
HOUSE BILL 2803

State of Washington

52nd Legislature

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By Representatives Haugen, Forner, Ferguson, Wynne, Zellinsky, Carlson, Hochstatter, Wood, Edmondson and Mitchell

Read first time 01/28/92. Referred to Committee on Local Government.

1 AN ACT Relating to local government boundary changes; and amending
2 RCW 36.93.180, 35.13.140, 35A.14.130, and 36.93.160.

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

4 **Sec. 1.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read
5 as follows:

6 The decisions of the boundary review board shall attempt to achieve
7 the following objectives:

8 (1) Preservation of natural neighborhoods and communities;

9 (2) Use of physical boundaries, including but not limited to bodies
10 of water, highways, and land contours;

11 (3) Creation and preservation of logical service areas;

12 (4) Prevention of abnormally irregular boundaries;

1 (5) Discouragement of multiple incorporations of small cities and
2 encouragement of incorporation of cities in excess of ten thousand
3 population in heavily populated urban areas;

4 (6) Dissolution of inactive special purpose districts;

5 (7) Adjustment of impractical boundaries;

6 (8) Incorporation as cities or towns or annexation to cities or
7 towns of unincorporated areas which are urban in character; (~~and~~)

8 (9) Protection of agricultural and rural lands which are designated
9 for long term productive agricultural and resource use by a
10 comprehensive plan adopted by the county legislative authority; and

11 (10) Furtherance of the goals and requirements of chapter 36.70A
12 RCW.

13 **Sec. 2.** RCW 35.13.140 and 1965 c 7 s 35.13.140 are each amended to
14 read as follows:

15 Whenever a petition for annexation is filed with the city or town
16 council, or commission in those cities having a commission form of
17 government, which meets the requirements herein specified, of which
18 fact satisfactory proof may be required by the council or commission,
19 the council or commission may entertain the same, fix a date for a
20 public hearing thereon and cause notice of the hearing to be published
21 in one issue of a newspaper of general circulation in the city or town.
22 The notice shall also be posted in three public places within the
23 territory proposed for annexation, and shall also be given to all
24 residents and owners of land within the boundaries of and within three
25 hundred feet of the boundaries of the territory proposed for
26 annexation. The notice shall specify the time and place of hearing and
27 invite interested persons to appear and voice approval or disapproval
28 of the annexation. The expense of publication and posting of the
29 notice shall be borne by the signers of the petition.

1 **Sec. 3.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are each
2 amended to read as follows:

3 Whenever such a petition for annexation is filed with the
4 legislative body of a code city, which petition meets the requirements
5 herein specified and is sufficient according to the rules set forth in
6 RCW 35A.01.040, the legislative body may entertain the same, fix a date
7 for a public hearing thereon and cause notice of the hearing to be
8 published in one or more issues of a newspaper of general circulation
9 in the city. The notice shall also be posted in three public places
10 within the territory proposed for annexation, and shall also be given
11 to all residents and owners of land within the boundaries of and within
12 three hundred feet of the boundaries of the territory proposed for
13 annexation. The notice shall specify the time and place of hearing and
14 invite interested persons to appear and voice approval or disapproval
15 of the annexation.

16 **Sec. 4.** RCW 36.93.160 and 1988 c 202 s 40 are each amended to read
17 as follows:

18 (1) When the jurisdiction of the boundary review board has been
19 invoked, the board shall set the date, time and place for a public
20 hearing on the proposal. The board shall give at least thirty days'
21 advance written notice of the date, time and place of the hearing to
22 the governing body of each governmental unit having jurisdiction within
23 the boundaries of the territory proposed to be annexed, formed,
24 incorporated, disincorporated, dissolved or consolidated, or within the
25 boundaries of a special district whose assets and facilities are
26 proposed to be assumed by a city or town, and to the governing body of
27 each city within three miles of the exterior boundaries of such area
28 and to the proponent of such change. Notice shall also be given to all
29 residents and owners of land within the boundaries of and within three

1 hundred feet of the boundaries of the territory proposed to be annexed,
2 formed, incorporated, disincorporated, dissolved, or consolidated.
3 Notice shall also be given by publication in any newspaper of general
4 circulation in the area of the proposed boundary change at least three
5 times, the last publication of which shall be not less than five days
6 prior to the date set for the public hearing. Notice shall also be
7 posted in ten public places in the area affected for five days when the
8 area is ten acres or more. When the area affected is less than ten
9 acres, five notices shall be posted in five public places for five
10 days. Notice as provided in this subsection shall include any
11 territory which the board has determined to consider adding in
12 accordance with RCW 36.93.150(2). The board may require applicants to
13 pay for notice required to be given in this subsection.

14 (2) A verbatim record shall be made of all testimony presented at
15 the hearing and upon request and payment of the reasonable costs
16 thereof, a copy of the transcript of such testimony shall be provided
17 to any person or governmental unit.

18 (3) The chairman upon majority vote of the board or a panel may
19 direct the chief clerk of the boundary review board to issue subpoenas
20 to any public officer to testify, and to compel the production by him
21 of any records, books, documents, public records or public papers.

22 (4) Within forty days after the conclusion of the final hearing on
23 the proposal, the board shall file its written decision, setting forth
24 the reasons therefor, with the board of county commissioners and the
25 clerk of each governmental unit directly affected. The written
26 decision shall indicate whether the proposed change is approved,
27 rejected or modified and, if modified, the terms of such modification.
28 The written decision need not include specific data on every factor
29 required to be considered by the board, but shall indicate that all
30 standards were given consideration. Dissenting members of the board

1 shall have the right to have their written dissents included as part of
2 the decision.

3 (5) Unanimous decisions of the hearing panel or a decision of a
4 majority of the members of the board shall constitute the decision of
5 the board and shall not be appealable to the whole board. Any other
6 decision shall be appealable to the entire board within ten days.
7 Appeals shall be on the record, which shall be furnished by the
8 appellant, but the board may, in its sole discretion, permit the
9 introduction of additional evidence and argument. Decisions shall be
10 final and conclusive unless within ten days from the date of said
11 action a governmental unit affected by the decision or any person
12 owning real property or residing in the area affected by the decision
13 files in the superior court a notice of appeal.

14 The filing of such notice of appeal within such time limit shall
15 stay the effective date of the decision of the board until such time as
16 the appeal shall have been adjudicated or withdrawn. On appeal the
17 superior court shall not take any evidence other than that contained in
18 the record of the hearing before the board.

19 (6) The superior court may affirm the decision of the board or
20 remand the case for further proceedings; or it may reverse the decision
21 if any substantial rights may have been prejudiced because the
22 administrative findings, inferences, conclusions, or decisions are:

23 (a) In violation of constitutional provisions, or

24 (b) In excess of the statutory authority or jurisdiction of the
25 board, or

26 (c) Made upon unlawful procedure, or

27 (d) Affected by other error of law, or

28 (e) Unsupported by material and substantial evidence in view of the
29 entire record as submitted, or

30 (f) Arbitrary or capricious.

1 An aggrieved party may seek appellate review of any final judgment of
2 the superior court in the manner provided by law as in other civil
3 cases.