
Local Government Committee

HB 1622

Brief Description: Concerning the authority of boundary review boards.

Sponsors: Representatives Moeller and Jarrett.

Brief Summary of Bill

- Authorizes Boundary Review Boards (BRBs) to add or delete territory and to adjust the boundary of a proposed annexation to include any amount of land within an unincorporated urban growth area if the proposal is supported by principles governing BRBs.
- Deletes a provision prohibiting BRBs from adding territory to a proposed town annexation in an amount that is greater than the original proposal.

Hearing Date: 2/6/07

Staff: Ethan Moreno (786-7386).

Background:

Boundary Review Boards

Boundary review boards (BRBs or Boards) are authorized by statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, current law provides that a BRB may be created and established in any other county.

Upon receiving a timely request for review that meets statutory requirements, and following an invocation of a Board's jurisdiction, a BRB must review and approve, disapprove, or modify certain proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. In reaching decisions on proposed actions, BRBs must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and

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the use of physical boundaries. Generally, BRB decisions on proposed actions must be made within 120 days of the BRB receiving a valid request for review.

Board modifications of proposed actions must adhere to legal requirements and limitations. Examples of these provisions are as follows:

- Modifications must be based upon evidence on the record to support a conclusion that the proposed action is inconsistent with one or more of the statutory objectives of BRBs;
- The amount of territory BRBs may add to town annexation proposals is limited by the size of the original proposal; and
- BRBs may not modify the proposed incorporation of a city with an estimated population of 7,500 or more by removing or adding territory from the proposal if that territory constitutes 10 percent or more of the area proposed for incorporation.

Additionally, BRB decisions in counties planning under the Growth Management Act (GMA) must be consistent with the planning goals of the GMA and other specified provisions.

Growth Management Act/Urban Growth Areas

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. The GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act and a reduced number of directives for all other counties and cities.

Among other planning requirements, counties that fully plan under the GMA must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

Supreme Court Action

On November 9, 2006, the Washington Supreme Court ruled in *Interlake Sporting Association, Inc. v. Washington State Boundary Review Board for King County, and City of Redmond*, 158 Wn.2d 545 (2006), that the King County BRB exceeded its statutory authority when it required the City of Redmond to annex an area that was more than three times larger than the area the city intended to annex. In its ruling, the court indicated that under current law, the authority of BRBs to modify or adjust boundaries of proposed actions is best understood to allow adjustments that do not add to the total acreage.

Summary of Bill:

A BRB may add or delete territory and adjust the boundary of a proposed annexation to include all or any land located within an unincorporated UGA as supported by the principles in specific requirements, consideration factors, and objectives that govern BRBs.

A provision prohibiting BRBs from adding territory to a proposed town annexation in an amount that is greater the original proposal is deleted.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.