

SENATE BILL REPORT

ESHB 1627

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 20, 2012

Title: An act relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation.

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).

Brief History: Passed House: 2/08/12, 56-42.

Committee Activity: Government Operations, Tribal Relations & Elections: 2/16/12, 2/20/12 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Nelson.

Minority Report: Do not pass.

Signed by Senator Benton.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Karen Epps (786-7424)

Background: 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 change in the boundary of any city, town, or

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special purpose district. 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, including:

- modifications must be based upon evidence to support a conclusion that the proposed action is inconsistent with one or more prescribed Board objectives;
- the amount of territory that Boards may add to town annexation proposals is limited by the size of the original proposal; and
- boards may not modify the proposed incorporation of a city with an estimated population of 7500 or more by removing or adding territory from the proposal if that territory constitutes 10 percent or more of the area proposed for incorporation.

Summary of Bill (Recommended Amendments): Boards may modify a proposal by adding territory that would increase the total area of a proposal. However, Boards may not modify a proposal by 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. A Board may not increase the area of a city or town annexation unless it holds a separate public hearing on the proposed increase and provides at least ten days notice of the hearing to the registered voters and property owners residing within the area subject to the proposed increase.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Amendments): Removes the limitation on a Board's authority to modify a proposal by adding territory to a proposed annexation of 100 acres or more to a city or town to increase the area to be annexed by no more than 15 percent of the total area of the proposal it is considering. Removes the requirement that the Board hold a separate public hearing, preceded by at least 60 days notice to the registered owners and property owners residing in the area subject to the proposed increase.

Removes the provisions that specify that if an annexation would result in modifications to zoning ordinances of the increased area, the Board may not increase a city or town annexation without first obtaining written consent from the owners of property equaling at least 60 percent of the assessed valuation within the increased area. Removes the provisions that specify if an annexation would result in additional indebtedness or excess tax levies, or both, for the increased area, the Board may not increase a city or town annexation without first obtaining written consent from at least 60 percent of the registered voters residing within the increased area.

Removes the provisions that provide if a Board increases the total area of a city or town annexation, property owners in the increased area may, after the annexation, continue to own and possess pets and livestock lawfully in their possession at the time of the annexation.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: Boards are quasi-judicial and have proven to be an effective vehicle for government units, citizens, property owners, and developers to resolve matters. It is requested that the committee consider the language that was originally proposed in this bill. This bill is intended to reestablish a Board's authority to expand an annexation subject to its achievement of criteria that is outlined in state law. The amendments adopted by the House create a number of conflicts for Boards and it would open Boards up to becoming involved in animals, zoning, and indebtedness as these areas belong to and should remain the purview of cities. These amendments could also cause unintended consequences. The purpose of the bill as introduced is to address a wrinkle that was created when the Supreme Court ruled that Boards do not have the authority to expand annexations.

CON: This bill purports to limit the authority of a Board, but it is granting authority to Boards that is not currently provided for under the statute. Boards have authority to modify boundaries to make logical boundaries, but do not have authority to expand the boundaries. This bill would expand the authority of a Board and does so without the consideration of the citizens. The bill only provides for a ten-day notice prior to a public hearing.

Persons Testifying: PRO: Michael Marchand, Mark Beales, WA State Assn. of Boundary Review Boards; Lenora Blauman, WA State Boundary Review Board for King County.

CON: Mike Brown, WA Fire Chiefs Assn.