
SENATE BILL 6430

State of Washington

55th Legislature

1998 Regular Session

By Senators McCaslin, Roach, Swecker, Oke, Johnson, Sellar, West and Schow

Read first time 01/19/98. Referred to Committee on Government Operations.

1 AN ACT Relating to boundary review board review of city
2 incorporations; and amending RCW 36.93.150.

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

4 **Sec. 1.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read
5 as follows:

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

9 (1) Approve the proposal as submitted.

10 (2) Subject to RCW 35.02.170, modify the proposal by adjusting
11 boundaries to add or delete territory. However, any proposal for
12 annexation of territory to a town shall be subject to RCW 35.21.010 and
13 the board shall not add additional territory, the amount of which is
14 greater than that included in the original proposal. Any modifications
15 shall not interfere with the authority of a city, town, or special
16 purpose district to require or not require preannexation agreements,
17 covenants, or petitions. A board shall not modify the proposed
18 incorporation of a city with an estimated population of seven thousand
19 five hundred or more by removing territory from the proposal, or adding

1 territory to the proposal, that constitutes ten percent or more of the
2 total area included within the proposal before the board. However, a
3 board shall remove territory in the proposed incorporation that is
4 (~~located outside of an urban growth area or is~~) annexed by a city or
5 town, and may remove territory in the proposed incorporation if a
6 petition or resolution proposing the annexation is filed or adopted
7 that has priority over the proposed incorporation, before the area is
8 established that is subject to this ten percent restriction on removing
9 or adding territory. A board shall not modify the proposed
10 incorporation of a city with a population of seven thousand five
11 hundred or more to reduce the territory in such a manner as to reduce
12 the population below seven thousand five hundred.

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

15 (4) Determine whether, or the extent to which, functions of a
16 special purpose district are to be assumed by an incorporated city or
17 town, metropolitan municipal corporation, or another existing special
18 purpose district.

19 (5) Disapprove the proposal except that the board shall not have
20 jurisdiction: (a) To disapprove the dissolution or disincorporation of
21 a special purpose district which is not providing services but shall
22 have jurisdiction over the determination of a division of the assets
23 and liabilities of a dissolved or disincorporated special purpose
24 district; (b) over the division of assets and liabilities of a special
25 purpose district that is dissolved or disincorporated pursuant to
26 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city
27 with an estimated population of seven thousand five hundred or more,
28 but the board may recommend against the proposed incorporation of a
29 city with such an estimated population.

30 Unless the board disapproves a proposal, it shall be presented
31 under the appropriate statute for approval of a public body and, if
32 required, a vote of the people. A proposal that has been modified
33 shall be presented under the appropriate statute for approval of a
34 public body and if required, a vote of the people. If a proposal,
35 other than that for a city, town, or special purpose district
36 annexation, after modification does not contain enough signatures of
37 persons within the modified area, as are required by law, then the
38 initiating party, parties or governmental unit has thirty days after
39 the modification decision to secure enough signatures to satisfy the

1 legal requirement. If the signatures cannot be secured then the
2 proposal may be submitted to a vote of the people, as required by law.

3 The addition or deletion of property by the board shall not
4 invalidate a petition which had previously satisfied the sufficiency of
5 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
6 after due proceedings held, disapproves a proposed action, such
7 proposed action shall be unavailable, the proposing agency shall be
8 without power to initiate the same or substantially the same as
9 determined by the board, and any succeeding acts intended to or tending
10 to effectuate that action shall be void, but such action may be
11 reinitiated after a period of twelve months from date of disapproval
12 and shall again be subject to the same consideration.

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

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