
HOUSE BILL 2697

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Padden and Orr

Read first time 01/21/94. Referred to Committee on Local Government.

1 AN ACT Relating to incorporations of cities and towns; amending RCW
2 35.02.078 and 36.93.150; and repealing RCW 36.93.152.

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

4 **Sec. 1.** RCW 35.02.078 and 1986 c 234 s 10 are each amended to read
5 as follows:

6 An election shall be held in the area proposed to be incorporated
7 to determine whether the proposed city or town shall be incorporated
8 ((if)) when the boundary review board ((~~approves or modifies and~~
9 ~~approves~~)) takes action on the proposal other than disapproving the
10 proposal, or if the county legislative authority does not disapprove
11 the proposal as provided in RCW 35.02.070. Voters at this election
12 shall determine if the area is to be incorporated.

13 The initial election on the question of incorporation shall be held
14 at the next special election date specified in RCW 29.13.020 that
15 occurs sixty or more days after the final public hearing by the county
16 legislative authority or authorities, or ((~~the approval or modification~~
17 ~~and approval~~)) action by the boundary review board or boards. The
18 county legislative authority or authorities shall call for this
19 election and, if the incorporation is approved, shall call for other

1 elections to elect the elected officials as provided in this section.
2 If the vote in favor of the incorporation receives forty percent or
3 less of the total vote on the question of incorporation, no new
4 election on the question of incorporation for the area or any portion
5 of the area proposed to be incorporated may be held for a period of
6 three years from the date of the election in which the incorporation
7 failed.

8 If the incorporation is authorized as provided by RCW 35.02.120,
9 separate elections shall be held to nominate and elect persons to fill
10 the various elective offices prescribed by law for the population and
11 type of city or town, and to which it will belong. The primary
12 election to nominate candidates for these elective positions shall be
13 held at the next special election date, as specified in RCW 29.13.020,
14 that occurs sixty or more days after the election on the question of
15 incorporation. The election to fill these elective positions shall be
16 held at the next special election date, as specified in RCW 29.13.020,
17 that occurs thirty or more days after certification of the results of
18 the primary election.

19 **Sec. 2.** RCW 36.93.150 and 1990 c 273 s 1 are each amended to read
20 as follows:

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

24 (1) Approval of the proposal as submitted;

25 (2) Subject to RCW 35.02.170, modification of the proposal by
26 adjusting boundaries to add or delete territory: PROVIDED, That any
27 proposal for annexation by the board shall be subject to RCW 35.21.010
28 and shall not add additional territory, the amount of which is greater
29 than that included in the original proposal: PROVIDED FURTHER, That
30 such modifications shall not interfere with the authority of a city,
31 town, or special purpose district to require or not require
32 preannexation agreements, covenants, or petitions: ((AND)) PROVIDED
33 FURTHER, That a board shall not modify the proposed incorporation of a
34 city with an estimated population of seven thousand five hundred or
35 more by removing territory from the proposal, or adding territory to
36 the proposal, that constitutes ten percent or more of the total area
37 included within the proposal before the board, but shall not reduce the
38 territory in such a manner as to reduce the population below seven

1 thousand five hundred: AND PROVIDED FURTHER, That a board may modify
2 the proposed incorporation of a city or town as limited in this
3 subsection and recommend against the incorporation;

4 (3) Determination of a division of assets and liabilities between
5 two or more governmental units where relevant;

6 (4) Determination whether, or the extent to which, functions of a
7 special purpose district are to be assumed by an incorporated city or
8 town, metropolitan municipal corporation, or another existing special
9 purpose district; or

10 (5) Disapproval of the proposal except that the board shall not
11 have jurisdiction: (a) To disapprove the dissolution or
12 disincorporation of a special purpose district which is not providing
13 services but shall have jurisdiction over the determination of a
14 division of the assets and liabilities of a dissolved or
15 disincorporated special purpose district; (b) over the division of
16 assets and liabilities of a special purpose district that is dissolved
17 or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove
18 the incorporation of a city with an estimated population of seven
19 thousand five hundred or more, but the board may recommend against the
20 proposed incorporation of a city with such an estimated population.

21 Unless the board shall disapprove a proposal, it shall be presented
22 under the appropriate statute for approval of a public body and, if
23 required, a vote of the people. A proposal that has been modified
24 shall be presented under the appropriate statute for approval of a
25 public body and if required, a vote of the people. If a proposal,
26 other than that for a city, town, or special purpose district
27 annexation, after modification does not contain enough signatures of
28 persons within the modified area, as are required by law, then the
29 initiating party, parties or governmental unit has thirty days after
30 the modification decision to secure enough signatures to satisfy the
31 legal requirement. If the signatures cannot be secured then the
32 proposal may be submitted to a vote of the people, as required by law.

33 The addition or deletion of property by the board shall not
34 invalidate a petition which had previously satisfied the sufficiency of
35 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
36 after due proceedings held, disapproves a proposed action, such
37 proposed action shall be unavailable, the proposing agency shall be
38 without power to initiate the same or substantially the same as
39 determined by the board, and any succeeding acts intended to or tending

1 to effectuate that action shall be void, but such action may be
2 reinitiated after a period of twelve months from date of disapproval
3 and shall again be subject to the same consideration.

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

10 NEW SECTION. **Sec. 3.** RCW 36.93.152 and 1990 c 273 s 2 are each
11 repealed.

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