

HOUSE BILL REPORT

SHB 2176

As Amended by Senate

Title: An act relating to city and town incorporations and annexations.

Brief Description: Incorporating and annexing cities and towns.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives G. Cole, Edmondson, Jacobsen, Padden, Dunshee, Orr, Lemmon and Carlson).

Brief History:

Reported by House Committee on:
Local Government, February 4, 1994, DPS;
Passed House, February 10, 1994, 92-0;
Amended by Senate.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives H. Myers, Chair; Springer, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Moak; Rayburn; Van Luven and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The incorporation of a city or town involves several steps over an extended period of time as follows: (1) A petition is filed calling for the incorporation that has been signed by voters residing in the area proposed to be incorporated; (2) a ballot proposition authorizing the incorporation is submitted to voters residing in the area proposed to be incorporated; (3) if the ballot proposition is approved, special elections are held to nominate candidates for the elected offices, if needed, and to elect the initial elected officials; (4) the initial elected officials assume office upon their election with limited powers and provide for a transition of the area into a city or town; and (5) the city or town is officially incorporated after the transition period and the initial officials obtain full powers.

Proposed incorporations of a city or town are subject to review by a boundary review board, if one exists in the county in which the proposed city or town is located and if the jurisdiction of the boundary review board has been invoked. A boundary review board may approve, modify, or disapprove the proposed incorporation of a city or town with a population of less than 7,500.

However, the authority of a boundary review board to take action on the proposed incorporation of a city with a population of 7,500 or more is limited. A boundary review board is not authorized to disapprove the proposed incorporation of a city with a population of 7,500 or more, but may recommend against the proposed incorporation. Further, a boundary review board may not modify the proposed incorporation of a city with a population of 7,500 or more to either reduce the population below 7,500 or to delete or add territory that constitutes 10 percent or more of the total area that was proposed to be incorporated.

Any proposed annexation of an area by an existing city or town, that also is proposed to be incorporated as a new city or town, takes priority over the proposed incorporation. The priority of a proposed annexation over any proposed incorporation is absolute, without regard to which action was proposed first. A proposed annexation of any portion of an area that also is proposed to be incorporated must be finally disposed of before any official or body may act on the proposed incorporation.

Summary of Bill: A person proposing the incorporation of a city or town files a notice with the county legislative authority together with a \$100 filing fee. The local boundary review board holds a public meeting on the proposed incorporation within 30 days of the notice being filed. The county legislative authority provides for the public meeting if a boundary review board does not exist in the county.

After the public meeting, a petition authorizing the incorporation is circulated for signatures and must be submitted to the county auditor within 180 days after the public meeting. The petition may describe boundaries and other matters differing from the descriptions included in the notice that was filed. The petition must be signed by voters residing in the proposed city or town equal in number to at least 10 percent of the number of voters residing in the proposed city or town.

A city or town may not be incorporated that includes territory located outside of an urban growth area.

For a period of 90 days after the incorporation petition has been filed, a petition may be filed or a resolution may be adopted proposing the incorporation of any portion of the area included within the proposed new city or town. The proposed annexation shall take precedence over the proposed incorporation. However, a boundary review board may simultaneously consider the competing incorporation and annexation. Similar provisions are made for petitions proposing the incorporation of a new city or town that were filed prior to the effective date of the act.

The jurisdiction of a boundary review board is invoked automatically to consider the proposed incorporation of a new city or town. A boundary review board must remove any territory from the proposed incorporation that is located outside of an urban growth area or that is annexed by a city or town. A boundary review board may remove territory that is proposed to be annexed by a city or town, but has not been annexed, if a petition or resolution initiating the annexation was filed or adopted within 90 days of the filing of the incorporation petition. The restriction that a boundary review board may not modify the boundaries of a proposed incorporation to add or delete territory that constitutes more than 10 percent of the total area applies after this territory has been removed.

Where a boundary review board does not exist, the county legislative authority may modify the boundaries of a proposed incorporation under the same conditions as a boundary review board.

The date of the election is clarified when a ballot proposition is submitted to voters authorizing the incorporation of the city or town.

A proposed annexation of territory by a city or town is exempted from compliance with the State Environmental Policy Act (SEPA).

EFFECT OF SENATE AMENDMENT(S): (1) The minimum population for an area to incorporate as a city or town is increased from 300 to 1,500. (2) A section was deleted precluding a city or town from incorporating beyond an urban growth area, but language was retained requiring a boundary review board to delete any area from a proposed incorporation of a city or town that is located outside of a urban growth area. (3) An appeal from a decision of a boundary review board must be filed within 30 days instead of 10 days of the decision and the standard of review for the decision is changed from arbitrary or capricious to clearly erroneous.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: State law currently gives priority to annexations. Annexation actions initiated by residents in reaction to incorporation proposals can result in indefinite delays for incorporation efforts.

Testimony Against: None.

Witnesses: Connie King and Dorrit Pealy, Vision Shoreline; Darlene Fairley, Lake Forest Park City Council; Roger Loschen, city of Lake Forest Park; Dick Schoon and Ethel Hanis, State Association of Boundary Review Boards; and Ron Main, King County.

VOTE ON FINAL PASSAGE:

Yeas 92; Excused 6

Excused: Representatives Dunshee, Forner, Riley, Romero, Springer, Wineberry