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## Local Government Committee

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### HB 1304

**Brief Description:** Concerning the effective date of the filing of a notice of intention with a boundary review board.

**Sponsors:** Representatives Donaghy and Duerr.

**Brief Summary of Bill**

- Specifies that a boundary review board has 45 days from the effective filing date of a notice of intention regarding a proposed action to determine whether the proposed action will be reviewed, and provides for how the effective filing date of the notice of intention is determined.

**Hearing Date:** 1/29/25

**Staff:** Kellen Wright (786-7134).

**Background:**

Boundary review boards are quasi-judicial bodies that review certain specified actions and either approve, modify, or deny the proposed action. In 1967 counties that exceeded a certain population threshold were required to create boundary review boards. Other counties can voluntarily establish a board. Counties planning under the Growth Management Act (GMA) may later disband the county's boundary review board. Altogether, 15 counties currently have boundary review boards.

The decisions of a boundary review board must be consistent with the GMA. When making decisions, boundary review boards must also try to achieve certain objectives:

- the preservation of natural neighborhoods and communities;
- the use of physical boundaries, such as water or roads, when determining boundaries, the

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- prevention of irregular boundaries, and the adjustment of impractical boundaries;
- the creation and preservation of logical service areas;
- discouragement of multiple small incorporations in favor of larger incorporations, and incorporation or annexation of urban areas;
- dissolving inactive special purpose districts; and
- the protection of agricultural and resource lands.

Topics that boundary boards review include the proposed creation, incorporation, change in boundary, or dissolution of cities, towns, or special purpose districts; the assumption of a dissolved special purpose district's assets by a city or town; the establishment of, or change in the boundaries of, a water-sewer district; and the extension of permanent water or sewer service outside of an existing service area by a city, town, or special purpose district. The consolidation of cities and towns, the annexation of certain property owned by a city or town or of small areas, minor boundary adjustments, and the annexation of territory to a water-sewer district following the transfer of water and sewerage systems from a county to the district are exempt from review.

Whenever any of the reviewable actions occurs, the initiator of the action must file a notice of intention with the boundary review board. The notice of intention must provide the nature of the proposed action, a brief description of the proposed action, the legal description of the boundaries involved, and a county assessor's map, or other such map that the boundary review board deems acceptable, with the proposed changes marked on the map. The initiator must also pay a \$50 filing fee.

After a notice of intention is filed, the boundary review board will hear the action if, within 45 days of the filing of the notice, one of the following occurs:

- a sufficient number of its members file a request to review the action;
- a governmental unit affected by the action files a request for review;
- a sufficient number of voters or owners of sufficient property within the area affected by the proposed action file a request for review; or
- a majority of the board votes to review the action and sufficient voters near the proposed action request review.

Members of the board are prohibited from filing requests for review in certain instances, including for review of an extension of water or sewer service outside of existing boundaries when the pipes used are under a certain size or a county planning under the GMA has waived the authority of the board to initiate such a review. If 45 days pass without the occurrence of any of the actions necessary to trigger a review, the action is deemed approved.

If a review is triggered, then the boundary review board has 120 days to issue a decision, though this period may be extended in agreement with the initiator of the action. If no decision is issued within the deadline, and the deadline is not extended, then the action is deemed approved.

When reviewing an action, the board may: (1) approve the action; (2) modify the action, including by adding or deleting territory with certain limitations; (3) when relevant, determine a

division of assets and liability between two government entities; (4) determine when the functions of a special purpose district should be assumed by another district or local government; or (5) with some limitations related to special purpose district dissolution and municipal incorporation, deny the proposal. A proposal may not be modified or denied unless the board makes written findings, supported by evidence in the record, that the proposal is contrary to the objectives of the boundary review board.

**Summary of Bill:**

A boundary review board has 45 days from the effective filing date of a notice of intention to determine whether a proposed action will be reviewed. The effective filing date is the earlier of:

- the date that the chief clerk of the board determines that the notice of intention is sufficient; or
- the date that the notice of intention is deemed sufficient because the clerk has not completed the sufficiency review by the applicable deadline.

In order for a notice of intention to be complete, it must provide:

- the nature of the proposed action;
- a brief description of the proposed action;
- the legal description of the boundaries involved;
- a county assessor's map or other map acceptable to the boundary review board that includes the proposed changes marked on the map;
- any additional information required by a boundary review board's rules; and
- exhibits demonstrating that any statutory requirements related to the proposed action have been completed.

If a notice is found to be insufficient, then it must be returned to the initiator of the action for corrections to be made.

The chief clerk has 30 calendar days from when the notice of intention is initially submitted and the filing fee paid to complete the sufficiency review. When a notice is resubmitted after having been found insufficient, the chief clerk has 14 calendar days to determine whether the notice is now sufficient or remains insufficient and in need of further corrections.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2025.

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