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No. 97599-0

**IN THE SUPREME COURT OF THE STATE OF
WASHINGTON**

RONALD WASTEWATER DISTRICT and KING COUNTY,

Petitioners,

v.

OLYMPIC VIEW WATER AND SEWER DISTRICT, TOWN OF
WOODWAY, SNOHOMISH COUNTY, and CITY OF SHORELINE,

Respondents.

STATEMENT OF ADDITIONAL AUTHORITIES

VAN NESS FELDMAN, LLP
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Pursuant RAP 10.8, Petitioner Ronald Wastewater District submits the following additional authorities:

Senate Bill 182 (1941) (providing for the establishment of sewer districts (sections 1-9) and requiring the adoption of a comprehensive plan before any sewer facilities may be financed or built (section 11, codified at RCW 56.08.020, et seq.) (Appendix A).

Substitute Senate Bill No. 4481 (1982) (retaining and amending RCW 56.08.020 and other planning requirements from Senate Bill 182) (Appendix B).

Substitute House Bill 2929 (1990) (integrating RCW 56.08.020 into Growth Management Act planning requirements) (Appendix C).

56.08.020 RCW Dispositions (dispositions for RCW 56.08.020 and other sections from Senate Bill 182 (1941)) (Appendix D).

Respectfully submitted this 20th day of May, 2020.

VAN NESS FELDMAN, LLP



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ATTACHMENT A

CHAPTER 210.

[S. B. 182.]

SEWER DISTRICTS.

AN ACT relating to sewer districts, providing for the establishment, operation and regulation thereof, for the acquisition and construction of facilities therefor, providing for the payment for such facilities by issuance of general obligation bonds and revenue bonds, and defining the powers and duties of such districts and of their sewer commissioners and of other public officials, and of other municipal corporations in connection therewith.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Sewer districts for the acquirement, construction, maintenance, operation, development and regulation of a system of sewers, including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereto, are hereby authorized to be established in the various counties of this state. Such districts may include within their boundaries portions or all of one or more political sub-divisions, including water districts, but not including any portion of any incorporated cities or towns.

Co. sewer districts authorized.

Area of district.

SEC. 2. For the purpose of formation of such sewer districts, a petition shall be presented to the Board of County Commissioners of the county in which said proposed sewer district is located, which petition shall set forth the object for the creation of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent (25%) of the qualified electors residing within the district described in the said petition. The said petition shall be filed with the County Auditor, who shall,

Formation.

Petition.

Contents.

Signatures required.

Filed with Co. Auditor.

Examination
by Auditor.

within ten (10) days examine the signatures thereof and certify to the sufficiency or insufficiency. For such purpose the County Auditor shall have access to all registration books in the possession of the officers of any political sub-division in such proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the County Auditor. If such petition shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the Board of County Commissioners. . If such petition is certified to contain a sufficient number of signatures, then at a regular or special meeting of the Board of County Commissioners of such county, the said County Commissioners shall cause to be published for at least once a week for two (2) successive weeks in some newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then at least once a week for two (2) successive weeks in some newspaper of general circulation therein, giving notice that such a petition has been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of said proposed district.

Certificate of
sufficiency.

Publication
of notice of
petition.

Contents.

Hearing.

Objections.

Final
hearing.

Findings.

SEC. 3. When such a petition is presented for hearing, the Board of County Commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one (1) month in all. Any person, firm or corporation may appear before the said Board of County Commissioners and make objections to the establishment of the said district or the proposed boundary lines thereof. Upon a final hearing said Board of County Commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed

sewer district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the said boundaries of said proposed district so established by the said Board of County Commissioners. No lands which will not, in the judgment of said Board, be benefited by inclusion therein, shall be included within the boundaries of said district as so established and defined, and no change shall be made by the said Board of County Commissioners in the said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the Board of County Commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Fix
boundaries.

SEC. 4. Upon entry of the findings of the final hearing of the said petition by the said County Commissioners of such county, if they find said proposed sewer system will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the said proposed district, they shall by resolution call a special election to be held not less than thirty (30) days, and not more than sixty (60) days from the date of such resolution, and shall cause to be published a notice of such election at least once a week for four (4) successive weeks in a newspaper of general circulation in the county in which said proposed sewer district is located, which notice shall set forth the hours during which such polls will be open, boundaries of the proposed sewer district as finally adopted by the said County Commissioners and the object to [of] such election, and the said notice shall also be posted for ten (10) days in ten (10) public places in said proposed sewer district. In submitting the said proposition to the voters for their approval or rejection,

Election by
resolution.

Publication
of notice of
election.

Notices
posted.

Ballot contents.

such proposition shall be expressed on the ballots in the following terms:

Sewer District Yes

Sewer District No

giving in each instance the name of such district as may be decided by the Board of County Commissioners. There shall not be less than one (1) polling place in each precinct in such district.

Procedure when two or more petitions.

SEC. 5. Whenever two (2) or more petitions for the formation of a sewer district shall be filed as herein provided, the petition describing the greater area shall supersede all others, and an election shall first be held thereunder, and no lesser sewer district shall ever be created within the limits in whole or in part of any other sewer district.

Majority vote to establish.

SEC. 6. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the County Election Board shall so declare in its canvass of the returns of such election, and such sewer district shall then be and become a municipal corporation of the State of Washington, and the name of such sewer district shall be "..... Sewer District" (inserting the name appearing on the ballot).

Shall be municipal corporation.

Commissioners to be elected.

SEC. 7. At the same election at which the proposition is submitted to the voters as to whether the sewer district shall be formed, three (3) sewer commissioners shall be elected to hold office respectively for the terms of, one (1), two (2) and three (3) years. Until their respective successors are elected and qualified, the term for each nominee for Sewer Commissioner shall be expressed on the ballot. Thereafter in Class "A" and first-class counties, as provided by chapter 53 of the Laws of 1923 as amended (sections 5143, 5144, 5147 and 5148 of Remington's Revised Statutes), there shall be held each year an election for a Sewer Commissioner to hold

Term of office.

Elections in Class A and 1st Class Co's.

office for three (3) years and until his successor is elected and qualified. And thereafter, in all counties other than Class "A" and first-class as provided by chapter 279, Laws of 1927 as amended (sections 5150 and 5152 of Remington's Revised Statutes), there shall be held each year an election for a Sewer Commissioner to hold office for three (3) years and until his successor is elected and qualified.

Election in other Co's.

SEC. 8. Nominations for Sewer Commissioners shall be by petition of at least ten per cent (10%) of the qualified electors of such sewer district, who shall be qualified electors. Such petition shall be filed in the County Auditor's office of the county in which such district is located at least thirty (30) days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining Board of Sewer Commissioners until the next regular election for Sewer Commissioners. Said County Election Board shall designate in the notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one (1) voting place in each precinct in the sewer district. The polls shall be open at every election held by said sewer district at least from one o'clock p. m. to eight o'clock p. m., but the polls may be kept open for a longer period of time if so ordered. The time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said sewer district who is at the time of holding of any election, a qualified voter, shall be entitled to vote at any election held in such sewer district.

Nomination by petition.

Petition filed.

Vacancies.

Notice of election.

Contents.

Persons qualified to vote.

All expense of elections for the formation of such sewer districts shall be paid by the county in which said election is held and such expenditure is hereby

Expense of election.

declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the sewer district if formed.

Organization
of Board.

SEC. 9. When the said sewer district shall be created as hereinbefore provided for, the officers of such district shall be a Board of Sewer Commissioners consisting of three (3) members elected as provided in section 7 of this act and said Board of Sewer Commissioners shall annually elect one (1) of their number as President and another of their number as Secretary of said Board. All Sewer Commissioners shall serve without compensation, except that the Secretary of the said Board of Sewer Commissioners may be paid a reasonable sum for the clerical services performed by him. The Board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book or books kept for such purpose which shall be public records.

No compen-
sation.

Exception.
Secretary.

Adopt rules.

Eminent
domain.

SEC. 10. All sewer districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase and condemnation, all lands, property rights, water, water rights, leases or easements, both within and without the boundaries of the district, necessary for the purposes of the sewer district, and to exercise the right of eminent domain in the acquirement or damaging of all land, property rights, water, water rights, leases and easements, both within and without the boundaries of the district, necessary in carrying out the purposes for which said district shall have been created. Such right of eminent domain shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the third class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or reassessment rolls provided by law to be prepared and filed by Eminent Domain Commissioners or

Procedure.

Commissioners appointed by the Court shall be prepared and filed by the sewer district, and the duties devolving upon the City Treasurer under said law be imposed upon the County Treasurer for the purposes of this act; to construct, condemn and purchase, purchase, acquire, add to, maintain and supply systems of sewers for the purpose of furnishing such sewer district and inhabitants thereof, with an adequate system of sewers for all uses and purposes public and private, including the drainage of public highways, streets and roads with full authority to regulate and control the use and operation thereof and the service rates to be charged. And for the purposes aforesaid, it shall be lawful for any sewer district so organized in this state to conduct sewage throughout such sewer district and throughout other political sub-division within such district and to construct and lay sewer pipe along and upon public highways, roads and streets within and without such district and to condemn and purchase or acquire lands and rights of way necessary for such sewer pipe. Such sewer district is hereby authorized and empowered to erect and build sewage treatment plants either within or without the boundaries of such district, and any such sewer district shall have the right to acquire by purchase or condemnation, properties or privileges necessary to be had to protect any and all lakes, rivers or other water courses and also other areas of land from pollution either from its sewers or its sewage treatment plant or plants, and to compel all property owners within the area served by such system of sewers to connect their private drain and sewer systems with such system of sewers of the sewer district.

Court to
appoint
Eminent
Domain
Commis-
sioners.

Duties of Co.
Treasurer.

Rights of
district.

Powers.

SEC. 11. It shall be the duty of the Sewer Commissioners of every sewer district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness to consider and determine upon and adopt the comprehensive

Duties of
Commis-
sioners.

Adopt plan.

Investigation.

Fix and collect rates.

Construction and equipment.

Employ professional assistance.

Plan adopted by resolution.

scheme or plan for a system of sewers for such district for the purposes authorized in this act. For such purposes the Sewer Commissioners shall investigate the several portions and sections of such sewer district in regard to a system of sewers; shall examine and investigate, determine and select a scheme or plan for a system of sewers for such district suitable and adequate for present and future needs thereof; shall consider and determine a general system or plan for creating such system of sewers and the rates and assessments necessary therefor; to provide for the collection and disposal of sewage and industrial and other liquid wastes produced within the district; to include provision for the drainage of public highways, streets and roads as part of such comprehensive scheme or plan; to provide for the construction of all appurtenances thereto, including laterals, trunk sewers, intercepting sewers, syphons, pumping stations, treatment plants and other methods of disposal of sewage; to maintain, operate and repair same and do all other things necessary in connection therewith; to provide the method of distributing the cost and expense of the creation and operation thereof against such sewer district and against utility local improvement districts within such sewer district for any purpose authorized in this act; and including any such utility local improvement district lying wholly or partially within the limits of any other political sub-division included in such sewer district; and to determine the whole or such part of the cost and expenses to be paid from sewer revenue bonds as in this act provided. The Commissioners may employ such engineering and legal services as in their discretion is necessary in carrying out the objects and purposes of this act.

Such general comprehensive scheme and plan, when finally determined upon by such Board of Sewer Commissioners, shall be by them adopted by

resolution, and submitted to the County Engineer or other engineer designated by the County Commissioners of the county in which the sewer district is located and to the Director of Health, and said comprehensive scheme or plan must be approved in writing by such Engineer and the Director of Health before being submitted at a general or special election as hereinafter provided.

Plan submitted to Engineer and Health Officer.

Approval.

SEC. 12. No expenditure for the carrying on of any part of such plan shall be made by the Sewer Commissioners other than the necessary salaries of engineers, clerical and office expenses of such sewer district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of improvements in such sewer district unless and until such general scheme of improvements has been so officially adopted by the Sewer Commissioners and ratified by the affirmative vote of a majority of the voters of such sewer district voting thereon at the election which shall be held for such purpose.

Expenditures by Commission Itemized.

SEC. 13. After adoption by such Board of Sewer Commissioners and after approval by such Engineer and the Director of Health as provided above, it shall then be submitted at a general or special election, as specified in said resolution adopted as above mentioned, to the qualified voters within such district for their ratification or rejection. Notice of such election shall be given in accordance with the general election laws applicable to the county in which the sewer district is situated. If at such election a majority of the votes cast upon such question shall be in favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by the Sewer Commissioners.

After adoption plan submitted to electors.

Notice.

Proclamation.

SEC. 14. The Sewer Commissioners may submit at the same election at which the proposition to adopt

Indebtedness
submitted.

the comprehensive plan or scheme is submitted, or at any general or special election, a proposition that said sewer district incur a general indebtedness for the construction of any part or all of said comprehensive plan. Such proposition to incur indebtedness shall be submitted so as to enable the voters to vote for or against the same, independent of any vote on the proposition to adopt the comprehensive plan or scheme. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths ($\frac{3}{5}$) of the qualified voters of the said sewer district voting on said proposition at said election.

Vote
necessary.

Powers after
plan adopted.

SEC. 15. Whenever a proposition has been adopted as aforesaid, the Sewer Commissioners shall have power to proceed forthwith to carry out said general scheme or plan to the extent specified in the proposition to incur such general indebtedness.

Revenue
bond
proposal
submitted.

SEC. 16. Such Commissioners may submit at the same election at which the proposition to adopt the comprehensive plan is submitted, or at any other general or special election, a proposition that such sewer district issue revenue bonds for the construction or other costs of any part or all of said comprehensive plan. Such proposition to issue revenue bonds shall be submitted so as to enable the voters to vote for or against the same, independent of any vote on the comprehensive plan submitted to the qualified voters as aforesaid, and if revenue bonds are to be issued the amount of the revenue bonds to be issued and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid. Such proposition for issuance of revenue bonds, to be effective shall be adopted and assented to by three-fifths ($\frac{3}{5}$) of the qualified voters of the

Vote
necessary.

said sewer district voting on such proposition at said election. Whenever a proposition has been adopted as aforesaid, the Sewer Commissioners shall have power to proceed forthwith and carry out said general plan to the extent specified.

To proceed after favorable election.

SEC. 17. In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme, and after the adoption of the original comprehensive scheme, a plan providing for additions and betterments to the original comprehensive scheme may be adopted and ratified. The sewer district may incur a general indebtedness for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original proposition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the Sewer Commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments in the same way revenue bonds may be issued for payment of the construction of the original comprehensive plan or any portion thereof.

Additions and betterments submitted.

Ratification.

Revenue bonds.

SEC. 18. Whenever the qualified voters of any such sewer district shall hereafter adopt a proposition for a sewer system as herein provided, or any additions and betterments thereto, and shall hereafter authorize a general indebtedness for all the said proposition, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general sewer bonds for the payment thereof may be issued as hereinafter provided. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to

General obligation bonds.

- Interest rate. exceed six per cent (6%) per annum, payable semi-annually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various
- Maturity. annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds be met by an equal annual tax levy for the payment of said bonds and interest: *Provided*, That only the
- Denomina- tion of bonds. bond numbered one (1) of any issue shall be of a denomination other than a multiple of one hundred dollars (\$100).
- Maximum bond period. Bonds issued under this act shall never be issued to run for a longer period than thirty (30) years from the date of the issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.
- Bond form. The bonds shall be signed by the presiding officer of the Board of the Sewer Commissioners and shall be attested by the Secretary of the said Board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the Board of Sewer Commissioners and shall be attested by the facsimile signature of the Secretary of the Board of Sewer Commissioners.
- Levy. There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.
- Sale of bonds. Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

SEC. 19. Whenever the qualified voters of any such sewer district shall adopt a proposition for a sewer system as herein provided, and shall hereafter authorize sewer revenue bonds to pay for said proposition or any part thereof or any additions and betterments thereto, or for refunding in whole or in part sewer revenue bonds theretofore issued, sewer revenue bonds may be issued as hereinafter provided. Said bonds shall be either registered as to principal only or shall be bearer bonds, shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); shall be numbered from one (1) up consecutively; shall bear the date of their issue; shall be payable serially up to a maximum period of not to exceed thirty (30) years; shall bear interest at a rate not to exceed six per cent (6%) per annum from date of said bonds until principal thereof is paid, interest payable semi-annually and evidenced to maturity by coupons attached to said bonds; shall be executed by the presiding officer of the Board of Sewer Commissioners and attested by the Secretary thereof and the seal of the district thereto affixed; and may have facsimile signatures of said chairman or vice-chairman and Secretary imprinted on the interest coupons in lieu of original signatures.

Revenue bonds.

Denomination.

Maximum period.
Interest rate.

Bond form.

SEC. 20. The Sewer Commissioners shall have power and are required to create a special fund, or funds, for the sole purpose of paying the interest and principal of such bonds, as herein provided into which special fund or funds the said Sewer Commissioners shall obligate and bind the sewer district to set aside and pay a fixed proportion of the gross revenues of the system of sewers, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and such bonds and the interest thereof shall be payable only out of such special fund

Special fund created.

Restrictions.

Lien against revenues.

or funds, and shall be a lien and charge against all revenues, including payments received from utility local improvement districts, if any, such lien to be superior to operating and maintenance expenses.

Payments to special fund.

SEC. 21. In creating any such special fund or funds the Sewer Commissioners of such sewer district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interests of the sewer district, either at public or private sale and at any price, but not at any price where the effective cost of money to the sewer district shall exceed seven per cent (7%) per annum, and the said Commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

Proportion of revenues.

Lien of bonds.

Sale of bonds.

Limitations.

When any such special fund shall have been heretofore or shall be created and any such bonds shall

have been heretofore or shall hereafter be issued against the same, a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund. In case any sewer district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against such special fund may bring suit or action against the sewer district and compel such setting aside and payment.

Condition.

Right of action.

SEC. 22. The Sewer Commissioners of any sewer district, in the event that such sewer revenue bonds are issued against the revenues of such system of sewers, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those receiving such service. Such rates and charges are to be fixed as deemed necessary by such Sewer Commissioners, so that uniform charges will be made for the same class of service. Such rates are to be made on a monthly basis. The total revenues shall be so estimated and based to be sufficient to take care of costs of maintenance, operation, interest and principal amortization requirements and other charges.

To fix rates and charges.

Monthly basis.

Rate basis.

SEC. 23. The Sewer Commissioners shall enforce collection of such sewerage disposal service charges against property owners receiving such services, such charges being deemed charges against the property served, by addition of penalties of not more than ten per cent (10%) thereof in cases of failure to pay said charges at times fixed by resolution. Said Commissioners may provide by resolution that where such charges are delinquent for any specified period of time, the sewer district shall certify such delinquencies to the County Treasurer of the county in which said district is situated and such charges, and

Commissioners to enforce collection.

Penalties for delinquencies.

Certify delinquencies to Treasurer.

Interest on
delinquen-
cies.

any penalties added thereto, and interest thereon at the rate of not more than eight per cent (8%) per annum, shall be a lien against the properties upon which said service was received, subject only to the lien for general taxes.

Lien.

Right to fore-
close lien.

Procedure.

SEC. 24. Such district shall have the right, at any time after such charges and penalties are delinquent for a period of sixty (60) days or more, to bring suit in foreclosure by civil action in the Superior Court of the State of Washington in the county in which such district is situated. In such suit the court may allow, in addition to the costs, and disbursements provided by statute, such an attorneys fee as the court may adjudge reasonable. Such suit or action shall be deemed to be a proceeding in rem, and the action may be brought in the name of such district against an individual, or against all of those who are delinquent in one action, and the statutes and rules of the Court shall control as in other civil actions.

Proceeding
in rem.

Powers of
Commis-
sioners.

SEC. 25. The Sewer Commissioners shall have the power to create and fill positions necessary for the operation of such districts and fix salaries and surety bonds thereof. The superintendent or person charged with the management, operation and maintenance of the system of sewers, however, shall, at the option of the County Engineer or other engineer designated by the County Commissioners, be appointed subject to such County Engineer or such other engineer's approval.

U. L. I.
districts
authorized.

SEC. 26. Any sewer district shall have the power to establish utility local improvement districts within its territory as hereinafter provided, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty (20) years on all property specially benefited by any local improvement, on the basis of the special

Installment
payments.

benefits to pay in whole or in part the damages or costs of any improvements ordered in such sewer district. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, in so far as the same shall not be inconsistent with the provisions of this act. The duties devolving upon the City Treasurer under said laws are imposed upon the County Treasurer for the purposes of this act. The mode of assessment shall be in the manner to be determined by the Sewer Commissioners by resolution. It must be specified in any petition for the establishment of a utility local improvement district and in the comprehensive scheme or plan or amendment thereto previously duly ratified at an election, that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any comprehensive scheme or plan payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund.

Assessments.

Duties of Co. Treasurer.

Manner of Assessment.

Assessments paid in special fund.

SEC. 27. Whenever a petition signed by the owners of at least fifty-one per cent (51%) of the area of the land in the district, to be therein described, shall be filed with the Sewer Commissioners, asking that any portion of the general plan adopted be ordered, and defining the boundaries of the utility local improvement district to be created and to pay in whole or in part the cost thereof, it shall be the duty of the Sewer Commissioners to fix a date for hearing

Petition by majority for alteration.

Contents.

Creating U. L. I. D.

on such petition. Notice of the time and place of the hearing shall be given by publication of a notice of the hearing in a newspaper of general circulation throughout the sewer district once a week for two (2) consecutive weeks before the date of the hearing, and notice shall also be given by mailing at least fifteen (15) days before the hearing similar notice to the owners or reputed owners of the land in such proposed district as they appear on the books of the County Assessor of the county in which the sewer district is located.

SEC. 28. When such petition is presented for hearing the board of Sewer Commissioners shall hear objections to such formation from any person, firm or corporation affected by the formation of such district. At such hearing the Sewer Commissioners may alter the boundaries of such proposed district and prepare and adopt detailed plans of any such utility local improvement and declare the estimated cost thereof.

If the Sewer Commissioners shall find that such district shall be formed they shall by resolution order such improvement, provide the general funds of the sewer district to be applied thereto, acquire all necessary lands therefor, pay all damages caused thereby and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain award, as may be necessary to entitle said sewer district to proceed with such work. Said Sewer Commissioners shall thereafter proceed with such work and shall make and file with the County Treasurer, its roll levying special assessments in the amount to be paid by special assessment against the property situated within such utility local improvement district in proportion to the special benefits to be derived by the property in such utility local improvement district from such improvement.

Notice of hearing.

Publication.

By mailing.

Hearing.

Objections.

Resolution to improve.

Other duties.

File assessment roll.

SEC. 29. Before the approval of such roll a notice shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in such utility local improvement district, stating that such roll is on file and open to inspection in the office of the Secretary of the Sewer Commissioners, and fixing the time not less than fifteen (15) or more than thirty (30) days from the date of the first publication of such notice within which protests must be filed with the Secretary of said Sewer Commissioners against any assessments shown thereon, and fixing a time when a hearing shall be held by said Commission on said protests. Such notice shall also be given by mailing at least fifteen (15) days before the hearing, similar notice to the owners or reputed owners of the land in such utility local improvement district as they appear on the books of the County Assessor of the county in which the sewer district is located.

Publication of notice of assessment roll.

Contents.

Notice by mail.

SEC. 30. At such hearing on a protest to an assessment, or any adjournment thereof, the Sewer Commissioners shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll, and order that such assessment be made de novo, as to such body shall appear equitable and just and may then by resolution approve the same. In the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the Sewer Commissioners. Whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto shall be considered by the Sewer Commissioners or by any Court on appeal unless such objection be made in writing at, or prior, to the date fixed for the original hearing upon such roll.

May alter or revise at hearing.

New notice in case of increase.

Objections deemed waived.

Additional if inadequate.

SEC. 31. In the event that any portion of the system after its installation in such utility local improvement district is not adequate for the purpose for which it was intended, or that for any reason changes, alterations or betterments are necessary in any portion of the system after its installation, then such district, with boundaries which may include one or more existing utility local improvement districts, may be created in the sewer district in the same manner as is provided herein for the creation of utility local improvement districts. Upon the organization of such a utility local improvement district as provided for in this section the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the utility local improvement districts previously provided for in this act.

Creation same as original district.

Decision may be reviewed by court.

SEC. 32. The decision of the Sewer Commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the Superior Court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the Secretary of said Sewer Commission and with the Clerk of the Superior Court in the county in which such sewer district is situated within ten (10) days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within ten (10) days from the filing of such notice of appeal with the Clerk of the Superior Court, the appellant shall file with the Clerk of said Court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the Sewer District Com-

Manner of appeal.

Contentr. of notice.

Record.

mission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such Secretary of said Sewer Commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the County Clerk for the preparation and certification of transcripts on appeal to the Supreme Court in civil actions. At the time of the filing of the notice of appeal with the Clerk of the Superior Court a sufficient bond in the penal sum of two hundred dollars (\$200), with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The Court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the Superior Court, as aforesaid, the appellant shall give written notice to the Secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three (3) days from the service thereof, when the appellant will call up the said cause for hearing. The Superior Court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the Court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the Court shall be filed with the officer who shall

Records
furnished by
Secretary.

Fees.

Appeal bond.

Additional
bond.

Action to
have
preference.

Judgment.

Officer to
modify ac-
cording to
judgment.

Appeal to
Supreme
Court.

Procedure.

Order of
Supreme
Court.

Officer to
comply with
judgment.

Order of
Commission
final if no
objection
raised.

have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the Supreme Court from the judgment of the Superior Court, as in other cases, however, such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such Superior Court, and the record and opening brief of the appellant in said cause shall be filed in the Supreme Court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the Superior Court, or by stipulation of the parties concerned. The Supreme Court on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the Supreme Court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

SEC. 33. Whenever any assessment roll for local improvements shall have been confirmed by the Sewer Commission of such sewer district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the Sewer Commission upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the Sewer Commission in confirming such assessment roll in the manner

and within the time in this act provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

No suit if objection not filed.

Proviso.

Injunction: Grounds for.

(1) that the property about to be sold does not appear upon the assessment roll, or

(2) that said assessment has been paid.

SEC. 34. The territory adjoining or in close proximity to and in the same county with any sewer district, after its organization, may be annexed to and become a part of such sewer district. Such territory may either comprise or include that of one or more other sewer districts. Such annexation shall be effected in the following manner: Twenty-five per cent (25%) of the legal electors residing within the territory proposed to be annexed may petition the said Sewer Commissioners of such sewer district and cause the question to be submitted to the legal electors of the territory proposed to be annexed, whether such territory will be annexed and become a part of such adjoining sewer district.

May annex other property.

Manner of annexation.

Petition.

SEC. 35. Upon the filing of such petition with the Board of Sewer Commissioners of such sewer district, if the said Sewer Commissioners shall concur in the said petition, they shall then file such petition with the County Auditor, who shall, within ten (10) days, examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the Board of County Commis-

Petition filed with Auditor. Examination.

Certificate.

Proviso. sioners of the county in which the said district is located. In the event that there are no legal electors residing in the territory proposed to be annexed, such petition may be signed by such a number as appear of record to own at least a majority of the acreage in the proposed district, and the petition shall disclose the total number of acres of land in the territory proposed to be annexed and shall also contain the names of all record owners of land within the territory proposed to be annexed.

Procedure. SEC. 36. Upon the filing of such petition for annexation with the Board of Sewer Commissioners of the said sewer district, if the Sewer Commissioners shall be satisfied as to the sufficiency of the petition and shall concur in the said petition, they shall thereupon transmit the petition, together with their certificate of concurrence attached thereto to the Board of County Commissioners of the county in which the sewer district is located. The Board of County Commissioners of such county, upon receipt from the County Auditor of a petition certified to contain a sufficient number of signatures of legal electors, or upon a receipt from the Board of Commissioners of the sewer district of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the Board of Sewer Commissioners, at a regular or special meeting of the Board of County Commissioners of such county shall cause to be published for at least two (2) weeks in two (2) successive weekly issues of some weekly newspaper printed and published in said county, and in general circulation throughout the territory proposed to be annexed, and in case no such newspaper be printed or published, then at least once a week for two (2) successive weeks in some newspaper of general circulation therein, a notice that such a petition has been presented, stating the time of the meeting at

Notice of
hearing.
Publication.

which the same shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

SEC. 37. When such petition is presented for hearing, the said Board of County Commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one (1) month in all, and any person, firm or corporation may appear before the Board of County Commissioners and make objections to the proposed boundary lines or to the annexation of the territory described in the petition. Upon a final hearing the said Board of County Commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said Board of County Commissioners to the said sewer district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the said sewer district and so established by the said Board of County Commissioners. No lands which will not, in the judgment of said Board of County Commissioners, be benefited by inclusion therein, shall be included within the boundaries of said territory as so established and defined, and no change shall be made by the said Board of County Commissioners in the said boundary lines, by including any territory outside of the boundary lines described in the petition. No person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the filing of the same with the Board of Sewer Commissioners of said sewer district.

Hearing.

Adjournment.

Final hearing.

Findings and settlement of district.

SEC. 38. Upon the entry of the findings of the final hearing upon the said petition by the said County Commissioners of such county, if they find

the said proposed annexation of the territory to the said sewer district to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said sewer district for the purpose of determining whether the same shall be annexed to the said sewer district. Such notice shall particularly describe the boundaries established by the Board of County Commissioners on its final hearing of the said petition, and shall state the name of the sewer district to which the said territory is proposed to be annexed, and the same shall be published weekly for at least two (2) weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published, then in some newspaper of general circulation therein at least once (1) a week for two (2) successive weeks, and such notice shall be posted for the same period in at least four (4) public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

Notice of special election.

Publication.

Notice posted.

Ballot contents.

- For Annexation to Sewer District
- Against Annexation to Sewer District

The said County Commissioners shall name the persons to act as judges at such election.

SEC. 39. The said election shall be held on the date designated in such notice and shall be conducted in accordance with the general election laws: *Provided*, That only qualified electors, at the date of election, residing in the territory proposed to be annexed, shall be permitted to vote at the said elec-

Only qualified electors to vote.

tion, and in the event the original petition for annexation is signed by property owners so provided for in this act then no person shall be entitled to vote at such election unless at the time of the filing of the original petition he owned land in the district of record and in addition thereto at the date of election shall be a qualified elector of the county in which such district is located. It shall be the duty of the County Auditor, upon request of the County Commissioners, to certify to the election of officers of any such election, the names of all persons owning land in the district at the date of the filing of the original petition as shown by the records of his office, and at any such election the election officers may require any such land owner offering to vote to take an oath that he is a qualified elector of the county before he shall be allowed to vote. At any election held under the provisions of this act an officer or agent of any corporation, having its principal place of business in said county and owning land at the date of filing the original petition, duly authorized thereto in writing may cast a vote on behalf of such corporation. When so voting he shall file with the election officers such a written instrument of his authority. The judge or judges at such election shall make return thereof to the Board of Sewer Commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon the question of such election shall be for annexation, then such territory shall immediately be and become annexed to such sewer district and the same shall then forthwith be a part of the said sewer district, the same as though originally included in such district.

Duty of
Co. Auditor.

Corporation
may vote.

Commis-
sioners to
canvass.

Majority
necessary for
annexation.

SEC. 40. All elections held pursuant to this act, whether general or special, shall be conducted by

Co. Election Board to supervise. Costs.

the County Election Board of the county in which the district is located. The expense of all such elections shall be paid for out of the funds of such sewer district.

Maximum levy.

SEC. 41. The Board of Sewer Commissioners are hereby authorized to levy, or cause to be levied; to carry out the purposes of this act, in addition to the levy mentioned in section 18 of this act, a general tax on all property located in said sewer district each year not to exceed two (2) mills on the assessed valuation of the property in such sewer district. Said taxes when so levied shall be certified to the proper county official for the collection of the same as other general taxes. When such money is collected it shall be placed in a separate fund and paid out on warrants of the County Auditor of the county in which the sewer district is situated and authorized by the Board of Sewer Commissioners for the purposes specified in this act.

Paid on warrants.

May contract debt.

SEC. 42. Each and every sewer district hereafter to be organized pursuant to this act, may contract indebtedness pursuant to the provisions of section 18 hereof, but not exceeding in amount, together with existing indebtedness five per centum (5%) of the value of the taxable property in said district, to be ascertained by the last assessment for state and county purposes, whenever three-fifths (3/5) of the voters voting at said election in such sewer district assent thereto, at an election to be held in said sewer district in the manner provided by this act, which election may either be a special or a general election, and the Board of Sewer Commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such sewer district to the qualified voters of such sewer district at any time they may so order. All bonds so to be issued shall be subject

Three-fifths of voters to approve.

Bonds.

to the provisions regarding bonds as set out in section 18 of this act.

SEC. 43. The Board of Sewer Commissioners shall have authority to create and fill all positions necessary under this act and fix salaries and bonds thereof as it may by resolution provide.

Duties of Commissioners.

SEC. 44. All materials purchased and work ordered, the estimated cost of which is in excess of one thousand dollars (\$1,000) shall be let by contract. Before awarding any such contract the Board of Sewer Commissioners shall cause to be published in some newspaper in general circulation throughout the county where the district is located at least once, ten (10) days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the Board of Sewer Commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the Board of Sewer Commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the County Treasurer for a sum not less than five per cent (5%) of the amount of the bid and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the Board of Sewer Commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specification: *Provided, however,* That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the Board of Sewer Commissioners all bids are unsatisfactory they may reject all of them and re-advertise and in such case all checks shall be returned to the bidders. If such contract be let,

Work and materials let by contract.

Amount.

Publication of notice for bids.

Contents.

Sealed bids.

Check.

Bids publicly opened and read.

Lowest responsible bidder.

May reject and re-advertise.

Checks returned to unsuccessful bidders.

Contract and bond.

Forfeiture of check upon failure of bidder to comply.

Coupons considered warrants.

Endorsement.

Fund for district.

Other duties.

then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the Board of Sewer Commissioners in the full amount of the contract price between the bidder and the Commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the sewer district.

SEC. 45. The coupons hereinbefore mentioned for the payment of interest on bonds of any sewer district shall be considered for all purposes as warrants drawn upon the general fund of the said sewer district issuing such bonds, and when presented to the Treasurer of the county having custody of the funds of such sewer district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the County Treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bonds to which they were attached.

SEC. 46. The County Treasurer shall create a separate fund into which shall be paid all money received by him from the collection of taxes in behalf of such sewer district, and no money shall be disbursed therefrom except upon warrants of the County Auditor, as below provided for other funds of the sewer district. The County Treasurer shall also maintain such other special funds as may be prescribed by the sewer district, into which shall be placed such moneys as the Board of Sewer Com-

missioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the County Auditor issued against the same by authority of the Board of Sewer Commissioners.

Disbursements.

SEC. 47. Any sewer district organized under this act may be disincorporated in the same manner (in so far as the same is applicable) as is provided in sections 8914 to 8931, inclusive, of Remington's Revised Statutes, for the disincorporation of the third and fourth class cities, except that the petition for disincorporation shall be signed by not less than twenty-five per cent (25%) of the voters in the sewer district.

District may be disincorporated.

Method.

SEC. 48. Wherever economies in providing sewerage service may be affected by joint use of sewer lines, trunks, interceptors, siphons, pumping stations, treatment plants or other appurtenances, contracts may be entered into between the sewer district and any other corporate entity for the joint use of these facilities.

Joint user with other districts.

SEC. 49. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Partial invalidity.

Passed the Senate February 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 24, 1941.

ATTACHMENT B

NEW SECTION. Sec. 7. Sections 1 through 4 of this act shall constitute a new chapter in Title 46 RCW.

Passed the Senate February 19, 1982.

Passed the House March 6, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

CHAPTER 213

[Substitute Senate Bill No. 4481]

SEWER AND WATER DISTRICTS—COMPREHENSIVE PLAN REVIEW LIMITATIONS

AN ACT Relating to special purpose districts; amending section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 23, Laws of 1979 and RCW 56.08.020; amending section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 23, Laws of 1979 and RCW 57.16.010; adding a new section to chapter 56.08 RCW; and adding a new section to chapter 57.16 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 23, Laws of 1979 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof. The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area

of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The legislative body may not impose requirements restricting the maximum size of the sewer system facilities provided for in the comprehensive plan: PROVIDED, That nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority: PROVIDED, That the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town legislative authority.

Sec. 2. Section 6, chapter 18, Laws of 1959 as last amended by section 2, chapter 23, Laws of 1979 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant

to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the comprehensive plan: PROVIDED, That nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority: PROVIDED, That the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

NEW SECTION. Sec. 3. There is added to chapter 56.08 RCW a new section to read as follows:

The construction of or existence of sewer capacity in excess of the needs of the density allowed by zoning shall not be grounds for any legal challenge to any zoning decision by the county.

NEW SECTION. Sec. 4. There is added to chapter 57.16 RCW a new section to read as follows:

The construction of or existence of water supply capacity in excess of the needs of the density allowed by zoning shall not be grounds for any legal challenge to any zoning decision by the county.

Passed the Senate February 12, 1982.

Passed the House March 8, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

CHAPTER 214

[Engrossed Senate Bill No. 4559]

FORMS REDUCTION ACT

AN ACT Relating to forms management; adding new sections to chapter 43.41 RCW; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. This act may be known and cited as the forms reduction act of 1982.

NEW SECTION. Sec. 2. The legislature finds that the functioning of state government, business, and individual activities is becoming increasingly more cumbersome as the number, length, and complexity of forms increase and that the forms burden imposed by the state can be a hindrance to the citizens of the state and can add to the costs of products and services. Eliminating unnecessary forms will simplify paperwork, increase efficiency, effect productivity improvements, and reduce costs related to the amount of time individuals and businesses are required to take to complete various forms and to the procurement, printing, storage, use, and distribution of forms.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 7 of this act.

(1) "State agency" or "agency" means and is limited to each of the following: the department of licensing, the department of labor and industries and the department of revenue.

(2) "Form" means a printed document providing entry space for variable information.

NEW SECTION. Sec. 4. (1) By July 30, 1983, and by July 30 of each even-numbered year thereafter, each state agency shall report the following information to the office of financial management for the previous fiscal year ending on June 30:

(a) The estimated total number of hours required to fill out each form; and

(b) The estimated number of people filling out each form.

ATTACHMENT C

clearly ongoing and operating in nature. I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income rural and urban areas.

Section 306(26)

Subsection 26 provides for a review of state-supported advanced-technology and technology-transfer economic development activities. While I applaud the Legislature for examining these important issues, the language contained in section 76 of Engrossed House Bill 2929 is overly prescriptive given the size of the appropriation to support the review. I am directing the Department of Trade and Economic Development to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department of Trade and Economic Development to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state.

Section 705

This section forgives loans made to the cities of Federal Way and Sea-Tac that were supported by an Emergency Fund allocation to the Department of Community Development for that purpose. In modifying the Executive's decision in the matter of the allocation to the Department of Community Development in this way, the Legislature makes an unacceptable encroachment into gubernatorial authority and responsibility for the Governor's Emergency Fund.

With the exceptions of sections 116(7), 120(5), 206(1)(a)(iv), 207(1)(g), 208(14), 218(7), 221(8), 225(25), 225(27), 229(2)(e), 229(3)(b), 302(20), 302(25), 306(17), 306(18), 306(19), 306(26) and 705, Substitute Senate Bill No. 6407 is approved."

CHAPTER 17

[Substitute House Bill No. 2929]

GROWTH MANAGEMENT

AN ACT Relating to growth; amending RCW 35A.40.210, 36.94.040, 56.08.020, 57.16-.010, 82.46.010, 82.46.030, 82.46.040, 82.46.050, 82.46.060, 82.02.020, 58.17.060, 58.17.110, 36.81.121, 35.77.010, 35.58.2795, 76.09.050, 76.09.060, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.160.060, 43.168.050, 43.155.070, and 43.63A.078; adding new sections to chapter 43.63A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.62 RCW; adding a new section to chapter 82.46 RCW; adding new sections to chapter 82.02 RCW; adding new sections to chapter 59.18 RCW; adding a new section to chapter 19.27 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed

by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

PART I GOALS AND PLANNING

NEW SECTION. Sec. 2. **PLANNING GOALS.** The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under section 4 of this act. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) **Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) **Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) **Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

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

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

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

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

(6) "Department" means the department of community development.

(7) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(8) "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

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

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

(11) "Minerals" include gravel, sand, and valuable metallic substances.

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

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

(14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(15) "Urban growth areas" means those areas designated by a county pursuant to section 11 of this act.

(16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage

ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

NEW SECTION. Sec. 4. WHO MUST PLAN. (1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall adopt comprehensive land use plans and development regulations under this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990. Once a county meets either of these criteria, the requirement to conform with sections 4 through 16 of this act remains in effect, even if the county no longer meets one of these criteria.

(2) The county legislative authority of any county that does not meet the requirements of subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall adopt a comprehensive land use plan in accordance with this chapter. Once such a resolution has been adopted, the county cannot remove itself from the requirements of this chapter.

(3) Any county or city that is required to adopt a comprehensive land use plan under subsection (1) of this section shall adopt the plan on or before July 1, 1993. Any county or city that is required to adopt a comprehensive land use plan under subsection (2) of this section shall adopt the plan not later than three years from the date the county legislative body takes action as required by subsection (2) of this section.

(4) If the office of financial management certifies that the population of a county has changed sufficiently to meet the requirements of subsection (1) of this section, and the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall adopt: (a) Development regulations under section 6 of this act within one year of the certification by the office of financial management; (b) a comprehensive land use plan under this chapter within three years of the certification by the office of financial management; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan.

NEW SECTION. Sec. 5. GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in section 3 of this act, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under section 17 of this act.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

NEW SECTION. Sec. 6. NATURAL RESOURCE LANDS AND CRITICAL AREAS—DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under section 4 of this act, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under section 17 of this act. Regulations adopted under this section may not prohibit uses permitted prior to their adoption and shall remain in effect until a county adopts development regulations pursuant to section 12 of this act. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Each county that is required or chooses to plan under section 4 of this act, and each city within such county, shall adopt development regulations on or before September 1, 1991, precluding land uses or development that is incompatible with the critical areas that are required to be designated under section 17 of this act.

(2) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under section 4 of this act and implementing development regulations under section 12 of this act and may alter such designations and development regulations to insure consistency.

NEW SECTION. Sec. 7. COMPREHENSIVE PLANS—MANDATORY ELEMENTS. The comprehensive plan of a county or city that is required or chooses to plan under section 4 of this act shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in section 14 of this act.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such

capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77-.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under section 4 of this act, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

NEW SECTION. Sec. 8. OPTIONAL ELEMENTS. (1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

(a) Conservation;

(b) Solar energy; and

(c) Recreation.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

NEW SECTION. Sec. 9. INNOVATIVE TECHNIQUES. A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

NEW SECTION. Sec. 10. COMPREHENSIVE PLANS—MUST BE COORDINATED. The comprehensive plan of each county or city that is adopted pursuant to section 4 of this act shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to section 4 of this act of other counties or cities with which the county or city has, in part, common borders or related regional issues.

NEW SECTION. Sec. 11. COMPREHENSIVE PLANS—URBAN GROWTH AREAS. (1) Each county that is required or chooses to

adopt a comprehensive land use plan under section 4 of this act shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population forecast made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of the effective date of this section, each county required to designate urban growth areas shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

NEW SECTION. Sec. 12. **COMPREHENSIVE PLANS—DEVELOPMENT REGULATIONS AND CAPITAL PLANS—IMPLEMENTATION IN CONFORMITY.** Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under section 4 of this act shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities shall perform their activities and make capital budget decisions in conformity with their comprehensive plans.

NEW SECTION. Sec. 13. **COMPREHENSIVE PLANS—AMENDMENTS.** (1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2) Each county and city shall establish procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists.

(3) Each county that designates urban growth areas under section 11 of this act shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

NEW SECTION. Sec. 14. COMPREHENSIVE PLANS—ENSURE PUBLIC PARTICIPATION. Each county and city that is required or chooses to plan under section 4 of this act shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the procedures is observed.

NEW SECTION. Sec. 15. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

NEW SECTION. Sec. 16. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in section 3 of this act.

The city or county may seek to acquire by purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

NEW SECTION. Sec. 17. **NATURAL RESOURCE LANDS AND CRITICAL AREAS—DESIGNATIONS.** (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to section 5 of this act.

***NEW SECTION.** Sec. 18. **COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.** (1) *All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state policy goals and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.*

(2) *Not later than one year after the adoption of a comprehensive plan by a county or city pursuant to section 4 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit.*

(3) This section shall not apply to port districts or municipal airports.

*Sec. 18 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. REPORT ON PLANNING PROGRESS.

(1) It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under section 4(1) of this act begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) Inventorying, designating, and conserving agricultural, forest, and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

(2) Each county and city that adopts a plan under section 4 (1) or (2) of this act shall report to the department annually for a period of five years, beginning on January 1, 1991, and each five years thereafter, on the progress made by that county or city in implementing this chapter.

NEW SECTION. Sec. 20. TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under section 4 of this act. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under section 14 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.63A RCW to read as follows:

INVENTORYING AND COLLECTING DATA. (1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department shall contract with the department of information services and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) By December 1, 1990, the department shall report to the appropriate committees of the house of representatives and senate on the availability of existing data; specific data which is needed but not currently available; data compatibility across jurisdictions; the suitability of various types of data for retention on computer; the cost of collecting, storing, updating, mapping, and manipulating data on a computer; and recommendations on how to maintain an inventory of data which is accessible to any user and whether to maintain the data at a central repository or decentralized repositories.

(4) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

NEW SECTION. Sec. 22. A new section is added to chapter 35.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each city and county that does not plan under section 4 of this act shall not be inconsistent with the city's or county's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each code city that does not plan under section 4 of this act shall not be inconsistent with the city's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 36.70 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each county that does not plan under section 4 of this act shall not be inconsistent with the county's comprehensive plan. For the purposes of this section, "development regulations" has the same meaning as set forth in section 3 of this act.

*NEW SECTION. Sec. 25. A new section is added to chapter 35.22 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 35.22.620, a first class city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.*

*Sec. 25 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 26. A new section is added to chapter 35.23 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 35.23.352, a second class city, third class city, or town may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.*

*Sec. 26 was vetoed, see message at end of chapter.

*Sec. 27. Section 3, chapter 89, Laws of 1979 ex. sess. as amended by section 8, chapter 11, Laws of 1989 and RCW 35A.40.210 are each amended to read as follows:

Procedures for any public work or improvement contracts or purchases for code cities shall be governed by the following statutes, as indicated:

(1) For code cities of twenty thousand population or over, RCW 35.22-.620; and

(2) For code cities under twenty thousand population, RCW 35.23.352.

However, a code city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

*Sec. 27 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 28. A new section is added to chapter 36.32 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 36.32.250, a county may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.*

*Sec. 28 was vetoed, see message at end of chapter.

***NEW SECTION.** *Sec. 29. A new section is added to chapter 36.77 RCW to read as follows:*

CONTRACTS WITH DEVELOPERS AUTHORIZED. *Notwithstanding RCW 36.77.020 and 36.77.040, a county may contract with a developer for the construction or improvement of county roads directly related to the developer's project.*

*Sec. 29 was vetoed, see message at end of chapter.

NEW SECTION. *Sec. 30. A new section is added to chapter 35.13 RCW to read as follows:*

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No city or town located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. *Sec. 31. A new section is added to chapter 35A.14 RCW to read as follows:*

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No code city located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. *Sec. 32. A new section is added to chapter 43.62 RCW to read as follows:*

DETERMINING POPULATION. The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ten years the office of financial management shall prepare a twenty-year population forecast required by section 11 of this act for each county that adopts a comprehensive plan under section 4 of this act.

Sec. 33. Section 4, chapter 72, Laws of 1967 and RCW 36.94.040 are each amended to read to read as follows:

The sewerage and/or water general plan must incorporate the provisions of existing comprehensive plans relating to sewerage and water systems of cities, towns, municipalities, and private utilities, to the extent they have been implemented.

~~((In any county in which a metropolitan municipal corporation is authorized to perform the sewerage disposal or water supply function, any sewerage and/or water general plan shall be approved by the metropolitan municipal corporation prior to adoption by the county:))~~

Sec. 34. Section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 213, Laws of 1982 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district

lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The ~~((legislative body may not impose requirements restricting the maximum size of the sewer system facilities provided for in the))~~ general comprehensive plan~~((: PROVIDED, That))~~ shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority~~((: PROVIDED, That))~~. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((legislative authority))~~ governing body of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((legislative authority))~~ governing body if the city or town ~~((legislative authority))~~ governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall

the amendment, alteration, or addition be subject to approval by such particular city or town (~~(legislative authority)~~) governing body.

Sec. 35. Section 6, chapter 18, Laws of 1959 as last amended by section 10, chapter 389, Laws of 1989 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After July 23, 1989, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for financing the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be

ATTACHMENT D

Chapter 56.08.020 RCW Dispositions

POWERS — COMPREHENSIVE PLAN

Sections

56.08.010 Power to acquire property and rights — Eminent domain — Construction and operation of system — Generation of electricity — Rates and charges.

[1989 c 389 § 2; 1989 c 308 § 1; 1987 c 449 § 1. Prior: 1985 c 444 § 5; 1985 c 250 § 1; 1981 c 190 § 4; 1974 ex.s. c 58 § 2; 1959 c 103 § 1; 1953 c 250 § 3; 1945 c 140 § 9; 1941 c 210 § 10; Rem. Supp. 1945 § 9425-19.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.012 Public property subject to rates and charges for storm water control facilities.

[1996 c 230 § 315; 1986 c 278 § 59; 1983 c 315 § 5.]

Recodified as RCW **57.08.085** pursuant to 1996 c 230 § 1701, effective July 1, 1997.

56.08.013 Authority to reduce pollutants in lakes, streams, groundwater, and waterways.

[1985 c 98 § 1; 1977 ex.s. c 146 § 1.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.014 Authority to adjust or delay rates and charges for low-income persons — Notice.

[1983 c 198 § 1.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.015 Change of name — Authorized — Procedure — Validation.

[1984 c 147 § 6; 1969 c 119 § 1.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.020 General comprehensive plan — Approval of engineer, director of health, and city, town, or county — Amendments.

[1990 1st ex.s. c 17 § 34; 1982 c 213 § 1; 1979 c 23 § 1; 1977 ex.s. c 300 § 1; 1971 ex.s. c 272 § 2; 1959 c 103 § 2; 1953 c 250 § 4; 1947 c 212 § 2; 1945 c 140 § 10; 1943 c 74 § 2; 1941 c 210 § 11; Rem. Supp. 1947 § 9425-20.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.030 Expenditures before plan adopted and approved.

[1996 c 230 § 502; 1953 c 250 § 5; 1941 c 210 § 12; Rem. Supp. 1941 § 9425-21.]

Recodified as RCW **57.16.015** pursuant to 1996 c 230 § 1701, effective July 1, 1997.

56.08.040 Additions and betterments to plan, for area annexed.

[1953 c 250 § 6; 1951 c 129 § 1; 1943 c 74 § 3; 1941 c 210 § 13; Rem. Supp. 1943 § 9425-22.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.050 Commissioners to carry out plan.

[1977 ex.s. c 300 § 2; 1953 c 250 § 7; 1941 c 210 § 15; Rem. Supp. 1941 § 9425-24.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.060 Contracts for acquisition, use, operation, etc., authorized — Service to areas in other districts.

[1996 c 230 § 309; 1981 c 45 § 4; 1959 c 103 § 3; 1953 c 250 § 8; 1941 c 210 § 48; Rem. Supp. 1941 § 9425-57.]
Recodified as RCW **57.08.044** pursuant to 1996 c 230 § 1701, effective July 1, 1997.

56.08.065 Provision of sewer service beyond district subject to review by boundary review board.

[1989 c 84 § 51.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.070 Contracts for labor and materials — Call for bids — Small works roster — Award of contract — Requirements waived, when.

[1996 c 18 § 13; 1994 c 31 § 1. Prior: 1993 c 198 § 16; 1993 c 45 § 4; 1989 c 105 § 1; 1987 c 309 § 1; 1985 c 154 § 1; 1983 c 38 § 1; 1979 ex.s. c 137 § 1; 1975 1st ex.s. c 64 § 1; 1971 ex.s. c 272 § 3; 1965 c 71 § 1; 1941 c 210 § 44; Rem. Supp. 1941 § 9425-53.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997; and repealed by 1997 c 245 § 8.

56.08.075 Powers as to street lighting systems — Establishment.

[1987 c 449 § 2; 1982 c 105 § 2.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.080 Sale of unnecessary property authorized — Notice.

[1993 c 198 § 17; 1989 c 308 § 5; 1984 c 172 § 1; 1953 c 51 § 1.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.090 Sale of unnecessary property authorized — Additional requirements for sale of realty.

[1993 c 198 § 18; 1989 c 308 § 6; 1988 c 162 § 1; 1984 c 103 § 2; 1953 c 51 § 2.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.092 Application of sections to certain service provider agreements under chapter 70.150 RCW.

[1986 c 244 § 15.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.100 Health care, group, life, and social security insurance contracts for employees', commissioners' benefit — Joint action with water district.

[1991 sp.s. c 30 § 24; 1991 c 82 § 1; 1981 c 190 § 5; 1973 c 24 § 1; 1961 c 261 § 1.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.105 Liability insurance for officials and employees.

[1973 c 125 § 6.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.107 Liability insurance for officers and employees authorized.

Cross-reference section, decodified September 1996.

56.08.110 Association of district commissioners — Purpose — Expenses — Personnel — Limitation on district's contribution — Audit by state auditor.

[1995 c 301 § 75; 1973 1st ex.s. c 195 § 62; 1970 ex.s. c 47 § 4; 1961 c 267 § 1.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.112 Association of district commissioners — Association to furnish information to legislature and governor.

Cross-reference section, decodified September 1996.

56.08.120 Lease of property not necessary for use of district — When.

[1967 c 178 § 1.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.130 Proposed lease — Notice, contents, publication — Hearing.

[1967 c 178 § 2.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.140 Performance bond — Conditions and terms — Duration of leases.

[1991 c 82 § 2; 1967 c 178 § 3.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.150 Performance bond — Leases of more than five years.

[1967 c 178 § 4.]
Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.160 Performance bond — Surety — Security in lieu of bond — Additional bond security.

[1967 c 178 § 5.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.170 Use of property not immediately necessary to district for park or recreational purposes.

[1991 c 82 § 3.]

Recodified as RCW **57.08.009** pursuant to 1996 c 230 § 1701, effective July 1, 1997.

56.08.180 Excess sewer capacity not grounds for zoning decision challenge.

[1982 c 213 § 3.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.190 Extensions by private party — Preparation of plans — Review by district.

[1987 c 309 § 3.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

56.08.200 Sewer and water connections without district permission — Penalties.

[1995 c 376 § 14; 1991 c 190 § 1.]

Repealed by 1996 c 230 § 1702, effective July 1, 1997.

CERTIFICATE OF SERVICE

I certify that I caused a copy of Ronald Wastewater District's Statement of Additional Authorities to be served on all parties or their counsel of record on the date below as indicated.

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 20th day of May, 2020, at Seattle, WA.

s/ I'sha Willis _____
I'sha Willis, Legal Assistant

VAN NESS FELDMAN LLP

May 20, 2020 - 9:43 AM

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