
HOUSE BILL 2291

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Smith and Takko

Read first time 01/11/12. Referred to Committee on Local Government.

1 AN ACT Relating to the creation of local improvement districts by
2 petition in water-sewer districts; and amending RCW 57.16.060.

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

4 **Sec. 1.** RCW 57.16.060 and 1999 c 153 s 15 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (5) of this section, local
7 improvement districts or utility local improvement districts to carry
8 out the whole or any portion of the general comprehensive plan of
9 improvements or plan providing for additions and betterments to an
10 original general comprehensive plan previously adopted may be initiated
11 either by resolution of the board of commissioners or by petition
12 signed by the owners according to the records of the office of the
13 applicable county auditor of at least fifty-one percent of the area of
14 the land and at least sixty percent of the property owners within the
15 limits of the improvement district to be created. Each parcel within
16 the proposed local improvement district is allowed no more than one
17 signature for the purposes of determining the sufficiency of the
18 petition. Any owner of real property exempt from property taxes may
19 sign the petition to have the tax-exempt property placed within the

1 local improvement district, but the signature may not be used to
2 determine the sufficiency of the petition. A government entity that
3 owns property within the proposed local improvement district, other
4 than the board of commissioners, may not initiate the petition to
5 create the local improvement district.

6 (2) In case the board of commissioners desires to initiate the
7 formation of an improvement district by resolution, it first shall pass
8 a resolution declaring its intention to order the improvement, setting
9 forth the nature and territorial extent of such proposed improvement,
10 designating the number of the proposed improvement district, and
11 describing the boundaries thereof, stating the estimated cost and
12 expense of the improvement and the proportionate amount thereof which
13 will be borne by the property within the proposed improvement district,
14 and fixing a date, time, and place for a public hearing on the
15 formation of the proposed improvement district.

16 (3)(a) In case any such improvement district is initiated by
17 petition, the petition shall set forth the nature and territorial
18 extent of the proposed improvement requested to be ordered and the fact
19 that the signers thereof are the owners according to the records of the
20 applicable county auditor of at least fifty-one percent of the area of
21 land and comprise at least sixty percent of the property owners within
22 the limits of the improvement district to be created. Each parcel
23 within the proposed local improvement district is allowed no more than
24 one signature for the purposes of determining the sufficiency of the
25 petition. Any owner of real property exempt from property taxes may
26 sign the petition to have the tax-exempt property placed within the
27 local improvement district, but the signature may not be used to
28 determine the sufficiency of the petition. A government entity that
29 owns property within the proposed local improvement district, other
30 than the board of commissioners, may not initiate the petition to
31 create the local improvement district.

32 (b) Upon the filing of such petition, the board shall determine
33 whether the petition is sufficient, and the board's determination
34 thereof shall be conclusive upon all persons. No person may withdraw
35 his or her name from the petition after it has been filed with the
36 board of commissioners. If the board finds the petition to be
37 sufficient, it shall proceed to adopt a resolution declaring its
38 intention to order the improvement petitioned for, setting forth the

1 nature and territorial extent of the improvement, designating the
2 number of the proposed improvement district and describing the
3 boundaries thereof, stating the estimated cost and expense of the
4 improvement and the proportionate amount thereof which will be borne by
5 the property within the proposed improvement district, and fixing a
6 date, time, and place for a public hearing on the formation of the
7 proposed improvement district.

8 (4) Notice of the adoption of the resolution of intention, whether
9 the resolution was adopted on the initiative of the board or pursuant
10 to a petition of the property owners, shall be published in at least
11 two consecutive issues of a newspaper of general circulation in the
12 proposed improvement district, the date of the first publication to be
13 at least fifteen days prior to the date fixed by such resolution for
14 hearing before the board of commissioners. Notice of the adoption of
15 the resolution of intention shall also be given each owner or reputed
16 owner of any lot, tract, parcel of land, or other property within the
17 proposed improvement district by mailing the notice at least fifteen
18 days before the date fixed for the public hearing to the owner or
19 reputed owner of the property as shown on the tax rolls of the county
20 treasurer of the county in which the real property is located at the
21 address shown thereon. Whenever such notices are mailed, the
22 commissioners shall maintain a list of the reputed property owners,
23 which list shall be kept on file at a location within the district and
24 shall be made available for public perusal. The notices shall refer to
25 the resolution of intention and designate the proposed improvement
26 district by number. The notices also shall set forth the nature of the
27 proposed improvement, the total estimated cost, the proportion of total
28 cost to be borne by assessments, and the date, time, and place of the
29 hearing before the board of commissioners. In the case of improvements
30 initiated by resolution, the notice also shall: ~~((+1))~~ (a) State that
31 all persons desiring to object to the formation of the proposed
32 district must file their written protests with the secretary of the
33 board of commissioners no later than ten days after the public hearing;
34 ~~((+2))~~ (b) state that if owners of at least forty percent of the area
35 of land within the proposed improvement district file written protests
36 with the secretary of the board, the power of the commissioners to
37 proceed with the creation of the proposed improvement district shall be
38 divested; ~~((+3))~~ (c) provide the name and address of the secretary of

1 the board; and ((+4)) (d) state the hours and location within the
2 district where the names of the property owners within the proposed
3 improvement district are kept available for public perusal. In the
4 case of the notice given each owner or reputed owner by mail, the
5 notice shall set forth the estimated amount of the cost and expense of
6 such improvement to be borne by the particular lot, tract, parcel of
7 land, or other property.

8 (5) The creation of a local improvement district or utility local
9 improvement district in a water-sewer district located in a county with
10 less than one hundred thousand persons must only be commenced through
11 the petition process established under this section.

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