
SENATE BILL 5742

State of Washington

67th Legislature

2022 Regular Session

By Senator Honeyford

Prefiled 01/07/22.

1 AN ACT Relating to stormwater control facilities and county
2 jurisdiction; and amending RCW 36.89.050 and 36.89.080.

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

4 **Sec. 1.** RCW 36.89.050 and 1970 ex.s. c 30 s 5 are each amended
5 to read as follows:

6 A county may finance, acquire, construct, develop, improve,
7 maintain and operate any open space, park, recreation and community
8 facilities, public health and safety facilities, stormwater control
9 facilities and highways authorized by this chapter either solely or
10 in conjunction with one or more governmental agencies. Any
11 governmental agency is authorized to participate in such financing,
12 acquisition, construction, development, improvement, use, maintenance
13 and operation and to convey, dedicate or lease any lands, properties
14 or facilities to any county for the purposes provided in this chapter
15 and RCW 86.12.020, on such terms as may be fixed by agreement between
16 the respective governing commissions or legislative bodies without
17 submitting the matter to a vote of the electors unless the provisions
18 of general law applicable to the incurring of public indebtedness
19 shall require such submission.

20 No county shall proceed under the authority of this chapter to
21 construct or improve any stormwater control facility or highway or

1 part thereof lying within the limits of a city or town except with
2 the prior consent of such city or town. By agreement between their
3 respective legislative bodies, cities, towns and counties may provide
4 that upon completion of any stormwater control facility or highway or
5 portion thereof constructed pursuant to this chapter within any city
6 or town, the city or town shall accept the same for maintenance and
7 operation and that such stormwater control facility or highway or
8 portion thereof shall thereupon become a part of the respective
9 stormwater control facility or highway system of the city or town.

10 No county shall proceed under the authority of this chapter to
11 construct or improve any stormwater control facility or part thereof
12 lying within the limits of any operating diking, drainage, or
13 sewerage improvement district except with the prior consent of such
14 diking, drainage, or sewerage improvement district. By agreement
15 between their respective legislative bodies, diking, drainage, or
16 sewerage improvement districts and counties may provide that upon
17 completion of any stormwater control facility or portion thereof
18 constructed pursuant to this chapter within any diking, drainage, or
19 sewerage improvement district, the diking, drainage, or sewerage
20 improvement district shall accept the same for maintenance and
21 operation and that such stormwater control facility or portion
22 thereof shall thereupon become a part of the respective stormwater
23 control facility system of the diking, drainage, or sewerage
24 improvement district.

25 A county may transfer to any other governmental agency the
26 ownership, operation and maintenance of any open space, park,
27 recreation and community facility acquired by the county pursuant to
28 this chapter, which lies wholly or partly within such governmental
29 agency, pursuant to an agreement entered into between the legislative
30 bodies of the county and such governmental agency: PROVIDED, That
31 such transfer shall be subject to the condition that either such
32 facility shall continue to be used for the same purposes or that
33 other equivalent facilities within the county shall be conveyed to
34 the county in exchange therefor.

35 **Sec. 2.** RCW 36.89.080 and 2021 c 176 s 5214 are each amended to
36 read as follows:

37 (1) Subject to subsections (2) and (3) of this section, any
38 county legislative authority may provide by resolution for revenues
39 by fixing rates and charges for the furnishing of service to those

1 served or receiving benefits or to be served or to receive benefits
2 from any stormwater control facility or contributing to an increase
3 of surface water runoff. In fixing rates and charges, the county
4 legislative authority may in its discretion consider:

5 (a) Services furnished or to be furnished;

6 (b) Benefits received or to be received;

7 (c) The character and use of land or its water runoff
8 characteristics;

9 (d) The public benefit nonprofit corporation status, as defined
10 in RCW 24.03A.245, of the land user;

11 (e) Income level of persons served or provided benefits under
12 this chapter, including senior citizens and individuals with
13 disabilities; or

14 (f) Any other matters which present a reasonable difference as a
15 ground for distinction.

16 (2) The rate a county may charge under this section for
17 stormwater control facilities shall be reduced by a minimum of ten
18 percent for any new or remodeled commercial building that utilizes a
19 permissive rainwater harvesting system. Rainwater harvesting systems
20 shall be properly sized to utilize the available roof surface of the
21 building. The jurisdiction shall consider rate reductions in excess
22 of ten percent dependent upon the amount of rainwater harvested.

23 (3) Rates and charges authorized under this section may not be
24 imposed on lands taxed as forestland under chapter 84.33 RCW or as
25 timberland under chapter 84.34 RCW.

26 (4) (a) The service charges and rates collected shall be deposited
27 in a special fund or funds in the county treasury to be used only for
28 the purpose of paying all or any part of the cost and expense of
29 maintaining and operating stormwater control facilities, all or any
30 part of the cost and expense of planning, designing, establishing,
31 acquiring, developing, constructing and improving any of such
32 facilities, or to pay or secure the payment of all or any portion of
33 any issue of general obligation or revenue bonds issued for such
34 purpose.

35 (b) Beginning in fiscal year 2023, all service charges and rates
36 collected under this chapter located in any duly authorized diking,
37 drainage, or sewerage improvement districts formed and operating
38 under Title 85 RCW shall be deposited into the revenue account of
39 that diking, drainage, or sewerage improvement district. A diking,
40 drainage, or sewer improvement district may retroactively collect no

1 greater than seven years of service charges and rate revenues from
2 county treasury following the enactment of this revision.

--- **END** ---