
ENGROSSED SENATE BILL 5652

State of Washington

65th Legislature

2017 Regular Session

By Senators Angel and Rolfes

Read first time 02/01/17. Referred to Committee on Local Government.

1 AN ACT Relating to actions by the boundary review board; and
2 amending RCW 36.93.150 and 36.93.170.

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

4 **Sec. 1.** RCW 36.93.150 and 2012 c 212 s 1 are each amended to
5 read as follows:

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

9 (1) Approve the proposal as submitted.

10 (2) Subject to RCW 35.02.170, modify the proposal by adjusting
11 boundaries to add or delete territory. Subject to the requirements of
12 this chapter, a board may modify a proposal by adding territory that
13 would increase the total area of the proposal before the board. A
14 board, however, may not modify a proposal for annexation of territory
15 to a city or town by adding an amount of territory that constitutes
16 more than one hundred percent of the total area of the proposal
17 before the board. Any modifications shall not interfere with the
18 authority of a city, town, or special purpose district to require or
19 not require preannexation agreements, covenants, or petitions. A
20 board shall not modify the proposed incorporation of a city with an
21 estimated population of seven thousand five hundred or more by

1 removing territory from the proposal, or adding territory to the
2 proposal, that constitutes ten percent or more of the total area
3 included within the proposal before the board. However, a board shall
4 remove territory in the proposed incorporation that is located
5 outside of an urban growth area or is annexed by a city or town, and
6 may remove territory in the proposed incorporation if a petition or
7 resolution proposing the annexation is filed or adopted that has
8 priority over the proposed incorporation, before the area is
9 established that is subject to this ten percent restriction on
10 removing or adding territory. A board shall not modify the proposed
11 incorporation of a city with a population of seven thousand five
12 hundred or more to reduce the territory in such a manner as to reduce
13 the population below seven thousand five hundred.

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

16 (4) Determine whether, or the extent to which, functions of a
17 special purpose district are to be assumed by an incorporated city or
18 town, metropolitan municipal corporation, or another existing special
19 purpose district.

20 (5) Allow all affected jurisdictions to enter into any agreements
21 necessary to address conflicts with the board's factors and
22 objectives prior to ruling on the annexation proposal.

23 (6) Disapprove the proposal except that the board shall not have
24 jurisdiction: (a) To disapprove the dissolution or disincorporation
25 of a special purpose district which is not providing services but
26 shall have jurisdiction over the determination of a division of the
27 assets and liabilities of a dissolved or disincorporated special
28 purpose district; (b) over the division of assets and liabilities of
29 a special purpose district that is dissolved or disincorporated
30 pursuant to chapter 36.96 RCW; nor (c) to disapprove the
31 incorporation of a city with an estimated population of seven
32 thousand five hundred or more, but the board may recommend against
33 the proposed incorporation of a city with such an estimated
34 population.

35 Unless the board disapproves a proposal, it shall be presented
36 under the appropriate statute for approval of a public body and, if
37 required, a vote of the people. A proposal that has been modified
38 shall be presented under the appropriate statute for approval of a
39 public body and if required, a vote of the people. If a proposal,
40 other than that for a city, town, or special purpose district

1 annexation, after modification does not contain enough signatures of
2 persons within the modified area, as are required by law, then the
3 initiating party, parties or governmental unit has thirty days after
4 the modification decision to secure enough signatures to satisfy the
5 legal requirement. If the signatures cannot be secured then the
6 proposal may be submitted to a vote of the people, as required by
7 law.

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

18 The board shall not modify or deny a proposed action unless there
19 is evidence on the record to support a conclusion that the action is
20 inconsistent with one or more of the objectives under RCW 36.93.180.
21 The board may not increase the area of a city or town annexation
22 unless it holds a separate public hearing on the proposed increase
23 and provides ten or more days' notice of the hearing to the
24 registered voters and property owners residing within the area
25 subject to the proposed increase. Every such determination to modify
26 or deny a proposed action shall be made in writing pursuant to a
27 motion, and shall be supported by appropriate written findings and
28 conclusions, based on the record.

29 **Sec. 2.** RCW 36.93.170 and 1997 c 429 s 39 are each amended to
30 read as follows:

31 In reaching a decision on a proposal or an alternative, the board
32 shall consider the factors affecting such proposal, which shall
33 include, but not be limited to the following:

34 (1) Population and territory; population density; land area and
35 land uses; comprehensive plans and zoning, as adopted under chapter
36 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development
37 regulations adopted under chapter 36.70A RCW; applicable service
38 agreements entered into under chapter 36.115 or 39.34 RCW; applicable
39 interlocal annexation agreements between a county and its cities; per

1 capita assessed valuation; topography, natural boundaries and
2 drainage basins, proximity to other populated areas; the existence
3 and preservation of prime agricultural soils and productive
4 agricultural uses; the likelihood of significant growth in the area
5 and in adjacent incorporated and unincorporated areas during the next
6 ten years; location and most desirable future location of community
7 facilities;

8 (2) Municipal services; need for municipal services; effect of
9 ordinances, governmental codes, regulations and resolutions on
10 existing uses; present cost and adequacy of governmental services and
11 controls in area; prospects of governmental services from other
12 sources; probable future needs for such services and controls;
13 probable effect of proposal or alternative on cost and adequacy of
14 services and controls in area and adjacent area; the effect on the
15 ((finances)) revenues, expenses, debt structure, and contractual
16 obligations and rights of all affected governmental units; ((and))

17 (3) The effect of the proposal or alternative on adjacent areas,
18 on mutual economic, fiscal, and social interests, and on the local
19 governmental structure of the county; and

20 (4) The logical and reasonable nature of the annexation
21 boundaries to ensure that they do not create or result in
22 unincorporated islands, peninsulas, or other jurisdictional
23 irregularities.

24 The provisions of chapter 43.21C RCW, State Environmental Policy,
25 shall not apply to incorporation proceedings covered by chapter 35.02
26 RCW.

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