by the district.

22 (5) These ballot propositions shall be submitted to eligible voters
23 at either a general municipal or special election which shall be held
24 within one hundred eighty days of the city's adoption of its election
25 resolution or receipt of the petition for assumption. The request for
26 a special election, if any, the notices of the election, and the
27 conduct of the election shall be in accordance with general election
28 laws. The proposition must be approved by a majority of the voters to
29 be effective.

30 (6) The requirement for an election set forth in RCW 35.92.070 does
31 not apply to assumption actions commenced under this chapter.

32 (7) Pursuant to RCW 42.17.130, no public facilities of the city or
33 of the district may be used to support or oppose the proposed
34 assumption following the city's adoption of a resolution to submit a
35 ballot proposition to the district voters residing outside any city
36 proposing to assume the district.

37 (8) In the event of a vote under subsection (1) of this section
38 resulting in an assumption by the city of the entire district, the
39 rates charged for water-sewer service shall be and remain the same for

1 both the area of what was formerly the district inside the boundaries
2 of the city and the service area of the city that was formerly the area
3 of the district that was outside the boundaries of the city.

4 (9) In the event that a district is assumed by a city under
5 subsection (4) of this section, the rates for water-sewer service shall
6 be the same as provided in subsection (8) of this section.

7 (10) In the event that the portion of a district outside the
8 boundaries of the city elects to remain outside the service area of the
9 city's water-sewer service by voting against assumption under
10 subsection (1) of this section and does not petition for assumption and
11 vote to be assumed under subsection (4) of this section, then the rates
12 for water-sewer service may not be equalized as provided by subsection
13 (8) of this section if the district is assumed at a time more than two
14 years after the effective date of the assumption by the city over part
15 of the district.

16 **Sec. 8.** RCW 35.13A.070 and 1997 c 426 s 2 are each amended to read
17 as follows:

18 Notwithstanding any provision of this chapter to the contrary, one
19 or more cities and one or more districts may, through their
20 legislative authorities, authorize a contract with respect to the
21 rights, powers, duties, and obligation of such cities, or districts
22 with regard to the use and ownership of property, the providing of
23 services, the maintenance and operation of facilities, allocation of
24 cost, financing and construction of new facilities, application and use
25 of assets, disposition of liabilities and debts, the performance of
26 contractual obligations, and any other matters arising out of the
27 inclusion, in whole or in part, of the district or districts within any
28 city or cities, or the assumption by the city of jurisdiction of a
29 district under RCW 35.13A.110. The contract may provide for the
30 furnishing of services by any party thereto and the use of city or
31 district facilities or real estate for such purpose, and may also
32 provide for the time during which such district or districts may
33 continue to exercise any rights, privileges, powers, and functions
34 provided by law for such district or districts as if the district or
35 districts or portions thereof were not included within a city or were
36 not subject to an assumption of jurisdiction under RCW 35.13A.110,
37 including but not by way of limitation, the right to promulgate rules
38 and regulations, to levy and collect special assessments, rates,

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

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

25 Whenever a city (~~acquires all of the facilities of a water~~
26 ~~district or sewer district, pursuant to this chapter, such a city~~) or
27 cities assume jurisdiction over an entire water-sewer district pursuant
28 to RCW 35.13A.020, 35.13A.030, or section 3 of this act, the assuming
29 city or cities shall offer to employ every full time employee of the
30 district who, as of the effective date of the assumption, is engaged in
31 the operation of (~~such a~~) the district's facilities (~~on the date on~~
32 ~~which such city acquires the district facilities~~). When a city
33 (~~acquires any portion of the facilities of such a district, such a~~
34 ~~city~~) or cities assume jurisdiction over only a portion of the
35 district, the assuming city or cities shall offer to employ those full
36 time employees of the district (~~as of the date of the acquisition of~~
37 ~~the facilities of the district who are not longer needed by the~~
38 ~~district~~) who, as of the effective date of the assumption, are engaged

1 in the operation of those facilities over which the city or cities have
2 assumed jurisdiction. This section shall not require an assuming city
3 to extend offers of employment to employees engaged in management
4 functions as opposed to operation of facilities, unless required by the
5 terms of a collective bargaining agreement.

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

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

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

12 ((3)) (2) For a vacation with pay during the first year of
13 employment equivalent to that to which he would have been entitled if
14 he had remained in the employment of the district.

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

27 NEW SECTION. Sec. 10. A new section is added to chapter 36.70A
28 RCW to read as follows:

29 The policies required to be addressed pursuant to RCW
30 36.70A.210(3)(b) shall include policies providing for assumptions of an
31 urban service or urban services by a general local government from a
32 special district government in those cases where that local government
33 is willing and able to assume such services and the area to be served
34 lies wholly or partially within the local government's corporate or
35 urban growth boundaries.

36 **Sec. 11.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to
37 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Adopt a comprehensive land use plan" means to enact a new
4 comprehensive land use plan or to update an existing comprehensive land
5 use plan.

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

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

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

19 ~~((+4))~~ (5) "Comprehensive land use plan," "comprehensive plan," or
20 "plan" means a generalized coordinated land use policy statement of the
21 governing body of a county or city that is adopted pursuant to this
22 chapter.

23 ~~((+5))~~ (6) "Critical areas" include the following areas and
24 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
25 on aquifers used for potable water; (c) fish and wildlife habitat
26 conservation areas; (d) frequently flooded areas; and (e) geologically
27 hazardous areas.

28 ~~((+6))~~ (7) "Department" means the department of community, trade,
29 and economic development.

30 ~~((+7))~~ (8) "Development regulations" or "regulation" means the
31 controls placed on development or land use activities by a county or
32 city, including, but not limited to, zoning ordinances, critical areas
33 ordinances, shoreline master programs, official controls, planned unit
34 development ordinances, subdivision ordinances, and binding site plan
35 ordinances together with any amendments thereto. A development
36 regulation does not include a decision to approve a project permit
37 application, as defined in RCW 36.70B.020, even though the decision may
38 be expressed in a resolution or ordinance of the legislative body of
39 the county or city.

1 (~~(8)~~) (9) "Forest land" means land primarily devoted to growing
2 trees for long-term commercial timber production on land that can be
3 economically and practically managed for such production, including
4 Christmas trees subject to the excise tax imposed under RCW 84.33.100
5 through 84.33.140, and that has long-term commercial significance. In
6 determining whether forest land is primarily devoted to growing trees
7 for long-term commercial timber production on land that can be
8 economically and practically managed for such production, the following
9 factors shall be considered: (a) The proximity of the land to urban,
10 suburban, and rural settlements; (b) surrounding parcel size and the
11 compatibility and intensity of adjacent and nearby land uses; (c) long-
12 term local economic conditions that affect the ability to manage for
13 timber production; and (d) the availability of public facilities and
14 services conducive to conversion of forest land to other uses.

15 (~~(9)~~) (10) "Geologically hazardous areas" means areas that
16 because of their susceptibility to erosion, sliding, earthquake, or
17 other geological events, are not suited to the siting of commercial,
18 residential, or industrial development consistent with public health or
19 safety concerns.

20 (~~(10)~~) (11) "Long-term commercial significance" includes the
21 growing capacity, productivity, and soil composition of the land for
22 long-term commercial production, in consideration with the land's
23 proximity to population areas, and the possibility of more intense
24 uses of the land.

25 (~~(11)~~) (12) "Minerals" include gravel, sand, and valuable
26 metallic substances.

27 (~~(12)~~) (13) "Public facilities" include streets, roads, highways,
28 sidewalks, street and road lighting systems, traffic signals, domestic
29 water systems, storm and sanitary sewer systems, parks and recreational
30 facilities, and schools.

31 (~~(13)~~) (14) "Public services" include fire protection and
32 suppression, law enforcement, public health, education, recreation,
33 environmental protection, and other governmental services.

34 (~~(14)~~) (15) "Rural character" refers to the patterns of land use
35 and development established by a county in the rural element of its
36 comprehensive plan:

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

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

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

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

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

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

11 (g) That are consistent with the protection of natural surface
12 water flows and ground water and surface water recharge and discharge
13 areas.

14 (~~(15)~~) (16) "Rural development" refers to development outside the
15 urban growth area and outside agricultural, forest, and mineral
16 resource lands designated pursuant to RCW 36.70A.170. Rural
17 development can consist of a variety of uses and residential densities,
18 including clustered residential development, at levels that are
19 consistent with the preservation of rural character and the
20 requirements of the rural element. Rural development does not refer to
21 agriculture or forestry activities that may be conducted in rural
22 areas.

23 (~~(16)~~) (17) "Rural governmental services" or "rural services"
24 include those public services and public facilities historically and
25 typically delivered at an intensity usually found in rural areas, and
26 may include domestic water systems, fire and police protection
27 services, transportation and public transit services, and other public
28 utilities associated with rural development and normally not associated
29 with urban areas. Rural services do not include storm or sanitary
30 sewers, except as otherwise authorized by RCW 36.70A.110(4).

31 (~~(17)~~) (18) "Urban growth" refers to growth that makes intensive
32 use of land for the location of buildings, structures, and impermeable
33 surfaces to such a degree as to be incompatible with the primary use of
34 land for the production of food, other agricultural products, or fiber,
35 or the extraction of mineral resources, rural uses, rural development,
36 and natural resource lands designated pursuant to RCW 36.70A.170. A
37 pattern of more intensive rural development, as provided in RCW
38 36.70A.070(5)(d), is not urban growth. When allowed to spread over
39 wide areas, urban growth typically requires urban governmental

1 services. "Characterized by urban growth" refers to land having urban
2 growth located on it, or to land located in relationship to an area
3 with urban growth on it as to be appropriate for urban growth.

4 ~~((18))~~ (19) "Urban growth areas" means those areas designated by
5 a county pursuant to RCW 36.70A.110.

6 ~~((19))~~ (20) "Urban governmental services" or "urban services"
7 include those public services and public facilities at an intensity
8 historically and typically provided in cities, specifically including
9 storm and sanitary sewer systems, domestic water systems, street
10 cleaning services, fire and police protection services, public transit
11 services, and other public utilities associated with urban areas and
12 normally not associated with rural areas.

13 ~~((20))~~ (21) "Wetland" or "wetlands" means areas that are
14 inundated or saturated by surface water or ground water at a frequency
15 and duration sufficient to support, and that under normal circumstances
16 do support, a prevalence of vegetation typically adapted for life in
17 saturated soil conditions. Wetlands generally include swamps, marshes,
18 bogs, and similar areas. Wetlands do not include those artificial
19 wetlands intentionally created from nonwetland sites, including, but
20 not limited to, irrigation and drainage ditches, grass-lined swales,
21 canals, detention facilities, wastewater treatment facilities, farm
22 ponds, and landscape amenities, or those wetlands created after July 1,
23 1990, that were unintentionally created as a result of the construction
24 of a road, street, or highway. Wetlands may include those artificial
25 wetlands intentionally created from nonwetland areas created to
26 mitigate conversion of wetlands.

27 **Sec. 12.** RCW 36.70A.215 and 1997 c 429 s 25 are each amended to
28 read as follows:

29 (1) Subject to the limitations in subsection (7) of this section,
30 a county shall adopt, in consultation with its cities, county-wide
31 planning policies to establish a review and evaluation program. This
32 program shall be in addition to the requirements of RCW 36.70A.110,
33 36.70A.130, and 36.70A.210. In developing and implementing the review
34 and evaluation program required by this section, the county and its
35 cities shall consider information from other appropriate jurisdictions
36 and sources. The purpose of the review and evaluation program shall be
37 to:

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

7 (b) Determine whether special purpose districts and their
8 comprehensive plans are in compliance with and are implementing the
9 terms of comprehensive plans for those counties, cities, and towns
10 included in whole or in part within the corporate boundaries of the
11 districts, and whether the provisions of section 10 of this act have
12 been incorporated within county-wide planning policies; and

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

16 (2) The review and evaluation program shall:

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

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

29 (c) Provide for methods to resolve disputes among jurisdictions
30 relating to the county-wide planning policies required by this section
31 and procedures to resolve inconsistencies in collection and analysis of
32 data; and

33 (d) Provide for the amendment of the county-wide policies and
34 county and city comprehensive plans as needed to remedy an
35 inconsistency identified through the evaluation required by this
36 section, or to bring these policies into compliance with the
37 requirements of this chapter.

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

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

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

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

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

31 (5)(a) Not later than July 1, 1998, the department shall prepare a
32 list of methods used by counties and cities in carrying out the types
33 of activities required by this section. The department shall provide
34 this information and appropriate technical assistance to counties and
35 cities required to or choosing to comply with the provisions of this
36 section.

37 (b) By December 31, 2007, the department shall submit to the
38 appropriate committees of the legislature a report analyzing the
39 effectiveness of the activities described in this section in achieving

1 the goals envisioned by the county-wide planning policies and the
2 comprehensive plans and development regulations of the counties and
3 cities.

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

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

15 **Sec. 13.** RCW 36.93.090 and 1996 c 230 s 1608 are each amended to
16 read as follows:

17 Whenever any of the following described actions are proposed in a
18 county in which a board has been established, the initiators of the
19 action shall file within one hundred eighty days a notice of intention
20 with the board: PROVIDED, That when the initiator is the legislative
21 body of a governmental unit, the notice of intention may be filed
22 immediately following the body's first acceptance or approval of the
23 action. The board may review any such proposed actions pertaining to:

24 (1) The: (a) Creation, incorporation, or change in the boundary,
25 other than a consolidation, of any city, town, or special purpose
26 district; (b) consolidation of special purpose districts, but not
27 including consolidation of cities and towns; or (c) dissolution or
28 disincorporation of any city, town, or special purpose district, except
29 that a board may not review the dissolution or disincorporation of a
30 special purpose district which was dissolved or disincorporated
31 pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the
32 change in the boundary of a city or town arising from the annexation of
33 contiguous city or town owned property held for a public purpose shall
34 be exempted from the requirements of this section; or

35 (2) The assumption by any city or town of all or part of the
36 assets, facilities, or indebtedness of a special purpose district which
37 lies partially within such city or town, except for water-sewer
38 districts; or

1 (3) The establishment of or change in the boundaries of a mutual
2 water and sewer system or separate sewer system by a water-sewer
3 district pursuant to RCW 57.08.065 (~~(or chapter 57.40 RCW)~~); or

4 (4) The extension of permanent water or sewer service outside of
5 its existing service area by a city, town, or special purpose district.
6 The service area of a city, town, or special purpose district shall
7 include all of the area within its corporate boundaries plus, (a) for
8 extensions of water service, the area outside of the corporate
9 boundaries which it is designated to serve pursuant to a coordinated
10 water system plan approved in accordance with RCW 70.116.050; and (b)
11 for extensions of sewer service, the area outside of the corporate
12 boundaries which it is designated to serve pursuant to a comprehensive
13 sewerage plan approved in accordance with chapter 36.94 RCW and RCW
14 90.48.110.

15 **Sec. 14.** RCW 57.16.010 and 1997 c 447 s 18 are each amended to
16 read as follows:

17 Before ordering any improvements or submitting to vote any
18 proposition for incurring any indebtedness, the district commissioners
19 shall adopt a general comprehensive plan for the type or types of
20 facilities the district proposes to provide. A district may prepare a
21 separate general comprehensive plan for each of these services and
22 other services that districts are permitted to provide, or the district
23 may combine any or all of its comprehensive plans into a single general
24 comprehensive plan.

25 (1) For a general comprehensive plan of a water supply system, the
26 commissioners shall investigate the several portions and sections of
27 the district for the purpose of determining the present and reasonably
28 foreseeable future needs (~~(thereof)~~) and household and employment
29 targets set forth in the comprehensive plans adopted pursuant to
30 chapter 36.70A RCW by each city, town, or county in which the district
31 provides water service; shall examine and investigate, determine, and
32 select a water supply or water supplies for such district suitable and
33 adequate for present and reasonably foreseeable future needs thereof
34 set forth in the comprehensive plans adopted pursuant to chapter 36.70A
35 RCW by each city, town, or county in which the district provides water
36 service; and shall consider and (~~(determine)~~) adopt a general system or
37 plan for acquiring such water supply or water supplies, and the lands,
38 waters, and water rights and easements necessary therefor, and for

1 retaining and storing any such waters, and erecting dams, reservoirs,
2 aqueducts, and pipe lines to convey the same throughout such district.
3 There may be included as part of the system the installation of fire
4 hydrants at suitable places throughout the district. The commissioners
5 shall determine and adopt a general comprehensive plan providing for
6 the present and future water supply or supplies necessary to meet
7 present and future needs determined as set forth herein, for
8 distributing such water throughout such portion of the district as may
9 then reasonably be served by means of subsidiary aqueducts and pipe
10 lines, and a long-term plan for financing the planned projects and the
11 method of distributing the cost and expense thereof, including the
12 creation of local improvement districts (~~(or utility local improvement~~
13 ~~districts, and shall determine))~~ and provide whether the whole or part
14 of the cost and expenses shall be paid from revenue or general
15 obligation bonds. In addition, the general comprehensive plan shall be
16 consistent with and implement the comprehensive plans adopted under
17 chapter 36.70A RCW by each city and county in which the district
18 provides service, shall identify the household and employment targets
19 contained in each of the land use elements of those jurisdictions'
20 comprehensive plans and discuss how water supplies and services will be
21 provided to each of those targets, shall comply with the requirements
22 of RCW 36.70A.070 (3) (a) through (d) and (4), and shall be updated as
23 needed to comply with the requirements of this section and to maintain
24 consistency with the comprehensive plans of the cities and county in
25 which the district provides service. Furthermore, the district shall
26 maintain a docket and consider and adopt changes to its general
27 comprehensive plan in the manner provided for in RCW 36.70A.470.

28 (2) For a general comprehensive plan for a sewer system, the
29 commissioners shall investigate all portions and sections of the
30 district and select and adopt a general comprehensive plan for a sewer
31 system for the district suitable and adequate for present and
32 reasonably foreseeable future needs (~~(thereof))~~ and household and
33 employment targets set forth in the comprehensive plans adopted
34 pursuant to chapter 36.70A RCW by each city, town, or county in which
35 the district provides sewer service. The general comprehensive plan
36 shall provide for treatment plants and other methods and services, if
37 any, for the prevention, control, and reduction of water pollution and
38 for the treatment and disposal of sewage and industrial and other
39 liquid wastes now produced or which may reasonably be expected to be

1 produced within the district and shall, for such portions of the
2 district as may then reasonably be served or must reasonably be served
3 in the future in order to provide service to household or employment
4 targets contained in the comprehensive plans adopted pursuant to
5 chapter 36.70A RCW by each city, town, or county in which the district
6 provides sewer service, provide for the acquisition or construction and
7 installation of laterals, trunk sewers, intercepting sewers, syphons,
8 pumping stations or other sewage collection facilities, septic tanks,
9 septic tank systems or drainfields, and systems for the transmission
10 and treatment of wastewater. The general comprehensive plan shall
11 provide a long-term plan for financing the planned projects and the
12 method of distributing the cost and expense of the sewer system and
13 services, including the creation of local improvement districts or
14 utility local improvement districts; and provide whether the whole or
15 some part of the cost and expenses shall be paid from revenue or
16 general obligation bonds. In addition, the general comprehensive plan
17 shall be consistent with and implement the comprehensive plans adopted
18 under chapter 36.70A RCW by each city and county in which the district
19 provides service, shall identify the household and employment targets
20 contained in each of the land use elements of those jurisdictions'
21 comprehensive plans and discuss how sewer service will be provided to
22 each of those targets, shall comply with the requirements of RCW
23 36.70A.070 (3) (a) through (d) and (4), and shall be updated as needed
24 to comply with the requirements of this section and to maintain
25 consistency with the comprehensive plans of the cities and county in
26 which the district provides service. Furthermore, the district shall
27 maintain a docket and consider and adopt changes to its general
28 comprehensive plan in the manner provided for in RCW 36.70A.470.

29 (3) For a general comprehensive plan for a drainage system, the
30 commissioners shall investigate all portions and sections of the
31 district and adopt a general comprehensive plan for a drainage system
32 for the district suitable and adequate for present and future needs
33 ~~((thereof))~~ and household and employment targets set forth in the
34 comprehensive plans adopted pursuant to chapter 36.70A RCW by each
35 city, town, or county in which the district maintains a drainage
36 system. The general comprehensive plan shall provide for a system to
37 collect, treat, and dispose of storm water or surface waters, including
38 use of natural systems and the construction or provision of culverts,
39 storm water pipes, ponds, and other systems. The general comprehensive

1 plan shall provide for a long-term plan for financing the planned
2 projects and provide for a method of distributing the cost and expense
3 of the drainage system, including local improvement districts or
4 utility local improvement districts, and provide whether the whole or
5 some part of the cost and expenses shall be paid from revenue or
6 general obligation bonds. In addition, the general comprehensive plan
7 shall be consistent with and implement the comprehensive plans adopted
8 under chapter 36.70A RCW by each city and county in which the district
9 provides service, shall identify the household and employment targets
10 contained in each of the land use elements of those jurisdictions'
11 comprehensive plans and discuss how drainage will be provided for those
12 targets, shall comply with the requirements of RCW 36.70A.070 (3) (a)
13 through (d) and (4), and shall be updated as needed to comply with the
14 requirements of this section and to maintain consistency with the
15 comprehensive plans of the cities and county in which the district
16 provides service. Furthermore, the district shall maintain a docket
17 and consider and adopt changes to its general comprehensive plan in the
18 manner provided for in RCW 36.70A.470.

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

1 shall be updated as needed to comply with the requirements of this
2 section and to maintain consistency with the comprehensive plans of the
3 cities and county in which the district provides service. Furthermore,
4 the district shall maintain a docket and consider and adopt changes to
5 its general comprehensive plan in the manner provided for in RCW
6 36.70A.470.

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

9 (6) Any general comprehensive plan or plans shall be adopted by
10 resolution and submitted to an engineer designated by the legislative
11 authority of the county in which fifty-one percent or more of the area
12 of the district is located, and to the director of health of the county
13 in which the district or any portion thereof is located, and must be
14 approved in writing by the engineer and director of health, except that
15 a comprehensive plan relating to street lighting shall not be submitted
16 to or approved by the director of health. The general comprehensive
17 plan shall be approved, conditionally approved, or rejected by the
18 director of health and by the designated engineer within sixty days of
19 their respective receipt of the plan. However, this sixty-day time
20 limitation may be extended by the director of health or engineer for up
21 to an additional sixty days if sufficient time is not available to
22 review adequately the general comprehensive plans.

23 Before becoming effective, the general comprehensive plan shall
24 also be submitted to, and approved by resolution of, the legislative
25 authority of every county within whose boundaries all or a portion of
26 the district lies. The general comprehensive plan shall be approved,
27 conditionally approved, or rejected by each of the county legislative
28 authorities pursuant to the criteria in RCW 57.02.040 for approving the
29 formation, reorganization, annexation, consolidation, or merger of
30 districts. The resolution, ordinance, or motion of the legislative
31 body that rejects the comprehensive plan or a part thereof shall
32 specifically state in what particular the comprehensive plan or part
33 thereof rejected fails to meet these criteria. The general
34 comprehensive plan shall not provide for the extension or location of
35 facilities that are inconsistent with the requirements of RCW
36 36.70A.110. Nothing in this chapter shall preclude a county from
37 rejecting a proposed plan because it is in conflict with the criteria
38 in RCW 57.02.040. Each general comprehensive plan shall be deemed
39 approved if the county legislative authority fails to reject or

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

10 If the district includes portions or all of one or more cities or
11 towns, the general comprehensive plan shall be submitted also to, and
12 approved by resolution of, the legislative authorities of the cities
13 and towns before becoming effective. The general comprehensive plan
14 shall be deemed approved by the city or town legislative authority if
15 the city or town legislative authority fails to reject or conditionally
16 approve the plan within ninety days of the plan's submission to the
17 city or town or within thirty days of a hearing on the plan when the
18 hearing is held within ninety days of submission to the ((county)) city
19 or town legislative authority. However, a city or town legislative
20 authority may extend this time limitation by up to an additional ninety
21 days where a finding is made that insufficient time exists to
22 adequately review the general comprehensive plan within these time
23 limitations. In addition, the commissioners and the city or town
24 legislative authority may mutually agree to an extension of the
25 deadlines in this section.

26 Before becoming effective, the general comprehensive plan shall be
27 approved by any state agency whose approval may be required by
28 applicable law. Before becoming effective, any amendment to,
29 alteration of, or addition to, a general comprehensive plan shall also
30 be subject to such approval as if it were a new general comprehensive
31 plan. However, only if the amendment, alteration, or addition affects
32 a particular city or town, shall the amendment, alteration, or addition
33 be subject to approval by such particular city or town governing body.

34 (7) A water-sewer district that fails to comply with subsections
35 (1) through (4) of this section, or that fails within ninety days to
36 amend its comprehensive plan to correct deficiencies identified by the
37 decision of any city, county, or town rejecting or conditionally
38 approving a comprehensive plan under subsection (6) of this section,

1 shall be ineligible to receive any grant, loan, or assistance
2 administered under chapter 43.330 RCW.

3 NEW SECTION. **Sec. 15.** RCW 35.13A.0301 (Assumption of water-sewer
4 district before July 1, 1999--Limitations) and 1998 c 326 s 3 are each
5 repealed.

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