
SUBSTITUTE HOUSE BILL 2344

State of Washington

68th Legislature

2024 Regular Session

By House Local Government (originally sponsored by Representatives Donaghy and Duerr)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to the effective date of the filing of a notice
2 of intention with a boundary review board; amending RCW 36.93.100;
3 and adding a new section to chapter 36.93 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.93
6 RCW to read as follows:

7 (1) The effective filing date for a notice of intention is
8 established by the earlier of the date that the chief clerk of the
9 boundary review board determines that the notice of intention is
10 sufficient or the date that the notice of intention is deemed
11 sufficient pursuant to subsection (4) of this section. The chief
12 clerk must make a determination of sufficiency within 30 calendar
13 days of the receipt of the notice and the payment of the applicable
14 filing fee.

15 (2) A notice of intention is sufficient if the applicable filing
16 fee has been paid, and the information in the notice is accurate and
17 complete and includes:

18 (a) The information required by RCW 36.93.130;

19 (b) Any additional information required by a board's rules; and

1 (c) Exhibits demonstrating that any statutory requirements
2 related to the action for which the notice is being submitted have
3 been completed.

4 (3) A notice of intention, whether the original notice submission
5 or a resubmission containing corrections, that is found by the chief
6 clerk of the boundary review board to be insufficient shall be
7 returned to the initiator of the action for correction. The chief
8 clerk must review any corrected notice within 14 calendar days of its
9 resubmission to determine whether it is now sufficient or remains
10 insufficient and in need of further correction.

11 (4) If the chief clerk of the boundary review board does not make
12 a determination of sufficiency or insufficiency within the time
13 periods established by this section, then the notice of intention
14 shall be deemed sufficient.

15 **Sec. 2.** RCW 36.93.100 and 1994 c 216 s 13 are each amended to
16 read as follows:

17 The board shall review and approve, disapprove, or modify any of
18 the actions set forth in RCW 36.93.090 when any of the following
19 shall occur within (~~forty-five~~) 45 days of the effective filing
20 date of a notice of intention:

21 (1) Three members of a five-member boundary review board or five
22 members of a boundary review board in a county with a population of
23 one million or more files a request for review: PROVIDED, That the
24 members of the boundary review board shall not be authorized to file
25 a request for review of the following actions:

26 (a) The incorporation of any special district or change in the
27 boundary of any city, town, or special purpose district;

28 (b) The extension of permanent water service outside of its
29 existing corporate boundaries by a city, town, or special purpose
30 district if (i) the extension is through the installation of water
31 mains of six inches or less in diameter or (ii) the county
32 legislative authority for the county in which the proposed extension
33 is to be built is required or chooses to plan under RCW 36.70A.040
34 and has by a majority vote waived the authority of the board to
35 initiate review of all other extensions; or

36 (c) The extension of permanent sewer service outside of its
37 existing corporate boundaries by a city, town, or special purpose
38 district if (i) the extension is through the installation of sewer
39 mains of eight inches or less in diameter or (ii) the county

1 legislative authority for the county in which the proposed extension
2 is to be built is required or chooses to plan under RCW 36.70A.040
3 and has by a majority vote waived the authority of the board to
4 initiate review of all other extensions;

5 (2) Any governmental unit affected, including the governmental
6 unit for which the boundary change or extension of permanent water or
7 sewer service is proposed, or the county within which the area of the
8 proposed action is located, files a request for review of the
9 specific action;

10 (3) A petition requesting review is filed and is signed by:

11 (a) Five percent of the registered voters residing within the
12 area which is being considered for the proposed action (as determined
13 by the boundary review board in its discretion subject to immediate
14 review by writ of certiorari to the superior court); or

15 (b) An owner or owners of property consisting of five percent of
16 the assessed valuation within such area;

17 (4) The majority of the members of boundary review boards concur
18 with a request for review when a petition requesting the review is
19 filed by five percent of the registered voters who deem themselves
20 affected by the action and reside within one-quarter mile of the
21 proposed action but not within the jurisdiction proposing the action.

22 If a period of (~~forty-five~~) 45 days shall elapse without the
23 board's jurisdiction having been invoked as set forth in this
24 section, the proposed action shall be deemed approved.

25 If a review of a proposal is requested, the board shall make a
26 finding as prescribed in RCW 36.93.150 within (~~one hundred twenty~~)
27 120 days after the filing of such a request for review. If this
28 period of (~~one hundred twenty~~) 120 days shall elapse without the
29 board making a finding as prescribed in RCW 36.93.150, the proposal
30 shall be deemed approved unless the board and the person who
31 submitted the proposal agree to an extension of the (~~one hundred~~
32 ~~twenty~~) 120-day period.

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