
SENATE BILL 6085

State of Washington

52nd Legislature

1992 Regular Session

By Senators Bauer, McCaslin, Sutherland, Sellar, Madsen and Vognild

Read first time 01/15/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to boundary review boards; and amending RCW
2 36.93.090 and 36.93.100.

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

4 **Sec. 1.** RCW 36.93.090 and 1987 c 477 s 2 are each amended to read
5 as follows:

6 Whenever any of the following described actions are proposed in a
7 county in which a board has been established, the initiators of the
8 action shall file within one hundred eighty days a notice of intention
9 with the board: PROVIDED, That when the initiator is the legislative
10 body of a governmental unit, the notice of intention may be filed
11 immediately following the body's first acceptance or approval of the
12 action. The board may review any such proposed actions pertaining to:

13 (1) The: (a) Creation, incorporation, or change in the boundary,
14 other than a consolidation, of any city, town, or special purpose

1 district; (b) consolidation of special purpose districts, but not
2 including consolidation of cities and towns; or (c) dissolution or
3 disincorporation of any city, town, or special purpose district, except
4 that a board may not review the dissolution or disincorporation of a
5 special purpose district which was dissolved or disincorporated
6 pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the
7 change in the boundary of a city or town arising from the annexation of
8 contiguous city or town owned property held for a public purpose shall
9 be exempted from the requirements of this section; or

10 (2) The assumption by any city or town of all or part of the
11 assets, facilities, or indebtedness of a special purpose district which
12 lies partially within such city or town; or

13 (3) The establishment of or change in the boundaries of a mutual
14 water and sewer system or separate sewer system by a water district
15 pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter
16 amended; or

17 (4) The establishment of or change in the boundaries of a mutual
18 sewer and water system or separate water system by a sewer district
19 pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter
20 amended; or

21 (5) The extension of permanent water or sewer service outside of
22 its existing corporate boundaries by a city, town, or special purpose
23 district unless the authority of the board to initiate a review has
24 been waived in accordance with RCW 36.93.100(1)(b) or (c).

25 **Sec. 2.** RCW 36.93.100 and 1991 c 363 s 96 are each amended to read
26 as follows:

27 The board shall review and approve, disapprove, or modify any of
28 the actions set forth in RCW 36.93.090 when any of the following shall
29 occur within forty-five days of the filing of a notice of intention:

1 (1) Three members of a five-member boundary review board or five
2 members of a boundary review board in a county with a population of one
3 million or more files a request for review: PROVIDED, That the members
4 of the boundary review board shall not be authorized to file a request
5 for review of the following actions:

6 (a) The incorporation or change in the boundary of any city, town,
7 or special purpose district;

8 (b) The extension of permanent water service outside of its
9 existing corporate boundaries by a city, town, or special purpose
10 district ~~((where—such))~~ if (i) the extension is through the
11 installation of water mains of six inches or less in diameter or (ii)
12 the county legislative authority for the county in which the proposed
13 extension is to be built is planning under chapter 36.70A RCW and has
14 by a majority vote waived the authority of the board to initiate review
15 of such extensions; or

16 (c) The extension of permanent sewer service outside of its
17 existing corporate boundaries by a city, town, or special purpose
18 district ~~((where—such))~~ if (i) the extension is through the
19 installation of sewer mains of eight inches or less in diameter or (ii)
20 the county legislative authority for the county in which the proposed
21 extension is to be built is planning under chapter 36.70A RCW and has
22 by a majority vote waived the authority of the board to initiate review
23 of such extensions;

24 (2) Any governmental unit affected, including the governmental unit
25 for which the boundary change or extension of permanent water or sewer
26 service is proposed, or the county within which the area of the
27 proposed action is located, files a request for review of the specific
28 action;

29 (3) A petition requesting review is filed and is signed by:

1 (a) Five percent of the registered voters residing within the area
2 which is being considered for the proposed action (as determined by the
3 boundary review board in its discretion subject to immediate review by
4 writ of certiorari to the superior court); or

5 (b) An owner or owners of property consisting of five percent of
6 the assessed valuation within such area;

7 (4) The majority of the members of boundary review boards concur
8 with a request for review when a petition requesting the review is
9 filed by five percent of the registered voters who deem themselves
10 affected by the action and reside within one-quarter mile of the
11 proposed action but not within the jurisdiction proposing the action.

12 If a period of forty-five days shall elapse without the board's
13 jurisdiction having been invoked as set forth in this section, the
14 proposed action shall be deemed approved.

15 If a review of a proposal is requested, the board shall make a
16 finding as prescribed in RCW 36.93.150 within one hundred twenty days
17 after the filing of such a request for review. If this period of one
18 hundred twenty days shall elapse without the board making a finding as
19 prescribed in RCW 36.93.150, the proposal shall be deemed approved
20 unless the board and the person who submitted the proposal agree to an
21 extension of the one hundred twenty day period.