

FINAL BILL REPORT

ESHB 1627

C 212 L 12
Synopsis as Enacted

Brief Description: Limiting the authority of boundary review boards.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn and Tharinger).

House Committee on Local Government
Senate Committee on Government Operations, Tribal Relations & Elections

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, 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.

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:

1. Modifications must be based upon evidence to support a conclusion that the proposed action is inconsistent with one or more prescribed board objectives.
2. The amount of territory that boards may add to town annexation proposals is limited by the size of the original proposal and area limitation provisions applicable to towns.
3. 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.

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.

Additionally, board decisions in counties planning under the Growth Management Act (GMA) must be consistent with the planning goals of the GMA 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 not increase the total acreage of the proposal.

Summary:

A boundary review board (board) may modify a proposed action by adding territory that would increase the total area of the proposal before the board. Associated limitations on the board's authority are established and specify that if the proposed action is a city or town annexation, the board may not add an amount of territory that exceeds 100 percent of the total area of the proposal before the board. Additionally, if a board increases the total area of a proposed city or town annexation, the board must hold a separate public hearing on the proposed increase and must, subject to delineated requirements, notify the registered voters and property owners residing within the area subject to the proposed increase.

A provision pertaining to total area limitations for town annexations and associated board modifications is deleted.

Votes on Final Passage:

House	56	42	
Senate	25	24	(Senate amended)
House	55	43	(House concurred)

Effective: June 7, 2012