
SUBSTITUTE HOUSE BILL 1627

State of Washington 62nd Legislature 2011 Regular Session

By House Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn, and Tharinger)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to limiting the authority of boundary review boards
2 to expand an annexation to twice the area of the proposed annexation;
3 and amending RCW 36.93.150.

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

5 **Sec. 1.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read
6 as follows:

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

10 (1) Approve the proposal as submitted.

11 (2) Subject to RCW 35.02.170, modify the proposal by adjusting
12 boundaries to add or delete territory. (~~However, any proposal for~~
13 ~~annexation of territory to a town shall be subject to RCW 35.21.010 and~~
14 ~~the board shall not add additional territory, the amount of which is~~
15 ~~greater than that included in the original proposal.)) Subject to the
16 requirements of this chapter, a board may modify a proposal by adding
17 territory that would increase the total area of the proposal before the
18 board. However, a board may not modify a proposal for annexation of
19 less than one hundred acres to a city or town by adding an amount of~~

1 territory that constitutes more than one hundred percent of the total
2 area of the proposal before the board. A board may not modify a
3 proposal for annexation of one hundred acres or more to a city or town
4 by adding an amount of territory that constitutes more than fifteen
5 percent of the total area of the proposal before the board. Any
6 modifications shall not interfere with the authority of a city, town,
7 or special purpose district to require or not require preannexation
8 agreements, covenants, or petitions. A board shall not modify the
9 proposed incorporation of a city with an estimated population of seven
10 thousand five hundred or more by removing territory from the proposal,
11 or adding territory to the proposal, that constitutes ten percent or
12 more of the total area included within the proposal before the board.
13 However, a board shall remove territory in the proposed incorporation
14 that is located outside of an urban growth area or is annexed by a city
15 or town, and may remove territory in the proposed incorporation if a
16 petition or resolution proposing the annexation is filed or adopted
17 that has priority over the proposed incorporation, before the area is
18 established that is subject to this ten percent restriction on removing
19 or adding territory. A board shall not modify the proposed
20 incorporation of a city with a population of seven thousand five
21 hundred or more to reduce the territory in such a manner as to reduce
22 the population below seven thousand five hundred.

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

25 (4) Determine whether, or the extent to which, functions of a
26 special purpose district are to be assumed by an incorporated city or
27 town, metropolitan municipal corporation, or another existing special
28 purpose district.

29 (5) Disapprove the proposal except that the board shall not have
30 jurisdiction: (a) To disapprove the dissolution or disincorporation of
31 a special purpose district which is not providing services but shall
32 have jurisdiction over the determination of a division of the assets
33 and liabilities of a dissolved or disincorporated special purpose
34 district; (b) over the division of assets and liabilities of a special
35 purpose district that is dissolved or disincorporated pursuant to
36 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city
37 with an estimated population of seven thousand five hundred or more,

1 but the board may recommend against the proposed incorporation of a
2 city with such an estimated population.

3 Unless the board disapproves a proposal, it shall be presented
4 under the appropriate statute for approval of a public body and, if
5 required, a vote of the people. A proposal that has been modified
6 shall be presented under the appropriate statute for approval of a
7 public body and if required, a vote of the people. If a proposal,
8 other than that for a city, town, or special purpose district
9 annexation, after modification does not contain enough signatures of
10 persons within the modified area, as are required by law, then the
11 initiating party, parties or governmental unit has thirty days after
12 the modification decision to secure enough signatures to satisfy the
13 legal requirement. If the signatures cannot be secured then the
14 proposal may be submitted to a vote of the people, as required by law.

15 The addition or deletion of property by the board shall not
16 invalidate a petition which had previously satisfied the sufficiency of
17 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
18 after due proceedings held, disapproves a proposed action, such
19 proposed action shall be unavailable, the proposing agency shall be
20 without power to initiate the same or substantially the same as
21 determined by the board, and any succeeding acts intended to or tending
22 to effectuate that action shall be void, but such action may be
23 reinitiated after a period of twelve months from date of disapproval
24 and shall again be subject to the same consideration.

25 The board shall not modify or deny a proposed action unless there
26 is evidence on the record to support a conclusion that the action is
27 inconsistent with one or more of the objectives under RCW 36.93.180.
28 The board may not increase the area of a city or town annexation unless
29 it holds a separate public hearing on the proposed increase and
30 provides sixty or more days' notice of the hearing to the registered
31 voters and property owners residing within the area subject to the
32 proposed increase. Every such determination to modify or deny a
33 proposed action shall be made in writing pursuant to a motion, and
34 shall be supported by appropriate written findings and conclusions,
35 based on the record.

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