

HOUSE BILL REPORT

HB 1622

As Reported by House Committee On:
Local Government

Title: An act relating to the authority of boundary review boards.

Brief Description: Concerning the authority of boundary review boards.

Sponsors: Representatives Moeller and Jarrett.

Brief History:

Committee Activity:

Local Government: 1/15/08 [DP2S].

Brief Summary of Second Substitute Bill

- Authorizes Boundary Review Boards (Boards), subject to certain requirements, to modify proposals by adding territory that would increase the area within a proposal.
- Deletes a provision prohibiting Boards from adding an amount of territory to proposed town annexations that is greater than the original proposal.
- Prohibits Boards from adding an amount of territory to proposed city or town annexations that exceeds 100 percent of the area within the proposal before a Board.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Takko, Vice Chair; Eddy and Nelson.

Minority Report: Do not pass. Signed by 3 members: Representatives Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member and Schmick.

Staff: Ethan Moreno (786-7386).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Boundary Review Boards

Boundary Review Boards (Boards) are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of Boards in counties with at least 210,000 residents, current law provides that a Board may be created and established in any other county. Board members are appointed by the Governor and local government officials from within the applicable county. Some members are appointed by Boards from nominees of special districts within the applicable county.

Upon receiving a timely and sufficient request for review, and following an invocation of a Board's jurisdiction, a Board must review and approve, disapprove, or modify 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, Boards must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and the use of physical boundaries. Generally, decisions on proposed actions must be made within 120 days of the Board 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 to support a conclusion that the proposed action is inconsistent with one or more prescribed Board objective.
- The amount of territory that Boards may add to town annexation proposals is limited by the size of the original proposal.
- Boards 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, Board decisions in counties planning under the Growth Management Act (Act) must be consistent with the planning goals of the Act and other provisions.

Supreme Court Action

On November 9, 2006, the Washington Supreme Court (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 Board 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 Boards may modify or adjust boundaries of proposed actions in ways that do increase the total acreage of the proposal.

Summary of Substitute Bill:

Boards, subject to certain requirements, may modify proposals by adding territory that would increase a proposal's total area. A provision prohibiting Boards from adding an amount of territory to proposed town annexations that is greater than the original proposal is replaced with a provision prohibiting Boards from adding an amount of territory to proposed city or town annexations that constitutes more than 100 percent of the area within the proposal before the Board.

Second Substitute Bill Compared to Original Bill:

The second substitute bill deletes amendatory provisions authorizing Boards to add or delete territory and to adjust the boundary of a proposed annexation to include all or any land located within an unincorporated urban growth area if certain requirements are met. The second substitute bill authorizes Boards, subject to requirements governing them, to modify a proposal by adding territory that would increase the total area within the proposal before the Board. The second substitute bill also prohibits Boards from modifying proposals for city or town annexations by adding an amount of territory that exceeds 100 percent of the total area within the proposal before the Board.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support of second substitute bill) This bill was heard by and reported from the Local Government Committee last year, but it did not pass the Rules Committee. A Washington Supreme Court ruling one year ago limited the ability of Boundary Review Boards (Boards) to add territory to annexation proposals. This bill restores that authority, but limits the amount of territory that can be added to a 100 percent increase. Annexation furthers growth management goals and objectives and this bill furthers annexation. Boards are effective arenas for dispute resolutions. Board expansions of previous annexation proposals have increased service efficiencies, prevented irregular boundaries, and saved money.

(With concerns on second substitute bill) The 100 percent increase provision seems relatively arbitrary. The committee should consider what a correct maximum percentage of increase should be and what criteria should be used in authorizing an annexation expansion.

(Opposed to second substitute bill) The 100 percent increase allowed by a Board under this bill is too large. If an annexation proposal is properly conceived, a 100 percent increase would be unnecessary. What of the affected public?

Persons Testifying: (In support) Representative Moeller, prime sponsor; Michael Marchand, Washington State Association of Boundary Review Boards; and Mark T. Beales, Boundary Review Board of Snohomish County.

(With concerns) Steve Stuart, Clark County.

(Opposed) Mike Burgess, Spokane County.

Persons Signed In To Testify But Not Testifying: None.