

## **WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY**

### **BACKGROUND INFORMATION (Updated September 2016)**

**Purpose:** Chapter 36.93 RCW establishes the Washington State Boundary Review Board for King County. As prescribed by RCW 36.93, the Board provides a single, integrated service. To wit, the Boundary Review Board provides independent, quasi-judicial review of proposals for creation of or changes to boundaries by cities and by special purpose districts (e.g., fire districts, and water/sewer districts) within King County. Through this review process, the Board ensures logical growth in the communities of King County.

Thus, the Board offers a unique (and often sole) opportunity for citizens to participate in review of creation of or changes to boundaries of cities and special purpose districts before a neutral hearing body. RCW 36.93 establishes detailed requirements for agency structure and function, including, but not limited to, application standards, review protocols, review criteria, review processes, review timelines, staffing, legal counsel, and administrative responsibilities.

**Formation:** The Boundary Review Board for King County was created by 1967 legislation, for the purpose of guiding and controlling the creation and growth of cities in metropolitan areas. The legislation mandated Boundary Review Boards in the four urban counties of Washington State, including King County. The legislation also provided an option for creation of Boundary Review Boards in the State's other counties. There are now Boundary Review Boards in 18 counties in Washington State.

**Appointments:** The Boundary Review Board for King County has eleven members. Four members are appointed by King County Executive (with Council confirmation), four members are appointed by the mayors in the cities of King County, and three members are appointed from nominations by special purpose districts (fire, water, and sewer districts). Boundary Review Board members may not be associated with other King County jurisdictions at the time they are serving on the Board, but there are frequently former government officials serving on the Board.

**Statutory Mandate for New City Incorporations, Disincorporations, Annexations, Mergers and Other Boundary Changes:** The 1990 Growth Management Act (GMA) established an Urban Growth Area (UGA) – intending to direct growth to areas within an Urban Growth Boundary and to preserve lands outside of the UGA for such low density uses as rural residential use, agriculture, forestry, mining and natural preserves.

GMA also mandates that each community inside the UGA develop a Comprehensive Plan. The Comprehensive Plan is intended to establish policies to provide for land use, housing, transportation, utilities, public facilities and the natural environment for that community over a 20-year period. As a part of the Comprehensive Plan, each community is permitted to identify Potential Annexation Areas (PAA) – areas that would be logical extensions to – and could reliably receive services from -- a community. Policies to provide for development and services to the PAA are to be included in the Comprehensive Plan. Policies for areas within city boundaries and the PAA are required in order for the community to have the Comprehensive Plan accepted by the State of Washington.

The Growth Management Act (GMA) establishes cities as the jurisdiction intended to govern urban areas. To address this policy, GMA encourages citizens of unincorporated lands to join existing cities; however, creation of new cities through incorporation is also consistent with the GMA. The Board's decisions must be consistent with the Growth Management Act (GMA).

Further, as prescribed by RCW 36.93, the Boundary Review Board has a statutory mandate to evaluate and act upon applications for creation of or changes to boundaries within the Urban Growth Area, including annexations, incorporations, mergers, and similar actions. The Board's decisions must be consistent with the RCW 36.93 (the Boundary Review Board Enabling Act) requirements for the consideration of annexations, incorporations, and other changes of jurisdictional boundaries.

The Board's decisions must also be consistent with several other state, regional, and jurisdictional standards, including, but not limited to

- RCW 35.13 (Cities and Towns);
- RCW 35.13A and RCW 57.24 (Water and Sewer Districts);
- RCW 35A.14 (Annexations by Code Cities);
- State Environmental Policy Act
- Shorelines Management Act
- King County Comprehensive Plan/Countywide Planning Policies/Countywide Strategic Plan
- Plans and statutes of local communities

More specifically, citizens seeking incorporation must submit petitions to King County Council and must file a Notice of Intention with the Boundary Review Board. For incorporations, the Boundary Review Board holds public information meetings and conducts public hearings to determine the viability of the new city and, if viable, establishes final boundaries of the new city. The voters of the area make the final decision as to whether to incorporate. In the past decade, the Board has reviewed 12 applications for incorporation. Currently there is one inquiry for incorporation before the Boundary Review Board.

For annexations and all other proposed actions (e.g., mergers, disincorporations), the applicant – a city or a special purpose district -- must file a Notice of Intention with the Boundary Review Board. The Board notifies all potentially interested jurisdictions of the action and invites public comment during a 45-day public review period. The Board then holds a public meeting to review the proposal with respect to State and County regulations (e.g., State Growth Management Act, King County Comprehensive Plan, RCW 36.93; RCW 35A.14; RCW 35.13, RCW 57.24, *et seq.*). The action is finalized by operation of law at the close of the public comment period unless there is a specific request for a public hearing before the Board.

The Boundary Review Board holds a public hearing for an action (e.g., annexation, assumption, merger) if there is an official request by an affected jurisdiction or by affected residents and/or property owners. A public hearing includes presentations by proponents and opponents of an action. Testimony is permitted from representatives of cities, counties, special purpose districts, other agencies and citizens (property owners and residents) affected by a proposed action.

Following the hearing, the Board must evaluate testimony to determine whether the proposed action meets or fails to meet required Boundary Review Board criteria (e.g., issues related to land characteristics, service provision, economic and social criteria as cited in RCW 36.93.170/.180). The Board also evaluates compliance with the Growth Management Act, the King County Comprehensive Plan, and other statutory requirements. Based upon the Board's findings, the Boundary Review Board acts to approve, deny, or modify the proposed annexation, merger or other action.

Following the Board's action to approve or modify an action, the community may have an opportunity to vote on the proposed annexation, merger, or similar action. The City and the citizens make the decision to include or exclude the election process based upon the proposed method of annexation, merger, or other action. This decision is linked to the originally proposed Notice of Intention – which may be accomplished through a variety of petition-only methods of action, interlocal agreement methods of action, resolution method of action, or petition-election methods of action.

In recent years, the Board has been asked to consider in public meetings and public hearings, matters related to: definition of urban growth areas; allocation of land to a community's potential annexation area (e.g., overlapping jurisdiction, exclusion from potential annexation areas); land designation and land use; environmental protection; interpretation of authorities of special purpose districts and municipal jurisdictions; and provision of services to urban areas and to rural areas. Further, hearings have been required in response to concerns by government jurisdictions or citizens concerning the timeliness of an action – for example, where limited fiscal resources or service capacity restrict the ability of a local jurisdiction to govern new citizens.

From 2013 to the present, the Board has reviewed more than 80 Notices of Intention for a variety of proposed actions. Approximately seven Notices have come to a public hearing conducted by the Board to enable review by governments, community members, and other stakeholders.

Of late, the Board has reviewed proposed municipal annexations of substantial territories and other actions from several cities including: Bellevue, Burien, Issaquah, Sammamish, and Seattle. Significant actions proposed by numerous special purpose districts have also come before the Board (e.g., the City of Shoreline Assumption of the Ronald Wastewater District, the annexation of the City of Milton into the East Pierce County Fire District.)

In the recent past, there have been two applications for city incorporations in King County: Each failed at election. The Board may receive one request for incorporation in the coming year.

In the course of conducting public hearings, the Board has made decisions to approve, deny or modify actions proposed by cities and by special purpose districts. For example, the Board approved the City of Seattle Duwamish Area Annexation; City of Seattle - and the North Highline "Y" Area Annexation; and City of Shoreline – Assumption of Ronald Wastewater District.)

The Board denied a small number of municipal annexations (e.g., City of Tukwila – North Highline Area "Q" Annexation), and special district annexation proposals (for sewer service) because of service limitations, fiscal constraints, or because the lands were outside the Urban Growth Area boundary.

**The Future:** The Board contemplates a busy and challenging future. The State of Washington and King County have taken several recent actions encouraging the implementation of State Growth Management Act provisions supporting local governance of urban areas. The State Legislature has authorized a variety of systems for annexation by the citizen petition method. The State has also provided financial incentives for cities seeking to annex unincorporated areas.

Further, King County is developing policies and programs (e.g., financial incentives) to encourage citizens of urban unincorporated areas to join existing cities and to encourage cities to annex such urban areas. Under King County's "ideal scenario," annexation of all urban areas would occur by 2016. However, it is likely that these actions will not be complete until later in the decade.

When unincorporated lands in King County are established within local jurisdictions – through annexation, incorporation, assumption or merger -- the Boundary Review Board will have completed its mandate to the State and its mission to King County.

**Boundary Review Board Services:** Boundary Review Board staff is responsible for providing application materials for annexation, incorporation, mergers and other actions. Staff provides a formal Application Planning Service – as well as informal connections -- to provide information concerning requirements for annexation, incorporations, mergers and other actions. Staff provides applicants and other interested parties with regulations, guidelines and other standards pursuant to various actions.

The Board's Special Assistant Attorney General addresses questions and provides legal interpretations concerning the applicability of general regulations to particular types of proposals.

Boundary Review Board staff determines whether an application is complete. Staff ensures that all applications are submitted for appropriate agency and public review. Staff provides the initial analysis of proposals for actions. Staff reports upon findings of fact and provides the proposal analysis to the Board.

Staff also provides information materials to (and receives materials from) King County officials (e.g., Executive, County Council, Department of Development and Environmental Services, Office of Finance), to the State Boundary Review Board Association, to the State Legislature, to local jurisdictions and to community groups.

Staff is further responsible to fulfill liaison duties with the State of Washington, King County, local jurisdictions, and with professional organizations (e.g., Washington State Chapter of the American Planning Association; Washington State Association of Boundary Review Boards.)

Boundary Review Board staff is available at 206-477-0633 to provide additional information concerning the organization's legal mandate, role and responsibilities, and current and anticipated actions before the Board.

Thank you for your interest in the Boundary Review Board.

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### WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY SEEKS NEW MEMBERS

The Washington State Boundary Review Board for King County is now recruiting candidates to serve on the Board. Terms of office will begin in February 2017.

The Boundary Review Board reviews proposals for annexations, expansions and mergers by cities, fire districts, and water/sewer districts within King County. The Board also reviews new city incorporations and disincorporations. Recently, the Board has reviewed more than 50 proposals, including several noteworthy and challenging applications for boundary changes – incorporations and annexations -- and expanded service areas. The Board anticipates that the coming years will continue to bring important proposals and offer interesting experiences to its Board members.

The Board is particularly seeking persons with interests and/or expertise appropriate to service on the Boundary Review Board, including local government, growth management, land use planning and administration and/or public services planning and administration. Boundary Review Board members may not serve as officials, employees or contract personnel of a governmental agency within King County while serving on the Boundary Review Board.

Under State law, the Board has eleven members. Three members are appointed from the Office of the Governor. There are also three members appointed from the Executive of King County, three positions appointed from Cities of King County and two positions appointed from area Special Purpose Districts.

The Board is currently recruiting candidates for two appointments from the Cities of King County. Each of the new members would serve a full four-year term, from February 1, 2017 – January 31, 2021.

Board members must be available to attend the Board's regular monthly meeting and public hearings as required for proposed actions – e.g., annexation, merger, incorporation. All meetings and hearings are held in the evening hours. Information packets are provided to enable Board members to review materials prior to meetings and hearings. The Board also conducts orientation and training workshops for members. Board staff is available to provide guidance and support to Board members.

State law provides for compensation of \$50.00 for each meeting or hearing. The Board budget allows for limited reimbursement for orientation/training workshops, for mileage and for other related incidental expenses.

If you are interested in Board membership, you may obtain an application by contacting Lenora Blauman, Executive Secretary to the Board, at 206-477-0633. We would also welcome your recommendation of other persons who would be interested in serving on the Board. **The deadline for submitting applications to the Boundary Review Board is October 1, 2016.**

May be published in:

- Seattle Times
- Municipal League Newsletter
- King County Newsletter
- Area Community Councils
- Suburban City Newsletters