

CHAPTER 84

[Substitute Senate Bill No. 5127]

BOUNDARY REVIEW BOARDS—ORGANIZATION, POWERS, AND PROCEDURES

AN ACT Relating to boundary review boards; amending RCW 35.02.078, 36.93.150, 36.93.100, 36.93.105, 36.93.170, 36.93.180, 35.02.170, 35.21.790, and 35A.21.210; adding new sections to chapter 36.93 RCW; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.07 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35.16 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.91 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.02 RCW; adding a new section to chapter 35A.03 RCW; adding a new section to chapter 35A.05 RCW; adding a new section to chapter 35A.15 RCW; adding a new section to chapter 35A.16 RCW; adding a new section to chapter 52.02 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 52.06 RCW; adding a new section to chapter 52.08 RCW; adding a new section to chapter 52.10 RCW; adding a new section to chapter 53.48 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 54.32 RCW; adding a new section to chapter 56.04 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 56.24 RCW; adding a new section to chapter 56.28 RCW; adding a new section to chapter 56.32 RCW; adding a new section to chapter 56.36 RCW; adding a new section to chapter 57.04 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 57.24 RCW; adding a new section to chapter 57.28 RCW; adding a new section to chapter 57.32 RCW; adding a new section to chapter 57.36 RCW; adding a new section to chapter 57.40 RCW; adding a new section to chapter 57.90 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 87.52 RCW; adding a new section to chapter 87.53 RCW; adding a new section to chapter 87.56 RCW; and repealing RCW 36.93.050 and 36.93.060.

Be it enacted by the Legislature of the State of Washington:

***Sec. 1. Section 10, chapter 234, Laws of 1986 and RCW 35.02.078 are each amended to read as follows:**

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated (~~if the boundary review board approves or modifies and approves the proposal, or~~) if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or (~~the approval or modification and approval~~) by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may

be held for a period of three years from the date of the election in which the incorporation failed.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election.

*Sec. 1 was vetoed, see message at end of chapter.

*Sec. 2. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

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

- (1) Approval of the proposal as submitted;
- (2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: **PROVIDED**, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: **PROVIDED FURTHER**, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions: **AND PROVIDED FURTHER**, That a board shall not modify a proposed incorporation of a city by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board;
- (3) Determination of a division of assets and liabilities between two or more governmental units where relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district(~~(- PROVIDED, That a board shall not have jurisdiction)~~); (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter

36.96 RCW; nor (c) disapprove the incorporation of a city or disincorporation of a city or town.

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

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

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record. A document describing an action, finding, or conclusion made by a boundary review board may be signed by the chairman or vice-chairman at or out of a public meeting.

****Sec. 2 was vetoed, see message at end of chapter.***

Sec. 3. Section 10, chapter 189, Laws of 1967 as last amended by section 3, chapter 477, Laws of 1987 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a class AA county files a request for review; PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

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

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

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

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

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

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

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

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

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 4. Section 5, chapter 147, Laws of 1984 and RCW 36.93.105 are each amended to read as follows:

The following actions shall not be subject to potential review by a boundary review board:

(1) Annexations of territory to a water or sewer district pursuant to RCW 36.94.410 through 36.94.440 (~~shall not be reviewed by a boundary review board~~);

(2) Revisions of city or town boundaries pursuant to RCW 35.21.790 or 35A.21.210;

(3) Adjustments to city or town boundaries pursuant to section 24 of this act; and

(4) Adjustments to city and town boundaries pursuant to sections 12 through 15 of this act.

Sec. 5. Section 17, chapter 189, Laws of 1967 as last amended by section 33, chapter 234, Laws of 1986 and RCW 36.93.170 are each amended to read as follows:

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

(1) Population and territory; population density; land area and land uses; comprehensive (~~use~~) plans and zoning, as adopted under chapter 35-.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

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

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

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

Sec. 6. Section 18, chapter 189, Laws of 1967 as last amended by section 10, chapter 332, Laws of 1981 and RCW 36.93.180 are each amended to read as follows:

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;

(5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;

(6) Dissolution of inactive special purpose districts;

(7) Adjustment of impractical boundaries;

(8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and

(9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

~~((10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes will remain reasonably equal to the value of the additional municipal services to be received during a period of ten years following the effective date of the proposed annexation. This objective shall apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings)).~~

Sec. 7. Section 2, chapter 220, Laws of 1975 1st ex. sess. as amended by section 25, chapter 234, Laws of 1986 and RCW 35.02.170 are each amended to read as follows:

~~((Centerlines of public streets, roads or highways shall not be used to define any part of a boundary of a city or town in an incorporation or annexation proceeding.))~~ The right of way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation ~~((or annexation))~~ proceeding. The boundaries of a newly incorporated city or town shall not include a portion of the right of way of any public street, road or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way.

NEW SECTION. Sec. 8. A new section is added to chapter 35.13 RCW to read as follows:

The boundaries of a city or town arising from an annexation of territory shall not include a portion of the right of way of any public street, road, or highway except where the boundary runs from one edge of the right of way to the other edge of the right of way. However, the right of way line of any public street, road, or highway, or any segment thereof, may be used to define a part of a corporate boundary in an annexation proceeding.

NEW SECTION. Sec. 9. A new section is added to chapter 35A.14 RCW to read as follows:

The boundaries of a code city arising from an annexation of territory shall not include a portion of the right of way of any public street, road, or highway except where the boundary runs from one edge of the right of way

to the other edge of the right of way. However, the right of way line of any public street, road, or highway, or any segment thereof, may be used to define a part of a corporate boundary in an annexation proceeding.

Sec. 10. Section 17, chapter 220, Laws of 1975 1st ex. sess. and RCW 35.21.790 are each amended to read as follows:

(1) The governing bodies of a county and any city or town located therein may by agreement revise any part of the corporate boundary of the city or town which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city or town.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city or town council or commission and by ordinance or resolution of the ~~((board of))~~ county ~~((commissioners or county council))~~ legislative authority. Such a boundary revision is not subject to potential review by a boundary review board.

Sec. 11. Section 18, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.21.210 are each amended to read as follows:

(1) The governing bodies of a county and any code city ~~((or town))~~ located therein may by agreement revise any part of the corporate boundary of the city ~~((or town))~~ which coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city ~~((or town))~~.

(2) The revision of a corporate boundary as authorized by this section shall become effective when approved by ordinance of the city ~~((or town))~~ council ~~((or commission))~~ and by ordinance or resolution of the ~~((board of county commissioners or))~~ county ~~((council))~~ legislative authority. Such a boundary revision is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 12. A new section is added to chapter 35.13 RCW to read as follows:

The purpose of sections 12 through 15 of this act is to establish a process for the adjustment of existing or proposed city boundary lines to avoid a situation where a common boundary line is or would be located within a right of way of a public street, road, or highway, or a situation where two cities are separated or would be separated by only the right of way of a public street, road, or highway, other than situations where a boundary line runs from one edge of the right of way to the other edge of the right of way.

As used in sections 12 through 15 of this act, "city" includes every city or town in the state, including a code city operating under Title 35A RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 35.13 RCW to read as follows:

(1) This section provides a method to adjust the boundary lines between two cities where the two cities share a common boundary within a right of way of a public street, road, or highway, or the two cities have a portion of their boundaries separated only by all or part of the right of way of a public street, road, or highway. However, this section does not apply to situations where a boundary line runs from one edge of the right of way to the other edge of the right of way.

(2) The councils of any two cities in a situation described in subsection (1) of this section may enter into an agreement to alter those portions of their boundaries that are necessary to eliminate this situation and create a partial common boundary on either edge of the right of way of the public street, road, or highway. An agreement made under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in subsection (1) of this section.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 14. A new section is added to chapter 35.13 RCW to read as follows:

The councils of any two cities that will be in a situation described in section 13(1) of this act as the result of a proposed annexation by one of the cities may enter into an agreement to adjust those portions of the annexation proposal and the boundaries of the city that is not proposing the annexation. Such an agreement shall not be effective unless the annexation is made.

The annexation proposal shall proceed if such an agreement were not made, but any resulting boundaries between the two cities that meet the descriptions of section 13(1) of this act shall be adjusted by agreement between the two cities within one hundred eighty days of the effective date of the annexation, or the county legislative authority of the county within which the right of way is located shall adjust the boundaries within a sixty-day period immediately following the one hundred eightieth day.

An agreement or adjustment made by a county under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in section 13(1) of this act.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 15. A new section is added to chapter 35.13 RCW to read as follows:

(1) The purpose of this section is to avoid situations arising where the boundaries of an existing city and a newly incorporated city would create a situation described in section 13(1) of this act.

(2) A boundary review board that reviews the boundaries of a proposed incorporation may enter into an agreement with the council of a city, that would be in a situation described in subsection (1) of this section as the result of a proposed incorporation of a city, to adjust the boundary line of the city and those of the city proposed to be incorporated to avoid this situation described in subsection (1) of this section if the incorporation were to be approved by the voters. Such an agreement shall not be effective unless the incorporation occurs.

The incorporation proposal shall proceed if such an agreement were not made, but any resulting boundaries between the two cities that meet create a situation described in section 13(1) of this act shall be adjusted by agreement between the two cities within one hundred eighty days of the official date of the incorporation, or the county legislative authority of the county within which the right of way is located shall adjust the boundaries within a sixty-day period immediately following the one hundred eightieth day.

An agreement or adjustment made by a county under this section shall include only boundary line adjustments between the two cities that are necessary to eliminate the situation described in section 13(1) of this act.

A boundary line adjustment under this section is not subject to potential review by a boundary review board.

NEW SECTION. Sec. 16. A new section is added to chapter 36.93 RCW to read as follows:

Boundary review board approval, or modification and approval, of a proposed annexation by a city, town, or special purpose district shall authorize annexation as approved and shall not authorize any other annexation action.

NEW SECTION. Sec. 17. A new section is added to chapter 36.93 RCW to read as follows:

The boundary review board in class AA counties shall consist of eleven members chosen as follows:

- (1) Three persons shall be appointed by the governor;
- (2) Three persons shall be appointed by the county appointing authority;
- (3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and
- (4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to

serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

NEW SECTION. Sec. 18. A new section is added to chapter 36.93 RCW to read as follows:

The boundary review board in all counties other than class AA counties shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;
- (3) One person shall be appointed by the mayors of the cities and towns located within the county; and
- (4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

NEW SECTION. Sec. 19. A new section is added to chapter 36.93 RCW to read as follows:

The executive of the county shall make the appointments under sections 17 and 18 of this act for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during

the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county becomes a class AA county. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county becomes a class AA county.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

NEW SECTION. Sec. 20. A new section is added to chapter 36.93 RCW to read as follows:

Each boundary review board that is in existence as of the effective date of this section shall designate the terms of office of its members to conform with the staggering of terms as established under sections 17 and 18 of this act by September 1, 1989. The members who were appointed independently by the governor shall remain as gubernatorial appointees. The member or members who were appointed by the governor from nominees of the county legislative authority shall be considered to be appointees of the county. The member or members who were appointed by the governor from nominees of the mayors shall be considered to be appointees of the mayors. The member or members who were appointed by the governor from nominees of the special districts shall be considered to be appointees by the board from nominees of the special districts.

No board member may serve on a board more than eight consecutive years. However, any board member serving on the effective date of this section who has served or will serve in excess of this limitation as his or her term of office is adjusted under this section may remain in office for the remainder of his or her term.

NEW SECTION. Sec. 21. A new section is added to chapter 36.93 RCW to read as follows:

Whenever appointments under sections 17 through 20 of this act have not been made by the appointing authority, the size of the board shall be

considered to be reduced by one member for each position that remains vacant or unappointed.

NEW SECTION. Sec. 22. A new section is added to chapter 35.13 RCW to read as follows:

A city or town may cause a proposition authorizing an area to be annexed to the city or town to be submitted to the qualified voters of the area proposed to be annexed in the same ballot proposition as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and the assumption of indebtedness shall be authorized only if the proposition is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the proposition, and the number of persons voting on the proposition constitutes not less than forty percent of the total number of votes cast in the area at the last preceding general election.

However, the city or town council may adopt a resolution accepting the annexation, without the assumption of indebtedness, where the combined ballot proposition is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.14 RCW to read as follows:

A code city may cause a proposition authorizing an area to be annexed to the city to be submitted to the qualified voters of the area proposed to be annexed in the same ballot proposition as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and the assumption of indebtedness shall be authorized only if the proposition is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the proposition, and the number of persons voting on the proposition constitutes not less than forty percent of the total number of votes cast in the area at the last preceding general election.

However, the code city council may adopt a resolution accepting the annexation, without the assumption of indebtedness, where the combined ballot proposition is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 24. A new section is added to chapter 35.13 RCW to read as follows:

The boundaries of a city shall be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without of the boundaries of that city upon the governing body of the city adopting a resolution approving such an adjustment that was requested in a petition signed by the owner of the parcel. A boundary adjustment made pursuant to this section shall not be subject to potential review by the boundary review board of the county within which the parcel is located if the remaining portion of the parcel to be included or excluded from the city is located in the unincorporated area of the county and the adjustment is

approved by resolution of the county legislative authority or in writing by a county official or employee of the county who is designated by ordinance of the county to make such approvals.

Where part of a single parcel of land is located within the boundaries of one city, and the remainder of the parcel is located within the boundaries of a second city that is located immediately adjacent to the first city, the boundaries of the two cities may be adjusted so that all of the parcel is located within either of the cities, if the adjustment was requested in a petition signed by the property owner and is approved by both cities. Approval by a city may be through either resolution of its city council, or in writing by an official or employee of the city who has been designated by ordinance of the city to make such approvals. Such an adjustment is not subject to potential review by the boundary review board of the county in which the parcel is located.

Whenever a portion of a public right of way is located on such a parcel, the boundary adjustment shall be made in such a manner as to include all or none of that portion of the public right of way within the boundaries of the city.

As used in this section, "city" shall include any city or town, including a code city.

NEW SECTION. Sec. 25. A new section is added to chapter 35.02 RCW to read as follows:

Actions taken under chapter 35.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 35.07 RCW to read as follows:

Actions taken under chapter 35.07 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 27. A new section is added to chapter 35.10 RCW to read as follows:

Actions taken under chapter 35.10 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 28. A new section is added to chapter 35.13 RCW to read as follows:

Actions taken under chapter 35.13 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 29. A new section is added to chapter 35.16 RCW to read as follows:

Actions taken under chapter 35.16 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 30. A new section is added to chapter 35.43 RCW to read as follows:

The creation of a local improvement district outside of the boundaries of a city or town to provide water or sewer facilities may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 31. A new section is added to chapter 35.61 RCW to read as follows:

The creation of a metropolitan park district, and an annexation by, or dissolution or disincorporation of, a metropolitan park district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 32. A new section is added to chapter 35.67 RCW to read as follows:

The extension of sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 33. A new section is added to chapter 35.91 RCW to read as follows:

The extension of water or sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 34. A new section is added to chapter 35.92 RCW to read as follows:

The extension of water or sewer facilities outside of the boundaries of a city or town may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 35. A new section is added to chapter 35A.02 RCW to read as follows:

Actions taken under chapter 35A.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 36. A new section is added to chapter 35A.03 RCW to read as follows:

Actions taken under chapter 35A.03 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 37. A new section is added to chapter 35A.05 RCW to read as follows:

Actions taken under chapter 35A.05 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 38. A new section is added to chapter 35A.14 RCW to read as follows:

Actions taken under chapter 35A.14 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 39. A new section is added to chapter 35A.15 RCW to read as follows:

Actions taken under chapter 35A.15 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 40. A new section is added to chapter 35A.16 RCW to read as follows:

Actions taken under chapter 35A.16 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 41. A new section is added to chapter 52.02 RCW to read as follows:

Actions taken under chapter 52.02 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 42. A new section is added to chapter 52.04 RCW to read as follows:

Actions taken under chapter 52.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 43. A new section is added to chapter 52.06 RCW to read as follows:

Actions taken under chapter 52.06 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 44. A new section is added to chapter 52.08 RCW to read as follows:

Actions taken under chapter 52.08 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 45. A new section is added to chapter 52.10 RCW to read as follows:

Actions taken under chapter 52.10 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 46. A new section is added to chapter 53.48 RCW to read as follows:

The dissolution of a metropolitan park district, fire protection district, sewer district, water district, or flood control zone district under chapter 53.48 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 47. A new section is added to chapter 54.08 RCW to read as follows:

Actions taken under chapter 54.08 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 48. A new section is added to chapter 54.16 RCW to read as follows:

The provision of water service beyond the boundaries of a public utility district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 49. A new section is added to chapter 54.32 RCW to read as follows:

Actions taken under chapter 54.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 50. A new section is added to chapter 56.04 RCW to read as follows:

Actions taken under chapter 56.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 51. A new section is added to chapter 56.08 RCW to read as follows:

The provision of sewer service beyond the boundaries of a sewer district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 52. A new section is added to chapter 56.24 RCW to read as follows:

Actions taken under chapter 56.24 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 53. A new section is added to chapter 56.28 RCW to read as follows:

Actions taken under chapter 56.28 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 54. A new section is added to chapter 56.32 RCW to read as follows:

Actions taken under chapter 56.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 55. A new section is added to chapter 56.36 RCW to read as follows:

Actions taken under chapter 56.36 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 56. A new section is added to chapter 57.04 RCW to read as follows:

Actions taken under chapter 57.04 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 57. A new section is added to chapter 57.08 RCW to read as follows:

The provision of water service beyond the boundaries of a water district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 58. A new section is added to chapter 57.24 RCW to read as follows:

Actions taken under chapter 57.24 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 59. A new section is added to chapter 57.28 RCW to read as follows:

Actions taken under chapter 57.28 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 60. A new section is added to chapter 57.32 RCW to read as follows:

Actions taken under chapter 57.32 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 61. A new section is added to chapter 57.36 RCW to read as follows:

Actions taken under chapter 57.36 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 62. A new section is added to chapter 57.40 RCW to read as follows:

Actions taken under chapter 57.40 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 63. A new section is added to chapter 57.90 RCW to read as follows:

Actions taken under chapter 57.90 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 64. A new section is added to chapter 85.38 RCW to read as follows:

The establishment of a drainage district, drainage improvement district, or drainage or diking improvement district may be subject to potential review by a boundary review board under chapter 36.93 RCW. Annexations, consolidations, or transfers of territory by a drainage district, drainage improvement district, or drainage or diking improvement district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 65. A new section is added to chapter 86.15 RCW to read as follows:

The creation of a flood control zone district may be subject to potential review by a boundary review board under chapter 36.93 RCW. Extensions of service outside of the boundaries of a flood control zone district may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 66. A new section is added to chapter 87.03 RCW to read as follows:

The formation of an irrigation district may be subject to potential review by a boundary review board under chapter 36.93 RCW. The alteration of the boundaries of an irrigation district, including but not limited to a

consolidation, addition of lands, exclusion of lands, or merger, may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 67. A new section is added to chapter 87.52 RCW to read as follows:

Actions taken under chapter 87.52 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 68. A new section is added to chapter 87.53 RCW to read as follows:

Actions taken under chapter 87.53 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 69. A new section is added to chapter 87.56 RCW to read as follows:

Actions taken under chapter 87.56 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW.

NEW SECTION. Sec. 70. A new section is added to chapter 35.21 RCW to read as follows:

A city or town may provide factual information on the effects of a proposed boundary change on the city or town and the area potentially affected by the boundary change. A statement that the city or town has such information available, and copies of any printed materials or information available to be provided to the public shall be filed with the boundary review board for the board's information.

NEW SECTION. Sec. 71. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 189, Laws of 1967, section 1, chapter 98, Laws of 1967 ex. sess., section 2, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.050; and

(2) Section 6, chapter 189, Laws of 1967, section 3, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.060.

Passed the Senate April 7, 1989.

Passed the House April 5, 1989.

Approved by the Governor April 20, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 20, 1989.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1 and 2, Substitute Senate Bill No. 5127, entitled:

"AN ACT Relating to boundary review boards."

Sections 1 and 2 of Substitute Senate Bill No. 5127 would eliminate the authority of boundary review boards to disapprove a proposed city or town incorporation or disincorporation.

I recognize there are some communities in the state that are dissatisfied with recent incorporation decisions of boundary review boards. However, I am not convinced that the answer to this problem is simply to eliminate the board's authority in this critical area. One of the purposes of Chapter 36.93, which created boundary review boards, was to provide a method to guide and control the creation and growth of municipalities in metropolitan areas. By deleting the boards' authority over incorporations, the purpose of this act would be frustrated.

The State has a legitimate interest in ensuring that municipal boundaries are rational and that statutory objectives are adhered to in the incorporation process. The authority of boundary review boards to review and act on incorporations is the established method of achieving that goal. Without such authority, there is some risk of proliferation of small municipalities and governmental fragmentation at the local level. Additionally, annexations often need to be amended to ensure they do not just include the property tax rich area while excluding poorer valuation residential areas which require public services.

Neighboring jurisdictions are usually affected directly by municipal incorporations. Review of these actions by boundary review boards ensures that multi-jurisdictional issues are considered before a vote is taken.

Notwithstanding the concerns with sections 1 and 2 of the bill, I recognize that boundary review boards may not be the best approach for all counties to address these important growth issues. For that reason, I requested legislation this session (House Bill No. 1174) that would provide a mechanism for the dissolution of boundary review boards if a local government service agreement is in place. That bill has not yet been acted upon by the Legislature.

With the exception of sections 1 and 2, Substitute Senate Bill No. 5127 is approved."

CHAPTER 85

[Senate Bill No. 5156]

CEDAR RIVER SOCKEYE SALMON ENHANCEMENT PROJECT

AN ACT Relating to Cedar river sockeye salmon; adding new sections to chapter 75.52 RCW; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature hereby designates the Cedar river sockeye salmon enhancement project as a "Washington state centennial salmon venture."

NEW SECTION. Sec. 2. The legislature recognizes that King county has a unique urban setting for a recreational fishery and that Lake Washington and the rivers flowing into it should be developed for greater salmon production. A Lake Washington fishery is accessible to fifty percent of the state's citizens by automobile in less than one hour. There has been extensive sockeye fishing success in Lake Washington, primarily from fish originating in the Cedar river. The legislature intends to enhance the Cedar river fishery by active state and local management and intends to maximize the Lake Washington sockeye salmon runs for recreational fishing for all of the citizens of the state. A sockeye enhancement program could produce two to three times the current numbers of returning adults. A sockeye enhancement project would increase the public's appreciation of our state's