
HOUSE BILL 2176

State of Washington

53rd Legislature

1994 Regular Session

By Representatives G. Cole, Edmondson, Jacobsen, Padden, Dunshee, Orr, Lemmon and Carlson

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1 AN ACT Relating to city and town incorporations and annexations;
2 and amending RCW 35.13.175, 35A.14.230, and 36.93.150.

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

4 **Sec. 1.** RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 are each
5 amended to read as follows:

6 After the filing of any petition or resolution for annexation or
7 for an annexation election with the (~~board of county commissioners~~)
8 county legislative authority, or city or town (~~council~~) governing
9 body, and pending its final disposition as provided for in this
10 chapter, no other petition or resolution for annexation (~~or petition~~
11 ~~for incorporation~~) which embraces any of the territory included
12 (~~therein~~) in the proposed annexation shall be acted upon by the
13 county auditor or the (~~board of county commissioners~~) county
14 legislative authority, or by any city or town clerk, city or town
15 (~~council~~) governing body, or by any other public official or body
16 that might otherwise be empowered to receive or act upon such a
17 petition or resolution.

18 After the filing of any petition or resolution for annexation or
19 for an annexation election with the county legislative authority, or

1 city or town governing body, and pending its final disposition as
2 provided for in this chapter, no petition proposing the incorporation
3 of a city or town that embraces any territory included in the proposed
4 annexation may be acted upon by the county auditor or any other public
5 official or body that might otherwise be empowered to receive or act
6 upon such an incorporation petition. However, at its sole discretion,
7 a boundary review board may choose to consider simultaneously the
8 proposed incorporation of a city with a population of twenty-five
9 thousand or more and any proposed annexations by one or more cities or
10 towns of all or portions of the area proposed to be incorporated.

11 **Sec. 2.** RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230 are each
12 amended to read as follows:

13 After the filing of any petition or resolution for annexation or
14 for an annexation election with the (~~board of county commissioners~~)
15 county legislative authority, the boundary review board or the county
16 annexation review board for the county or the legislative body of a
17 code city and pending its final disposition as provided in this
18 chapter, no other petition or resolution(~~, or petition for~~
19 ~~incorporation,~~) for annexation which embraces any of the territory
20 included (~~therein~~) in the proposed annexation shall be acted upon by
21 any public official or body that might otherwise be empowered to
22 receive or act upon such a petition or resolution.

23 After the filing of any petition or resolution for annexation or
24 for an annexation election with the county legislative authority, the
25 boundary review board or county annexation review board for the county,
26 or code city legislative body, and pending its final disposition as
27 provided for in this chapter, no petition proposing the incorporation
28 of a city or town that embraces any territory included in the proposed
29 annexation may be acted upon by the county auditor or any other public
30 official or body that might otherwise be empowered to receive or act
31 upon such an incorporation petition. However, at its sole discretion,
32 a boundary review board may choose to consider simultaneously the
33 proposed incorporation of a code city with a population of twenty-five
34 thousand or more and any proposed annexations by one or more code
35 cities of all or portions of the area proposed to be incorporated.

36 **Sec. 3.** RCW 36.93.150 and 1990 c 273 s 1 are each amended to read
37 as follows:

1 The board, upon review of any proposed action, shall take such of
2 the following actions as it deems necessary to best carry out the
3 intent of this chapter:

4 (1) (~~Approval of~~) Approve the proposal as submitted(~~(?)~~).

5 (2) Subject to RCW 35.02.170, (~~modification of~~) modify the
6 proposal by adjusting boundaries to add or delete territory(~~(?)~~
7 ~~PROVIDED, That~~)). However, any proposal for annexation (~~by the~~
8 ~~board~~) of territory to a town shall be subject to RCW 35.21.010 and
9 the board shall not add additional territory, the amount of which is
10 greater than that included in the original proposal(~~(?—PROVIDED~~
11 ~~FURTHER, That such~~)). Any modifications shall not interfere with the
12 authority of a city, town, or special purpose district to require or
13 not require preannexation agreements, covenants, or petitions(~~(?—AND~~
14 ~~PROVIDED FURTHER, That~~)). A board shall not modify the proposed
15 incorporation of a city with an estimated population of from seven
16 thousand five hundred (~~or more~~) to less than twenty-five thousand by
17 removing territory from the proposal, or adding territory to the
18 proposal, that constitutes ten percent or more of the total area
19 included within the proposal before the board(~~(, but)~~). A board shall
20 not modify the proposed incorporation of a city with a population of
21 seven thousand five hundred or more to reduce the territory in such a
22 manner as to reduce the population below seven thousand five
23 hundred(~~(?)~~).

24 (3) (~~Determination of~~) Determine a division of assets and
25 liabilities between two or more governmental units where relevant(~~(?)~~).

26 (4) (~~Determination~~) Determine whether, or the extent to which,
27 functions of a special purpose district are to be assumed by an
28 incorporated city or town, metropolitan municipal corporation, or
29 another existing special purpose district(~~(? or)~~).

30 (5) (~~Disapproval of~~) Disapprove the proposal except that the
31 board shall not have jurisdiction: (a) To disapprove the dissolution
32 or disincorporation of a special purpose district which is not
33 providing services but shall have jurisdiction over the determination
34 of a division of the assets and liabilities of a dissolved or
35 disincorporated special purpose district; (b) over the division of
36 assets and liabilities of a special purpose district that is dissolved
37 or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove
38 the incorporation of a city with an estimated population of seven

1 thousand five hundred or more, but the board may recommend against the
2 proposed incorporation of a city with such an estimated population.

3 Unless the board (~~(shall disapprove)~~) disapproves a proposal, it
4 shall be presented under the appropriate statute for approval of a
5 public body and, if required, a vote of the people. A proposal that
6 has been modified shall be presented under the appropriate statute for
7 approval of a public body and if required, a vote of the people. If a
8 proposal, other than that for a city, town, or special purpose district
9 annexation, after modification does not contain enough signatures of
10 persons within the modified area, as are required by law, then the
11 initiating party, parties or governmental unit has thirty days after
12 the modification decision to secure enough signatures to satisfy the
13 legal requirement. If the signatures cannot be secured then the
14 proposal may be submitted to a vote of the people, as required by law.

15 The addition or deletion of property by the board shall not
16 invalidate a petition which had previously satisfied the sufficiency of
17 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
18 after due proceedings held, disapproves a proposed action, such
19 proposed action shall be unavailable, the proposing agency shall be
20 without power to initiate the same or substantially the same as
21 determined by the board, and any succeeding acts intended to or tending
22 to effectuate that action shall be void, but such action may be
23 reinitiated after a period of twelve months from date of disapproval
24 and shall again be subject to the same consideration.

25 The board shall not modify or deny a proposed action unless there
26 is evidence on the record to support a conclusion that the action is
27 inconsistent with one or more of the objectives under RCW 36.93.180.
28 Every such determination to modify or deny a proposed action shall be
29 made in writing pursuant to a motion, and shall be supported by
30 appropriate written findings and conclusions, based on the record.

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