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FORMATION OF WATER-SEWER DISTRICTS (COUNTIES WITH BOUNDARY REVIEW BOARDS)

A. Preparation and Filing of Petition.

1. The initiators of the district's formation prepare a Petition for Formation. The Petition must (a) state the object for creation of the district, (b) designate the district's boundaries, and (c) state that the district's establishment will be conducive to the public health, convenience and welfare and will be of benefit to property in the district.
2. The Petition shall specify the proposed property tax levy assessment, if any, for the district's general preliminary expenses. The assessment may not exceed \$1.25 per \$1,000.00 of assessed value.
3. The Petition must be signed by at least 10% of the registered voters residing within the district's boundaries who voted in the last general election.
4. After obtaining the necessary signatures, the Petition is filed with county auditor. Within 10 days, the auditor examines and verifies the signatures. The Petition is transferred to the county election officer, who certifies the sufficiency or insufficiency of the number of signatures.
5. If the Petition contains sufficient signatures, the county election officer sends the Petition, with a certificate of sufficiency, to the county legislative authority.

B. County Hearing.

1. Within 30 days of receiving notice of the proposed formation of the district, the county legislative authority must approve the formation or hold a hearing.
2. The legislative authority mails a copy of the Petition to the department of ecology and department of social and health services.
3. At a meeting, the legislative authority causes notice of presentation of the Petition to be published at least once a week for two successive weeks in a newspaper of general circulation in the county. The notice must state the time of the meeting at which the Petition will be considered, and the proposed district boundaries.
4. The legislative authority holds a hearing on petition, pursuant to the notice. The hearing may be continued from time to time, not to exceed one month in all.

C. County Decision.

1. Within 60 days of the final hearing, the county legislative authority must decide whether to approve the district's formation. If the legislative authority determines to approve the formation, the legislative authority shall establish the district's boundaries, making such changes to the district's proposed boundaries as it deems proper. The legislative authority may only include land within the district that is benefitted by inclusion in the district. The legislative authority may only add land to the district if the owners of all the land sign a petition requesting inclusion in the district.
2. To approve the formation of the district, the county legislative authority must find that the district will be conducive to the public health, welfare and convenience and be of special benefit to land within the district's boundaries.
3. The county legislative authority determines:
 - (a) Whether the district's formation is in compliance with the development program outlined in the county comprehensive plan and its supporting documents;
 - (b) Whether the district's formation is in compliance with the basin wide water and/or sewage plan as approved by department of ecology and department of social and health services; and
 - (c) Whether the district's formation is in compliance with policies expressed in the county plan for water and/or sewage facilities.

4. If the district's formation is consistent with C.3.a-c above, the county legislative authority approves the formation, unless it finds that utility service in the area will be most appropriately served by the county under Chapter 36.94 RCW, by a city, town or municipality, or by another existing special purpose district. If formation is inconsistent with C.3.a-c above, the legislative authority may not approve the district's formation.
5. While the county legislative authority is considering the district's proposed formation, the boundary review board receives notice of intent to form the district, as described in D.1 below.
6. The county legislative authority sends the boundary review board a report of its approval or disapproval of the district's formation, together with its findings and recommendations under C.3.a-c above.
7. If the county legislative authority approves the district's formation, the approval is final unless the boundary review board reviews the proposed formation. If the legislative authority does not approve the proposed formation, the boundary review board shall review the proposed formation. The action of the boundary review board supersedes the approval or disapproval of the county legislative authority.

D. Boundary Review Board Procedure.

1. The initiators of the district's formation file a notice of intent to form the district with the boundary review board, together with the required fee. The notice of intent states the nature of the action sought, the reasons for the district's formation, and the legal description of the proposed district boundaries, and includes a county assessor's map on which the proposed boundaries are designated.
2. The board sends a copy of the notice of intent to the county legislative authority and the department of ecology.
3. The board must review the proposed formation of the district if certain governmental units or a certain percentage of voters request review.
4. If 45 days elapse without review being requested, the district's formation is deemed approved.
5. If review is requested, within 120 days after the request for review is filed, the board must make findings as required by RCW 36.93.150. If 120 days elapse without the board making appropriate findings, the district's formation is approved unless the board and the initiators agree to an extension.

6. The board sets and holds a hearing on the district's formation upon 30 days notice by publication and posting. A verbatim record is made of all testimony presented at the hearing.
7. The board must render its decision on the district's formation within 40 days after the conclusion of the hearing.
 - (a) In reaching its decision, the board considers the factors set forth in RCW 36.93.170 (e.g., population, land uses, need for municipal services and effect on adjacent areas).
 - (b) The board's decision must be consistent with the Growth Management Act, RCW 36.70A.020, 36.70A.110 and 36.70A.210.
 - (c) The board's decision must attempt to achieve the objectives stated in RCW 36.93.180 (e.g., preservation of natural neighborhoods, use of natural boundaries, creation of logical service areas, etc.).
 - (d) A decision by the board modifying or denying the proposed formation of the district must be in writing pursuant to a motion, and shall be supported by findings and conclusions based on the record.
8. Any appeal from a decision of the board must be filed in superior court within 30 days of the date of the decision.

E. Elections.

1. Following approval of the district's formation by the county legislative authority or the boundary review board, the legislative authority adopts a resolution calling for a special election on a date selected by the legislative authority.
 - (a) The resolution must be presented to the county auditor at least 45 days before the election date.
 - (b) The county commissioners shall cause a notice of the election to be published for four successive weeks in a newspaper of general circulation in the proposed district, and posted for ten days in ten public places in the proposed district. The notice shall state the hours during which the polls will be open, the boundaries of the proposed district, and the object of the election.
 - (c) The district's formation is approved if a majority of voters vote in favor of proposition.

2. At the same election, a proposition may be submitted to the voters authorizing the district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in the amount specified in the Petition for Formation, not to exceed \$1.25 per thousand dollars of assessed value, for the district's general preliminary expenses. The proposition may only appear at a February election. To be effective, the proposition must be approved in the manner set forth in Article VII, Section 2(a) of the Washington State Constitution, as amended by Amendment 59.

3. At the same election, three district commissioners are elected. The election of the district commissioners is null and void if the formation of the district is not approved.

PETITION TO CREATE A WATER-SEWER DISTRICT
(Water Only)

To: Board of County Commissioners of _____ County
_____ County Courthouse
_____, Washington

We, the undersigned, constituting at least 10% of the registered voters residing within the boundaries of the land area hereinafter described in _____ County, Washington, do hereby petition that a water-sewer district be created for the purpose of construction, maintenance, operation, development and regulation of a water system, including water supply and distribution for said land in accordance with the provisions of the Revised Code of Washington, section 57.04.030. The land described is in need of water service and is in such a location that water service cannot be furnished to said land by any other utility at a reasonable cost. The formation of a water-sewer district for said land is believed to be consistent with the policies of _____ County and applicable State agencies.

We further state that the creation of the proposed district will be conducive to the public health, convenience and welfare and will be of benefit to the land included in the district. The boundaries of said proposed district are described on attached Exhibit A made a part hereof by this reference.

We further state that the property tax levy assessment upon land within the proposed district shall be \$_____ per \$1,000 of assessed value of land therein for general preliminary expenses of the district.

DATED this ___ day of _____, 19__.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attach legal description of district boundaries