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HOUSE BILL 2988

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Simpson and Williams

Read first time 01/19/10. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to local improvement districts in flood control  
2 zone districts; adding new sections to chapter 86.15 RCW; and declaring  
3 an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 86.15 RCW  
6 to read as follows:

7 (1) Local improvement districts may be initiated by petition signed  
8 by the owners according to the records of the office of the county  
9 assessor of at least fifty-one percent of the area of land within the  
10 limits of the local district to be created.

11 (2) If the local improvement district is initiated by petition, the  
12 petition must set forth the nature and territorial extent of the  
13 proposed improvement and the fact that the signers thereof are the  
14 owners according to the records of the county assessor of at least  
15 fifty-one percent of the area of land within the limits of the local  
16 district to be created. Upon the filing of the petition with the  
17 board, the board must determine whether the petition is sufficient, and  
18 the board's determination thereof must be conclusive upon all persons.

1 No person may withdraw his or her name from the petition after the  
2 filing thereof with the board.

3 (3) If the board finds the petition to be sufficient, it must adopt  
4 a resolution declaring its intention to order the improvement  
5 petitioned for, setting forth the nature and territorial extent of the  
6 improvement, designating the number of the proposed local district,  
7 describing the boundaries thereof, stating the estimated cost and  
8 expense of the improvement and the proportionate amount thereof which  
9 will be borne by the property within the proposed local district, and  
10 fixing a date, time, and place for a public hearing on the formation of  
11 the proposed local district.

12 (4) Notice of the adoption of the resolution of intention pursuant  
13 to a petition of the property owners, must be published in at least two  
14 consecutive issues of a newspaper of general circulation in the  
15 proposed local district, the date of the first publication to be at  
16 least fifteen days prior to the date fixed by such resolution for  
17 hearing before the board. Notice of the adoption of the resolution of  
18 intention must also be given each owner or reputed owner of any lot,  
19 tract, parcel of land, or other property within the proposed local  
20 district by mailing the notice at least fifteen days before the date  
21 fixed for the public hearing to the owner or reputed owner of the  
22 property as shown on the tax rolls of the county treasurer at the  
23 address shown thereon. The notice must refer to the resolution of  
24 intention and designate the proposed local district by number. The  
25 notice must also set forth the nature of the proposed improvement, the  
26 total estimated cost, the proportion of total cost to be borne by  
27 assessments, the estimated amount of the cost and expense of such  
28 improvement to be borne by the particular lot, tract, or parcel, the  
29 date, time, and place of the hearing before the board. The notice must  
30 also state that all persons desiring to object to the formation of the  
31 proposed district must file their written protests with the board  
32 before the time fixed for the public hearing.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 86.15 RCW  
34 to read as follows:

35 Any notice given to the public or to the owners of specific lots,  
36 tracts, or parcels of land relating to the formation of a local  
37 improvement district initiated by petition must contain a statement

1 that actual assessments may vary from assessment estimates so long as  
2 they do not exceed a figure equal to the increased true and fair value  
3 the improvement adds to the property.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 86.15 RCW  
5 to read as follows:

6 (1) Whether the improvement is initiated by petition or resolution,  
7 the board must conduct a public hearing at the time and place  
8 designated in the notice to the property owners. At this hearing the  
9 board shall hear objections from any person affected by the formation  
10 of the local district and may make changes in the boundaries of the  
11 district or modifications in plans for the proposed improvement as are  
12 deemed necessary: PROVIDED, That the board may not change the  
13 boundaries of the district to include property not previously included  
14 therein without first passing a new resolution of intention and giving  
15 a new notice to property owners in the manner and form and within the  
16 time herein provided for the original notice.

17 (2) Unless the board finds clear and convincing reasons, reasons  
18 that must be documented through adopted findings, that the district  
19 should not be formed, the board must by resolution order the  
20 improvement, adopt detailed plans of the local district and declare the  
21 estimated cost thereof, and proceed with the work. The board must  
22 proceed with the work and file with the county treasurer its roll  
23 levying special assessments in the amount to be paid by special  
24 assessment against the property situated within the local district in  
25 proportion to the special benefits to be derived by the property  
26 therein from the improvement.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of the  
29 state government and its existing public institutions, and takes effect  
30 immediately.

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