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SENATE BILL 5941

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State of Washington

54th Legislature

1995 Regular Session

By Senators Fraser and Winsley

Read first time 02/15/95. Referred to Committee on Senate Select  
Committee on Water Policy.

1 AN ACT Relating to coordinated water resources programs; adding new  
2 sections to chapter 36.70A RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature makes the following  
5 findings:

6 (1) Federal agencies, state agencies, counties, cities, Indian  
7 tribes, and special districts are all engaged in a multitude of  
8 planning and management efforts designed to protect and enhance the  
9 quality and quantity of water within the state;

10 (2) The growth management act sets broad goals for counties and  
11 cities to develop comprehensive plans for sustainable economic  
12 development, environmental protection, and provision of adequate  
13 capital facilities but fails to provide direction for integrating water  
14 resources planning and policy with growth planning efforts;

15 (3) The Chelan Agreement establishes a cooperative process that may  
16 be useful for coordinating comprehensive water resources management  
17 with growth management planning;

1 (4) Implementation of the growth management act and ongoing water  
2 resources planning and management efforts should support each other and  
3 be logically consistent;

4 (5) Steadily increasing population within the state and the  
5 distressed condition of anadromous fisheries both require intensive  
6 planning and management to ensure adequate quality and quantity of  
7 water resources for human populations and the integrity of ecosystems;

8 (6) New federal and state regulatory requirements for managing  
9 storm water, protecting drinking water supply, and managing other  
10 aspects of water resources increase the need for counties to integrate  
11 planning and management activities involving both land use and water  
12 resources; and

13 (7) Efforts should be made to combine financial resources for  
14 planning, capital expenditures, facility operations and maintenance,  
15 water quality monitoring, and public education at the state and local  
16 level and to eliminate waste and duplication in planning and management  
17 of water resources.

18 NEW SECTION. **Sec. 2.** The purpose of this act is to authorize  
19 counties to better coordinate the many county responsibilities for  
20 water resources planning, management, permitting, and funding on a  
21 watershed or island-wide basis. The coordinated program established in  
22 this act is intended to emphasize local accountability, consistency  
23 with growth planning activities, and protection of the public health  
24 and the environment in a cost-efficient manner.

25 NEW SECTION. **Sec. 3.** DEFINITIONS. Unless the context clearly  
26 requires otherwise, as used in sections 3 through 8 of this act, "water  
27 resources" shall be broadly construed to mean and include surface  
28 water, ground water, marine waters, and the general aquatic ecosystem,  
29 and includes activities involving water quality, wetlands, and the  
30 riparian zone.

31 NEW SECTION. **Sec. 4.** COORDINATED WATER RESOURCES PROGRAM--  
32 ESTABLISHMENT. (1)(a) The legislative authority of any county that is  
33 required to or chooses to plan under RCW 36.70A.040 may by resolution  
34 establish a coordinated water resources program. The purpose of a  
35 coordinated water resources program is to exercise existing authorities  
36 of a county to develop an efficient and effective system of protecting,

1 preserving, rehabilitating, enhancing, and managing, on a watershed or  
2 island-wide basis, the water resources located within all or part of a  
3 county or counties. The boundaries of a watershed shall be agreed upon  
4 by the participants in the process.

5 (b) A county legislative authority proposing to establish a  
6 coordinated water resources program shall consult with affected cities,  
7 tribes, and special districts in developing its proposal before  
8 scheduling the proposal for a public hearing. If a portion of the  
9 watershed area lies within a city or a town, the county shall provide  
10 for the participation of the legislative authority of the city or town  
11 in developing the program. The county, in cooperation with the  
12 affected cities, tribes, and special districts shall conduct at least  
13 one public hearing on the proposal. Notice of the hearing shall be  
14 published at least once, not less than ten days before the hearing, in  
15 a newspaper of general circulation within the area of the proposed  
16 coordinated water resources program. The public hearing may be  
17 continued to other times, dates, and places announced at the hearing,  
18 without publication of the continuance. At the public hearing, the  
19 county legislative authority shall hear objections and comments from  
20 anyone interested in the proposal to establish the program.

21 (2)(a) A county or counties establishing a coordinated water  
22 resources program is encouraged to use the cooperative process stated  
23 in the Chelan Agreement to reach agreement on determining the  
24 boundaries of the watersheds to be addressed and how to coordinate the  
25 planning and management of water resources within one or more  
26 watersheds or upon one or more islands.

27 (b) At a minimum, a county or counties coordinating the planning  
28 and management of water resources on a watershed or island-wide basis  
29 within all or a portion of the county or counties shall invite the  
30 department of ecology, the department of health, affected Indian  
31 tribes, the local health department or district, affected cities within  
32 the watershed or upon the island, and special districts within the  
33 watershed or upon the island to determine how the exercise of county  
34 water resource protection authorities may be coordinated with other  
35 programs for water resource protection within the watershed or upon the  
36 island. If a watershed is located in more than one county, each of the  
37 counties in which the watershed is located should participate in the  
38 coordinated effort described in this section, regardless of whether all  
39 of the counties are required to or choose to plan under RCW 36.70A.040.

1 (c) When appropriate, a county planning under this section shall  
2 invite the participation of the Puget Sound water quality authority in  
3 developing the coordinated water resources program.

4 (d) A county developing a program under this section shall invite  
5 the participation of the department of natural resources, department of  
6 fisheries, department of wildlife, other interested state agencies,  
7 relevant agencies of the federal government, and other public and  
8 private interested parties in developing the coordinated program under  
9 (b) of this subsection.

10 (e) After convening the necessary parties and agreeing upon the  
11 boundaries of the watersheds or islands included in the coordinated  
12 water resources program, the county legislative authority shall by  
13 resolution or ordinance describe the boundaries of the coordinated  
14 water resources program and, to the extent possible, describe its scope  
15 and the plan for coordinated planning and management of water resources  
16 within its boundaries.

17 (3) Establishment of a coordinated water resources program and the  
18 exercise of any authority under this chapter shall not be construed as  
19 requiring the transfer of duties or responsibilities from any  
20 established state, local, city, or tribal program or from any district  
21 that exists that addresses water resource management. However, a  
22 county establishing a coordinated water resources program shall  
23 evaluate existing programs and districts the county has established for  
24 the management of water resources and consider whether any should be  
25 eliminated. Other governmental units participating with the county in  
26 the program may evaluate whether other existing programs or districts  
27 administered by the governmental unit should be eliminated or  
28 consolidated to eliminate duplication of services or improve efficient  
29 management of water resources.

30 NEW SECTION. **Sec. 5.** COORDINATED WATER RESOURCES PROGRAM. (1)

31 Under a coordinated water resources program a county may consolidate,  
32 combine, or otherwise coordinate the county's planning and management  
33 activities that occur within the watershed or upon the island,  
34 including:

35 (a) Inventorying, researching, measuring, and ranking the quantity  
36 and quality of subterranean waters and bodies of water;

37 (b) Preparing and administering a coordinated program to protect,  
38 preserve, rehabilitate, and manage ground water and bodies of water,

1 and to control and treat surface water, including but not limited to,  
2 point and nonpoint water pollution abatement programs and activities;

3 (c) Protecting, preserving, rehabilitating, and managing ground  
4 water and bodies of water;

5 (d) Encouraging public participation and providing educational  
6 programs related to the protection, preservation, rehabilitation, and  
7 management of ground water and bodies of water, including but not  
8 limited to programs related to household hazardous and dangerous  
9 wastes, aquifer protection, and wellhead protection;

10 (e) Providing technical and financial assistance for public water  
11 systems;

12 (f) Cooperating with other units of state and local government and  
13 engaging in joint programs and projects;

14 (g) Providing assistance to conservation districts to perform  
15 activities related to protecting and restoring water quality and  
16 quantity; and

17 (h) Providing assistance to the local health agency in carrying out  
18 its functions in protecting water supplies, including monitoring the  
19 installation, and inspection and maintenance of on-site sewage disposal  
20 systems.

21 (2) The county may incorporate into a coordinated program under  
22 this chapter any authority currently provided by law to be exercised by  
23 counties related to water resources protection.

24 NEW SECTION. **Sec. 6.** COORDINATED WATER RESOURCES DISTRICTS. (1)  
25 A county or counties that have established a coordinated water  
26 resources program may by ordinance establish a coordinated water  
27 resources district or districts based on the boundaries of the program,  
28 or the watersheds or islands that comprise the boundaries of the  
29 program, for the purpose of financing the local elements of the  
30 coordinated water resources program. A coordinated water resources  
31 district may not include territory located within a city or town  
32 without the approval of the city or the town legislative authority, nor  
33 may it include territory located in the unincorporated area of another  
34 county without the approval of the county legislative authority of that  
35 county. In seeking approval of the city or town or other county, the  
36 county shall propose procedures for the participation of the city or  
37 town or other county in establishing the district and in carrying out

1 the elements of the coordinated water resources program within the city  
2 or town.

3 (2) The coordinated water resources district may finance the local  
4 elements of the coordinated water resources program through any  
5 combination of federal, state, or private grants or loans, or local  
6 revenues.

7 NEW SECTION. **Sec. 7.** (1) The legislative authority of a county  
8 may authorize up to ten percent of existing fees, charges, or special  
9 assessments levied and collected within the watershed by the county in  
10 the exercise of county water resource protection or management  
11 responsibilities.

12 (2) The legislative authority of a city may authorize up to ten  
13 percent of existing fees, charges, or special assessments levied and  
14 collected by a city within the boundaries of a proposed or established  
15 county-coordinated water resources district for purposes of cooperating  
16 with the county in the development or implementation of a county-  
17 coordinated water resources district.

18 (3) The governing body of a special district may authorize up to  
19 ten percent of existing fees, charges, or special assessments levied  
20 and collected within that portion of the district's boundaries located  
21 inside a proposed or established county-coordinated water resources  
22 district for purposes of sections 3 through 7 and 9 of this act.

23 (4) A city or special district may by intergovernmental agreement  
24 transfer funds specified in subsections (2) and (3) of this section to  
25 the county for administration.

26 (5) The county shall establish a special coordinated water  
27 resources district account or fund for the purposes of receiving and  
28 expending funds under sections 3 through 7 and 9 of this act.

29 (6) This section does not apply to assessments levied under RCW  
30 89.08.400.

31 NEW SECTION. **Sec. 8.** The office of financial management shall  
32 work with the department of ecology, the department of health, and the  
33 department of community, trade, and economic development to develop a  
34 proposal (1) to combine current funding sources available for local  
35 governments to engage in a coordinated water resources program and (2)  
36 to provide new state matching funds for governmental units or other

1 entities that implement a coordinated water resources program. The  
2 proposal shall be submitted to the legislature by November 1, 1995.

3 NEW SECTION. **Sec. 9.** Sections 3 through 7 of this act shall not  
4 be construed to reduce or eliminate any existing authority of any state  
5 agency or any Indian tribe.

6 NEW SECTION. **Sec. 10.** Captions used in sections 3 through 7 of  
7 this act do not constitute any part of the law.

8 NEW SECTION. **Sec. 11.** Sections 3 through 7 and 9 of this act are  
9 each added to chapter 36.70A RCW.

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