

# HOUSE BILL REPORT

## ESHB 1627

---

### As Passed Legislature

**Title:** An act relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation.

**Brief Description:** Limiting the authority of boundary review boards.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn and Tharinger).

#### **Brief History:**

##### **Committee Activity:**

Local Government: 2/8/11, 2/15/11 [DPS].

##### **Floor Activity:**

Passed House: 2/8/12, 56-42.

Senate Amended.

Passed Senate: 2/29/12, 25-24.

Passed House: 3/5/12, 55-43.

Passed Legislature.

#### **Brief Summary of Engrossed Substitute Bill**

- Modifies provisions governing boundary review boards (boards) to specify that boards: (1) may increase the total area of proposals before them; and (2) may not modify city or town annexation proposals by adding an amount of territory that exceeds 100 percent of the total area of the original proposal.
- Establishes public hearing and notice requirements that boards must satisfy upon increasing the area of a proposed city or town annexation.

---

### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Asay, Assistant Ranking Minority Member; Springer, Tharinger and Upthegrove.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Rodne and Smith.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Ethan Moreno (786-7386).

## **Background:**

### Boundary Review Boards.

Boundary review boards (boards) are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of boards in counties with at least 210,000 residents, a board may be created and established in any other county. Board members are appointed by the Governor and local government officials from within the applicable county.

Upon receiving a timely and sufficient request for review, and following an invocation of a board's jurisdiction, a board must review and approve, disapprove, or modify proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. In reaching decisions on proposed actions, boards must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and the use of physical boundaries. Generally, decisions on proposed actions must be made within 120 days of the board receiving a valid request for review.

Board modifications of proposed actions must adhere to legal requirements and limitations. Examples of these provisions are as follows:

1. Modifications must be based upon evidence to support a conclusion that the proposed action is inconsistent with one or more prescribed board objectives.
2. The amount of territory that boards may add to town annexation proposals is limited by the size of the original proposal and area limitation provisions applicable to towns.
3. Boards may not modify the proposed incorporation of a city with an estimated population of 7,500 or more by removing or adding territory from the proposal if that territory constitutes 10 percent or more of the area proposed for incorporation.

Additionally, board decisions in counties planning under the Growth Management Act (GMA) must be consistent with the planning goals of the GMA and other provisions.

### Supreme Court Action.

On November 9, 2006, the Washington Supreme Court (Court) ruled in *Interlake Sporting Association, Inc. v. Washington State Boundary Review Board for King County, and City of Redmond*, 158 Wn.2d 545 (2006), that the King County Board exceeded its statutory authority when it required the City of Redmond to annex an area that was more than three times larger than the area the city intended to annex. In its ruling, the Court indicated that boards may modify or adjust boundaries of proposed actions in ways that do not increase the total acreage of the proposal.

## **Summary of Engrossed Substitute Bill:**

A boundary review board (board) may modify a proposed action by adding territory that would increase the total area of the proposal before the board. Associated limitations on the

board's authority are established and specify that if the proposed action is a city or town annexation, the board may not add an amount of territory that exceeds 100 percent of the total area of the proposal before the board. Additionally, if a board increases the total area of a proposed city or town annexation, the board must hold a separate public hearing on the proposed increase and must, subject to delineated requirements, notify the registered voters and property owners residing within the area subject to the proposed increase.

A provision pertaining to total area limitations for town annexations and associated board modifications is deleted.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill gives boards the flexibility necessary to avoid creating islands of service. The 2006 Court decision impedes a board's ability to create logical annexations and achieve logical boundaries. For small annexations, an increase of 100 percent might mean as little as the addition of one lot. A board needs tools to deal with small areas that need services. Amending the bill to prevent 100 percent increases for large annexations would be appropriate.

(Opposed) For large annexations, allowing the board to increase the area to be annexed by up to 100 percent is excessive. For instance, one annexation that is in progress is for an area of 10 square miles. Doubling it would be problematic, but allowing the board to increase it by less than 100 percent might work. Allowing the board to modify hard-fought boundary decisions is problematic. It is unclear how this authority to increase might work when the new method of annexation is used.

**Persons Testifying:** (In support) Representative Fitzgibbon, prime sponsor; and Mark Beales, Carole Korelin, and John Holman, Washington State Association of Boundary Review Boards.

(Opposed) Mike Burgess, Spokane County; and Ryan Spiller, Washington Fire Commissioners Association.

**Persons Signed In To Testify But Not Testifying:** None.