
SENATE BILL 5485

State of Washington

61st Legislature

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By Senators Rockefeller, Honeyford, Pridemore, and Kilmer

Read first time 01/23/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to authorizing water-sewer districts to construct,
2 condemn and purchase, add to, maintain, and operate systems for
3 wastewater reclamation; and amending RCW 57.08.005, 57.08.007,
4 57.08.044, 57.08.047, and 57.16.010.

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

6 **Sec. 1.** RCW 57.08.005 and 2007 c 31 s 8 are each amended to read
7 as follows:

8 A district shall have the following powers:

9 (1) To acquire by purchase or condemnation, or both, all lands,
10 property and property rights, and all water and water rights, both
11 within and without the district, necessary for its purposes. The right
12 of eminent domain shall be exercised in the same manner and by the same
13 procedure as provided for cities and towns, insofar as consistent with
14 this title, except that all assessment or reassessment rolls to be
15 prepared and filed by eminent domain commissioners or commissioners
16 appointed by the court shall be prepared and filed by the district, and
17 the duties devolving upon the city treasurer are imposed upon the
18 county treasurer;

1 (2) To lease real or personal property necessary for its purposes
2 for a term of years for which that leased property may reasonably be
3 needed;

4 (3) To construct, condemn and purchase, add to, maintain, and
5 supply waterworks to furnish the district and inhabitants thereof and
6 any other persons, both within and without the district, with an ample
7 supply of water for all uses and purposes public and private with full
8 authority to regulate and control the use, content, distribution, and
9 price thereof in such a manner as is not in conflict with general law
10 and may construct, acquire, or own buildings and other necessary
11 district facilities. Where a customer connected to the district's
12 system uses the water on an intermittent or transient basis, a district
13 may charge for providing water service to such a customer, regardless
14 of the amount of water, if any, used by the customer. District
15 waterworks may include facilities which result in combined water supply
16 and electric generation, if the electricity generated thereby is a
17 byproduct of the water supply system. That electricity may be used by
18 the district or sold to any entity authorized by law to use or
19 distribute electricity. Electricity is deemed a byproduct when the
20 electrical generation is subordinate to the primary purpose of water
21 supply. For such purposes, a district may take, condemn and purchase,
22 acquire, and retain water from any public or navigable lake, river or
23 watercourse, or any underflowing water, and by means of aqueducts or
24 pipeline conduct the same throughout the district and any city or town
25 therein and carry it along and upon public highways, roads, and
26 streets, within and without such district. For the purpose of
27 constructing or laying aqueducts or pipelines, dams, or waterworks or
28 other necessary structures in storing and retaining water or for any
29 other lawful purpose such district may occupy the beds and shores up to
30 the high water mark of any such lake, river, or other watercourse, and
31 may acquire by purchase or condemnation such property or property
32 rights or privileges as may be necessary to protect its water supply
33 from pollution. For the purposes of waterworks which include
34 facilities for the generation of electricity as a byproduct, nothing in
35 this section may be construed to authorize a district to condemn
36 electric generating, transmission, or distribution rights or facilities
37 of entities authorized by law to distribute electricity, or to acquire
38 such rights or facilities without the consent of the owner;

1 (4) To purchase and take water from any municipal corporation,
2 private person, or entity. A district contiguous to Canada may
3 contract with a Canadian corporation for the purchase of water and for
4 the construction, purchase, maintenance, and supply of waterworks to
5 furnish the district and inhabitants thereof and residents of Canada
6 with an ample supply of water under the terms approved by the board of
7 commissioners;

8 (5) To construct, condemn and purchase, add to, maintain, and
9 operate systems of sewers for the purpose of furnishing the district,
10 the inhabitants thereof, and persons outside the district with an
11 adequate system of sewers for all uses and purposes, public and
12 private, including but not limited to on-site sewage disposal
13 facilities, approved septic tanks or approved septic tank systems, on-
14 site sanitary sewerage systems, inspection services and maintenance
15 services for private and public on-site systems, point and nonpoint
16 water pollution monitoring programs that are directly related to the
17 sewerage facilities and programs operated by a district, other
18 facilities, programs, and systems for the collection, interception,
19 treatment, and disposal of wastewater, and for the control of pollution
20 from wastewater with full authority to regulate the use and operation
21 thereof and the service rates to be charged. Under this chapter, after
22 July 1, 1998, any requirements for pumping the septic tank of an on-
23 site sewage system should be based, among other things, on actual
24 measurement of accumulation of sludge and scum by a trained inspector,
25 trained owner's agent, or trained owner. Training must occur in a
26 program approved by the state board of health or by a local health
27 officer. Sewage facilities may include facilities which result in
28 combined sewage disposal or treatment and electric or methane gas
29 generation, except that the electricity or methane gas generated
30 thereby is a byproduct of the system of sewers. Such electricity or
31 methane gas may be used by the district or sold to any entity
32 authorized by law to distribute electricity or methane gas.
33 Electricity and methane gas are deemed byproducts when the electrical
34 or methane gas generation is subordinate to the primary purpose of
35 sewage disposal or treatment. The district may also sell surplus
36 methane gas, which may be produced as a byproduct. For such purposes
37 a district may conduct sewage throughout the district and throughout
38 other political subdivisions within the district, and construct and lay

1 sewer pipe along and upon public highways, roads, and streets, within
2 and without the district, and condemn and purchase or acquire land and
3 rights-of-way necessary for such sewer pipe. A district may erect
4 sewage treatment plants within or without the district, and may
5 acquire, by purchase or condemnation, properties or privileges
6 necessary to be had to protect any lakes, rivers, or watercourses and
7 also other areas of land from pollution from its sewers or its sewage
8 treatment plant. For the purposes of sewage facilities which include
9 facilities that result in combined sewage disposal or treatment and
10 electric generation where the electric generation is a byproduct,
11 nothing in this section may be construed to authorize a district to
12 condemn electric generating, transmission, or distribution rights or
13 facilities of entities authorized by law to distribute electricity, or
14 to acquire such rights or facilities without the consent of the owners;

15 (6) The authority to construct, condemn and purchase, add to,
16 maintain, and operate systems of wastewater reclamation as authorized
17 by chapter 90.46 RCW for the purpose of furnishing the district and the
18 inhabitants thereof with reclaimed wastewater for all authorized uses
19 and purposes, public and private, including with full authority to
20 regulate the use and operation thereof and the service rates to be
21 charged. In compliance with other sections of this chapter, a district
22 may also provide reclaimed wastewater services to persons outside the
23 district;

24 (7)(a) To construct, condemn and purchase, add to, maintain, and
25 operate systems of drainage for the benefit and use of the district,
26 the inhabitants thereof, and persons outside the district with an
27 adequate system of drainage, including but not limited to facilities
28 and systems for the collection, interception, treatment, and disposal
29 of storm or surface waters, and for the protection, preservation, and
30 rehabilitation of surface and underground waters, and drainage
31 facilities for public highways, streets, and roads, with full authority
32 to regulate the use and operation thereof and, except as provided in
33 (b) of this subsection, the service rates to be charged.

34 (b) The rate a district may charge under this section for storm or
35 surface water sewer systems or the portion of the rate allocable to the
36 storm or surface water sewer system of combined sanitary sewage and
37 storm or surface water sewer systems shall be reduced by a minimum of
38 ten percent for any new or remodeled commercial building that utilizes

1 a permissive rainwater harvesting system. Rainwater harvesting systems
2 shall be properly sized to utilize the available roof surface of the
3 building. The jurisdiction shall consider rate reductions in excess of
4 ten percent dependent upon the amount of rainwater harvested.

5 (c) Drainage facilities may include natural systems. Drainage
6 facilities may include facilities which result in combined drainage
7 facilities and electric generation, except that the electricity
8 generated thereby is a byproduct of the drainage system. Such
9 electricity may be used by the district or sold to any entity
10 authorized by law to distribute electricity. Electricity is deemed a
11 byproduct when the electrical generation is subordinate to the primary
12 purpose of drainage collection, disposal, and treatment. For such
13 purposes, a district may conduct storm or surface water throughout the
14 district and throughout other political subdivisions within the
15 district, construct and lay drainage pipe and culverts along and upon
16 public highways, roads, and streets, within and without the district,
17 and condemn and purchase or acquire land and rights-of-way necessary
18 for such drainage systems. A district may provide or erect facilities
19 and improvements for the treatment and disposal of storm or surface
20 water within or without the district, and may acquire, by purchase or
21 condemnation, properties or privileges necessary to be had to protect
22 any lakes, rivers, or watercourses and also other areas of land from
23 pollution from storm or surface waters. For the purposes of drainage
24 facilities which include facilities that also generate electricity as
25 a byproduct, nothing in this section may be construed to authorize a
26 district to condemn electric generating, transmission, or distribution
27 rights or facilities of entities authorized by law to distribute
28 electricity, or to acquire such rights or facilities without the
29 consent of the owners;

30 ~~((+7))~~ (8) To construct, condemn, acquire, and own buildings and
31 other necessary district facilities;

32 ~~((+8))~~ (9) To compel all property owners within the district
33 located within an area served by the district's system of sewers to
34 connect their private drain and sewer systems with the district's
35 system under such penalty as the commissioners shall prescribe by
36 resolution. The district may for such purpose enter upon private
37 property and connect the private drains or sewers with the district

1 system and the cost thereof shall be charged against the property owner
2 and shall be a lien upon property served;

3 ~~((+9))~~ (10) Where a district contains within its borders, abuts,
4 or is located adjacent to any lake, stream, groundwater as defined by
5 RCW 90.44.035, or other waterway within the state of Washington, to
6 provide for the reduction, minimization, or elimination of pollutants
7 from those waters in accordance with the district's comprehensive plan,
8 and to issue general obligation bonds, revenue bonds, local improvement
9 district bonds, or utility local improvement bonds for the purpose of
10 paying all or any part of the cost of reducing, minimizing, or
11 eliminating the pollutants from these waters;

12 ~~((+10))~~ (11) Subject to subsection ~~((+6))~~ (7) of this section, to
13 fix rates and charges for water, sewer, wastewater reclamation, and
14 drain service supplied and to charge property owners seeking to connect
15 to the district's systems, as a condition to granting the right to so
16 connect, in addition to the cost of the connection, such reasonable
17 connection charge as the board of commissioners shall determine to be
18 proper in order that those property owners shall bear their equitable
19 share of the cost of the system. For the purposes of calculating a
20 connection charge, the board of commissioners shall determine the pro
21 rata share of the cost of existing facilities and facilities planned
22 for construction within the next ten years and contained in an adopted
23 comprehensive plan and other costs borne by the district which are
24 directly attributable to the improvements required by property owners
25 seeking to connect to the system. The cost of existing facilities
26 shall not include those portions of the system which have been donated
27 or which have been paid for by grants. The connection charge may
28 include interest charges applied from the date of construction of the
29 system until the connection, or for a period not to exceed ten years,
30 whichever is shorter, at a rate commensurate with the rate of interest
31 applicable to the district at the time of construction or major
32 rehabilitation of the system, or at the time of installation of the
33 lines to which the property owner is seeking to connect. In lieu of
34 requiring the installation of permanent local facilities not planned
35 for construction by the district, a district may permit connection to
36 the water and/or sewer systems through temporary facilities installed
37 at the property owner's expense, provided the property owner pays a
38 connection charge consistent with the provisions of this chapter and

1 agrees, in the future, to connect to permanent facilities when they are
2 installed; or a district may permit connection to the water and/or
3 sewer systems through temporary facilities and collect from property
4 owners so connecting a proportionate share of the estimated cost of
5 future local facilities needed to serve the property, as determined by
6 the district. The amount collected, including interest at a rate
7 commensurate with the rate of interest applicable to the district at
8 the time of construction of the temporary facilities, shall be held for
9 contribution to the construction of the permanent local facilities by
10 other developers or the district. The amount collected shall be deemed
11 full satisfaction of the proportionate share of the actual cost of
12 construction of the permanent local facilities. If the permanent local
13 facilities are not constructed within fifteen years of the date of
14 payment, the amount collected, including any accrued interest, shall be
15 returned to the property owner, according to the records of the county
16 auditor on the date of return. If the amount collected is returned to
17 the property owner, and permanent local facilities capable of serving
18 the property are constructed thereafter, the property owner at the time
19 of construction of such permanent local facilities shall pay a
20 proportionate share of the cost of such permanent local facilities, in
21 addition to reasonable connection charges and other charges authorized
22 by this section. A district may permit payment of the cost of
23 connection and the reasonable connection charge to be paid with
24 interest in installments over a period not exceeding fifteen years.
25 The county treasurer may charge and collect a fee of three dollars for
26 each year for the treasurer's services. Those fees shall be a charge
27 to be included as part of each annual installment, and shall be
28 credited to the county current expense fund by the county treasurer.
29 Revenues from connection charges excluding permit fees are to be
30 considered payments in aid of construction as defined by department of
31 revenue rule. Rates or charges for on-site inspection and maintenance
32 services may not be imposed under this chapter on the development,
33 construction, or reconstruction of property.

34 Before adopting on-site inspection and maintenance utility
35 services, or incorporating residences into an on-site inspection and
36 maintenance or sewer utility under this chapter, notification must be
37 provided, prior to the applicable public hearing, to all residences
38 within the proposed service area that have on-site systems permitted by

1 the local health officer. The notice must clearly state that the
2 residence is within the proposed service area and must provide
3 information on estimated rates or charges that may be imposed for the
4 service.

5 A water-sewer district shall not provide on-site sewage system
6 inspection, pumping services, or other maintenance or repair services
7 under this section using water-sewer district employees unless the on-
8 site system is connected by a publicly owned collection system to the
9 water-sewer district's sewerage system, and the on-site system
10 represents the first step in the sewage disposal process.

11 Except as otherwise provided in RCW 90.03.525, any public entity
12 and public property, including the state of Washington and state
13 property, shall be subject to rates and charges for sewer, water, storm
14 water control, drainage, and street lighting facilities to the same
15 extent private persons and private property are subject to those rates
16 and charges that are imposed by districts. In setting those rates and
17 charges, consideration may be made of in-kind services, such as stream
18 improvements or donation of property;

19 ~~((+11))~~ (12) To contract with individuals, associations and
20 corporations, the state of Washington, and the United States;

21 ~~((+12))~~ (13) To employ such persons as are needed to carry out the
22 district's purposes and fix salaries and any bond requirements for
23 those employees;

24 ~~((+13))~~ (14) To contract for the provision of engineering, legal,
25 and other professional services as in the board of commissioner's
26 discretion is necessary in carrying out their duties;

27 ~~((+14))~~ (15) To sue and be sued;

28 ~~((+15))~~ (16) To loan and borrow funds and to issue bonds and
29 instruments evidencing indebtedness under chapter 57.20 RCW and other
30 applicable laws;

31 ~~((+16))~~ (17) To transfer funds, real or personal property,
32 property interests, or services subject to RCW 57.08.015;

33 ~~((+17))~~ (18) To levy taxes in accordance with this chapter and
34 chapters 57.04 and 57.20 RCW;

35 ~~((+18))~~ (19) To provide for making local improvements and to levy
36 and collect special assessments on property benefitted thereby, and for
37 paying for the same or any portion thereof in accordance with chapter
38 57.16 RCW;

1 ~~((+19+))~~ (20) To establish street lighting systems under RCW
2 57.08.060;

3 ~~((+20+))~~ (21) To exercise such other powers as are granted to
4 water-sewer districts by this title or other applicable laws; and

5 ~~((+21+))~~ (22) To exercise any of the powers granted to cities and
6 counties with respect to the acquisition, construction, maintenance,
7 operation of, and fixing rates and charges for waterworks and systems
8 of sewerage and drainage.

9 **Sec. 2.** RCW 57.08.007 and 1996 c 230 s 302 are each amended to
10 read as follows:

11 ~~((Except upon approval of both districts by resolution,))~~ A city,
12 county, or other special purpose district may not provide a service
13 within ~~((an area in which that service is available from another~~
14 ~~district or within an area in which that service is planned to be made~~
15 ~~available under an effective comprehensive plan of another))~~ the
16 corporate boundaries of a water-sewer district that is providing that
17 service or is authorized to provide that service, without the prior
18 approval of the water-sewer district.

19 **Sec. 3.** RCW 57.08.044 and 1999 c 153 s 7 are each amended to read
20 as follows:

21 A district may enter into contracts with any county, city, town, or
22 any other municipal or quasi-municipal corporation, or with any private
23 person or corporation, for the acquisition, ownership, use, and
24 operation of any property, facilities, or services, within or without
25 the district, and necessary or desirable to carry out the purposes of
26 the district. A district may provide water, reclaimed water, sewer,
27 drainage, or street lighting services to property owners in areas
28 within or without the limits of the district, except that if the area
29 to be served is located within another existing district duly
30 authorized to exercise district powers in that area, then water,
31 reclaimed water, sewer, drainage, or street lighting service may not be
32 so provided by contract or otherwise without the consent by resolution
33 of the board of commissioners of that other district.

34 **Sec. 4.** RCW 57.08.047 and 1999 c 153 s 8 are each amended to read
35 as follows:

1 The provision of water, reclaimed water, sewer, or drainage service
2 beyond the boundaries of a special purpose district or city may be
3 subject to potential review by a boundary review board under chapter
4 36.93 RCW.

5 **Sec. 5.** RCW 57.16.010 and 1997 c 447 s 18 are each amended to read
6 as follows:

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

15 (1) For a general comprehensive plan of a water supply system, the
16 commissioners shall investigate the several portions and sections of
17 the district for the purpose of determining the present and reasonably
18 foreseeable future needs thereof; shall examine and investigate,
19 determine, and select a water supply or water supplies for such
20 district suitable and adequate for present and reasonably foreseeable
21 future needs thereof; and shall consider and determine a general system
22 or plan for acquiring such water supply or water supplies, and the
23 lands, waters, and water rights and easements necessary therefor, and
24 for retaining and storing any such waters, and erecting dams,
25 reservoirs, aqueducts, and pipe lines to convey the same throughout
26 such district. There may be included as part of the system the
27 installation of fire hydrants at suitable places throughout the
28 district. The commissioners shall determine a general comprehensive
29 plan for distributing such water throughout such portion of the
30 district as may then reasonably be served by means of subsidiary
31 aqueducts and pipe lines, and a long-term plan for financing the
32 planned projects and the method of distributing the cost and expense
33 thereof, including the creation of local improvement districts or
34 utility local improvement districts, and shall determine whether the
35 whole or part of the cost and expenses shall be paid from revenue or
36 general obligation bonds.

1 (2) For a general comprehensive plan for a sewer system, the
2 commissioners shall investigate all portions and sections of the
3 district and select a general comprehensive plan for a sewer system for
4 the district suitable and adequate for present and reasonably
5 foreseeable future needs thereof. The general comprehensive plan shall
6 provide for treatment plants and other methods and services, if any,
7 for the prevention, control, and reduction of water pollution and for
8 the treatment and disposal of sewage and industrial and other liquid
9 wastes now produced or which may reasonably be expected to be produced
10 within the district and shall, for such portions of the district as may
11 then reasonably be served, provide for the acquisition or construction
12 and installation of laterals, trunk sewers, intercepting sewers,
13 syphons, pumping stations or other sewage collection facilities, septic
14 tanks, septic tank systems or drainfields, and systems for the
15 transmission and treatment of wastewater. The general comprehensive
16 plan shall provide a long-term plan for financing the planned projects
17 and the method of distributing the cost and expense of the sewer system
18 and services, including the creation of local improvement districts or
19 utility local improvement districts; and provide whether the whole or
20 some part of the cost and expenses shall be paid from revenue or
21 general obligation bonds.

22 (3) For a general comprehensive plan for a wastewater reclamation
23 system, the commissioners shall investigate all portions and sections
24 of the district and select a general comprehensive plan for a
25 wastewater reclamation system for the district suitable and adequate
26 for present and reasonably foreseeable future needs thereof. The
27 general comprehensive plan must provide for treatment plants or the use
28 of existing treatment plants and other methods and services, if any,
29 for reclaiming wastewater and must, for such portions of the district
30 as may then reasonably be served, provide for a general system or plan
31 for acquiring the lands and easements necessary therefor, including
32 retaining and storing reclaimed wastewater, and for the acquisition or
33 construction and installation of mains, transmission mains, pumping
34 stations, hydrants, or other facilities and systems for the reclamation
35 and transmission of wastewater throughout such district for such uses,
36 public and private, as authorized by law. The general comprehensive
37 plan must provide a long-term plan for financing the planned projects
38 and the method of distributing the cost and expense of the wastewater

1 reclamation system and services, including the creation of local
2 improvement districts or utility local improvement districts; and
3 provide whether the whole or some part of the cost and expenses must be
4 paid from revenue or general obligation bonds.

5 (4) For a general comprehensive plan for a drainage system, the
6 commissioners shall investigate all portions and sections of the
7 district and adopt a general comprehensive plan for a drainage system
8 for the district suitable and adequate for present and future needs
9 thereof. The general comprehensive plan shall provide for a system to
10 collect, treat, and dispose of storm water or surface waters, including
11 use of natural systems and the construction or provision of culverts,
12 storm water pipes, ponds, and other systems. The general comprehensive
13 plan shall provide for a long-term plan for financing the planned
14 projects and provide for a method of distributing the cost and expense
15 of the drainage system, including local improvement districts or
16 utility local improvement districts, and provide whether the whole or
17 some part of the cost and expenses shall be paid from revenue or
18 general obligation bonds.

19 ((+4)) (5) For a general comprehensive plan for street lighting,
20 the 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. The general comprehensive plan shall provide for a system or
24 systems of street lighting, provide for a long-term plan for financing
25 the planned projects, and provide for a method of distributing the cost
26 and expense of the street lighting system, including local improvement
27 districts or utility local improvement districts, and provide whether
28 the whole or some part of the cost and expenses shall be paid from
29 revenue or general obligation bonds.

30 ((+5)) (6) The commissioners may employ such engineering and legal
31 service as in their discretion is necessary in carrying out their
32 duties.

33 ((+6)) (7) Any general comprehensive plan or plans shall be
34 adopted by resolution and submitted to an engineer designated by the
35 legislative authority of the county in which fifty-one percent or more
36 of the area of the district is located, and to the director of health
37 of the county in which the district or any portion thereof is located,
38 and must be approved in writing by the engineer and director of health,

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

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

36 If the district includes portions or all of one or more cities or
37 towns, the general comprehensive plan shall be submitted also to, and
38 approved by resolution of, the legislative authorities of the cities

1 and towns before becoming effective. The general comprehensive plan
2 shall be deemed approved by the city or town legislative authority if
3 the city or town legislative authority fails to reject or conditionally
4 approve the plan within ninety days of the plan's submission to the
5 city or town or within thirty days of a hearing on the plan when the
6 hearing is held within ninety days of submission to the county
7 legislative authority. However, a city or town legislative authority
8 may extend this time limitation by up to an additional ninety days
9 where a finding is made that insufficient time exists to adequately
10 review the general comprehensive plan within these time limitations.
11 In addition, the commissioners and the city or town legislative
12 authority may mutually agree to an extension of the deadlines in this
13 section.

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

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