

SENATE BILL REPORT

SHB 2176

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
FEBRUARY 25, 1994

Brief Description: Incorporating and annexing cities and towns.

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

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; McCaslin, Oke, Owen and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 25, 1994

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:

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 exempt from compliance with the State Environmental Policy Act (SEPA).

SUMMARY OF PROPOSED COMMITTEE AMENDMENTS:

The prohibition on incorporations beyond an urban growth boundary is deleted. A provision raising the population threshold for incorporation from 300 to 1,500 is added. Appeals from decisions of boundary review boards are made to the Growth Management Hearings Board rather than superior court.

Appropriation: none

Revenue: none

Fiscal Note: none requested

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

TESTIMONY FOR:

Will enable incorporations to proceed when there are neighboring annexations. Sets a needed time limit on annexation priorities. Gives citizens better opportunity to evaluate whether to annex, incorporate or do nothing. Takes away use of SEPA as a political weapon where environmental issues are not at stake.

TESTIMONY AGAINST:

Section 5 will preclude self-government for Vashon Island.

TESTIFIED: PRO: Representative Grace Cole, original prime sponsor; Representative Edmondson; Representative Horn; Dick Schoon, King County Boundary Review Board; Connie King, Vision Shoreline; Ethel L. Hanis, Alda Wilkinson, King County Boundary Review Board; Dave Williams, AWC; CON: Pat Lawler, Vashon Community Council

