

SENATE BILL 5138

State of Washington 52nd Legislature 1991 Regular Session

By Senators McCaslin, Nelson and Roach.

Read first time January 22, 1991. Referred to Committee on
Governmental Operations.

1 AN ACT Relating to boundary review boards; amending RCW 35.02.037,
2 35.02.039, 35.02.070, 35.02.078, 35.02.086, 35.02.100, 35.02.150,
3 35.10.217, 35.10.450, 35.13.171, 35.13.310, 35.13.320, 35.13.330,
4 35.13.340, 35.21.790, 35.21.890, 35A.14.015, 35A.14.030, 35A.14.050,
5 35A.14.070, 35A.14.160, 35A.14.220, 35A.14.230, 35A.21.210, 36.94.170,
6 39.33.060, 52.02.040, 52.02.070, 52.02.080, 52.04.011, 52.06.010,
7 52.06.090, 56.02.060, 56.02.070, 56.36.030, 57.02.040, and 57.40.120;
8 and repealing RCW 36.93.010, 36.93.020, 36.93.030, 36.93.040,
9 36.93.051, 36.93.061, 36.93.063, 36.93.065, 36.93.067, 36.93.070,
10 36.93.080, 36.93.090, 36.93.093, 36.93.100, 36.93.105, 36.93.110,
11 36.93.115, 36.93.120, 36.93.130, 36.93.140, 36.93.150, 36.93.152,
12 36.93.155, 36.93.160, 36.93.170, 36.93.180, 36.93.185, 36.93.190,
13 36.93.200, 36.93.210, 36.93.220, 36.93.900, 36.93.910, 36.93.920,
14 35.02.001, 35.07.001, 35.10.001, 35.13.001, 35.16.001, 35.43.035,
15 35.61.001, 35.67.022, 35.91.025, 35.92.027, 35A.02.001, 35A.03.001,
16 35A.05.001, 35A.14.001, 35A.15.001, 35A.16.001, 52.02.001, 52.04.001,
17 52.06.001, 52.08.001, 52.10.001, 53.48.001, 54.08.001, 54.16.035,

1 54.32.001, 56.04.001, 56.08.065, 56.24.001, 56.28.001, 56.32.001,
2 56.36.001, 57.04.001, 57.08.047, 57.24.001, 57.28.001, 57.32.001,
3 57.36.001, 57.40.001, 57.90.001, 85.38.001, 86.15.001, 87.03.001,
4 87.52.001, 87.53.001, and 87.56.001.

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

6 **Sec. 1.** RCW 35.02.037 and 1986 c 234 s 6 are each amended to read
7 as follows:

8 The county auditor who certifies the sufficiency of the petition
9 shall notify the person or persons who submitted the petition of its
10 sufficiency within five days of when the determination of sufficiency
11 is made. Notice shall be by certified mail and may additionally be
12 made by telephone. ~~((If a boundary review board or boards exists in
13 the county or counties in which the proposed city or town is located,
14 the petitioners shall file notice of the proposed incorporation with
15 the boundary review board or boards.))~~

16 **Sec. 2.** RCW 35.02.039 and 1986 c 234 s 7 are each amended to read
17 as follows:

18 (1) The county legislative authority of the county in which the
19 proposed city or town is located shall hold a public hearing on the
20 proposed incorporation ~~((if no boundary review board exists in the
21 county, or if the boundary review board does not take jurisdiction over
22 the proposal))~~. The public hearing shall be held within sixty days of
23 when the county auditor notifies the legislative authority of the
24 sufficiency of the petition ~~((if no boundary review board exists in the
25 county, or within ninety days of when notice of the proposal is filed
26 with the boundary review board if the boundary review board fails to
27 take jurisdiction over the proposal))~~. The public hearing may be

1 continued to other days, not extending more than sixty days beyond the
2 initial hearing date. (~~If the boundary review board takes~~
3 ~~jurisdiction, the county legislative authority shall not hold a public~~
4 ~~hearing on the proposal.~~)

5 (2) If the proposed city or town is located in more than one
6 county, a public hearing shall be held in each of the counties by the
7 county legislative authority (~~or boundary review board~~). Joint
8 public hearings may be held by two or more county legislative
9 authorities(~~, or two or more boundary review boards~~).

10 **Sec. 3.** RCW 35.02.070 and 1986 c 234 s 9 are each amended to read
11 as follows:

12 (1) If a county legislative authority holds a public hearing on a
13 proposed incorporation, it shall establish and define the boundaries of
14 the proposed city or town, being authorized to decrease but not
15 increase the area proposed in the petition, except for adjusting the
16 boundaries out to the right of way line of any portion of a public
17 highway, street, or road pursuant to RCW 35.02.170. Any decrease shall
18 not exceed twenty percent of the area proposed or that portion of the
19 area located within the county: PROVIDED, That the area shall not be
20 so decreased that the number of inhabitants therein shall be less than
21 required by RCW 35.02.010 as now or hereafter amended. The county
22 legislative authority(~~, or the boundary review board if it takes~~
23 ~~jurisdiction,~~) shall determine the number of inhabitants within the
24 boundaries it has established.

25 (2) A county legislative authority shall disapprove the proposed
26 incorporation if, without decreasing the area proposed in the petition,
27 it does not conform with RCW 35.02.010. A county legislative authority
28 may not otherwise disapprove a proposed incorporation.

1 (3) A county legislative authority (~~(or boundary review board)~~) has
2 jurisdiction only over that portion of a proposed city or town located
3 within the boundaries of the county.

4 **Sec. 4.** RCW 35.02.078 and 1986 c 234 s 10 are each amended to read
5 as follows:

6 An election shall be held in the area proposed to be incorporated
7 to determine whether the proposed city or town shall be incorporated
8 (~~(if the boundary review board approves or modifies and approves the~~
9 ~~proposal, or)~~) if the county legislative authority does not disapprove
10 the proposal as provided in RCW 35.02.070. Voters at this election
11 shall determine if the area is to be incorporated.

12 The initial election on the question of incorporation shall be held
13 at the next special election date specified in RCW 29.13.020 that
14 occurs sixty or more days after the final public hearing by the county
15 legislative authority or authorities (~~(, or the approval or modification~~
16 ~~and approval by the boundary review board or boards)~~). The county
17 legislative authority or authorities shall call for this election and,
18 if the incorporation is approved, shall call for other elections to
19 elect the elected officials as provided in this section. If the vote
20 in favor of the incorporation receives forty percent or less of the
21 total vote on the question of incorporation, no new election on the
22 question of incorporation for the area or any portion of the area
23 proposed to be incorporated may be held for a period of three years
24 from the date of the election in which the incorporation failed.

25 If the incorporation is authorized as provided by RCW 35.02.120,
26 separate elections shall be held to nominate and elect persons to fill
27 the various elective offices prescribed by law for the population and
28 type of city or town, and to which it will belong. The primary
29 election to nominate candidates for these elective positions shall be

1 held at the next special election date, as specified in RCW 29.13.020,
2 that occurs sixty or more days after the election on the question of
3 incorporation. The election to fill these elective positions shall be
4 held at the next special election date, as specified in RCW 29.13.020,
5 that occurs thirty or more days after certification of the results of
6 the primary election.

7 **Sec. 5.** RCW 35.02.086 and 1986 c 234 s 11 are each amended to read
8 as follows:

9 Each candidate for a city or town elective position shall file a
10 declaration of candidacy with the county auditor of the county in which
11 all or the major portion of the city or town is located, not more than
12 forty-five nor less than thirty days prior to the primary election at
13 which the initial elected officials are nominated. The elective
14 positions shall be as provided in law for the type of city or town and
15 form or plan of government specified in the petition to incorporate,
16 and for the population of the city or town as determined by the county
17 legislative authority (~~(or boundary review board where applicable)~~).
18 Any candidate may withdraw his or her declaration at any time within
19 five days after the last day allowed for filing declaration of
20 candidacy. All names of candidates to be voted upon shall be printed
21 upon the ballot alphabetically in groups under the designation of the
22 respective titles of offices for which they are candidates. Names of
23 candidates printed upon the ballot need not be rotated.

24 **Sec. 6.** RCW 35.02.100 and 1986 c 234 s 13 are each amended to read
25 as follows:

26 The notice of election on the question of the incorporation shall
27 be given as provided by RCW 29.27.080 but shall further describe the
28 boundaries of the proposed city or town, its name, and the number of

1 inhabitants ascertained by the county legislative authority ((~~or the~~
2 ~~boundary review board~~)) to reside in it.

3 **Sec. 7.** RCW 35.02.150 and 1986 c 234 s 23 are each amended to read
4 as follows:

5 After the filing of any petition for incorporation with the county
6 auditor, and pending its final disposition as provided for in this
7 chapter, no other petition for incorporation which embraces any of the
8 territory included therein shall be acted upon by the county auditor,
9 the county legislative authority, ((~~or the boundary review board,~~)) or
10 by any other public official or body that might otherwise be empowered
11 to receive or act upon such a petition: PROVIDED, That any petition
12 for incorporation may be withdrawn by a majority of the signers thereof
13 at any time before such petition has been certified by the county
14 auditor to the county legislative authority: PROVIDED FURTHER, That a
15 new petition may be substituted therefor that embraces other or
16 different boundaries, incorporation as a city or town operating under
17 a different title of law, or for incorporation as a city or town
18 operating under a different plan or form of government, by a majority
19 of the signers of the original incorporation petition, at any time
20 before the original petition has been certified by the county auditor
21 to the county legislative authority, in which case the same proceedings
22 shall be taken as in the case of an original petition. A ((~~boundary~~
23 ~~review board,~~)) county auditor, county legislative authority, or any
24 other public official or body may act upon a petition for annexation
25 before considering or acting upon a petition for incorporation which
26 embraces some or all of the same territory, without regard to priority
27 of filing.

1 **Sec. 8.** RCW 35.10.217 and 1986 c 253 s 1 are each amended to read
2 as follows:

3 The following methods are available for the annexation of all or a
4 part of a city or town to another city or town:

5 (1) A petition for an election to vote upon the annexation, which
6 proposed annexation is approved by the legislative body of the city or
7 town from which the territory will be taken, may be submitted to the
8 legislative body of the city or town to which annexation is proposed.
9 An annexation under this subsection shall otherwise conform with the
10 requirements for and procedures of a petition and election method of
11 annexing unincorporated territory under chapter 35.13 RCW, except for
12 the requirement for the approval of the annexation by the city or town
13 from which the territory would be taken.

14 (2) The legislative body of a city or town may on its own
15 initiative by resolution indicate its desire to be annexed to a city or
16 town either in whole or in part, or the legislative body of a city or
17 town proposing to annex all or part of another city or town may
18 initiate the annexation by adopting a resolution indicating that
19 desire. In case such resolution is passed, such resolution shall be
20 transmitted to the other affected city or town. The annexation is
21 effective if the other city or town adopts a resolution concurring in
22 the annexation, unless the owners of property in the area proposed to
23 be annexed, equal in value to sixty percent or more of the assessed
24 valuation of the property in the area, protest the proposed annexation
25 in writing to the legislative body of the city or town proposing to
26 annex the area, within thirty days of the adoption of the second
27 resolution accepting the annexation. Notices of the public hearing at
28 which the second resolution is adopted shall be mailed to the owners of
29 the property within the area proposed to be annexed in the same manner
30 that notices of a hearing on a proposed local improvement district are

1 required to be mailed by a city or town as provided in chapter 35.43
2 RCW. An annexation under this subsection shall be potentially subject
3 to review by ~~((a boundary review board or other))~~ an annexation review
4 board after the adoption of the initial resolution, and the second
5 resolution may not be adopted until the proposed annexation has been
6 approved by the board.

7 (3) The owners of property located in a city or town may petition
8 for annexation to another city or town. An annexation under this
9 subsection shall conform with the requirements for and procedures of a
10 direct petition method of annexing unincorporated territory, except
11 that the legislative body of the city or town from which the territory
12 would be taken must approve the annexation before it may proceed.

13 (4) All annexations under this section are subject to potential
14 review by the local ~~((boundary review board or))~~ annexation review
15 board.

16 **Sec. 9.** RCW 35.10.450 and 1985 c 281 s 8 are each amended to read
17 as follows:

18 The county legislative authority, or the county legislative
19 authorities jointly, shall set the date, time, and place for one or
20 more public meetings on the proposed consolidation, and name a person
21 or persons to chair the meetings. There shall be at least one public
22 meeting in each county in which one or more of the cities proposed to
23 be consolidated is located. ~~((A county legislative authority may name
24 the members of the boundary review board, if one exists in the county,
25 to chair one or more of the public meetings held in that county. In
26 addition to any meeting held by the county, a boundary review board, if
27 requested by a majority of the county legislative authority, may hold
28 a public meeting on proposed consolidation of cities. The meeting
29 shall be limited to receiving comments and written materials from~~

1 ~~citizens and city officials on the proposed consolidation of that~~
2 ~~portion of cities located in the county which the boundary review board~~
3 ~~serves. The record and proceedings of the boundary review board are~~
4 ~~supplemental and advisory to the consolidation of cities. If a~~
5 ~~boundary review board meets pursuant to this section, the boundary~~
6 ~~review board may include, as part of its record, comments pertaining to~~
7 ~~the probable environmental impact of the proposed consolidation.)) The~~
8 ~~record of the meeting ((and advisory comments of the board, if any,))~~
9 ~~must be filed with the county legislative authority no later than~~
10 ~~twenty days before the date of the election at which the question of~~
11 ~~consolidating the cities is presented to the voters. ((The boundary~~
12 ~~review board shall not have any authority or jurisdiction on city~~
13 ~~consolidations under chapter 36.93 RCW.)) A public meeting shall be~~
14 ~~held at each specified date, time, and place. The public meetings of~~
15 ~~the county ((or the boundary review board)) shall be held at least~~
16 ~~twenty but not more than forty-five days before the date of the~~
17 ~~election at which the question of consolidating the cities is presented~~
18 ~~to the voters.~~

19 At each public meeting, each city proposed to be consolidated shall
20 present testimony and written materials concerning the following
21 topics: (1) The rate or rates of property taxes imposed by the city,
22 and the purposes of these levies; (2) the excise taxes imposed by the
23 city, including the tax bases and rates; and (3) the indebtedness of
24 the city, including general indebtedness, both voter-approved and
25 nonvoter-approved, as well as the city's special indebtedness, such as
26 revenue bond indebtedness. Any interested person, including the
27 officials of the cities proposed to be consolidated, may present
28 information concerning the proposed consolidation and testify for or
29 against the proposed consolidations.

1 Notice of each public meeting shall be published by the county
2 within whose boundaries the public meeting is held in the normal manner
3 notices of county hearings are published.

4 **Sec. 10.** RCW 35.13.171 and 1985 c 6 s 2 are each amended to read
5 as follows:

6 Within thirty days after the filing of a city's or town's
7 annexation resolution pursuant to RCW 35.13.015 with the board of
8 county commissioners or within thirty days after filing with the county
9 commissioners a petition calling for an election on annexation, as
10 provided in RCW 35.13.020, or within thirty days after approval by the
11 legislative body of a city or town of a petition of property owners
12 calling for annexation, as provided in RCW 35.13.130, the mayor of the
13 city or town concerned (~~((that is not subject to the jurisdiction of a
14 boundary review board under chapter 36.93 RCW,))~~) shall convene a review
15 board composed of the following persons:

16 (1) The mayor of the city or town initiating the annexation by
17 resolution, or the mayor in the event of a twenty percent annexation
18 petition pursuant to RCW 35.13.020, or an alternate designated by
19 (~~((him))~~) the mayor;

20 (2) The chairman of the board of county commissioners of the county
21 wherein the property to be annexed is situated, or an alternate
22 designated by (~~((him))~~) the chairman;

23 (3) The director of community development, or an alternate
24 designated by (~~((him))~~) the director.

25 Two additional members to be designated, one by the mayor of the
26 annexing city, which member shall be a resident property owner of the
27 city, and one by the chairman of the county legislative authority,
28 which member shall be a resident of and a property owner or a resident
29 or a property owner if there be no resident property owner in the area

1 proposed to be annexed, shall be added to the original membership and
2 the full board thereafter convened upon call of the mayor: PROVIDED
3 FURTHER, That three members of the board shall constitute a quorum.

4 **Sec. 11.** RCW 35.13.310 and 1989 c 84 s 13 are each amended to read
5 as follows:

6 (1) This section provides a method to adjust the boundary lines
7 between two cities where the two cities share a common boundary within
8 a right of way of a public street, road, or highway, or the two cities
9 have a portion of their boundaries separated only by all or part of the
10 right of way of a public street, road, or highway. However, this
11 section does not apply to situations where a boundary line runs from
12 one edge of the right of way to the other edge of the right of way.

13 (2) The councils of any two cities in a situation described in
14 subsection (1) of this section may enter into an agreement to alter
15 those portions of their boundaries that are necessary to eliminate this
16 situation and create a partial common boundary on either edge of the
17 right of way of the public street, road, or highway. An agreement made
18 under this section shall include only boundary line adjustments between
19 the two cities that are necessary to eliminate the situation described
20 in subsection (1) of this section.

21 ~~((A boundary line adjustment under this section is not subject to
22 potential review by a boundary review board.))~~

23 **Sec. 12.** RCW 35.13.320 and 1989 c 84 s 14 are each amended to read
24 as follows:

25 The councils of any two cities that will be in a situation
26 described in RCW 35.13.310(1) as the result of a proposed annexation by
27 one of the cities may enter into an agreement to adjust those portions
28 of the annexation proposal and the boundaries of the city that is not

1 proposing the annexation. Such an agreement shall not be effective
2 unless the annexation is made.

3 The annexation proposal shall proceed if such an agreement were not
4 made, but any resulting boundaries between the two cities that meet the
5 descriptions of RCW 35.13.310(1) shall be adjusted by agreement between
6 the two cities within one hundred eighty days of the effective date of
7 the annexation, or the county legislative authority of the county
8 within which the right of way is located shall adjust the boundaries
9 within a sixty-day period immediately following the one hundred
10 eightieth day.

11 An agreement or adjustment made by a county under this section
12 shall include only boundary line adjustments between the two cities
13 that are necessary to eliminate the situation described in RCW
14 35.13.310(1).

15 ~~((A boundary line adjustment under this section is not subject to
16 potential review by a boundary review board.))~~

17 **Sec. 13.** RCW 35.13.330 and 1989 c 84 s 15 are each amended to read
18 as follows:

19 (1) The purpose of this section is to avoid situations arising
20 where the boundaries of an existing city and a newly incorporated city
21 would create a situation described in RCW 35.13.310(1).

22 (2) A boundary review board that reviews the boundaries of a
23 proposed incorporation may enter into an agreement with the council of
24 a city, that would be in a situation described in subsection (1) of
25 this section as the result of a proposed incorporation of a city, to
26 adjust the boundary line of the city and those of the city proposed to
27 be incorporated to avoid this situation described in subsection (1) of
28 this section if the incorporation were to be approved by the voters.

1 Such an agreement shall not be effective unless the incorporation
2 occurs.

3 The incorporation proposal shall proceed if such an agreement were
4 not made, but any resulting boundaries between the two cities that meet
5 create a situation described in RCW 35.13.310(1) shall be adjusted by
6 agreement between the two cities within one hundred eighty days of the
7 official date of the incorporation, or the county legislative authority
8 of the county within which the right of way is located shall adjust the
9 boundaries within a sixty-day period immediately following the one
10 hundred eightieth day.

11 An agreement or adjustment made by a county under this section
12 shall include only boundary line adjustments between the two cities
13 that are necessary to eliminate the situation described in RCW
14 35.13.310(1).

15 ~~((A boundary line adjustment under this section is not subject to
16 potential review by a boundary review board.))~~

17 **Sec. 14.** RCW 35.13.340 and 1989 c 84 s 24 are each amended to read
18 as follows:

19 The boundaries of a city shall be adjusted to include or exclude
20 the remaining portion of a parcel of land located partially within and
21 partially without ((~~of~~)) the boundaries of that city upon the governing
22 body of the city adopting a resolution approving such an adjustment
23 that was requested in a petition signed by the owner of the parcel. A
24 boundary adjustment made pursuant to this section shall not be subject
25 to potential review by the boundary review board of the county within
26 which the parcel is located if the remaining portion of the parcel to
27 be included or excluded from the city is located in the unincorporated
28 area of the county and the adjustment is approved by resolution of the
29 county legislative authority or in writing by a county official or

1 employee of the county who is designated by ordinance of the county to
2 make such approvals.

3 Where part of a single parcel of land is located within the
4 boundaries of one city, and the remainder of the parcel is located
5 within the boundaries of a second city that is located immediately
6 adjacent to the first city, the boundaries of the two cities may be
7 adjusted so that all of the parcel is located within either of the
8 cities, if the adjustment was requested in a petition signed by the
9 property owner and is approved by both cities. Approval by a city may
10 be through either resolution of its city council, or in writing by an
11 official or employee of the city who has been designated by ordinance
12 of the city to make such approvals. ~~((Such an adjustment is not
13 subject to potential review by the boundary review board of the county
14 in which the parcel is located.))~~

15 Whenever a portion of a public right of way is located on such a
16 parcel, the boundary adjustment shall be made in such a manner as to
17 include all or none of that portion of the public right of way within
18 the boundaries of the city.

19 As used in this section, "city" shall include any city or town,
20 including a code city.

21 **Sec. 15.** RCW 35.21.790 and 1989 c 84 s 10 are each amended to read
22 as follows:

23 (1) The governing bodies of a county and any city or town located
24 therein may by agreement revise any part of the corporate boundary of
25 the city or town which coincides with the centerline, edge, or any
26 portion of a public street, road or highway right of way by
27 substituting therefor a right of way line of the same public street,
28 road or highway so as fully to include or fully to exclude that segment

1 of the public street, road or highway from the corporate limits of the
2 city or town.

3 (2) The revision of a corporate boundary as authorized by this
4 section shall become effective when approved by ordinance of the city
5 or town council or commission and by ordinance or resolution of the
6 county legislative authority. ~~((Such a boundary revision is not
7 subject to potential review by a boundary review board.))~~

8 **Sec. 16.** RCW 35.21.890 and 1989 c 84 s 70 are each amended to read
9 as follows:

10 A city or town may provide factual information on the effects of a
11 proposed boundary change on the city or town and the area potentially
12 affected by the boundary change. ~~((A statement that the city or town
13 has such information available, and copies of any printed materials or
14 information available to be provided to the public shall be filled
15 [filed] with the boundary review board for the board's information.))~~

16 **Sec. 17.** RCW 35A.14.015 and 1986 c 234 s 29 are each amended to
17 read as follows:

18 When the legislative body of a charter code city or noncharter code
19 city shall determine that the best interests and general welfare of
20 such city would be served by the annexation of unincorporated territory
21 contiguous to such city, such legislative body may, by resolution, call
22 for an election to be held to submit to the voters of such territory
23 the proposal for annexation. The resolution shall, subject to RCW
24 35.02.170, describe the boundaries of the area to be annexed, state the
25 number of voters residing therein as nearly as may be, and shall
26 provide that said city will pay the cost of the annexation election.
27 The resolution may require that there also be submitted to the
28 electorate of the territory sought to be annexed a proposition that all

1 property within the area annexed shall, upon annexation, be assessed
2 and taxed at the same rate and on the same basis as the property of
3 such annexing city is assessed and taxed to pay for all or any portion
4 of the then-outstanding indebtedness of the city to which said area is
5 annexed, which indebtedness has been approved by the voters, contracted
6 for, or incurred prior to, or existing at, the date of annexation.
7 Whenever such city has prepared and filed a proposed zoning regulation
8 for the area to be annexed as provided for in RCW 35A.14.330 and
9 35A.14.340, the resolution initiating the election may also provide for
10 the simultaneous adoption of the proposed zoning regulation upon
11 approval of annexation by the electorate of the area to be annexed. A
12 certified copy of the resolution shall be filed with the legislative
13 authority of the county in which said territory is located. A
14 certified copy of the resolution shall be filed with (~~the boundary~~
15 ~~review board as provided for in chapter 36.93 RCW or~~) the county
16 annexation review board established by RCW 35A.14.200, unless such
17 annexation proposal is within the provisions of RCW 35A.14.220.

18 **Sec. 18.** RCW 35A.14.030 and 1979 ex.s. c 124 s 3 are each amended
19 to read as follows:

20 Upon approval of the petition for election by the legislative body
21 of the code city to which such territory is proposed to be annexed, the
22 petition shall be filed with the legislative authority of the county in
23 which such territory is located, along with a statement, in the form
24 required by the city, of the provisions, if any there be, relating to
25 assumption of the portion of the debt that the city requires to be
26 assumed by the owners of property of the area proposed to be annexed,
27 and/or the simultaneous adoption of a proposed zoning regulation for
28 the area. A copy of the petition and the statement, if any, shall also
29 be filed with (~~the boundary review board as provided for in chapter~~

1 ~~36.93 RCW or~~) the county annexation review board established by RCW
2 35A.14.160, unless such proposed annexation is within the provisions of
3 RCW 35A.14.220.

4 **Sec. 19.** RCW 35A.14.050 and 1989 c 351 s 5 are each amended to
5 read as follows:

6 After consideration of the proposed annexation as provided in RCW
7 35A.14.200, the county annexation review board, within thirty days
8 after the final day of hearing, shall take one of the following
9 actions:

10 (1) Approval of the proposal as submitted.

11 (2) Subject to RCW 35.02.170, modification of the proposal by
12 adjusting boundaries to include or exclude territory; except that any
13 such inclusion of territory shall not increase the total area of
14 territory proposed for annexation by an amount exceeding the original
15 proposal by more than five percent: PROVIDED, That the county
16 annexation review board shall not adjust boundaries to include
17 territory not included in the original proposal without first affording
18 to residents and property owners of the area affected by such
19 adjustment of boundaries an opportunity to be heard as to the proposal.

20 (3) Disapproval of the proposal.

21 The written decision of the county annexation review board shall be
22 filed with the board of county commissioners and with the legislative
23 body of the city concerned. If the annexation proposal is modified by
24 the county annexation review board, such modification shall be fully
25 set forth in the written decision. If the decision of the (~~boundary~~
26 ~~review board or the~~) county annexation review board is favorable to
27 the annexation proposal, or the proposal as modified by the review
28 board, the legislative body of the city at its next regular meeting if
29 to be held within thirty days after receipt of the decision of the

1 ((~~boundary review board or the~~)) county annexation review board, or at
2 a special meeting to be held within that period, shall indicate to the
3 county auditor its preference for a special election date for
4 submission of such annexation proposal, with any modifications made by
5 the review board, to the voters of the territory proposed to be
6 annexed. The special election date that is so indicated shall be one
7 of the dates for special elections provided under RCW 29.13.020 that is
8 sixty or more days after the date the preference is indicated. The
9 county legislative authority shall call the special election at the
10 special election date so indicated by the city. If the ((~~boundary~~
11 ~~review board or the~~)) county annexation review board disapproves the
12 annexation proposal, no further action shall be taken thereon, and no
13 proposal for annexation of the same territory, or substantially the
14 same as determined by the board, shall be initiated or considered for
15 twelve months thereafter.

16 **Sec. 20.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended
17 to read as follows:

18 Notice of an annexation election shall particularly describe the
19 boundaries of the area proposed to be annexed, as the same may have
20 been modified by ((~~the boundary review board or~~)) the county annexation
21 review board, state the objects of the election as prayed in the
22 petition or as stated in the resolution, and require the voters to cast
23 ballots which shall contain the words "For Annexation" or "Against
24 Annexation" or words equivalent thereto, or contain the words "For
25 Annexation and Adoption of Proposed Zoning Regulation", and "Against
26 Annexation and Adoption of Proposed Zoning Regulation", or words
27 equivalent thereto in case the simultaneous adoption of a proposed
28 zoning regulation is proposed, and in case the assumption of all or a
29 portion of indebtedness is proposed, shall contain an appropriate,

1 separate proposition for or against the portion of indebtedness that
2 the city requires to be assumed. The notice shall be posted for at
3 least two weeks prior to the date of election in four public places
4 within the area proposed to be annexed and published at least once a
5 week for two weeks prior to the date of election in a newspaper of
6 general circulation within the limits of the territory proposed to be
7 annexed. Such notice shall be in addition to the notice required by
8 RCW 35A.29.140.

9 **Sec. 21.** RCW 35A.14.160 and 1971 ex.s. c 251 s 8 are each amended
10 to read as follows:

11 There is hereby established in each county of the state(~~(, other~~
12 ~~than counties having a boundary review board as provided for in chapter~~
13 ~~189, Laws of 1967 [chapter 36.93 RCW],~~)) a board to be known as the
14 "annexation review board for the county of (naming the
15 county)", which shall be charged with the duty of reviewing proposals
16 for annexation of unincorporated territory to charter code cities and
17 noncharter code cities within its respective county; except that
18 proposals within the provisions of RCW 35A.14.220 shall not be subject
19 to the jurisdiction of such board.

20 (~~In all counties in which a boundary review board is established~~
21 ~~pursuant to chapter 189, Laws of 1967 [chapter 36.93 RCW] review of~~
22 ~~proposals for annexation of unincorporated territory to charter code~~
23 ~~cities and noncharter code cities within such counties shall be subject~~
24 ~~to chapter 189, Laws of 1967 [chapter 36.93 RCW]. Whenever any county~~
25 ~~establishes a boundary review board pursuant to chapter 189, Laws of~~
26 ~~1967 [chapter 36.93 RCW] the provisions of this act relating to~~
27 ~~annexation review boards shall not be applicable.))~~

28 Except as provided above in this section, whenever one or more
29 cities of a county shall have elected to be governed by this title by

1 becoming a charter code city or noncharter code city, the governor
2 shall, within forty-five days thereafter, appoint an annexation review
3 board for such county consisting of five members appointed in the
4 following manner:

5 Two members shall be selected independently by the governor. Three
6 members shall be selected by the governor from the following sources:

7 (1) One member shall be appointed from nominees of the individual
8 members of the board of county commissioners; (2) one member shall be
9 appointed from nominees of the individual mayors of charter code cities
10 within such county; (3) one member shall be appointed from nominees of
11 the individual mayors of noncharter code cities within such county.

12 Each source shall nominate at least two persons for an available
13 position. In the event there are less than two nominees for any
14 position, the governor may appoint the member for that position
15 independently. If, at the time of appointment, there are within the
16 county no cities of one of the classes named above as a nominating
17 source, a position which would otherwise have been filled by nomination
18 from such source shall be filled by independent appointment of the
19 governor.

20 In making appointments independently and in making appointments
21 from among nominees, the governor shall strive to appoint persons
22 familiar with municipal government and administration by experience
23 and/or training.

24 **Sec. 22.** RCW 35A.14.220 and 1979 ex.s. c 18 s 27 are each amended
25 to read as follows:

26 Annexations under the provisions of RCW 35A.14.295, 35A.14.297,
27 35A.14.300, and 35A.14.310 shall not be subject to review by the
28 annexation review board(~~(: PROVIDED, That in any county in which a~~
29 ~~boundary review board is established under chapter 36.93 RCW all~~

1 ~~annexations shall be subject to review except as provided for in RCW~~
2 ~~36.93.110)).~~ When the area proposed for annexation in a petition or
3 resolution, initiated and filed under any of the methods of initiating
4 annexation authorized by this chapter, is less than fifty acres or less
5 than two million dollars in assessed valuation, review procedures shall
6 not be required as to such annexation proposal(~~(, except as provided in~~
7 ~~chapter 36.93 RCW in those counties with a review board established~~
8 ~~pursuant to chapter 36.93 RCW))): PROVIDED, That when an annexation~~
9 proposal is initiated by the direct petition method authorized by RCW
10 35A.14.120, review procedures shall not be required without regard to
11 acreage or assessed valuation(~~(, except as provided in chapter 36.93~~
12 ~~RCW in those counties with a boundary review board established pursuant~~
13 ~~to chapter 36.93 RCW)).~~

14 **Sec. 23.** RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230 are each
15 amended to read as follows:

16 After the filing of any petition or resolution for annexation or
17 for an annexation election with the board of county commissioners,
18 (~~the boundary review board or~~) the county annexation review board for
19 the county or the legislative body of a code city and pending its final
20 disposition as provided in this chapter, no other petition or
21 resolution, or petition for incorporation, which embraces any of the
22 territory included therein shall be acted upon by any public official
23 or body that might otherwise be empowered to receive or act upon such
24 a petition or resolution.

25 **Sec. 24.** RCW 35A.21.210 and 1989 c 84 s 11 are each amended to
26 read as follows:

27 (1) The governing bodies of a county and any code city located
28 therein may by agreement revise any part of the corporate boundary of

1 the city which coincides with the centerline, edge, or any portion of
2 a public street, road or highway right of way by substituting therefor
3 a right of way line of the same public street, road or highway so as
4 fully to include or fully to exclude that segment of the public street,
5 road or highway from the corporate limits of the city.

6 (2) The revision of a corporate boundary as authorized by this
7 section shall become effective when approved by ordinance of the city
8 council and by ordinance or resolution of the county legislative
9 authority. (~~Such a boundary revision is not subject to potential~~
10 ~~review by a boundary review board.~~)

11 **Sec. 25.** RCW 36.94.170 and 1971 ex.s. c 96 s 7 are each amended to
12 read as follows:

13 The primary authority to construct, operate and maintain a system
14 of sewerage and/or water within the boundaries of a municipal
15 corporation which lies within the area of the county's sewerage and/or
16 water general plan shall remain with such municipal corporation. A
17 county, after it has adopted and received the necessary approvals of
18 its sewer and/or water general plan under the provisions of chapter
19 36.94 RCW may construct, own, operate and maintain a system of sewerage
20 and/or water within the boundaries of a city or town with the written
21 consent of such city or town and within any other municipal corporation
22 provided such municipal corporation (1) has the legislative authority
23 to operate such a utility; and (2) (a) has given its written consent to
24 the county to operate therein; or (b) after adoption of a comprehensive
25 plan or an amendment thereto for the area involved, the municipal
26 corporation has not within twelve months after receiving notice by the
27 county of its intention to serve that area held a formation hearing for
28 a utility local improvement district.

1 Prior to exercising any authority granted in this section, the
2 county shall compensate such municipal corporation for its reasonable
3 costs, expenses and obligations actually incurred or contracted which
4 are directly related to and which benefit the area which the county
5 proposes to serve. The county may contract with a municipal
6 corporation to furnish such utility service within any municipal
7 corporation.

8 Except in the case of annexations provided for in RCW 36.94.180,
9 once a county qualifies under this section to serve within a municipal
10 corporation, no municipal corporation may construct or operate a
11 competing utility in the same territory to be served by the county if
12 the county proceeds within a reasonable period of time with the
13 construction of its proposed facilities including the sale of any bonds
14 to finance the same.

15 As may be permitted by other statutes, a city or town may provide
16 water or sewer service outside of its corporate limits, but such
17 service may not conflict with the county plan or any county, sewer or
18 water facilities installed or being installed.

19 A county proposing to exercise any authority granted in this
20 section shall give written notice of such intention to the municipal
21 corporation involved (~~(and to the boundary review board, if any,)~~) of
22 such county. (~~(Within sixty days of the filing of such notice of
23 intention, review by the boundary review board of the proposed action
24 may be requested as provided by the provisions of RCW 36.93.100 through
25 36.93.180. In the event of such review, the board shall consider the
26 factors set forth in this section in addition to the factors and
27 objectives set forth in RCW 36.93.170 and 36.93.180.)~~)

28 **Sec. 26.** RCW 39.33.060 and 1971 ex.s. c 243 s 7 are each amended
29 to read as follows:

1 Any governmental unit(~~(, as defined in RCW 36.93.020(1) as it now~~
2 ~~exists or is hereafter amended,~~) may convey its real or personal
3 property or any interest or right therein to, or contract for the use
4 of such property by, the county or park and recreation district wherein
5 such property is located for park or recreational purposes, by private
6 negotiation and upon such terms and with such consideration as might be
7 mutually agreed to by such governmental unit and the board of county
8 commissioners or the park and recreation district board of
9 commissioners.

10 **Sec. 27.** RCW 52.02.040 and 1989 c 63 s 3 are each amended to read
11 as follows:

12 (1) A public hearing on the petition shall be held by the county
13 legislative authority of the county in which the proposed fire
14 protection district is located (~~(if: (a) No boundary review board~~
15 ~~exists in the county; (b) jurisdiction by the boundary review board~~
16 ~~over the proposal has not been invoked; or (c) the boundary review~~
17 ~~board fails to take action on the proposal over which its jurisdiction~~
18 ~~has been invoked within the time period that the board must act or a~~
19 ~~proposal is deemed to have been approved)). ((If)) When such a public
20 hearing is held by the county legislative authority, the hearing shall
21 be held not less than twenty nor more than forty days from the date of
22 receipt of the petition with the certificate of sufficiency from the
23 county auditor (~~(if there is no boundary review board in the county, or~~
24 ~~not more than one hundred days from when the notice of the proposal was~~
25 ~~submitted to the boundary review board if the jurisdiction of the~~
26 ~~boundary review board was not invoked, or not less than forty days~~
27 ~~after the date that the boundary review board that has had its~~
28 ~~jurisdiction invoked over the proposal must act if the proposal is~~
29 ~~deemed to have been approved)). The hearing by the county legislative~~~~

1 authority may be completed at the scheduled time or may be adjourned
2 from time to time as may be necessary for a determination of the
3 petition, but such adjournment or adjournments shall not extend the
4 time for considering the petition more than twenty days from the date
5 of the initial hearing on the petition.

6 (2) If the proposed fire protection district is located in more
7 than one county, a public hearing shall be held in each of the counties
8 by the county legislative authority (~~(or boundary review board)~~).
9 Joint public hearings may be held by two or more county legislative
10 authorities(~~(, or two or more boundary review boards,)~~) on the
11 proposal.

12 **Sec. 28.** RCW 52.02.070 and 1989 c 63 s 5 are each amended to read
13 as follows:

14 The county legislative authority has the authority to consider the
15 petition and, if it finds that the lands or any portion of the lands
16 described in the petition, and any lands added thereto by petition of
17 those interested, will be benefited and that the formation of the
18 district will be conducive to the public safety, welfare, and
19 convenience, it shall make a finding by resolution; otherwise it shall
20 deny the petition. The county legislative authority shall consider
21 only those areas located within the county when considering the
22 petition. If the county legislative authority approves the petition,
23 it shall designate the name and number of the district, fix the
24 boundaries of the district that are located within the county, and
25 direct that an election be held within the proposed district for the
26 purpose of determining whether the district shall be organized under
27 this title and for the purpose of the election of its first fire
28 commissioners.

1 Where a proposed fire protection district is located in more than
2 a single county, the fire protection district shall be identified by
3 the name of each county in which the proposed fire protection district
4 is located, listed alphabetically, followed by a number that is the
5 next highest number available for a fire protection district in the one
6 of these counties that has the greatest number of fire protection
7 districts. An election on a proposed fire protection district that is
8 located in more than one county shall not be held unless the proposed
9 district has been approved by the county legislative authorities(~~(, or~~
10 ~~boundary review boards,~~) of each county within which the proposed
11 district is located.

12 **Sec. 29.** RCW 52.02.080 and 1989 c 63 s 6 are each amended to read
13 as follows:

14 The election on the formation of the district and to elect the
15 initial fire commissioners shall be conducted by the election officials
16 of the county or counties in which the proposed district is located in
17 accordance with the general election laws of the state. This election
18 shall be held at the next general election date, as specified under RCW
19 29.13.020, that occurs forty-five or more days after the date of the
20 action by the (~~boundary review board,~~ or) county legislative
21 authority or authorities(~~(,)~~) approving the proposal.

22 **Sec. 30.** RCW 52.04.011 and 1989 c 63 s 8 are each amended to read
23 as follows:

24 (1) A territory contiguous to a fire protection district and not
25 within the boundaries of a city, town, or other fire protection
26 district may be annexed to the fire protection district by petition of
27 fifteen percent of the qualified registered electors residing within
28 the territory proposed to be annexed. Such contiguous territory may be

1 located in a county or counties other than the county or counties
2 within which the fire protection district is located. The petition
3 shall be filed with the fire commissioners of the fire protection
4 district and if the fire commissioners concur in the petition they
5 shall file the petition with the county auditor of the county within
6 which the territory is located. If this territory is located in more
7 than one county, the original petition shall be filed with the auditor
8 of the county within which the largest portion of the territory is
9 located, who shall be designated as the lead auditor, and a copy shall
10 be filed with the auditor of each other county within which such
11 territory is located. Within thirty days after the date of the filing
12 of the petition the auditor shall examine the signatures on the
13 petition and certify to the sufficiency or insufficiency of the
14 signatures. If this territory is located in more than one county, the
15 auditor of each other county who receives a copy of the petition shall
16 examine the signatures and certify to the lead auditor the number of
17 valid signatures and the number of registered voters residing in that
18 portion of the territory that is located within the county. The lead
19 auditor shall certify the sufficiency or insufficiency of the
20 signatures.

21 After the county auditor has certified the sufficiency of the
22 petition, the county legislative authority or authorities(~~(, or the~~
23 ~~boundary review board or boards,~~) of the county or counties in which
24 such territory is located shall consider the proposal under the same
25 basis that a proposed incorporation of a fire protection district is
26 considered, with the same authority to act on the proposal as in a
27 proposed incorporation, as provided under chapter 52.02 RCW. If the
28 proposed annexation is approved by the county legislative authority
29 (~~(or boundary review board)~~), the board of fire commissioners shall
30 adopt a resolution requesting the county auditor to call a special

1 election, as specified under RCW 29.13.020, at which the ballot
2 proposition is to be submitted. No annexation shall occur when the
3 territory proposed to be annexed is located in more than one county
4 unless the county legislative authority (~~(or boundary review board)~~) of
5 each county approves the proposed annexation.

6 (2) The county legislative authority or authorities of the county
7 or counties within which such territory is located have the authority
8 and duty to determine on an equitable basis, the amount of any
9 obligation which the territory to be annexed to the district shall
10 assume to place the property owners of the existing district on a fair
11 and equitable relationship with the property owners of the territory to
12 be annexed as a result of the benefits of annexing to a district
13 previously supported by the property owners of the existing district.
14 (~~(If a boundary review board has had its jurisdiction invoked on the~~
15 ~~proposal and approves the proposal,~~) The county legislative authority
16 of the county within which such territory is located may exercise the
17 authority granted in this subsection and require such an assumption of
18 indebtedness. This obligation may be paid to the district in yearly
19 benefit charge installments to be fixed by the county legislative
20 authority. This benefit charge shall be collected with the annual tax
21 levies against the property in the annexed territory until fully paid.
22 The amount of the obligation and the plan of payment established by the
23 county legislative authority shall be described in general terms in the
24 notice of election for annexation and shall be described in the ballot
25 proposition on the proposed annexation that is presented to the voters
26 for their approval or rejection. Such benefit charge shall be limited
27 to an amount not to exceed a total of fifty cents per thousand dollars
28 of assessed valuation: PROVIDED, HOWEVER, That the special election on
29 the proposed annexation shall be held only within the boundaries of the
30 territory proposed to be annexed to the fire protection district.

1 (3) On the entry of the order of the county legislative authority
2 incorporating the territory into the existing fire protection district,
3 the territory shall become subject to the indebtedness, bonded or
4 otherwise, of the existing district. If the petition is signed by
5 sixty percent of the qualified registered electors residing within the
6 territory proposed to be annexed, and if the board of fire
7 commissioners concur, an election in the territory and a hearing on the
8 petition shall be dispensed with and the county legislative authority
9 shall enter its order incorporating the territory into the existing
10 fire protection district.

11 **Sec. 31.** RCW 52.06.010 and 1989 c 63 s 13 are each amended to read
12 as follows:

13 A fire protection district may merge with another adjacent fire
14 protection district, on such terms and conditions as they agree upon,
15 in the manner provided in this title. The fire protection districts
16 may be located in different counties. The district desiring to merge
17 with another district, or the district from which it is proposed that
18 a portion of the district be merged with another district, shall be
19 called the "merging district." The district into which the merger is
20 to be made shall be called the "merger district." ~~((The merger of any
21 districts under chapter 52.06 RCW is subject to potential review by the
22 boundary review board or boards of the county in which the merging
23 district, or the portion of the merging district that is proposed to be
24 merged with another district, is located.))~~

25 **Sec. 32.** RCW 52.06.090 and 1989 c 63 s 16 are each amended to read
26 as follows:

27 A part of one district may be transferred and merged with an
28 adjacent district if the area can be better served by the merged

1 district. To effect such a merger, a petition, signed by a majority of
2 the commissioners of the merging district or signed by not less than
3 fifteen percent of the qualified electors residing in the area to be
4 merged, shall be filed with the commissioners of the merging district,
5 if signed by electors, or with the commissioners of the merger district
6 if signed by commissioners of the merging district. If the
7 commissioners of the merging district approve the petition, the
8 petition shall be presented to the commissioners of the merger
9 district. If the commissioners of the merger district approve the
10 petition, an election shall be called in the area to be merged.

11 In the event that either board of fire district commissioners does
12 not approve the petition, the petition may be approved by the
13 (~~boundary review board of the county or the~~) county legislative
14 authority of the county in which the area to be merged is situated, and
15 may approve the merger if it decides the area can be better served by
16 a merger. If the part of the merging district that is proposed to
17 merge with the merger district is located in more than one county, the
18 approval must be by the (~~boundary review board or~~) county legislative
19 authority of each county. If there is an affirmative decision, an
20 election shall be called in the area to be merged.

21 A majority of the votes cast is necessary to approve the transfer.

22 **Sec. 33.** RCW 56.02.060 and 1988 c 162 s 5 are each amended to read
23 as follows:

24 Notwithstanding any provision of law to the contrary, no sewer
25 district shall be formed or reorganized under chapter 56.04 RCW, nor
26 shall any sewer district annex territory under chapter 56.24 RCW, nor
27 shall any sewer district withdraw territory under chapter 56.28 RCW,
28 nor shall any sewer district consolidate or be merged under chapter
29 56.32 RCW, nor shall any water district be merged into a sewer district

1 under chapter 56.36 RCW, unless such proposed action shall be approved
2 as provided for in RCW 56.02.070.

3 The county legislative authority shall within thirty days after
4 receiving notice of the proposed action, approve such action or hold a
5 hearing on such action. In addition, a copy of such proposed action
6 shall be mailed to the state department of ecology and to the state
7 department of social and health services.

8 The county legislative authority shall decide within sixty days of
9 a hearing whether to approve or not approve such proposed action. In
10 approving or not approving the proposed action, the county legislative
11 authority shall consider the following criteria:

12 (1) Whether the proposed action in the area under consideration is
13 in compliance with the development program which is outlined in the
14 county comprehensive plan and its supporting documents; and/or

15 (2) Whether the proposed action in the area under consideration is
16 in compliance with the basinwide water and/or sewage plan as approved
17 by the state department of ecology and the state department of social
18 and health services; and/or

19 (3) Whether the proposed action is in compliance with the policies
20 expressed in the county plan for water and/or sewage facilities.

21 If the proposed action is inconsistent with subsections (1), (2),
22 or (3) of this section, the county legislative authority shall not
23 approve it. If such action is consistent with all such subsections,
24 the county legislative authority shall approve it unless it finds that
25 utility service in the area under consideration will be most
26 appropriately served by the county itself under the provisions of
27 chapter 36.94 RCW, by a city, town, or municipality, or by another
28 existing special purpose district rather than by the proposed action
29 under consideration. If there has not been adopted for the area under
30 consideration a plan under any one of subsections (1), (2) or (3) of

1 this section, the proposed action shall not be found inconsistent with
2 such subsection.

3 Where a sewer district is proposed to be formed, (~~and where no~~
4 ~~boundary review board has been established,~~) the petition described in
5 RCW 56.04.030 shall serve as the notice of proposed action under this
6 section, and the hearing provided for in RCW 56.04.040 shall serve as
7 the hearing provided for in this section and in RCW 56.02.070.

8 **Sec. 34.** RCW 56.02.070 and 1988 c 162 s 6 are each amended to read
9 as follows:

10 (~~In any county where a boundary review board, as provided in~~
11 ~~chapter 36.93 RCW, has not been established,~~) The approval of the
12 proposed action shall be by the county legislative authority pursuant
13 to RCW 56.02.060 and 57.02.040, and shall be final and the procedures
14 required to adopt such proposed action shall be followed as provided by
15 law.

16 (~~In any county where a boundary review board, as provided in~~
17 ~~chapter 36.93 RCW, has been established,~~ notice of intention of the
18 proposed action shall be filed with the board as required by RCW
19 36.93.090 and a copy thereof with the legislative authority. The
20 latter shall transmit to the board a report of its approval or
21 disapproval of the proposed action together with its findings and
22 recommendations thereon under the provisions of RCW 56.02.060 and
23 57.02.040. If the county legislative authority has approved of the
24 proposed action, such approval shall be final and the procedures
25 required to adopt such proposal shall be followed as provided by law,
26 unless the board reviews the action under the provisions of RCW
27 36.93.100 through 36.93.180. If the county legislative authority has
28 not approved the proposed action, the board shall review the action
29 under the provisions of RCW 36.93.150 through 36.93.180. Action of the

1 ~~board after review of the proposed action shall supersede approval or~~
2 ~~disapproval by the county legislative authority.)~~)

3 Where a water or sewer district is proposed to be formed, (~~and~~
4 ~~where no boundary review board has been established,~~) the hearings
5 provided for in RCW 56.04.040 and 57.04.030 shall serve as the hearing
6 provided for in this section, in RCW 56.02.060, and in RCW 57.02.040.

7 **Sec. 35.** RCW 56.36.030 and 1971 ex.s. c 146 s 7 are each amended
8 to read as follows:

9 Whenever a merger is initiated in any of the three ways provided in
10 RCW 56.36.020, the boards of the sewer and water commissioners of the
11 respective districts involved shall enter into an agreement providing
12 for the merger. The agreement must be entered into within ninety days
13 following completion of the last act required for initiation of the
14 merger by any one of the means above specified, as provided in RCW
15 56.36.020. Where two or more water districts seek to merge into a
16 sewer district at or about the same time, there need be but one
17 agreement of merger signed by the sewer district and such two or more
18 water districts if the parties so agree.

19 Upon entry of such agreement, the boards of the water and sewer
20 commissioners shall file a notice of intention to merge (~~together with~~
21 ~~a copy of said agreement with the boundary review board, if any, of the~~
22 ~~county and the board shall review the proposed merger under the~~
23 ~~provisions of RCW 36.93.150 through 36.93.180)~~).

24 The respective boards of sewer and water commissioners of such
25 districts shall certify such agreement to the county auditor of the
26 county in which the districts are located within twenty days from date
27 of execution of such agreement, with a certified copy thereof filed
28 with the clerk of the board of county commissioners of such county.
29 Thereupon(~~(, unless the boundary review board has disapproved the~~

1 ~~proposed merger,~~) the county auditor shall call a special election for
2 the purpose of submitting to the voters of the water district or of
3 each of the two or more water districts involved the proposition of
4 whether the water district shall be merged into the sewer district.
5 Notice of the election shall be given, and the election conducted, in
6 accordance with the general election laws.

7 **Sec. 36.** RCW 57.02.040 and 1988 c 162 s 7 are each amended to read
8 as follows:

9 Notwithstanding any provision of law to the contrary, no water
10 district shall be formed or reorganized under chapter 57.04 RCW, nor
11 shall any water district annex territory under chapter 57.24 RCW, nor
12 shall any water district withdraw territory under chapter 57.28 RCW,
13 nor shall any water district consolidate under chapter 57.32 RCW, nor
14 shall any water district be merged under chapter 57.36 RCW, nor shall
15 any sewer district be merged into a water district under chapter 57.40
16 RCW, unless such proposed action shall be approved as provided for in
17 RCW 56.02.070.

18 The county legislative authority shall within thirty days of the
19 date after receiving notice of the proposed action, approve such action
20 or hold a hearing on such action. In addition, a copy of such proposed
21 action shall be mailed to the state department of ecology and to the
22 state department of social and health services.

23 The county legislative authority shall decide within sixty days of
24 a hearing whether to approve or not approve such proposed action. In
25 approving or not approving the proposed action, the county legislative
26 authority shall consider the following criteria:

27 (1) Whether the proposed action in the area under consideration is
28 in compliance with the development program which is outlined in the
29 county comprehensive plan and its supporting documents; and/or

1 (2) Whether the proposed action in the area under consideration is
2 in compliance with the basinwide water and/or sewage plan as approved
3 by the state department of ecology and the state department of social
4 and health services; and/or

5 (3) Whether the proposed action is in compliance with the policies
6 expressed in the county plan for water and/or sewage facilities.

7 If the proposed action is inconsistent with subsections (1), (2),
8 or (3) of this section, the county legislative authority shall not
9 approve it. If such action is consistent with all such subsections,
10 the county legislative authority shall approve it unless it finds that
11 utility service in the area under consideration will be most
12 appropriately served by the county itself under the provisions of
13 chapter 36.94 RCW, by a city, town, or municipality, or by another
14 existing special purpose district rather than by the proposed action
15 under consideration. If there has not been adopted for the area under
16 consideration a plan under any one of subsections (1), (2) or (3) of
17 this section, the proposed action shall not be found inconsistent with
18 such subsection.

19 Where a water district is proposed to be formed, (~~and where no~~
20 ~~boundary review board has been established,~~) the petition described in
21 RCW 57.04.030 shall serve as the notice of proposed action under this
22 section, and the hearing provided for in RCW 57.04.030 shall serve as
23 the hearing provided for in this section and in RCW 56.02.070.

24 **Sec. 37.** RCW 57.40.120 and 1971 ex.s. c 146 s 3 are each amended
25 to read as follows:

26 Whenever a merger is initiated in any of the three ways provided in
27 RCW 57.40.110, the boards of the water and sewer commissioners of the
28 respective districts involved shall enter into an agreement providing
29 for the merger. The agreement must be entered into within ninety days

1 following completion of the last act required for initiation of the
2 merger by any one of the means above specified, as provided in RCW
3 57.40.110. Where two or more sewer districts seek to merge into a
4 water district at or about the same time, there need be but one
5 agreement of merger signed by the water district and such two or more
6 sewer districts if the parties so agree.

7 Upon entry of such agreement, the boards of the water and sewer
8 commissioners shall file a notice of intention to merge (~~((together with
9 a copy of said agreement with the boundary review board, if any, of the
10 county and the board shall review the proposed merger under the
11 provisions of RCW 36.93.150 through 36.93.180))~~).

12 The respective boards of water and sewer commissioners of such
13 districts shall certify such agreement to the county auditor of the
14 county in which the districts are located within twenty days from date
15 of execution of such agreement, with a certified copy thereof filed
16 with the clerk of the board of county commissioners of such county.
17 Thereupon(~~(, unless the boundary review board has disapproved the
18 proposed merger))~~) the county auditor shall call a special election for
19 the purpose of submitting to the voters of the sewer district or of
20 each of the two or more sewer districts involved the proposition of
21 whether the sewer district shall be merged into the water district.
22 Notice of the election shall be given, and the election conducted, in
23 accordance with the general election laws.

24 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
25 each repealed:

- 26 (1) RCW 36.93.010 and 1967 c 189 s 1;
27 (2) RCW 36.93.020 and 1979 ex.s. c 30 s 5 & 1967 c 189 s 2;
28 (3) RCW 36.93.030 and 1969 ex.s. c 111 s 1 & 1967 c 189 s 3;
29 (4) RCW 36.93.040 and 1967 c 189 s 4;

1 (5) RCW 36.93.051 and 1989 c 84 s 17;
2 (6) RCW 36.93.061 and 1989 c 84 s 18;
3 (7) RCW 36.93.063 and 1989 c 84 s 19;
4 (8) RCW 36.93.065 and 1989 c 84 s 20;
5 (9) RCW 36.93.067 and 1989 c 84 s 21;
6 (10) RCW 36.93.070 and 1987 c 477 s 1 & 1967 c 189 s 7;
7 (11) RCW 36.93.080 and 1985 c 6 s 7, 1969 ex.s. c 111 s 4, & 1967
8 c 189 s 8;
9 (12) RCW 36.93.090 and 1987 c 477 s 2, 1985 c 281 s 28, & 1982 c 10
10 s 7;
11 (13) RCW 36.93.093 and 1971 ex.s. c 127 s 2;
12 (14) RCW 36.93.100 and 1989 c 84 s 3, 1987 c 477 s 3, 1983 c 76 s
13 1, 1982 c 220 s 1, & 1967 c 189 s 10;
14 (15) RCW 36.93.105 and 1989 c 84 s 4 & 1984 c 147 s 5;
15 (16) RCW 36.93.110 and 1987 c 477 s 4, 1973 1st ex.s. c 195 s 42,
16 & 1967 c 189 s 11;
17 (17) RCW 36.93.115 and 1982 c 220 s 5;
18 (18) RCW 36.93.120 and 1987 c 477 s 5, 1969 ex.s. c 111 s 6, & 1967
19 c 189 s 12;
20 (19) RCW 36.93.130 and 1987 c 477 s 6, 1969 ex.s. c 111 s 7, & 1967
21 c 189 s 13;
22 (20) RCW 36.93.140 and 1967 c 189 s 14;
23 (21) RCW 36.93.150 and 1990 c 273 s 1, 1987 c 477 s 7, 1979 ex.s.
24 c 5 s 13, 1975 1st ex.s. c 220 s 10, 1969 ex.s. c 111 s 8 & 1967 c 189
25 s 15;
26 (22) RCW 36.93.152 and 1990 c 273 s 2;
27 (23) RCW 36.93.155 and 1989 c 84 s 16;
28 (24) RCW 36.93.160 and 1988 c 202 s 40, 1987 c 477 s 8, 1971 c 81
29 s 97, 1969 ex.s. c 111 s 9, & 1967 c 189 s 16;

1 (25) RCW 36.93.170 and 1989 c 84 s 5, 1986 c 234 s 33, 1982 c 220
2 s 2, 1979 ex.s. c 142 s 1, & 1967 c 189 s 17;

3 (26) RCW 36.93.180 and 1989 c 84 s 6, 1981 c 332 s 10, 1979 ex.s.
4 c 142 s 2, & 1967 c 189 s 18;

5 (27) RCW 36.93.185 and 1989 c 308 s 13;

6 (28) RCW 36.93.190 and 1967 c 189 s 19;

7 (29) RCW 36.93.200 and 1967 c 189 s 20;

8 (30) RCW 36.93.210 and 1967 c 189 s 21;

9 (31) RCW 36.93.220 and 1967 c 189 s 22;

10 (32) RCW 36.93.900 and 1967 c 189 s 24;

11 (33) RCW 36.93.910 and 1967 c 189 s 23; and

12 (34) RCW 36.93.920 and 1969 ex.s. c 111 s 10.

13 NEW SECTION. **Sec. 39.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 35.02.001 and 1989 c 84 s 25;

16 (2) RCW 35.07.001 and 1989 c 84 s 26;

17 (3) RCW 35.10.001 and 1989 c 84 s 27;

18 (4) RCW 35.13.001 and 1989 c 84 s 28;

19 (5) RCW 35.16.001 and 1989 c 84 s 29;

20 (6) RCW 35.43.035 and 1989 c 84 s 30;

21 (7) RCW 35.61.001 and 1989 c 84 s 31;

22 (8) RCW 35.67.022 and 1989 c 84 s 32;

23 (9) RCW 35.91.025 and 1989 c 84 s 33;

24 (10) RCW 35.92.027 and 1989 c 84 s 34;

25 (11) RCW 35A.02.001 and 1989 c 84 s 35;

26 (12) RCW 35A.03.001 and 1989 c 84 s 36;

27 (13) RCW 35A.05.001 and 1989 c 84 s 37;

28 (14) RCW 35A.14.001 and 1989 c 84 s 38;

29 (15) RCW 35A.15.001 and 1989 c 84 s 39;

- 1 (16) RCW 35A.16.001 and 1989 c 84 s 40;
- 2 (17) RCW 52.02.001 and 1989 c 84 s 41;
- 3 (18) RCW 52.04.001 and 1989 c 84 s 42;
- 4 (19) RCW 52.06.001 and 1989 c 84 s 43;
- 5 (20) RCW 52.08.001 and 1989 c 84 s 44;
- 6 (21) RCW 52.10.001 and 1989 c 84 s 45;
- 7 (22) RCW 53.48.001 and 1989 c 84 s 46;
- 8 (23) RCW 54.08.001 and 1989 c 84 s 47;
- 9 (24) RCW 54.16.035 and 1989 c 84 s 48;
- 10 (25) RCW 54.32.001 and 1989 c 84 s 49;
- 11 (26) RCW 56.04.001 and 1989 c 84 s 50;
- 12 (27) RCW 56.08.065 and 1989 c 84 s 51;
- 13 (28) RCW 56.24.001 and 1989 c 84 s 52;
- 14 (29) RCW 56.28.001 and 1989 c 84 s 53;
- 15 (30) RCW 56.32.001 and 1989 c 84 s 54;
- 16 (31) RCW 56.36.001 and 1989 c 84 s 55;
- 17 (32) RCW 57.04.001 and 1989 c 84 s 56;
- 18 (33) RCW 57.08.047 and 1989 c 84 s 57;
- 19 (34) RCW 57.24.001 and 1989 c 84 s 58;
- 20 (35) RCW 57.28.001 and 1989 c 84 s 59;
- 21 (36) RCW 57.32.001 and 1989 c 84 s 60;
- 22 (37) RCW 57.36.001 and 1989 c 84 s 61;
- 23 (38) RCW 57.40.001 and 1989 c 84 s 62;
- 24 (39) RCW 57.90.001 and 1989 c 84 s 63;
- 25 (40) RCW 85.38.001 and 1989 c 84 s 64;
- 26 (41) RCW 86.15.001 and 1989 c 84 s 65;
- 27 (42) RCW 87.03.001 and 1989 c 84 s 66;
- 28 (43) RCW 87.52.001 and 1989 c 84 s 67;
- 29 (44) RCW 87.53.001 and 1989 c 84 s 68; and
- 30 (45) RCW 87.56.001 and 1989 c 84 s 69.