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**OUTLINE OF FORMATION OF WATER-SEWER DISTRICTS**

This outline is a general description of the rules and procedures governing the formation of water-sewer districts, which are contained in RCW Title 57 and RCW Chapter 36.93 (for counties with boundary review boards). If you have questions, please feel free to contact the Washington Association of Sewer and Water Districts at 206-246-1299.

**Preparation and Filing of Petition.**

1. The initiators of the formation prepare a Petition for Formation. The Petition must:
  - State the object for creation of the district.
  - Designate the district's boundaries.
  - 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.
  - 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.
  - Be signed by at least 10% of the registered voters residing within the district's boundaries who voted in the last general election.
  
2. After obtaining the necessary signatures, the initiators file the Petition with the county auditor.
  - Within 10 days, the auditor examines and verifies the signatures, and certifies the sufficiency or insufficiency of the number of signatures.
  - If the Petition contains sufficient signatures, the Petition, with a certificate of sufficiency, is sent to the county legislative authority.
  
3. No Petition is required if the legislative authority declares by resolution that the water-sewer district is a public health necessity.

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### **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. The legislative authority:
  - Mails a copy of the Petition to the department of ecology and department of social and health services.
  - 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 hearing at which the Petition will be considered, and must describe the proposed district boundaries.
  - Holds a hearing on the Petition, pursuant to the notice. The hearing may be continued from time to time, not to exceed one month in all.

### **County Decision.**

1. Within 60 days of the final hearing, the county legislative authority must decide whether to approve the district's formation.
2. 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.
  - May only include land within the district that is benefited by inclusion in the district.
  - May only add land to the district if the owners of all the land sign a petition requesting inclusion in the district.
3. 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.
  - Of special benefit to the land within the district's boundaries.
4. The county legislative authority determines whether the district's formation is in compliance with:
  - The development program outlined in the county comprehensive plan and its supporting documents.
  - The basin wide water and/or sewage plan as approved by department of ecology and department of social and health services.
  - Policies expressed in the county plan for water and/or sewage facilities.

5. The county legislative authority then:
  - Approves the formation, if the district's formation is consistent with section 4 above, 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.
  - Denies the formation if it is inconsistent with section 4 above.
  - Sends to the boundary review board a report of its approval or disapproval of the district's formation, together with its findings and recommendations. (Note: some counties do not have a boundary review board. If there is no boundary review board in the county, then ignore section 6 below, the boundary review board portions of section 7 below, and the Boundary Review Board Procedure below).
6. 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 section 1 of the Boundary Review Board Procedure below.
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. In counties where there is no boundary review board, the legislative authority's decision is final.

**Boundary Review Board Procedure (for Counties that have Boundary Review Boards).**

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 must include the following:
  - The nature of the action (district formation).
  - The reasons for the district's formation.
  - A legal description of the proposed district boundaries.
  - A county assessor's map on which the proposed boundaries are designated.

2. The boundary review board:
  - Sends a copy of the notice of intent to the county legislative authority and the department of ecology.
  - Reviews the proposed formation of the district if certain governmental units or a certain percentage of voters request review.
3. If 45 days elapse without review being requested, the district's formation is deemed approved.
4. 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.
5. The boundary review board then:
  - 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.
  - Renders its decision on the district's formation within 40 days after the conclusion of the hearing.
6. The boundary review board's decision:
  - Must consider the factors set forth in RCW 36.93.170 (e.g., population, land uses, need for municipal services and effect on adjacent areas).
  - Shall be consistent with the Growth Management Act, RCW 36.70A.020, 36.70A.110 and 36.70A.210.
  - 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.).
  - Must be in writing pursuant to a motion, and shall be supported by findings and conclusions based on the record when the decision is to modify or deny the proposed formation.
  - Is appealable to the superior court, by appeal filed in superior court within 30 days of the date of the decision.

## **Election.**

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.
  - The resolution must be presented to the county auditor (1) at least 46 days before the election date if the election is held in February or April, (2) no later than the Friday immediately before the first day of regular candidate filing if the election is held the day of the primary election as specified by RCW 29A.04.311, or (3) no later than the day of the primary if the election is held in November.
  - 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.
  - The district's formation is approved if a majority of voters vote in favor of the 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.
  - The levy amount is 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 levy proposition may only appear at a February, March, April or May 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.