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HOUSE BILL 1239

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Simpson, Curtis and Moeller

Read first time 01/15/2007. Referred to Committee on Local Government.

1            AN ACT Relating to the consistency of water-sewer district general  
2 water supply comprehensive plans with city, county, and town  
3 comprehensive plans and development regulations; and amending RCW  
4 57.16.010.

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

6            **Sec. 1.** RCW 57.16.010 and 1997 c 447 s 18 are each amended to read  
7 as follows:

8            (1) Before ordering any improvements or submitting to vote any  
9 proposition for incurring any indebtedness, the district commissioners  
10 shall adopt a general comprehensive plan for the type or types of  
11 facilities the district proposes to provide. A district may prepare a  
12 separate general comprehensive plan for each of these services and  
13 other services that districts are permitted to provide, or the district  
14 may combine any or all of its comprehensive plans into a single general  
15 comprehensive plan.

16            ~~((1))~~ (2) For a general comprehensive plan of a water supply  
17 system, the commissioners shall investigate the several portions and  
18 sections of the district for the purpose of determining the present and  
19 reasonably foreseeable future needs thereof; shall examine and

1 investigate, determine, and select a water supply or water supplies for  
2 such district suitable and adequate for present and reasonably  
3 foreseeable future needs thereof; and shall consider and determine a  
4 general system or plan for acquiring such water supply or water  
5 supplies, and the lands, waters, and water rights and easements  
6 necessary therefor, and for retaining and storing any such waters, and  
7 erecting dams, reservoirs, aqueducts, and pipe lines to convey the same  
8 throughout such district. There may be included as part of the system  
9 the installation of fire hydrants at suitable places throughout the  
10 district. Consistent with this subsection and RCW 43.20.260, the  
11 commissioners shall determine a general comprehensive plan for  
12 distributing such water throughout such portion of the district as may  
13 then reasonably be served by means of subsidiary aqueducts and pipe  
14 lines, and a long-term plan for financing the planned projects and the  
15 method of distributing the cost and expense thereof, including the  
16 creation of local improvement districts or utility local improvement  
17 districts, and shall determine whether the whole or part of the cost  
18 and expenses shall be paid from revenue or general obligation bonds.

19 ~~((+2))~~ (3) For a general comprehensive plan for a sewer system,  
20 the commissioners shall investigate all portions and sections of the  
21 district and select a general comprehensive plan for a sewer system for  
22 the district suitable and adequate for present and reasonably  
23 foreseeable future needs thereof. The general comprehensive plan shall  
24 provide for treatment plants and other methods and services, if any,  
25 for the prevention, control, and reduction of water pollution and for  
26 the treatment and disposal of sewage and industrial and other liquid  
27 wastes now produced or which may reasonably be expected to be produced  
28 within the district and shall, for such portions of the district as may  
29 then reasonably be served, provide for the acquisition or construction  
30 and installation of laterals, trunk sewers, intercepting sewers,  
31 syphons, pumping stations or other sewage collection facilities, septic  
32 tanks, septic tank systems or drainfields, and systems for the  
33 transmission and treatment of wastewater. The general comprehensive  
34 plan shall provide a long-term plan for financing the planned projects  
35 and the method of distributing the cost and expense of the sewer system  
36 and services, including the creation of local improvement districts or  
37 utility local improvement districts; and provide whether the whole or

1 some part of the cost and expenses shall be paid from revenue or  
2 general obligation bonds.

3 ~~((+3))~~ (4) For a general comprehensive plan for a drainage system,  
4 the commissioners shall investigate all portions and sections of the  
5 district and adopt a general comprehensive plan for a drainage system  
6 for the district suitable and adequate for present and future needs  
7 thereof. The general comprehensive plan shall provide for a system to  
8 collect, treat, and dispose of storm water or surface waters, including  
9 use of natural systems and the construction or provision of culverts,  
10 storm water pipes, ponds, and other systems. The general comprehensive  
11 plan shall provide for a long-term plan for financing the planned  
12 projects and provide for a method of distributing the cost and expense  
13 of the drainage system, including local improvement districts or  
14 utility local improvement districts, and provide whether the whole or  
15 some part of the cost and expenses shall be paid from revenue or  
16 general obligation bonds.

17 ~~((+4))~~ (5) For a general comprehensive plan for street lighting,  
18 the commissioners shall investigate all portions and sections of the  
19 district and adopt a general comprehensive plan for street lighting for  
20 the district suitable and adequate for present and future needs  
21 thereof. The general comprehensive plan shall provide for a system or  
22 systems of street lighting, provide for a long-term plan for financing  
23 the planned projects, and provide for a method of distributing the cost  
24 and expense of the street lighting system, including local improvement  
25 districts or utility local improvement districts, and provide whether  
26 the whole or some part of the cost and expenses shall be paid from  
27 revenue or general obligation bonds.

28 ~~((+5))~~ (6) The commissioners may employ such engineering and legal  
29 service as in their discretion is necessary in carrying out their  
30 duties.

31 ~~((+6))~~ (7) The commissioners shall adopt any general comprehensive  
32 plan ((or plans shall be adopted)) by resolution ((and)).

33 (8) A county, city, and town in which the district is located shall  
34 review a general comprehensive plan of a water supply system, or the  
35 water supply system portion of a combined general comprehensive plan,  
36 for consistency with its comprehensive plan and development regulations  
37 in accordance with the procedures and criteria of RCW 43.20.260 and any  
38 applicable rules adopted by the department of health. A general

1 comprehensive plan for all other systems, or the nonwater supply system  
2 portion of a combined general comprehensive plan, shall be reviewed and  
3 approved in accordance with subsection (9) of this section.

4 (9) The general comprehensive plan shall be submitted to an  
5 engineer designated by the legislative authority of the county in which  
6 fifty-one percent or more of the area of the district is located, and  
7 to the director of health of the county in which the district or any  
8 portion thereof is located, and must be approved in writing by the  
9 engineer and director of health, except that a comprehensive plan  
10 relating to street lighting shall not be submitted to or approved by  
11 the director of health. The general comprehensive plan shall be  
12 approved, conditionally approved, or rejected by the director of health  
13 and by the designated engineer within sixty days of their respective  
14 receipt of the plan. However, this sixty-day time limitation may be  
15 extended by the director of health or engineer for up to an additional  
16 sixty days if sufficient time is not available to review adequately the  
17 general comprehensive plans.

18 Before becoming effective, the general comprehensive plan shall  
19 also be submitted to, and approved by resolution of, the legislative  
20 authority of every county within whose boundaries all or a portion of  
21 the district lies. The general comprehensive plan shall be approved,  
22 conditionally approved, or rejected by each of the county legislative  
23 authorities pursuant to the criteria in RCW 57.02.040 for approving the  
24 formation, reorganization, annexation, consolidation, or merger of  
25 districts. The resolution, ordinance, or motion of the legislative  
26 body that rejects the comprehensive plan or a part thereof shall  
27 specifically state in what particular the comprehensive plan or part  
28 thereof rejected fails to meet these criteria. The general  
29 comprehensive plan shall not provide for the extension or location of  
30 facilities that are inconsistent with the requirements of RCW  
31 36.70A.110. Nothing in this chapter shall preclude a county from  
32 rejecting a proposed plan because it is in conflict with the criteria  
33 in RCW 57.02.040. Each general comprehensive plan shall be deemed  
34 approved if the county legislative authority fails to reject or  
35 conditionally approve the plan within ninety days of the plan's  
36 submission to the county legislative authority or within thirty days of  
37 a hearing on the plan when the hearing is held within ninety days of  
38 submission to the county legislative authority. However, a county

1 legislative authority may extend this ninety-day time limitation by up  
2 to an additional ninety days where a finding is made that ninety days  
3 is insufficient to review adequately the general comprehensive plan.  
4 In addition, the commissioners and the county legislative authority may  
5 mutually agree to an extension of the deadlines in this section.

6 If the district includes portions or all of one or more cities or  
7 towns, the general comprehensive plan shall be submitted also to, and  
8 approved by resolution of, the legislative authorities of the cities  
9 and towns before becoming effective. The general comprehensive plan  
10 shall be deemed approved by the city or town legislative authority if  
11 the city or town legislative authority fails to reject or conditionally  
12 approve the plan within ninety days of the plan's submission to the  
13 city or town or within thirty days of a hearing on the plan when the  
14 hearing is held within ninety days of submission to the county  
15 legislative authority. However, a city or town legislative authority  
16 may extend this time limitation by up to an additional ninety days  
17 where a finding is made that insufficient time exists to adequately  
18 review the general comprehensive plan within these time limitations.  
19 In addition, the commissioners and the city or town legislative  
20 authority may mutually agree to an extension of the deadlines in this  
21 section.

22 Before becoming effective, the general comprehensive plan shall be  
23 approved by any state agency whose approval may be required by  
24 applicable law. Before becoming effective, any amendment to,  
25 alteration of, or addition to, a general comprehensive plan shall also  
26 be subject to such approval as if it were a new general comprehensive  
27 plan. However, only if the amendment, alteration, or addition affects  
28 a particular city or town, shall the amendment, alteration, or addition  
29 be subject to approval by such particular city or town governing body.

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