

HOUSE BILL REPORT

HB 2344

As Reported by House Committee On:
Local Government

Title: An act relating to the effective date of the filing of a notice of intention with a boundary review board.

Brief Description: Concerning the effective date of the filing of a notice of intention with a boundary review board.

Sponsors: Representatives Donaghy and Duerr.

Brief History:

Committee Activity:

Local Government: 1/24/24, 1/26/24 [DPS].

Brief Summary of Substitute Bill

- Specifies that a boundary review board has 45 days from the effective filing date of a notice of intention of a proposed action to determine whether the proposed action will be reviewed.
- Provides for how the effective filing date of the notice of intention is determined.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Kellen Wright (786-7134).

Background:

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

Boundary review boards are quasi-judicial bodies that review certain specified actions and either approve, modify, or deny the proposed action. In 1967 counties that exceeded a certain population threshold were required to create boundary review boards. Other counties can voluntarily establish a board. Counties planning under the Growth Management Act (GMA) may later disband the county's boundary review board. Altogether, 15 counties currently have boundary review boards.

When making decisions, boundary review boards must try to achieve certain objectives:

- the preservation of natural neighborhoods and communities;
- the use of physical boundaries, such as water or roads, when determining boundaries, the prevention of irregular boundaries, and the adjustment of impractical boundaries;
- the creation and preservation of logical service areas;
- discouragement of multiple small incorporations in favor of larger incorporations, and incorporation or annexation of urban areas;
- dissolving inactive special purpose districts; and
- the protection of agricultural and resource lands.

Topics that boundary boards review include the proposed creation, incorporation, change in boundary, or dissolution of cities, towns, or special purpose districts; the assumption of a dissolved special purpose district's assets by a city or town; the establishment of, or change in the boundaries of, a water-sewer district; and the extension of permanent water or sewer service outside of an existing service area by a city, town, or special purpose district. The consolidation of cities and towns, the annexation of certain property owned by a city or town or of small areas, minor boundary adjustments, and the annexation of territory to a water-sewer district following the transfer of water and sewerage systems from a county to the district are exempt from review.

Whenever any of these actions occur, the initiator of the action must file a notice of intent with the boundary review board. The notice of intention must provide the nature of the proposed action, a brief description of the proposed action, the legal description of the boundaries involved, and a county assessor's map, or other such map that the boundary review board deems acceptable, with the proposed changes marked on the map. The initiator must also pay a \$50 filing fee.

After a notice of intent is filed, the boundary review board will hear the action if, within 45 days of the filing of the notice, a sufficient number of its members file a request to review the action, a governmental unit affected by the action files a request for review, a sufficient number of voters or owners of sufficient property within the area affected by the proposed action file a request for review, or a majority of the board votes to review the action and sufficient voters near the proposed action request review. Members of the board are prohibited from filing requests for review in certain instances, including for review of an extension of water or sewer service outside of existing boundaries when the pipes used are under a certain size or if a county planning under the GMA has waived the authority of the board to initiate such a review. If 45 days pass without the occurrence of any of the actions

necessary to trigger a review, the action is deemed approved.

If a review is triggered, then the boundary review board has 120 days to issue a decision, though this period may be extended in agreement with the initiator of the action. If no decision is issued within the deadline, and the deadline is not extended, then the action is deemed approved.

When reviewing an action, the board may: (1) approve the action; (2) modify the action, including by adding or deleting territory with certain limitations; (3) when relevant, determine a division of assets and liability between two government entities; (4) determine when the functions of a special purpose district should be assumed by another district or local government; or (5) with some limitations related to special purpose district dissolution and municipal incorporation, deny the proposal. A proposal may not be modified or denied unless the board makes written findings, supported by evidence in the record, that the proposal is contrary to the objectives of the boundary review board.

Summary of Substitute Bill:

A boundary review board has 45 days from the effective filing date of a notice of intent to determine whether a proposed action will be reviewed. The effective filing date is the earlier of:

- the date that the chief clerk of the board determines that the notice of intention is sufficient; or
- the date that the notice of intention is deemed sufficient because the clerk has not completed the sufficiency review by an applicable deadline.

In order for a notice of intention to be complete, it must provide:

- the nature of the proposed action;
- a brief description of the proposed action;
- the legal description of the boundaries involved;
- a county assessor's map or other map acceptable to the boundary review board that includes the proposed changes marked on the map;
- any additional information required by a boundary review board's rules; and
- exhibits demonstrating that any statutory requirements related to the proposed action have been completed.

If a notice is found to be insufficient, then it must be returned to the initiator of the action for corrections to be made.

The chief clerk has 30 calendar days from when the notice of intention is initially submitted and the filing fee paid to complete the sufficiency review. When a notice is resubmitted after having been found insufficient, the chief clerk has 14 calendar days to determine whether the notice is now sufficient or remains insufficient and in need of further

corrections.

Substitute Bill Compared to Original Bill:

The substitute bill:

- provides that the effective filing date of a notice of intention with a boundary review board is the earlier of the date that the chief clerk of the board determines that the notice is sufficient, or the date that the notice is deemed sufficient because the clerk did not meet the deadline for the sufficiency determination;
- specifies the information and documentation that must be included in a notice for it to be found sufficient;
- requires that a notice that is deemed insufficient be returned to the initiator of a proposed action for corrections;
- requires the chief clerk to complete the sufficiency review for the initial submission of a notice of intention within 30 calendar days of its submittal and the payment of a filing fee, and to review a resubmission within 14 calendar days of submittal; and
- provides that, if the chief clerk fails to complete the sufficiency review within the timeframes, then the notice shall be deemed complete.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill will ensure that a review before a boundary review board occurs in a reasonable amount of time. With two annexations recently, there was a substantial delay in the process after a notice of intention was filed, and before the 45-day clock for the board to decide whether to review the case began. In both cases, it took over 100 days simply for the notice to be processed. Annexations can already take up to a year, and that is with a timely response from the board. There should be a clear effective filing date for these notices.

(Opposed) None.

(Other) Boundary review boards are independent bodies that currently exist in 15 counties. The boards provide fair and impartial decisions for cities, counties, and special purpose districts. The notice of intention contains vital information for interested parties and helps to support efficiency, customer service, and fiscal stewardship. Thirty days is a reasonable amount of time for an intake, but there needs to be a method to address a situation in which the notice is not complete. The board needs to be able to work with the jurisdiction to get a

completed notice. There should be some changes made to the bill in order to achieve the intent.

Persons Testifying: (In support) Representative Brandy Donaghy, prime sponsor; and David Toyer, Toyer Strategic Advisors, Incorporated.

(Other) Shelby Miklethun, Washington State Association of Boundary Review Boards.

Persons Signed In To Testify But Not Testifying: None.