

HOUSE BILL REPORT

HB 1304

As Passed House:
February 13, 2025

Title: An act relating to the effective date of the filing of a notice of intention with a boundary review board.

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 History:

Committee Activity:

Local Government: 1/29/25, 1/31/25 [DP].

Floor Activity:

Passed House: 2/13/25, 94-0.

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 local government's proposed action to determine whether the proposed action will be reviewed.
- Provides for how the effective filing date of a notice of intention is determined.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey, Hunt and Zahn.

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

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 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, and must try to achieve the following objectives:

- the preservation of natural neighborhoods and communities;
- the use of physical boundaries, such as water or roads, when determining boundaries, the prevention of irregular boundaries, and the adjustment of impractical boundaries;
- the creation and preservation of logical service areas;
- the discouragement of multiple small incorporations in favor of larger incorporations;
- the incorporation or annexation of urban areas;
- the dissolution of inactive special purpose districts; and
- the protection of agricultural and resource lands.

Topics that boundary boards may 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. Other actions are exempt from review, including the consolidation of cities and towns, the annexation of small areas by a city or town, 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.

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 and when a county planning under the GMA has waived the authority of the board to initiate reviews of water service extensions. 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.

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.

In order for a notice of intention to be sufficient, 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.

Appropriation: None.

Fiscal Note: Available.

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 is very simple. The goal of the bill is to ensure that requests submitted to boundary review boards are dealt with equally, and to avoid delays. Last session, a similar bill was amended to clarify the function of boundary review board chief clerks, and those changes are incorporated in this bill. This would establish effective filing dates for actions such as annexation, and clarifies the timeframe for chief clerks to determine if proposals are complete, while also ensuring that reviews proceed in a timely and effective way.

(Opposed) None.

Persons Testifying: Representative Brandy Donaghy, prime sponsor; and Chandler Felt, WA State Association of Boundary Review Boards.

Persons Signed In To Testify But Not Testifying: None.