

BOUNDARY REVIEW BOARD FOR GRAYS HARBOR COUNTY

Purpose and Processes of the Boundary Review Board

The Washington State Boundary Review Board for Grays Harbor County was established by the Board of County Commissioners in 2007 in accordance with state statutes to provide local independent review of certain actions proposed by cities, towns and special purpose districts. The actions that come before the Board involve boundary changes for these jurisdictions. The Washington State Legislature has specifically defined the purpose, authority, makeup, terms, fees and procedures of Boundary Review Boards. This legislation and amendments that have occurred over the years are contained in Chapter 36.93, Revised Code of Washington (RCW).

The Board consists of five members, all from Grays Harbor County, appointed by elected officials of the cities, special purpose districts, the county (one member each) and the Governor (two members). Terms are four years. Although the county is mandated by state statute to fund the Board, the Board and its staff function independently. It does not give special consideration to county interests over the interests of other parties involved in the process. The Board's regular meetings are normally held on the first Wednesday of each month at 4:00 p.m. in Commission Chambers of the Grays Harbor County Administration Building. The Board does not meet every month. Information and scheduling regarding meetings may be obtained by contacting the Clerk of the Boundary Review Board at (360) 249-3731, 100 W. Broadway, Suite #1, Montesano, WA 98563.

Who is Subject to Board Review?

Any incorporated city or town, metropolitan municipal corporation or special purpose district within Grays Harbor County that proposes boundary changes, sewer or water service extensions beyond its boundaries or certain other actions (see below), is required by law to submit its proposal to the Board for review.

"Special purpose district" means any sewer district, water district, fire protection district, drainage or drainage improvement district, diking or dike improvement district, flood control zone district, irrigation district, metropolitan park district or public utility district engaged in water distribution." (RCW 36.93.020)

Each of these governments must comply with appropriate state statutes regarding annexations, boundary changes, service extensions and other actions

What Actions Trigger Boundary Review Board Review?

The initiators of the following actions must file a "notice of intention" with the Board on forms provided by the Board's staff (please refer to RCW 36.93.090 for more detail):

1. The creation, dissolution, consolidation or change in the boundary of any city, town, or special purpose district, except that a Board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated by the Board of County Commissioners pursuant to the provisions of RCW 36.93;

2. The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town;
3. The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district (pursuant to RCW 57.08.065 or Chapter 57.40);
4. The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district (Pursuant to RCW 56.20.015 or Chapter 56.36 RCW as now or hereafter amended); or
5. The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town or special purpose district.
NOTE: A Coordinated Water System Plan approved in accordance with RCW 70.116.050, or a Comprehensive Sewer Plan approved in accordance with RCW 26.94 alter the requirements for extended permanent water or sewer service outside of a city, town or special purpose district.

In addition, whenever a sewer or water district submits a notice of intention to the Board, Board staff must send a copy to the State Department of Ecology.

Cost to File a Notice of Intention

A fee of \$50.00 is required and can be paid by check to the Boundary Review Board. In addition, there is a \$200.00 fee to be paid by an affected local government, landowners or registered voters if they request the Board to hold a public hearing on the proposal (RCW 36.93.120).

What is Involved in the Board's Review?

There are a number of steps in the Board's review process, as established by statute as well as the Board's own Rules of Practice and Procedure. All steps are not necessarily required for the Board to review a proposal. The following are the pertinent steps:

1. The initiator prepares the materials and answers required on the Board's notice of intention form. The Board's staff may be consulted and will review the package to determine that it is complete before it is formally filed.
2. State laws require a city to submit the legal description and maps to the appropriate county officer for certification prior to acceptance for filing by the Boundary Review Board. Board staff will submit legal descriptions and maps to appropriate county officials for proposals by all other jurisdictions.
3. Once responses are received from the county, staff either returns the package to the initiator for corrections, or accepts and formally files the package, assigning a filing date. The filing date is the date that all legally required materials are received in the Board's office. The filing date is important. It begins a 45-day clock running,

during which the Board's jurisdiction may be invoked requiring it to hold a public hearing and conduct a formal review of the proposal.

4. Staff submits a complete notice of intention package to county staff for review and comment. In addition, notification with maps is sent to all affected jurisdictions and the immediate area may be posted with notices.
5. If the Board's jurisdiction is invoked, the 45-day review period ends and a 120-day hearing period begins. The Board will establish a hearing date, and the legally required process of notification of hearing is accomplished. The latter includes the publication of legal notices in at least one local newspaper and the posting of notices in the affected area within a specific time frame. At the hearing, the Board collects testimony from all who wish to testify, and ultimately will make a decision as to whether the proposed action satisfies the requirements of the statute. It is the duty of the Board's staff to be available to assist all parties who wish to be involved in the process to understand and to participate in an appropriate manner, in order to best communicate all concerns to the Board.
7. If no request for a public hearing is received and the 45-day review period passes, the proposal is automatically deemed approved as submitted and goes back for final action as required by the initiator's appropriate statutes.

Who may invoke the Board's jurisdiction to hold a public hearing?

The Board's jurisdiction may be invoked by any affected jurisdiction, 5% of the registered voters within the proposal area or owners of property consisting of 5% of the assessed valuation within the proposal area, owners of property consisting of 5% of the assessed valuation within 1/4 mile of the proposal (RCW 36.93.100). If the proposal is less than ten acres and under \$2,000,000 in assessed valuation, the statute provides that the Chair, upon request, may waive Board review and eliminate some of the 45-day public comment period (RCW 36.93.110).

What is the Board's Authority over Boundary Changes, Service Area Extensions and Related Matters?

Once the Board's jurisdiction is invoked the public hearing process is initiated. The Board will hold a hearing and take one of the following actions (RCW 36.93.150):

1. Approve the proposal as submitted
2. Modify the proposal by deleting property
3. Determine the division of assets or liabilities between two or more governmental units if relevant;
4. Determine whether, or the extent to which, the functions of a special purpose district are to be assumed by a city or town, metropolitan municipal corporation or another existing special purpose district; or

5. Deny the proposal.

If the Board takes one or more of the first four actions the proposal is then returned to the proponent for final action as determined by statute. If the Board denies a proposal, it cannot be resubmitted for one year from the date of denial.

Are There Any Provisions for an Appeal of the Board's Decision?

Yes. A government unit affected by the Board's decision or any person owning real property or residing in or within one quarter mile of the affected area may file a notice of appeal in Superior Court within thirty (30) days of the Board's decision (RCW 36.93.160).

What Does the Board Consider in its Decision Making Process?

The State Legislature established specific objectives which Boundary Review Boards must attempt to achieve in its decisions. It also gave boards the authority to determine its own methods to aid the decision making process. The objectives are quoted below followed by the goals and policies the Board applies to help it achieve its objectives.

Objectives

The Board will attempt to achieve the following objectives; it must achieve at least one and not diminish or reduce the effects of the others (RCW 36.93.180):

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. (RCW 36.93.157)

Goals and Policies

The Board has developed the following goals and policies to guide its review and decisions. They reflect the planning programs and the general climate of growth and development that are common to Grays Harbor County.

Definitions:

1. "Goal" means a broad statement of a desired condition, state or result that RCW 36.93 is designed to achieve.
2. "Policy" means a guideline, position statement, declared method or course of action for decision-making by the Board in order to meet the statute's objectives (RCW 36.93.180).

Goals

1. To achieve orderly and efficient patterns of growth in Grays Harbor County, consistent with the applicable provisions of the Growth Management Act.
2. To ensure cost-effective use of existing public services by seeing that proposed annexations and developments occur where ample services and facilities exist or can be efficiently made available.
3. To ensure that new or extended public services are provided in a logical, timely and equitable manner.
4. To achieve heightened public and local government awareness of the purposes, responsibilities and procedures of the Boundary Review Board.

Policies

1. The Boundary Review Board strives to ensure that:
 - a. Unincorporated "islands" are not created or maintained; and
 - b. City annexations will contribute to the consolidation of city limits and will not create appendage like development.
2. The Boundary Review Board, in determining if a proposal creates and preserves logical service areas (RCW 36.93.170) will consider:
 - a. The effects of the proposal on the residents, properties and services within the proponent's existing boundaries and within the proposed annexation or service area;
 - b. The level, effectiveness and cost of services that the proponent will provide in the annexation or service area;
 - c. Whether, when an annexation to a city is proposed, a full level of municipal services will be provided;

- d. Whether the proposal creates or maintains the duplication or overlapping of services.
3. The Board, in its review of annexations to cities and special purpose districts, should be provided utility service plans of the proposing agency. The Board should seek and the proponent shall provide staff technical assistance regarding service capabilities.
4. The Board, in its review pursuant to RCW 36.93, will consider comprehensive land uses and/or service plans, inter-local agreements and urban growth management programs which are in effect for the proposal area.
5. The Board, in reviewing service extensions outside of city or special purpose district limits, will consider:
 - a. The condition which initiated the request for sewer and/or water line extension;
 - b. The proximity of city or district boundaries to the property to be serviced and the possibility and logic of present or future annexation; and
 - c. The existence or possibility for agreements between the city or district and the property owner(s) for future annexation and the terms thereof.
6. The Board, in order to achieve greater public awareness of the purpose, procedures and business of and before the Board, will use a variety of public information methods and make maximum use of the local news media.

Whom To Contact For Further Information

Staff for the Boundary Review Board is located at 100 W. Broadway Suite #1 Montesano, WA 98563. It is advisable to call in advance for an appointment (360) 249-3731.