
HOUSE BILL 1950

State of Washington

55th Legislature

1997 Regular Session

By Representatives D. Schmidt, Thompson, Scott and Koster

Read first time 02/14/97. Referred to Committee on Government Administration.

1 AN ACT Relating to incorporations of cities and towns; amending RCW
2 36.93.150; and adding a new section to chapter 35.02 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.02 RCW
5 to read as follows:

6 A proposed city or town in a county that plans under RCW 36.70A.040
7 may not include any area located outside of an urban growth area
8 designated under RCW 36.70A.110, unless the area meets the following
9 requirements: (1) At least twenty-five percent of the boundaries of
10 the area proposed to be incorporated are coterminous with a portion of
11 the boundaries of an urban growth area; (2) the area has a population
12 of at least five thousand; (3) the area has a density of at least five
13 hundred persons per square mile; and (4) the area is already
14 characterized by significant industrial development.

15 **Sec. 2.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read
16 as follows:

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

4 (1) Approve the proposal as submitted.

5 (2) Subject to RCW 35.02.170, modify the proposal by adjusting
6 boundaries to add or delete territory. However, any proposal for
7 annexation of territory to a town shall be subject to RCW 35.21.010 and
8 the board shall not add additional territory, the amount of which is
9 greater than that included in the original proposal. Any modifications
10 shall not interfere with the authority of a city, town, or special
11 purpose district to require or not require preannexation agreements,
12 covenants, or petitions. A board shall not modify the proposed
13 incorporation of a city with an estimated population of seven thousand
14 five hundred or more by removing territory from the proposal, or adding
15 territory to the proposal, that constitutes ten percent or more of the
16 total area included within the proposal before the board. However, a
17 board shall remove territory in the proposed incorporation that (~~is~~
18 ~~located outside of an urban growth area~~) does not meet the
19 requirements of section 1 of this act or is annexed by a city or town,
20 and may remove territory in the proposed incorporation if a petition or
21 resolution proposing the annexation is filed or adopted that has
22 priority over the proposed incorporation, before the area is
23 established that is subject to this ten percent restriction on removing
24 or adding territory. A board shall not modify the proposed
25 incorporation of a city with a population of seven thousand five
26 hundred or more to reduce the territory in such a manner as to reduce
27 the population below seven thousand five hundred, except to remove any
28 area that does not meet the requirements of section 1 of this act.

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

31 (4) Determine whether, or the extent to which, functions of a
32 special purpose district are to be assumed by an incorporated city or
33 town, metropolitan municipal corporation, or another existing special
34 purpose district.

35 (5) Disapprove the proposal except that the board shall not have
36 jurisdiction: (a) To disapprove the dissolution or disincorporation of
37 a special purpose district which is not providing services but shall
38 have jurisdiction over the determination of a division of the assets
39 and liabilities of a dissolved or disincorporated special purpose

1 district; (b) over the division of assets and liabilities of a special
2 purpose district that is dissolved or disincorporated pursuant to
3 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city
4 with an estimated population of seven thousand five hundred or more,
5 but the board may recommend against the proposed incorporation of a
6 city with such an estimated population.

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

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

29 The board shall not modify or deny a proposed action unless there
30 is evidence on the record to support a conclusion that the action is
31 inconsistent with one or more of the objectives under RCW 36.93.180.
32 Every such determination to modify or deny a proposed action shall be
33 made in writing pursuant to a motion, and shall be supported by
34 appropriate written findings and conclusions, based on the record.

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