

---

HOUSE BILL 1950

---

State of Washington                      55th Legislature                      1997 Regular Session

By Representatives D. Schmidt, Thompson, Scott and Koster

Read first time 02/14/97.      Referred to Committee on Government Administration.

1            AN ACT Relating to incorporations of cities and towns; amending RCW  
2 36.93.150; and adding a new section to chapter 35.02 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.02 RCW  
5 to read as follows:

6            A proposed city or town in a county that plans under RCW 36.70A.040  
7 may not include any area located outside of an urban growth area  
8 designated under RCW 36.70A.110, unless the area meets the following  
9 requirements: (1) At least twenty-five percent of the boundaries of  
10 the area proposed to be incorporated are coterminous with a portion of  
11 the boundaries of an urban growth area; (2) the area has a population  
12 of at least five thousand; (3) the area has a density of at least five  
13 hundred persons per square mile; and (4) the area is already  
14 characterized by significant industrial development.

15            **Sec. 2.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read  
16 as follows:

1 The board, upon review of any proposed action, shall take such of  
2 the following actions as it deems necessary to best carry out the  
3 intent of this chapter:

4 (1) Approve the proposal as submitted.

5 (2) Subject to RCW 35.02.170, modify the proposal by adjusting  
6 boundaries to add or delete territory. However, any proposal for  
7 annexation of territory to a town shall be subject to RCW 35.21.010 and  
8 the board shall not add additional territory, the amount of which is  
9 greater than that included in the original proposal. Any modifications  
10 shall not interfere with the authority of a city, town, or special  
11 purpose district to require or not require preannexation agreements,  
12 covenants, or petitions. A board shall not modify the proposed  
13 incorporation of a city with an estimated population of seven thousand  
14 five hundred or more by removing territory from the proposal, or adding  
15 territory to the proposal, that constitutes ten percent or more of the  
16 total area included within the proposal before the board. However, a  
17 board shall remove territory in the proposed incorporation that (~~is~~  
18 ~~located outside of an urban growth area~~) does not meet the  
19 requirements of section 1 of this act or is annexed by a city or town,  
20 and may remove territory in the proposed incorporation if a petition or  
21 resolution proposing the annexation is filed or adopted that has  
22 priority over the proposed incorporation, before the area is  
23 established that is subject to this ten percent restriction on removing  
24 or adding territory. A board shall not modify the proposed  
25 incorporation of a city with a population of seven thousand five  
26 hundred or more to reduce the territory in such a manner as to reduce  
27 the population below seven thousand five hundred, except to remove any  
28 area that does not meet the requirements of section 1 of this act.

29 (3) Determine a division of assets and liabilities between two or  
30 more governmental units where relevant.

31 (4) Determine whether, or the extent to which, functions of a  
32 special purpose district are to be assumed by an incorporated city or  
33 town, metropolitan municipal corporation, or another existing special  
34 purpose district.

35 (5) Disapprove the proposal except that the board shall not have  
36 jurisdiction: (a) To disapprove the dissolution or disincorporation of  
37 a special purpose district which is not providing services but shall  
38 have jurisdiction over the determination of a division of the assets  
39 and liabilities of a dissolved or disincorporated special purpose

1 district; (b) over the division of assets and liabilities of a special  
2 purpose district that is dissolved or disincorporated pursuant to  
3 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city  
4 with an estimated population of seven thousand five hundred or more,  
5 but the board may recommend against the proposed incorporation of a  
6 city with such an estimated population.

7 Unless the board disapproves a proposal, it shall be presented  
8 under the appropriate statute for approval of a public body and, if  
9 required, a vote of the people. A proposal that has been modified  
10 shall be presented under the appropriate statute for approval of a  
11 public body and if required, a vote of the people. If a proposal,  
12 other than that for a city, town, or special purpose district  
13 annexation, after modification does not contain enough signatures of  
14 persons within the modified area, as are required by law, then the  
15 initiating party, parties or governmental unit has thirty days after  
16 the modification decision to secure enough signatures to satisfy the  
17 legal requirement. If the signatures cannot be secured then the  
18 proposal may be submitted to a vote of the people, as required by law.

19 The addition or deletion of property by the board shall not  
20 invalidate a petition which had previously satisfied the sufficiency of  
21 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,  
22 after due proceedings held, disapproves a proposed action, such  
23 proposed action shall be unavailable, the proposing agency shall be  
24 without power to initiate the same or substantially the same as  
25 determined by the board, and any succeeding acts intended to or tending  
26 to effectuate that action shall be void, but such action may be  
27 reinitiated after a period of twelve months from date of disapproval  
28 and shall again be subject to the same consideration.

29 The board shall not modify or deny a proposed action unless there  
30 is evidence on the record to support a conclusion that the action is  
31 inconsistent with one or more of the objectives under RCW 36.93.180.  
32 Every such determination to modify or deny a proposed action shall be  
33 made in writing pursuant to a motion, and shall be supported by  
34 appropriate written findings and conclusions, based on the record.

--- END ---