

ESB 5652 - H COMM AMD
By Committee on Local Government

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.93.150 and 2012 c 212 s 1 are each amended to
4 read as follows:

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

8 (1) Approve the proposal as submitted.

9 (2) Subject to RCW 35.02.170, modify the proposal by adjusting
10 boundaries to add or delete territory. Subject to the requirements of
11 this chapter, a board may modify a proposal by adding territory that
12 would increase the total area of the proposal before the board. A
13 board, however, may not modify a proposal for annexation of territory
14 to a city or town by adding an amount of territory that constitutes
15 more than one hundred percent of the total area of the proposal
16 before the board. Any modifications shall not interfere with the
17 authority of a city, town, or special purpose district to require or
18 not require preannexation agreements, covenants, or petitions. A
19 board shall not modify the proposed incorporation of a city with an
20 estimated population of seven thousand five hundred or more by
21 removing territory from the proposal, or adding territory to the
22 proposal, that constitutes ten percent or more of the total area
23 included within the proposal before the board. However, a board shall
24 remove territory in the proposed incorporation that is located
25 outside of an urban growth area or is annexed by a city or town, and
26 may remove territory in the proposed incorporation if a petition or
27 resolution proposing the annexation is filed or adopted that has
28 priority over the proposed incorporation, before the area is
29 established that is subject to this ten percent restriction on
30 removing or adding territory. A board shall not modify the proposed
31 incorporation of a city with a population of seven thousand five

1 hundred or more to reduce the territory in such a manner as to reduce
2 the population below seven thousand five hundred.

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

5 (4) Determine whether, or the extent to which, functions of a
6 special purpose district are to be assumed by an incorporated city or
7 town, metropolitan municipal corporation, or another existing special
8 purpose district.

9 (5) Allow all affected jurisdictions to enter into any agreements
10 necessary to address conflicts with the board's factors and
11 objectives prior to ruling on the annexation proposal.

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

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

37 The addition or deletion of property by the board shall not
38 invalidate a petition which had previously satisfied the sufficiency
39 of signature provisions of RCW 35.13.130 or 35A.14.120. When the
40 board, after due proceedings held, disapproves a proposed action,

1 such proposed action shall be unavailable, the proposing agency shall
2 be without power to initiate the same or substantially the same as
3 determined by the board, and any succeeding acts intended to or
4 tending to effectuate that action shall be void, but such action may
5 be reinitiated after a period of twelve months from date of
6 disapproval and shall again be subject to the same consideration.

7 The board shall not modify or deny a proposed action unless there
8 is evidence on the record to support a conclusion that the action is
9 inconsistent with one or more of the objectives under RCW 36.93.180.
10 The board may not increase the area of a city or town annexation
11 unless it holds a separate public hearing on the proposed increase
12 and provides ten or more days' notice of the hearing to the
13 registered voters and property owners residing within the area
14 subject to the proposed increase. Every such determination to modify
15 or deny a proposed action shall be made in writing pursuant to a
16 motion, and shall be supported by appropriate written findings and
17 conclusions, based on the record.

18 **Sec. 2.** RCW 36.93.170 and 1997 c 429 s 39 are each amended to
19 read as follows:

20 In reaching a decision on a proposal or an alternative, the board
21 shall consider the factors affecting such proposal, which shall
22 include, but not be limited to the following:

23 (1) Population and territory; population density; land area and
24 land uses; comprehensive plans and zoning, as adopted under chapter
25 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development
26 regulations adopted under chapter 36.70A RCW; applicable service
27 agreements entered into under chapter 36.115 or 39.34 RCW; applicable
28 interlocal annexation agreements between a county and its cities; per
29 capita assessed valuation; topography, natural boundaries and
30 drainage basins, proximity to other populated areas; the existence
31 and preservation of prime agricultural soils and productive
32 agricultural uses; the likelihood of significant growth in the area
33 and in adjacent incorporated and unincorporated areas during the next
34 ten years; location and most desirable future location of community
35 facilities;

36 (2) Municipal services; need for municipal services; effect of
37 ordinances, governmental codes, regulations and resolutions on
38 existing uses; present cost and adequacy of governmental services and
39 controls in area; prospects of governmental services from other

1 sources; probable future needs for such services and controls;
2 probable effect of proposal or alternative on cost and adequacy of
3 services and controls in area and adjacent area; the effect on the
4 ((finances)) revenues, expenses, debt structure, and contractual
5 obligations and rights of all affected governmental units; ((and))

6 (3) The effect of the proposal or alternative on adjacent areas,
7 on mutual economic, fiscal, and social interests, and on the local
8 governmental structure of the county; and

9 (4) The logical and reasonable nature of the annexation
10 boundaries to ensure that they do not create unincorporated islands
11 or peninsulas.

12 The provisions of chapter 43.21C RCW, State Environmental Policy,
13 shall not apply to incorporation proceedings covered by chapter 35.02
14 RCW."

15 Correct the title.

EFFECT: Requires boundary review boards, when reaching a decision on an annexation proposal, to consider the nature of the annexation boundaries to ensure they do not create unincorporated islands or peninsulas (instead of ensuring that they do not create or "result in" unincorporated islands, peninsulas, or "other jurisdictional irregularities").

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