
HOUSE BILL 3140

State of Washington 59th Legislature 2006 Regular Session

By Representatives Chandler, B. Sullivan, Dunn, Takko, Orcutt,
Schindler, Newhouse, Dunshee and Woods

Read first time 01/23/2006. Referred to Committee on Local Government.

1 AN ACT Relating to the boundary review board's authority to modify
2 annexation proposals; 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 city or town shall be subject to RCW
13 35.21.010 ~~((and)).~~ The board shall not add ((additional)) territory((
14 ~~the amount of which is))~~ to an annexation proposal in an amount greater
15 than one hundred percent of that included in the original proposal.
16 Any modifications shall not interfere with the authority of a city,
17 town, or special purpose district to require or not require
18 preannexation agreements, covenants, or petitions. A board shall not
19 modify the proposed incorporation of a city with an estimated

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

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

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

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

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

1 initiating party, parties or governmental unit has thirty days after
2 the modification decision to secure enough signatures to satisfy the
3 legal requirement. If the signatures cannot be secured then the
4 proposal may be submitted to a vote of the people, as required by law.

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

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

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