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ENGROSSED SUBSTITUTE HOUSE BILL 1627

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State of Washington

62nd Legislature

2012 Regular Session

By House Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn, and Tharinger)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to limiting the authority of boundary review boards  
2 to expand an annexation to twice the area of the proposed annexation;  
3 amending RCW 36.93.150; adding a new section to chapter 35.13 RCW; and  
4 adding a new section to chapter 35A.14 RCW.

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

6 **Sec. 1.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read  
7 as follows:

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

11 (1) Approve the proposal as submitted.

12 (2) Subject to RCW 35.02.170, modify the proposal by adjusting  
13 boundaries to add or delete territory. (~~However, any proposal for~~  
14 ~~annexation of territory to a town shall be subject to RCW 35.21.010 and~~  
15 ~~the board shall not add additional territory, the amount of which is~~  
16 ~~greater than that included in the original proposal.)) Subject to the  
17 requirements of this chapter, a board may modify a proposal by adding  
18 territory that would increase the total area of the proposal before the  
19 board. However, a board may not modify a proposal for annexation of~~

1 less than one hundred acres to a city or town by adding an amount of  
2 territory that constitutes more than one hundred percent of the total  
3 area of the proposal before the board. A board may not modify a  
4 proposal for annexation of one hundred acres or more to a city or town  
5 by adding an amount of territory that constitutes more than fifteen  
6 percent of the total area of the proposal before the board. Any  
7 modifications shall not interfere with the authority of a city, town,  
8 or special purpose district to require or not require preannexation  
9 agreements, covenants, or petitions. A board shall not modify the  
10 proposed incorporation of a city with an estimated population of seven  
11 thousand five hundred or more by removing territory from the proposal,  
12 or adding territory to the proposal, that constitutes ten percent or  
13 more of the total area included within the proposal before the board.  
14 However, a board shall remove territory in the proposed incorporation  
15 that is located outside of an urban growth area or is annexed by a city  
16 or town, and may remove territory in the proposed incorporation if a  
17 petition or resolution proposing the annexation is filed or adopted  
18 that has priority over the proposed incorporation, before the area is  
19 established that is subject to this ten percent restriction on removing  
20 or adding territory. A board shall not modify the proposed  
21 incorporation of a city with a population of seven thousand five  
22 hundred or more to reduce the territory in such a manner as to reduce  
23 the population below seven thousand five hundred.

24 (3) Determine a division of assets and liabilities between two or  
25 more governmental units where relevant.

26 (4) Determine whether, or the extent to which, functions of a  
27 special purpose district are to be assumed by an incorporated city or  
28 town, metropolitan municipal corporation, or another existing special  
29 purpose district.

30 (5) Disapprove the proposal except that the board shall not have  
31 jurisdiction: (a) To disapprove the dissolution or disincorporation of  
32 a special purpose district which is not providing services but shall  
33 have jurisdiction over the determination of a division of the assets  
34 and liabilities of a dissolved or disincorporated special purpose  
35 district; (b) over the division of assets and liabilities of a special  
36 purpose district that is dissolved or disincorporated pursuant to  
37 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city

1 with an estimated population of seven thousand five hundred or more,  
2 but the board may recommend against the proposed incorporation of a  
3 city with such an estimated population.

4 Unless the board disapproves a proposal, it shall be presented  
5 under the appropriate statute for approval of a public body and, if  
6 required, a vote of the people. A proposal that has been modified  
7 shall be presented under the appropriate statute for approval of a  
8 public body and if required, a vote of the people. If a proposal,  
9 other than that for a city, town, or special purpose district  
10 annexation, after modification does not contain enough signatures of  
11 persons within the modified area, as are required by law, then the  
12 initiating party, parties or governmental unit has thirty days after  
13 the modification decision to secure enough signatures to satisfy the  
14 legal requirement. If the signatures cannot be secured then the  
15 proposal may be submitted to a vote of the people, as required by law.

16 The addition or deletion of property by the board shall not  
17 invalidate a petition which had previously satisfied the sufficiency of  
18 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,  
19 after due proceedings held, disapproves a proposed action, such  
20 proposed action shall be unavailable, the proposing agency shall be  
21 without power to initiate the same or substantially the same as  
22 determined by the board, and any succeeding acts intended to or tending  
23 to effectuate that action shall be void, but such action may be  
24 reinitiated after a period of twelve months from date of disapproval  
25 and shall again be subject to the same consideration.

26 The board shall not modify or deny a proposed action unless there  
27 is evidence on the record to support a conclusion that the action is  
28 inconsistent with one or more of the objectives under RCW 36.93.180.  
29 The board may not increase the area of a city or town annexation unless  
30 it holds a separate public hearing on the proposed increase and  
31 provides sixty or more days' notice of the hearing to the registered  
32 voters and property owners residing within the area subject to the  
33 proposed increase. Additionally, if the annexation would result in  
34 additional indebtedness or excess tax levies, or both, for property  
35 owners in the area subject to the proposed increase, the board may not  
36 increase the area of a city or town annexation without first obtaining  
37 written consent from at least sixty percent of the registered voters  
38 residing within the area subject to the proposed increase.

1 Additionally, if the annexation would result in modifications to zoning  
2 ordinances governing the area subject to the proposed increase, the  
3 board may not increase the area of a city or town annexation without  
4 first obtaining written consent from the owners of property equaling at  
5 least sixty percent of the assessed valuation within the area subject  
6 to the proposed increase. Every such determination to modify or deny  
7 a proposed action shall be made in writing pursuant to a motion, and  
8 shall be supported by appropriate written findings and conclusions,  
9 based on the record.

10 If the board increases the total area of a proposed city or town  
11 annexation, property owners residing in the increased area may, after  
12 annexation, continue to own and possess pets and livestock lawfully in  
13 their possession at the time of the annexation. For purposes of this  
14 section, "pets" means domesticated or tamed animals that are not owned  
15 for commercial, breeding, or business purposes.

16 NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW  
17 to read as follows:

18 If a boundary review board increases the total area of a proposed  
19 city or town annexation, property owners residing in the increased area  
20 may, after annexation, continue to own and possess pets and livestock  
21 lawfully in their possession at the time of the annexation. For  
22 purposes of this section, "pets" means domesticated or tamed animals  
23 that are not owned for commercial, breeding, or business purposes.

24 NEW SECTION. Sec. 3. A new section is added to chapter 35A.14 RCW  
25 to read as follows:

26 If a boundary review board increases the total area of a proposed  
27 code city annexation, property owners residing in the increased area  
28 may, after annexation, continue to own and possess pets and livestock  
29 lawfully in their possession at the time of the annexation. For  
30 purposes of this section, "pets" means domesticated or tamed animals  
31 that are not owned for commercial, breeding, or business purposes.

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