

*The Washington State Boundary Review Board
For King County*

REGULAR MEETING

7:00 P.M.

Thursday, February 13, 2025

***Bellevue Fire Department Station 9 a/k/a Newcastle Fire Station
12412 Newcastle Way, Bellevue, WA 98006***

Hybrid Option: Zoom Meeting ID: 869 0339 3324, Passcode: 446243

NOTE TO THE PUBLIC:

This meeting is open to the public pursuant to the Open Public Meetings Act (OPMA).

I. CALL TO ORDER – 7:00 PM

Stephen Toy, Chair

II. ROLL CALL

Robert Cook	Teresa Platin
Mary Lynne Evans	Cheryl Scheuerman
Chandler Felt	
Marlin Gabbert	
Jay Hamlin	
Ken Hearing	

III. PUBLIC COMMENT

IV. MINUTES:

Regular Meeting of January 9, 2025

V. ADMINISTRATION

- A. Chair’s Report***
- B. Executive Secretary’s Report***
- C. Committee Reports***
 - 1. Budget Committee***
 - 2. Legislative Committee***
 - HB 1304***
 - SB 5660***
 - 3. Personnel Committee***

AGENDA

February 13, 2025

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VI. EXECUTIVE SESSION

The Board will hold an Executive Session per RCW 42.30.110(1)(i) in order to seek and receive legal advice from its legal counsel regarding potential litigation.

VII. DEBRIEF WSABRB MINI-ZOOM TRAINING

VIII. BOARD MEMBER RECRUITMENT UPDATE

IX. NEW BUSINESS:

- A. New File: None
- B. Masterlist
- C. Upcoming Actions/Other Updates

X. ADJOURNMENT

COMMITTEE MEMBERSHIP LIST

<i>Steering Committee*</i>
CHAIR: Cheryl Scheuerman
Mary Lynne Evans
Ken Hearing

<i>Nominating Committee*</i>
CHAIR: Ken Hearing
Jay Hamlin

<i>Personnel Committee*</i>
CHAIR: Ken Hearing
Jay Hamlin
Teresa Platin
Chandler Felt

<i>Legislative Committee*</i>
CHAIR: Mary Lynne Evans
Cheryl Scheuerman
Chandler Felt

<i>Budget Committee*</i>
CHAIR: Jay Hamlin
Teresa Platin

****Stephen Toy, as Board Chair, is an ex officio member on all committees***

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

REGULAR MEETING

January 9, 2025

I. CALL TO ORDER

Chair Robert Cook convened the meeting at 7:01 P.M.

II. ROLL CALL

The following members were present:

Mary Lynne Evans	Hank Margeson
Chandler Felt	Paul MacCready
Marlin Gabbert	Teresa Platin
Jay Hamlin	Cheryl Scheuerman
Ken Hearing	Stephen Toy

Other attendees: Shelby Miklethun, Angelica Velasquez

III. PUBLIC COMMENT

There were no public comments.

IV. MINUTES

REGULAR MEETING – NOVEMBER 14, 2024

Chair Cook presented the minutes of the Regular Meeting of November 14, 2024, for review and action by the members.

Action: Mary Lynne Evans moved and Jay Hamlin seconded the motion to adopt the draft minutes for the Regular Meeting of November 14, 2024.

Board members voted eleven in favor of approving this record of the Regular Meeting.

REGULAR MEETING – DECEMBER 12, 2024

Chair Cook presented the minutes of the Regular Meeting of December 12, 2024, for review and action by the members.

Action: Hank Margeson moved and Chandler Felt seconded the motion to adopt the draft minutes for the Regular Meeting of December 12, 2024.

Board members voted nine in favor of approving this record of the Regular Meeting. Mary Lynne Evans and Cheryl Scheuerman abstained as they did not attend the Regular Meeting of December 12, 2024.

V. ADMINISTRATION

A. CHAIR'S REPORT

Chair Cook joined Ms. Miklethun in thanking Members for coming to the meeting in person to celebrate the final meetings of Hank Margeson and Paul MacCready. Paul MacCready shared his resignation with Board Members. Chair Cook, Board Members and Ms. Miklethun thanked them both for their exemplary service to the Board and shared memories of their years of service.

B. EXECUTIVE SECRETARY’S REPORT

Ms. Miklethun provided an updated regarding the Board’s upcoming vacancies and shared that there were two pending re-appointment requests with the King County Executive’s Office and then four projected vacant positions going into the Board’s March Regular Meeting (1 Executive, 1 Mayors, 1 Water & Sewer District and 1 Fire Commissioners.) She then shared that the [Washington State Association of Boundary Review Boards](#) (WSABRB) would be hosting a [Mini-Zoom Training Session](#) on February 6, 2025. Finally, she shared that the Board met its both its financial and time requirements for the 2023-2024 biennial budget and that the King County 2025 Budget Kickoff will be held on February 12, 2025.

C. COMMITTEE REPORTS

1. LEGISLATIVE COMMITTEE

Legislative Committee Chair Mary Lynne Evans reported that she will lead the King County Legislative Committee while Chandler Felt will lead the WSABRB Legislative Committee. She added that the WSABRB Legislative Committee will lead the state-wide work, but that the King County Legislative Committee could make recommendations to the WSABRB Legislative Committee or take its own actions if there are King County-specific issues or a non-alignment between the two committees. Finally, she asked for King County Board Members who are subject matter experts in specific technical areas to assist if necessary regarding policy/legislative reviews. Members and Committee Chair Evans discussed clarifications of that request and agreed to move forward as Members felt comfortable.

2. NOMINATING COMMITTEE

Nominating Committee Chair Hank Margeson reported that the Nominating Committee met on December 16, 2024, and voted to recommend Cheryl Scheuerman for the position of 2025 Chair-Elect/2026 Board Chair. Committee Chair Margeson also shared that the Nominating Committee reviewed the Committee’s template interview materials for special purpose district position candidates and did not recommend any changes.

VI. DISCUSS AND VOTE FOR CHAIR ELECT 2025/BOARD CHAIR 2026

Members discussed the nomination and then voted regarding the nomination of Cheryl Scheuerman for the position of 2025 Chair-Elect/2026 Chair. Members remarked on her excellent service to the Board and thanked her for her willingness to serve in this position.

Action: Hank Margeson moved and Robert Cook seconded the motion to appoint Cheryl Scheuerman to the position of 2025 Chair-Elect/2026 Board Chair.

Board members voted ten in favor of appointing Cheryl Scheuerman to the position of 2025 Chair-Elect/2026 Board Chair. Cheryl Scheuerman abstained.

VII. 2025 COMMITTEE MEMBERSHIP DISCUSSION AND POSSIBLE DECISION

Members discussed 2025 committee structure and membership and chose the following committee structure:

STEERING COMMITTEE*
CHAIR: Cheryl Scheuerman
Mary Lynne Evans
Ken Hearing
Vacant

NOMINATING COMMITTEE*
CHAIR: Ken Hearing
Jay Hamlin
Vacant
Vacant

PERSONNEL COMMITTEE*
CHAIR: Ken Hearing
Jay Hamlin
Teresa Platin
Chandler Felt

LEGISLATIVE COMMITTEE*
CHAIR: Mary Lynne Evans
Chandler Felt
Cheryl Scheuerman**
Vacant

BUDGET COMMITTEE*
CHAIR: Jay Hamlin
Teresa Platin
Vacant
Vacant

*Stephen Toy, as Board Chair, is an ex officio member on all committees

** Was added after the meeting and not included in vote on January 9, 2025

Action: Ken Hearing moved and Hank Margeson seconded the motion to accept the committee structure and membership as described in the table above.

Board members voted eleven in favor of approving the committee structure and membership as described above.

VIII. NEW BUSINESS:

A. NEW FILE [2421](#)

The Board received a Notice of Intention (File No. 2421) submitted by the Northeast Sammamish Sewer & Water District (the District.) Members received a [Summary](#) of File No. 2421 prior to the meeting. Ms. Miklethun shared King County iMap mapping of the area, and the Members discussed the file.

Ms. Miklethun relayed that the District proposes to annex one parcel for purposes of sewer service. She added that the parcel is currently part of the Sammamish Plateau Water and Sewer District (Sammamish Plateau) and that the Sammamish Plateau boundary would not be affected by the proposed annexation as Sammamish Plateau intends to continue to provide water service to the parcel. Ms. Miklethun explained the recent history of similar Notices of Intention (NOIs) in the area - File Nos. 2376 and 2399.

Additionally, Ms. Miklethun reported that this annexation was originally proposed by the property owner via a petition as a transfer of part of the district pursuant to RCW 57.32.160. Further, Sammamish Plateau also requested that this action occur under that statute. She added that, in consultation with stakeholders, she requested that the District pursue this annexation via a petition-method annexation pursuant to RCW 57.24.070 as there would be no true transfer of territory due to Sammamish Plateau not de-annexing or withdrawing any territory. She shared that she suggested that the two districts could alternatively enter into an agreement for a service area change pursuant to RCW 57.08.044. She then stated that the District ultimately selected the petition-method annexation method described in its NOI. However, she reported that the prior documentation of this proposal including the property owner petition, the District’s initial resolution to pursue transfer of the proposed annexation area and also Sammamish Plateau’s supporting resolution reference a transfer of part of the Sammamish Plateau to the District pursuant to RCW 57.32.160.

Ms. Miklethun stated that after reviewing the supporting documents, gathering information from stakeholders and considering the policy goals of relative laws and policies regarding sewer service within cities, she determined that the District’s process was sufficient in order for her to deem the NOI complete. She relayed that she had done so and that the 45-day notice period would end on February 18, 2025. However, she added that she did not recommend that the Board Chair waive the Board’s review of the matter per RCW 36.93.110 due to the process issues that she had described. Finally, she shared that as this file is regarding an

annexation for purposes of sewer service, the King County Council would also need to pass an ordinance authorizing annexation.

Members discussed the matter in detail, and Chair Cook stated that he would not sign a waiver per RCW 36.93.110 regarding this file.

Finally, Members then discussed at length the general idea, and potential risks, implications and outcomes of the Board discussing pending NOIs at Board Meetings. Members and Ms. Miklethun then decided to table the discussion and seek legal advice from the Board's counsel regarding the matter at a subsequent meeting.

IX. WA STATE UNCLAIMED FUNDS DISCUSSION AND VOTE

Ms. Miklethun shared that since November 2024, she had been working on a claim for unclaimed property (Claim No. 4623457) from the Washington State Department of Revenue (DOR) on behalf of the Board. She reported that the Board is owed \$100.00 from the City of Issaquah and \$50.74 from the Seattle Times. She added that DOR is requiring a notarized statement (Business Affidavit) from the Board Chair that states that she is allowed to make this claim on behalf of the Board. Finally, she requested that the Board consider a motion authorizing her to file the claim on behalf of the Board. Board Members then discussed the issue.

Action: Ken Hearing moved and Hank Margeson seconded the motion to authorize Ms. Miklethun to pursue Claim No. 4623457 with the State of Washington on behalf of the Board and for the Board Chair to sign the required Business Affidavit to that effect.

Board members voted eleven in favor authorizing Ms. Miklethun to pursue Claim No. 4623457 with the State of Washington on behalf of the Board and for the Board Chair to sign the required Business Affidavit to that effect.

X. CHAIR TRANSITION

Chair Cook thanked Chair-Elect Stephen Toy for his willingness to serve as 2025 Board Chair and officially passed the chairpersonship to him.

ADJOURNMENT

Chair Cook adjourned the Regular Meeting at approximately 8:22 P.M.

WASHINGTON STATE ASSOCIATION OF BOUNDARY REVIEW BOARDS

PO Box 474, Bellevue, WA 98009

www.wsabrb.org

wsabrborg@gmail.com

January 24, 2025

The Honorable Davina Duerr, Chair
Local Government Committee
Washington State House of Representatives
P.O. Box 40600
Olympia, WA 98504

Re: HB 1304, Concerning the effective date of filing a notice of intention

Dear Chair Duerr and Members of the Committee:

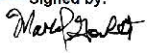
We write today on behalf of the Washington State Association of Boundary Review Boards (WSABRB) to express our support regarding HB 1304, which is scheduled to be heard in your Committee on January 29, 2025. Boundary Review Boards (BRBs) are independent bodies created by RCW 36.93 and mandated to review, among other responsibilities, proposals to annex territory to a city, town or special-purpose district in a Washington county that has a BRB. The WSABRB is comprised of BRBs in 15 counties located around the state.

In the 2024 legislative session, WSABRB supported a similar bill, [HB 2344](#), and suggested an amendment to that bill to clarify the function of BRB Chief Clerks. We greatly appreciate that this Committee passed an amended version of the bill that included language reflecting the intent of our suggestions. However, the bill did not move forward last session.

Thank you for bringing the bill back to the Legislature this year as HB 1304 and for including language that reflects the intention of our suggestions last year. HB 1304 would establish an "effective filing date" for a proposed action such as an annexation. The WSABRB strongly supports this bill as it will clarify the timeframe for a BRB Chief Clerk to ensure that a Notice of Intention is complete, while also ensuring that a BRB file can proceed in an expeditious way.

Thank you for your consideration of our comments. If you have questions, please contact our association at wsabrborg@gmail.com.

Sincerely,

Signed by:

674C1A87098044C...

Marcel Goulet, President
Chandler Felt, Legislative Committee Chair
Washington State Association of Boundary Review Boards

Cc: Representative Brandy Donaghy, 44th Legislative District

HOUSE BILL 1304

State of Washington

69th Legislature

2025 Regular Session

By Representatives Donaghy and Duerr

Read first time 01/15/25. Referred to Committee on Local Government.

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.

--- END ---

WASHINGTON STATE ASSOCIATION OF BOUNDARY REVIEW BOARDS

PO Box 474, Bellevue, WA 98009

www.wsabrb.org

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February 9, 2025

The Honorable Jesse Salomon, Chair
Local Government Committee
Washington State Senate
Olympia, WA

Re: SB 5660, "Making it possible for more properties to have access to water ... and sanitary sewerage"

Dear Chair Salomon and Members of the Committee:

We are writing on behalf of the Washington State Association of Boundary Review Boards (WSABRB) to express our opposition to SB 5660, which is scheduled to be heard in your Committee on February 10, 2025. Boundary Review Boards (BRBs) are established by RCW 36.93 to review and adjudicate boundary disputes. We provide a forum for all parties to have their voices heard. Our rulings must be consistent with the Growth Management Act as well as several other state statutes. The WSABRB is comprised of BRBs in 15 Washington counties.

SB 5660 would allow cities to extend urban services - water, sanitary sewer, and storm drainage - into rural areas, without clear compliance with comprehensive plans of cities or counties. That would weaken the integrity and clarity of Urban Growth Areas, which communities depend on to ensure logical growth and development. The bill would promote urban densities, sprawl and untimely development and conversion of rural lands outside of established planning processes. The rural element of the GMA would be severely compromised, and SB 5660 would blur rural/urban distinctions. Furthermore, the bill would prevent appeals to the Growth Management Hearings Board if service extensions were disputed.

Section 6 of SB 5660 would preclude review of such utility-extension actions by Boundary Review Boards. That would restrict the authority of BRBs, which now provide valuable perspective on urban services extensions. Importantly, SB 5660 would shut off opportunities for public comment on proposed service extensions. This bill would prevent BRB review, and therefore severely restrict our statutory function of acting as an independent, neutral forum for disputes.

For these reasons, the Washington State Association of Boundary Review Boards finds SB 5660 would be detrimental to our mission and processes and to good land use practice in the State of Washington. We urge you to oppose this bill. Thank you for your consideration of our comments.

Sincerely,

Chandler Felt

Chandler Felt, Legislative Committee Chair on behalf of
Marcel Goulet, President
Washington State Association of Boundary Review Boards

Cc: Senator Judy Warnick, 13th Legislative District
Senator Perry Dozier, 16th Legislative District

SENATE BILL 5660

State of Washington

69th Legislature

2025 Regular Session

By Senators Goehner, Torres, Warnick, and Dozier

Read first time 02/04/25. Referred to Committee on Local Government.

1 AN ACT Relating to making it possible for more properties to have
2 access to water, storm drains, and sanitary sewage systems; amending
3 RCW 36.70A.070, 36.70A.110, 36.70A.320, 36.93.100, and 36.93.105; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there needs to
7 be increased flexibility in extending publicly provided water, sewer,
8 and stormwater facilities beyond municipal and urban growth
9 boundaries when there are environmental or health harms from the lack
10 of those utilities, extension will not foster urban growth, and the
11 affected communities and governmental bodies determine it is
12 economically feasible and prudent.

13 **Sec. 2.** RCW 36.70A.070 and 2024 c 135 s 1 are each amended to
14 read as follows:

15 The comprehensive plan of a county or city that is required or
16 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
17 and descriptive text covering objectives, principles, and standards
18 used to develop the comprehensive plan. The plan shall be an
19 internally consistent document and all elements shall be consistent
20 with the future land use map. A comprehensive plan shall be adopted

1 and amended with public participation as provided in RCW 36.70A.140.
2 Each comprehensive plan shall include a plan, scheme, or design for
3 each of the following:

4 (1) A land use element designating the proposed general
5 distribution and general location and extent of the uses of land,
6 where appropriate, for agriculture, timber production, housing,
7 commerce, industry, recreation, open spaces and green spaces, urban
8 and community forests within the urban growth area, general aviation
9 airports, public utilities, public facilities, and other land uses.
10 The land use element shall include population densities, building
11 intensities, and estimates of future population growth. The land use
12 element shall provide for protection of the quality and quantity of
13 groundwater used for public water supplies. The land use element must
14 give special consideration to achieving environmental justice in its
15 goals and policies, including efforts to avoid creating or worsening
16 environmental health disparities. Wherever possible, the land use
17 element should consider utilizing urban planning approaches that
18 promote physical activity and reduce per capita vehicle miles
19 traveled within the jurisdiction, but without increasing greenhouse
20 gas emissions elsewhere in the state. Where applicable, the land use
21 element shall review drainage, flooding, and stormwater runoff in the
22 area and nearby jurisdictions and provide guidance for corrective
23 actions to mitigate or cleanse those discharges that pollute waters
24 of the state, including Puget Sound or waters entering Puget Sound.
25 The land use element must reduce and mitigate the risk to lives and
26 property posed by wildfires by using land use planning tools, which
27 may include, but are not limited to, adoption of portions or all of
28 the wildland urban interface code developed by the international code
29 council or developing building and maintenance standards consistent
30 with the firewise USA program or similar program designed to reduce
31 wildfire risk, reducing wildfire risks to residential development in
32 high risk areas and the wildland urban interface area, separating
33 human development from wildfire prone landscapes, and protecting
34 existing residential development and infrastructure through community
35 wildfire preparedness and fire adaptation measures.

36 (2) A housing element ensuring the vitality and character of
37 established residential neighborhoods that:

38 (a) Includes an inventory and analysis of existing and projected
39 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

3 (i) Units for moderate, low, very low, and extremely low-income
4 households; and

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

7 (b) Includes a statement of goals, policies, objectives, and
8 mandatory provisions for the preservation, improvement, and
9 development of housing, including single-family residences, and
10 within an urban growth area boundary, moderate density housing
11 options including, but not limited to, duplexes, triplexes, and
12 townhomes;

13 (c) Identifies sufficient capacity of land for housing including,
14 but not limited to, government-assisted housing, housing for
15 moderate, low, very low, and extremely low-income households,
16 manufactured housing, multifamily housing, group homes, foster care
17 facilities, emergency housing, emergency shelters, permanent
18 supportive housing, and within an urban growth area boundary,
19 consideration of duplexes, triplexes, and townhomes;

20 (d) Makes adequate provisions for existing and projected needs of
21 all economic segments of the community, including:

22 (i) Incorporating consideration for low, very low, extremely low,
23 and moderate-income households;

24 (ii) Documenting programs and actions needed to achieve housing
25 availability including gaps in local funding, barriers such as
26 development regulations, and other limitations;

27 (iii) Consideration of housing locations in relation to
28 employment location; and

29 (iv) Consideration of the role of accessory dwelling units in
30 meeting housing needs;

31 (e) Identifies local policies and regulations that result in
32 racially disparate impacts, displacement, and exclusion in housing,
33 including:

34 (i) Zoning that may have a discriminatory effect;

35 (ii) Disinvestment; and

36 (iii) Infrastructure availability;

37 (f) Identifies and implements policies and regulations to address
38 and begin to undo racially disparate impacts, displacement, and
39 exclusion in housing caused by local policies, plans, and actions;

1 (g) Identifies areas that may be at higher risk of displacement
2 from market forces that occur with changes to zoning development
3 regulations and capital investments; and

4 (h) Establishes antidisplacement policies, with consideration
5 given to the preservation of historical and cultural communities as
6 well as investments in low, very low, extremely low, and moderate-
7 income housing; equitable development initiatives; inclusionary
8 zoning; community planning requirements; tenant protections; land
9 disposition policies; and consideration of land that may be used for
10 affordable housing.

11 In counties and cities subject to the review and evaluation
12 requirements of RCW 36.70A.215, any revision to the housing element
13 shall include consideration of prior review and evaluation reports
14 and any reasonable measures identified. The housing element should
15 link jurisdictional goals with overall county goals to ensure that
16 the housing element goals are met.

17 The adoption of ordinances, development regulations and
18 amendments to such regulations, and other nonproject actions taken by
19 a city that is required or chooses to plan under RCW 36.70A.040 that
20 increase housing capacity, increase housing affordability, and
21 mitigate displacement as required under this subsection (2) and that
22 apply outside of critical areas are not subject to administrative or
23 judicial appeal under chapter 43.21C RCW unless the adoption of such
24 ordinances, development regulations and amendments to such
25 regulations, or other nonproject actions has a probable significant
26 adverse impact on fish habitat.

27 (3) A capital facilities plan element consisting of: (a) An
28 inventory of existing capital facilities owned by public entities,
29 including green infrastructure, showing the locations and capacities
30 of the capital facilities; (b) a forecast of the future needs for
31 such capital facilities; (c) the proposed locations and capacities of
32 expanded or new capital facilities; (d) at least a six-year plan that
33 will finance such capital facilities within projected funding
34 capacities and clearly identifies sources of public money for such
35 purposes; and (e) a requirement to reassess the land use element if
36 probable funding falls short of meeting existing needs and to ensure
37 that the land use element, capital facilities plan element, and
38 financing plan within the capital facilities plan element are
39 coordinated and consistent. Park and recreation facilities shall be
40 included in the capital facilities plan element.

1 The county or city shall identify all public entities that own
2 capital facilities and endeavor in good faith to work with other
3 public entities, such as special purpose districts, to gather and
4 include within its capital facilities element the information
5 required by this subsection. If, after a good faith effort, the
6 county or city is unable to gather the information required by this
7 subsection from the other public entities, the failure to include
8 such information in its capital facilities element cannot be grounds
9 for a finding of noncompliance or invalidity under chapter 228, Laws
10 of 2023. A good faith effort must, at a minimum, include consulting
11 the public entity's capital facility or system plans and emailing and
12 calling the staff of the public entity.

13 (4) (a) A utilities element consisting of the general location,
14 proposed location, and capacity of all existing and proposed
15 utilities including, but not limited to, electrical,
16 telecommunications, and natural gas systems.

17 (b) The county or city shall identify all public entities that
18 own utility systems and endeavor in good faith to work with other
19 public entities, such as special purpose districts, to gather and
20 include within its utilities element the information required in (a)
21 of this subsection. However, if, after a good faith effort, the
22 county or city is unable to gather the information required in (a) of
23 this subsection from the other public entities, the failure to
24 include such information in the utilities element shall not be
25 grounds for a finding of noncompliance or invalidity under chapter
26 228, Laws of 2023. A good faith effort must, at a minimum, include
27 consulting the public entity's capital facility or system plans, and
28 emailing and calling the staff of the public entity.

29 (5) Rural element. Counties shall include a rural element
30 including lands that are not designated for urban growth,
31 agriculture, forest, or mineral resources. The following provisions
32 shall apply to the rural element:

33 (a) Growth management act goals and local circumstances. Because
34 circumstances vary from county to county, in establishing patterns of
35 rural densities and uses, a county may consider local circumstances,
36 but shall develop a written record explaining how the rural element
37 harmonizes the planning goals in RCW 36.70A.020 and meets the
38 requirements of this chapter.

39 (b) Rural development. The rural element shall permit rural
40 development, forestry, and agriculture in rural areas. The rural

1 element shall provide for a variety of rural densities, uses,
2 essential public facilities, and rural governmental services needed
3 to serve the permitted densities and uses. To achieve a variety of
4 rural densities and uses, counties may provide for clustering,
5 density transfer, design guidelines, conservation easements, and
6 other innovative techniques that will accommodate appropriate rural
7 economic advancement, densities, and uses that are not characterized
8 by urban growth and that are consistent with rural character.

9 (c) Measures governing rural development. The rural element shall
10 include measures that apply to rural development and protect the
11 rural character of the area, as established by the county, by:

12 (i) Containing or otherwise controlling rural development;

13 (ii) Assuring visual compatibility of rural development with the
14 surrounding rural area;

15 (iii) Reducing the inappropriate conversion of undeveloped land
16 into sprawling, low-density development in the rural area;

17 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
18 and surface water and groundwater resources; and

19 (v) Protecting against conflicts with the use of agricultural,
20 forest, and mineral resource lands designated under RCW 36.70A.170.

21 (d) Limited areas of more intensive rural development. Subject to
22 the requirements of this subsection and except as otherwise
23 specifically provided in this subsection (5)(d), the rural element
24 may allow for limited areas of more intensive rural development,
25 including necessary public facilities and public services to serve
26 the limited area as follows:

27 (i) Rural development consisting of the infill, development, or
28 redevelopment of existing commercial, industrial, residential, or
29 mixed-use areas, whether characterized as shoreline development,
30 villages, hamlets, rural activity centers, or crossroads
31 developments.

32 (A) A commercial, industrial, residential, shoreline, or mixed-
33 use area are subject to the requirements of (d)(iv) of this
34 subsection, but are not subject to the requirements of (c)(ii) and
35 (iii) of this subsection.

36 (B) Any development or redevelopment other than an industrial
37 area or an industrial use within a mixed-use area or an industrial
38 area under this subsection (5)(d)(i) must be principally designed to
39 serve the existing and projected rural population.

1 (C) Any development or redevelopment in terms of building size,
2 scale, use, or intensity may be permitted subject to confirmation
3 from all existing providers of public facilities and public services
4 of sufficient capacity of existing public facilities and public
5 services to serve any new or additional demand from the new
6 development or redevelopment while also meeting the needs of the
7 people in those communities, including access to domestic water,
8 storm, and sanitary sewer systems that are feasible and affordable
9 for the location. Development and redevelopment may include changes
10 in use from vacant land or a previously existing use so long as the
11 new use conforms to the requirements of this subsection (5) and is
12 consistent with the local character. Any commercial development or
13 redevelopment within a mixed-use area must be principally designed to
14 serve the existing and projected rural population and must meet the
15 following requirements:

16 (I) Any included retail or food service space must not exceed the
17 footprint of previously occupied space or 5,000 square feet,
18 whichever is greater, for the same or similar use, unless the retail
19 space is for an essential rural retail service and the designated
20 limited area is located at least 10 miles from an existing urban
21 growth area, then the retail space must not exceed the footprint of
22 the previously occupied space or 10,000 square feet, whichever is
23 greater; and

24 (II) Any included retail or food service space must not exceed
25 2,500 square feet for a new use, unless the new retail space is for
26 an essential rural retail service and the designated limited area is
27 located at least 10 miles from an existing urban growth area, then
28 the new retail space must not exceed 10,000 square feet;

29 For the purposes of this subsection (5)(d), "essential rural
30 retail services" means services including grocery, pharmacy,
31 hardware, automotive parts, and similar uses that sell or provide
32 products necessary for health and safety, such as food, medication,
33 sanitation supplies, and products to maintain habitability and
34 mobility;

35 (ii) The intensification of development on lots containing, or
36 new development of, small-scale recreational or tourist uses,
37 including commercial facilities to serve those recreational or
38 tourist uses, that rely on a rural location and setting, but that do
39 not include new residential development. A small-scale recreation or
40 tourist use is not required to be principally designed to serve the

1 existing and projected rural population. Public services and public
2 facilities shall be limited to those necessary to serve the
3 recreation or tourist use and shall be provided in a manner that does
4 not permit low-density sprawl;

5 (iii) The intensification of development on lots containing
6 isolated nonresidential uses or new development of isolated cottage
7 industries and isolated small-scale businesses that are not
8 principally designed to serve the existing and projected rural
9 population and nonresidential uses, but do provide job opportunities
10 for rural residents. Rural counties may allow the expansion of small-
11 scale businesses as long as those small-scale businesses conform with
12 the rural character of the area as defined by the local government
13 according to RCW 36.70A.030(35). Rural counties may also allow new
14 small-scale businesses to utilize a site previously occupied by an
15 existing business as long as the new small-scale business conforms to
16 the rural character of the area as defined by the local government
17 according to RCW 36.70A.030(35). Public services and public
18 facilities shall be limited to those necessary to serve the isolated
19 nonresidential use and shall be provided in a manner that does not
20 permit low-density sprawl;

21 (iv) A county shall adopt measures to minimize and contain the
22 existing areas of more intensive rural development, as appropriate,
23 authorized under this subsection. Lands included in such existing
24 areas shall not extend beyond the logical outer boundary of the
25 existing area, thereby allowing a new pattern of low-density sprawl.
26 Existing areas are those that are clearly identifiable and contained
27 and where there is a logical boundary delineated predominately by the
28 built environment, but that may also include undeveloped lands if
29 limited as provided in this subsection. The county shall establish
30 the logical outer boundary of an area of more intensive rural
31 development. In establishing the logical outer boundary, the county
32 shall address (A) the need to preserve the character of existing
33 natural neighborhoods and communities, (B) physical boundaries, such
34 as bodies of water, streets and highways, and land forms and
35 contours, (C) the prevention of abnormally irregular boundaries, and
36 (D) the ability to provide public facilities and public services in a
37 manner that does not permit low-density sprawl;

38 (v) For purposes of this subsection (5)(d), an existing area or
39 existing use is one that was in existence:

1 (A) On July 1, 1990, in a county that was initially required to
2 plan under all of the provisions of this chapter;

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the
5 provisions of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the
7 county's population as provided in RCW 36.70A.040(5), in a county
8 that is planning under all of the provisions of this chapter pursuant
9 to RCW 36.70A.040(5).

10 (e) Exception. This subsection shall not be interpreted to permit
11 in the rural area a major industrial development or a master planned
12 resort unless otherwise specifically permitted under RCW 36.70A.360
13 and 36.70A.365.

14 (6) A transportation element that implements, and is consistent
15 with, the land use element.

16 (a) The transportation element shall include the following
17 subelements:

18 (i) Land use assumptions used in estimating travel;

19 (ii) Estimated multimodal level of service impacts to state-owned
20 transportation facilities resulting from land use assumptions to
21 assist in monitoring the performance of state facilities, to plan
22 improvements for the facilities, and to assess the impact of land-use
23 decisions on state-owned transportation facilities;

24 (iii) Facilities and services needs, including:

25 (A) An inventory of air, water, and ground transportation
26 facilities and services, including transit alignments, active
27 transportation facilities, and general aviation airport facilities,
28 to define existing capital facilities and travel levels to inform
29 future planning. This inventory must include state-owned
30 transportation facilities within the city or county's jurisdictional
31 boundaries;

32 (B) Multimodal level of service standards for all locally owned
33 arterials, locally and regionally operated transit routes that serve
34 urban growth areas, state-owned or operated transit routes that serve
35 urban areas if the department of transportation has prepared such
36 standards, and active transportation facilities to serve as a gauge
37 to judge performance of the system and success in helping to achieve
38 the goals of this chapter consistent with environmental justice.
39 These standards should be regionally coordinated;

1 (C) For state-owned transportation facilities, multimodal level
2 of service standards for highways, as prescribed in chapters 47.06
3 and 47.80 RCW, to gauge the performance of the system. The purposes
4 of reflecting multimodal level of service standards for state
5 highways in the local comprehensive plan are to monitor the
6 performance of the system, to evaluate improvement strategies, and to
7 facilitate coordination between the county's or city's six-year
8 street, road, active transportation, or transit program and the
9 office of financial management's ten-year investment program. The
10 concurrency requirements of (b) of this subsection do not apply to
11 transportation facilities and services of statewide significance
12 except for counties consisting of islands whose only connection to
13 the mainland are state highways or ferry routes. In these island
14 counties, state highways and ferry route capacity must be a factor in
15 meeting the concurrency requirements in (b) of this subsection;

16 (D) Specific actions and requirements for bringing into
17 compliance transportation facilities or services that are below an
18 established multimodal level of service standard;

19 (E) Forecasts of multimodal transportation demand and needs
20 within cities and urban growth areas, and forecasts of multimodal
21 transportation demand and needs outside of cities and urban growth
22 areas, for at least ten years based on the adopted land use plan to
23 inform the development of a transportation element that balances
24 transportation system safety and convenience to accommodate all users
25 of the transportation system to safely, reliably, and efficiently
26 provide access and mobility to people and goods. Priority must be
27 given to inclusion of transportation facilities and services
28 providing the greatest multimodal safety benefit to each category of
29 roadway users for the context and speed of the facility;

30 (F) Identification of state and local system needs to equitably
31 meet current and future demands. Identified needs on state-owned
32 transportation facilities must be consistent with the statewide
33 multimodal transportation plan required under chapter 47.06 RCW.
34 Local system needs should reflect the regional transportation system
35 and local goals, and strive to equitably implement the multimodal
36 network;

37 (G) A transition plan for transportation as required in Title II
38 of the Americans with disabilities act of 1990 (ADA). As a necessary
39 step to a program access plan to provide accessibility under the ADA,
40 state and local government, public entities, and public agencies are

1 required to perform self-evaluations of their current facilities,
2 relative to accessibility requirements of the ADA. The agencies are
3 then required to develop a program access plan, which can be called a
4 transition plan, to address any deficiencies. The plan is intended to
5 achieve the following:

6 (I) Identify physical obstacles that limit the accessibility of
7 facilities to individuals with disabilities;

8 (II) Describe the methods to be used to make the facilities
9 accessible;

10 (III) Provide a schedule for making the access modifications; and

11 (IV) Identify the public officials responsible for implementation
12 of the transition plan;

13 (iv) Finance, including:

14 (A) An analysis of funding capability to judge needs against
15 probable funding resources;

16 (B) A multiyear financing plan based on the needs identified in
17 the comprehensive plan, the appropriate parts of which shall serve as
18 the basis for the six-year street, road, or transit program required
19 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
20 35.58.2795 for public transportation systems. The multiyear financing
21 plan should be coordinated with the ten-year investment program
22 developed by the office of financial management as required by RCW
23 47.05.030;

24 (C) If probable funding falls short of meeting the identified
25 needs of the transportation system, including state transportation
26 facilities, a discussion of how additional funding will be raised, or
27 how land use assumptions will be reassessed to ensure that level of
28 service standards will be met;

29 (v) Intergovernmental coordination efforts, including an
30 assessment of the impacts of the transportation plan and land use
31 assumptions on the transportation systems of adjacent jurisdictions;

32 (vi) Demand-management strategies;

33 (vii) Active transportation component to include collaborative
34 efforts to identify and designate planned improvements for active
35 transportation facilities and corridors that address and encourage
36 enhanced community access and promote healthy lifestyles.

37 (b) After adoption of the comprehensive plan by jurisdictions
38 required to plan or who choose to plan under RCW 36.70A.040, local
39 jurisdictions must adopt and enforce ordinances which prohibit
40 development approval if the development causes the level of service

1 on a locally owned or locally or regionally operated transportation
2 facility to decline below the standards adopted in the transportation
3 element of the comprehensive plan, unless transportation improvements
4 or strategies to accommodate the impacts of development are made
5 concurrent with the development. These strategies may include active
6 transportation facility improvements, increased or enhanced public
7 transportation service, ride-sharing programs, demand management, and
8 other transportation systems management strategies. For the purposes
9 of this subsection (6), "concurrent with the development" means that
10 improvements or strategies are in place at the time of development,
11 or that a financial commitment is in place to complete the
12 improvements or strategies within six years. If the collection of
13 impact fees is delayed under RCW 82.02.050(3), the six-year period
14 required by this subsection (6)(b) must begin after full payment of
15 all impact fees is due to the county or city. A development proposal
16 may not be denied for causing the level of service on a locally owned
17 or locally or regionally operated transportation facility to decline
18 below the standards adopted in the transportation element of the
19 comprehensive plan where such impacts could be adequately mitigated
20 through active transportation facility improvements, increased or
21 enhanced public transportation service, ride-sharing programs, demand
22 management, or other transportation systems management strategies
23 funded by the development.

24 (c) The transportation element described in this subsection (6),
25 the six-year plans required by RCW 35.77.010 for cities, RCW
26 36.81.121 for counties, and RCW 35.58.2795 for public transportation
27 systems, and the ten-year investment program required by RCW
28 47.05.030 for the state, must be consistent.

29 (7) An economic development element establishing local goals,
30 policies, objectives, and provisions for economic growth and vitality
31 and a high quality of life. A city that has chosen to be a
32 residential community is exempt from the economic development element
33 requirement of this subsection.

34 (8) A park and recreation element that implements, and is
35 consistent with, the capital facilities plan element as it relates to
36 park and recreation facilities. The element shall include: (a)
37 Estimates of park and recreation demand for at least a ten-year
38 period; (b) an evaluation of facilities and service needs; (c) an
39 evaluation of tree canopy coverage within the urban growth area; and

1 (d) an evaluation of intergovernmental coordination opportunities to
2 provide regional approaches for meeting park and recreational demand.

3 (9) (a) A climate change and resiliency element that is designed
4 to result in reductions in overall greenhouse gas emissions and that
5 must enhance resiliency to and avoid the adverse impacts of climate
6 change, which must include efforts to reduce localized greenhouse gas
7 emissions and avoid creating or worsening localized climate impacts
8 to vulnerable populations and overburdened communities.

9 (b) The climate change and resiliency element shall include the
10 following subelements:

11 (i) A greenhouse gas emissions reduction subelement;

12 (ii) A resiliency subelement.

13 (c) The greenhouse gas emissions reduction subelement of the
14 climate change and resiliency element is mandatory for the
15 jurisdictions specified in RCW 36.70A.095 and is encouraged for all
16 other jurisdictions, including those planning under RCW 36.70A.040
17 and those planning under chapter 36.70 RCW. The resiliency subelement
18 of the climate change and resiliency element is mandatory for all
19 jurisdictions planning under RCW 36.70A.040 and is encouraged for
20 those jurisdictions planning under chapter 36.70 RCW.

21 (d) (i) The greenhouse gas emissions reduction subelement of the
22 comprehensive plan, and its related development regulations, must
23 identify the actions the jurisdiction will take during the planning
24 cycle consistent with the guidelines published by the department
25 pursuant to RCW 70A.45.120 that will:

26 (A) Result in reductions in overall greenhouse gas emissions
27 generated by transportation and land use within the jurisdiction but
28 without increasing greenhouse gas emissions elsewhere in the state;

29 (B) Result in reductions in per capita vehicle miles traveled
30 within the jurisdiction but without increasing greenhouse gas
31 emissions elsewhere in the state; and

32 (C) Prioritize reductions that benefit overburdened communities
33 in order to maximize the cobenefits of reduced air pollution and
34 environmental justice.

35 (ii) Actions not specifically identified in the guidelines
36 developed by the department pursuant to RCW 70A.45.120 may be
37 considered consistent with these guidelines only if:

38 (A) They are projected to achieve greenhouse gas emissions
39 reductions or per capita vehicle miles traveled reductions equivalent

1 to what would be required of the jurisdiction under the guidelines
2 adopted by the department; and

3 (B) They are supported by scientifically credible projections and
4 scenarios that indicate their adoption is likely to result in
5 reductions of greenhouse gas emissions or per capita vehicle miles
6 traveled.

7 (iii) A jurisdiction may not restrict population growth or limit
8 population allocation in order to achieve the requirements set forth
9 in this subsection (9) (d).

10 (e) (i) The resiliency subelement must equitably enhance
11 resiliency to, and avoid or substantially reduce the adverse impacts
12 of, climate change in human communities and ecological systems
13 through goals, policies, and programs consistent with the best
14 available science and scientifically credible climate projections and
15 impact scenarios that moderate or avoid harm, enhance the resiliency
16 of natural and human systems, and enhance beneficial opportunities.
17 The resiliency subelement must prioritize actions that benefit
18 overburdened communities that will disproportionately suffer from
19 compounding environmental impacts and will be most impacted by
20 natural hazards due to climate change. Specific goals, policies, and
21 programs of the resiliency subelement must include, but are not
22 limited to, those designed to:

23 (A) Identify, protect, and enhance natural areas to foster
24 resiliency to climate impacts, as well as areas of vital habitat for
25 safe passage and species migration;

26 (B) Identify, protect, and enhance community resiliency to
27 climate change impacts, including social, economic, and built
28 environment factors, that support adaptation to climate impacts
29 consistent with environmental justice; and

30 (C) Address natural hazards created or aggravated by climate
31 change, including sea level rise, landslides, flooding, drought,
32 heat, smoke, wildfire, and other effects of changes to temperature
33 and precipitation patterns.

34 (ii) A natural hazard mitigation plan or similar plan that is
35 guided by RCW 36.70A.020(14), that prioritizes actions that benefit
36 overburdened communities, and that complies with the applicable
37 requirements of this chapter, including the requirements set forth in
38 this subsection (9) (e), may be adopted by reference to satisfy these
39 requirements, except that to the extent any of the substantive
40 requirements of this subsection (9) (e) are not addressed, or are

1 inadequately addressed, in the referenced natural hazard mitigation
2 plan, a county or city must supplement the natural hazard mitigation
3 plan accordingly so that the adopted resiliency subelement complies
4 fully with the substantive requirements of this subsection (9)(e).

5 (A) If a county or city intends to adopt by reference a federal
6 emergency management agency natural hazard mitigation plan in order
7 to meet all or part of the substantive requirements set forth in this
8 subsection (9)(e), and the most recently adopted federal emergency
9 management agency natural hazard mitigation plan does not comply with
10 the requirements of this subsection (9)(e), the department may grant
11 the county or city an extension of time in which to submit a natural
12 hazard mitigation plan.

13 (B) Eligibility for an extension under this subsection prior to
14 July 1, 2027, is limited to a city or county required to review and,
15 if needed, revise its comprehensive plan on or before June 30, 2025,
16 as provided in RCW 36.70A.130, or for a city or county with an
17 existing, unexpired federal emergency management agency natural
18 hazard mitigation plan scheduled to expire before December 31, 2024.

19 (C) Extension requests after July 1, 2027, may be granted if
20 requirements for the resiliency subelement are amended or added by
21 the legislature or if the department finds other circumstances that
22 may result in a potential finding of noncompliance with a
23 jurisdiction's existing and approved federal emergency management
24 agency natural hazard mitigation plan.

25 (D) A city or county that wishes to request an extension of time
26 must submit a request in writing to the department no later than the
27 date on which the city or county is required to review and, if
28 needed, revise its comprehensive plan as provided in RCW 36.70A.130.

29 (E) Upon the submission of such a request to the department, the
30 city or county may have an additional 48 months from the date
31 provided in RCW 36.70A.130 in which to either adopt by reference an
32 updated federal emergency management agency natural hazard mitigation
33 plan or adopt its own natural hazard mitigation plan, and to then
34 submit that plan to the department.

35 (F) The adoption of ordinances, amendments to comprehensive
36 plans, amendments to development regulations, and other nonproject
37 actions taken by a county or city pursuant to (d) of this subsection
38 in order to implement measures specified by the department pursuant
39 to RCW 70A.45.120 are not subject to administrative or judicial
40 appeal under chapter 43.21C RCW.

1 (10) It is the intent that new or amended elements required after
2 January 1, 2002, be adopted concurrent with the scheduled update
3 provided in RCW 36.70A.130. Requirements to incorporate any such new
4 or amended elements shall be null and void until funds sufficient to
5 cover applicable local government costs are appropriated and
6 distributed by the state at least two years before local government
7 must update comprehensive plans as required in RCW 36.70A.130.

8 **Sec. 3.** RCW 36.70A.110 and 2024 c 26 s 1 are each amended to
9 read as follows:

10 (1) Each county that is required or chooses to plan under RCW
11 36.70A.040 shall designate an urban growth area or areas within which
12 urban growth shall be encouraged and outside of which growth can
13 occur only if it is not urban in nature. Each city that is located in
14 such a county shall be included within an urban growth area. An urban
15 growth area may include more than a single city. An urban growth area
16 may include territory that is located outside of a city only if such
17 territory already is characterized by urban growth whether or not the
18 urban growth area includes a city, or is adjacent to territory
19 already characterized by urban growth, or is a designated new fully
20 contained community as defined by RCW 36.70A.350. When a federally
21 recognized Indian tribe whose reservation or ceded lands lie within
22 the county or city has voluntarily chosen to participate in the
23 planning process pursuant to RCW 36.70A.040, the county or city and
24 the tribe shall coordinate their planning efforts for any areas
25 planned for urban growth consistent with the terms outlined in the
26 memorandum of agreement provided for in RCW 36.70A.040(8).

27 (2) Based upon the growth management population projection made
28 for the county by the office of financial management, the county and
29 each city within the county shall include areas and densities
30 sufficient to permit the urban growth that is projected to occur in
31 the county or city for the succeeding twenty-year period, except for
32 those urban growth areas contained totally within a national
33 historical reserve. As part of this planning process, each city
34 within the county must include areas sufficient to accommodate the
35 broad range of needs and uses that will accompany the projected urban
36 growth including, as appropriate, medical, governmental,
37 institutional, commercial, service, retail, and other nonresidential
38 uses.

1 Each urban growth area shall permit urban densities and shall
2 include greenbelt and open space areas. In the case of urban growth
3 areas contained totally within a national historical reserve, the
4 city may restrict densities, intensities, and forms of urban growth
5 as determined to be necessary and appropriate to protect the
6 physical, cultural, or historic integrity of the reserve. An urban
7 growth area determination may include a reasonable land market supply
8 factor and shall permit a range of urban densities and uses. In
9 determining this market factor, cities and counties may consider
10 local circumstances. Cities and counties have discretion in their
11 comprehensive plans to make many choices about accommodating growth.

12 Within one year of July 1, 1990, each county that as of June 1,
13 1991, was required or chose to plan under RCW 36.70A.040, shall begin
14 consulting with each city located within its boundaries and each city
15 shall propose the location of an urban growth area. Within sixty days
16 of the date the county legislative authority of a county adopts its
17 resolution of intention or of certification by the office of
18 financial management, all other counties that are required or choose
19 to plan under RCW 36.70A.040 shall begin this consultation with each
20 city located within its boundaries. The county shall attempt to reach
21 agreement with each city on the location of an urban growth area
22 within which the city is located. If such an agreement is not reached
23 with each city located within the urban growth area, the county shall
24 justify in writing why it so designated the area an urban growth
25 area. A city may object formally with the department over the
26 designation of the urban growth area within which it is located.
27 Where appropriate, the department shall attempt to resolve the
28 conflicts, including the use of mediation services.

29 (3) Urban growth should be located first in areas already
30 characterized by urban growth that have adequate existing public
31 facility and service capacities to serve such development, second in
32 areas already characterized by urban growth that will be served
33 adequately by a combination of both existing public facilities and
34 services and any additional needed public facilities and services
35 that are provided by either public or private sources, and third in
36 the remaining portions of the urban growth areas. Urban growth may
37 also be located in designated new fully contained communities as
38 defined by RCW 36.70A.350.

39 (4) In general, cities are the units of local government most
40 appropriate to provide urban governmental services. In general, it is

1 not appropriate that urban governmental services be extended to or
2 expanded in rural areas except ((~~in~~)):

3 (a) In those limited circumstances shown to be necessary to
4 protect basic public health and safety and the environment and when
5 such services are financially supportable at rural densities and do
6 not permit urban development; or

7 (b) When there is existing development inconsistent with rural
8 character, publicly provided water, stormwater, and sanitary sewer
9 services may be extended beyond the city and urban growth areas to
10 meet the needs of the people living in communities outside of the
11 city, as long as such an extension will not foster expended urban
12 development that is not planned to be included within an urban growth
13 area in the relevant comprehensive plans of the city or county. The
14 city or county must make findings that the extension is feasible,
15 cost-effective over a planning horizon of no more than 20 years, and
16 environmentally beneficial. For the purposes of this section,
17 "environmentally beneficial" means a determination, made after a
18 quantified analysis of the expected environmental impacts of the
19 proposed action is undertaken pursuant to chapter 43.21C RCW, that
20 the action would mitigate current or projected environmental impacts
21 or would provide defined benefits reflecting specific state or
22 federal environmental policies or policies in the comprehensive plan
23 of the jurisdiction.

24 (5) On or before October 1, 1993, each county that was initially
25 required to plan under RCW 36.70A.040(1) shall adopt development
26 regulations designating interim urban growth areas under this
27 chapter. Within three years and three months of the date the county
28 legislative authority of a county adopts its resolution of intention
29 or of certification by the office of financial management, all other
30 counties that are required or choose to plan under RCW 36.70A.040
31 shall adopt development regulations designating interim urban growth
32 areas under this chapter. Adoption of the interim urban growth areas
33 may only occur after public notice; public hearing; and compliance
34 with the state environmental policy act, chapter 43.21C RCW, and
35 under this section. Such action may be appealed to the growth
36 management hearings board under RCW 36.70A.280. Final urban growth
37 areas shall be adopted at the time of comprehensive plan adoption
38 under this chapter.

39 (6) Each county shall include designations of urban growth areas
40 in its comprehensive plan.

1 (7) An urban growth area designated in accordance with this
2 section may include within its boundaries urban service areas or
3 potential annexation areas designated for specific cities or towns
4 within the county.

5 (8) If, during the county's annual review under RCW
6 36.70A.130(2)(a), the county determines revision of the urban growth
7 area is not required to accommodate the population projection for the
8 county made by the office of financial management for the succeeding
9 20-year period, but does determine that patterns of development have
10 created pressure for development in areas exceeding the amount of
11 available developable lands within the urban growth area, then the
12 county may revise the urban growth area or areas based on identified
13 patterns of development and likely future development pressure if the
14 following requirements are met:

15 (a) The revised urban growth area would not result in a net
16 increase in the total acreage or development capacity of the urban
17 growth area or areas;

18 (b) The areas added to the urban growth area are not designated
19 by the county as agricultural, forest, or mineral resource lands of
20 long-term commercial significance;

21 (c) If the areas added to the urban growth area have previously
22 been designated as agricultural, forest, or mineral resource lands of
23 long-term commercial significance, either an equivalent amount of
24 agricultural, forest, or mineral resource lands of long-term
25 commercial significance must be added to the area outside of the
26 urban growth area, or the county must wait a minimum of two years
27 before another swap may occur;

28 (d) Less than 15 percent of the areas added to the urban growth
29 area are critical areas other than critical aquifer recharge areas.
30 Critical aquifer recharge areas must have been previously designated
31 by the county and be maintained per county development regulations
32 within the expanded urban growth area and the revised urban growth
33 area must not result in a net increase in critical aquifer recharge
34 areas within the urban growth area;

35 (e) The areas added to the urban growth areas are suitable for
36 urban growth;

37 (f) The transportation element and capital facility plan element
38 of the county's comprehensive plan have identified the transportation
39 facilities and public facilities and services needed to serve the

1 urban growth area and the funding to provide the transportation
2 facilities and public facilities and services;

3 (g) The areas removed from the urban growth area are not
4 characterized by urban growth or urban densities;

5 (h) The revised urban growth area is contiguous, does not include
6 holes or gaps, and will not increase pressures to urbanize rural or
7 natural resource lands;

8 (i) The county's proposed urban growth area revision has been
9 reviewed according to the process and procedure in the countywide
10 planning policies adopted and approved according to RCW 36.70A.210;
11 and

12 (j) The revised urban growth area meets all other requirements of
13 this section.

14 (9) (a) At the earliest possible date prior to the revision of the
15 county's urban growth area authorized under subsection (8) of this
16 section, the county must engage in meaningful consultation with any
17 federally recognized Indian tribe that may be potentially affected by
18 the proposed revision. Meaningful consultation must include
19 discussion of the potential impacts to cultural resources and tribal
20 treaty rights.

21 (b) A county must notify the affected federally recognized Indian
22 tribe of the proposed revision using at least two methods, including
23 by mail. Upon receiving a notice, the federally recognized Indian
24 tribe may request a consultation to determine whether an agreement
25 can be reached related to the revision of the county's urban growth
26 area. If an agreement is not reached, the parties must enter
27 mediation pursuant to RCW 36.70A.040.

28 (10) (a) Except as provided in (b) of this subsection, the
29 expansion of an urban growth area is prohibited into the one hundred
30 year floodplain of any river or river segment that: (i) Is located
31 west of the crest of the Cascade mountains; and (ii) has a mean
32 annual flow of one thousand or more cubic feet per second as
33 determined by the department of ecology.

34 (b) Subsection (10) (a) of this section does not apply to:

35 (i) Urban growth areas that are fully contained within a
36 floodplain and lack adjacent buildable areas outside the floodplain;

37 (ii) Urban growth areas where expansions are precluded outside
38 floodplains because:

39 (A) Urban governmental services cannot be physically provided to
40 serve areas outside the floodplain; or

1 (B) Expansions outside the floodplain would require a river or
2 estuary crossing to access the expansion; or

3 (iii) Urban growth area expansions where:

4 (A) Public facilities already exist within the floodplain and the
5 expansion of an existing public facility is only possible on the land
6 to be included in the urban growth area and located within the
7 floodplain; or

8 (B) Urban development already exists within a floodplain as of
9 July 26, 2009, and is adjacent to, but outside of, the urban growth
10 area, and the expansion of the urban growth area is necessary to
11 include such urban development within the urban growth area; or

12 (C) The land is owned by a jurisdiction planning under this
13 chapter or the rights to the development of the land have been
14 permanently extinguished, and the following criteria are met:

15 (I) The permissible use of the land is limited to one of the
16 following: Outdoor recreation; environmentally beneficial projects,
17 including but not limited to habitat enhancement or environmental
18 restoration; stormwater facilities; flood control facilities; or
19 underground conveyances; and

20 (II) The development and use of such facilities or projects will
21 not decrease flood storage, increase stormwater runoff, discharge
22 pollutants to fresh or salt waters during normal operations or
23 floods, or increase hazards to people and property.

24 (c) For the purposes of this subsection (10), "one hundred year
25 floodplain" means the same as "special flood hazard area" as set
26 forth in WAC 173-158-040 as it exists on July 26, 2009.

27 (11) If a county, city, or utility has adopted a capital facility
28 plan or utilities element to provide sewer service within the urban
29 growth areas during the twenty-year planning period, nothing in this
30 chapter obligates counties, cities, or utilities to install sanitary
31 sewer systems to properties within urban growth areas designated
32 under subsection (2) of this section by the end of the twenty-year
33 planning period when those properties:

34 (a)(i) Have existing, functioning, nonpolluting on-site sewage
35 systems;

36 (ii) Have a periodic inspection program by a public agency to
37 verify the on-site sewage systems function properly and do not
38 pollute surface or groundwater; and

39 (iii) Have no redevelopment capacity; or

1 (b) Do not require sewer service because development densities
2 are limited due to wetlands, floodplains, fish and wildlife habitats,
3 or geological hazards.

4 (12) The provision of water, sanitary sewage systems, and
5 stormwater control facilities may be used to protect basic public
6 health, safety, and the environment outside of city and urban growth
7 area boundaries in accordance with subsection (4) of this section.

8 **Sec. 4.** RCW 36.70A.320 and 2023 c 228 s 8 are each amended to
9 read as follows:

10 (1) Except as provided in subsections (5) and (6) of this
11 section, comprehensive plans and development regulations, and
12 amendments thereto, adopted under this chapter are presumed valid
13 upon adoption.

14 (2) Except as otherwise provided in subsection (4) of this
15 section, the burden is on the petitioner to demonstrate that any
16 action taken by a state agency, county, or city under this chapter is
17 not in compliance with the requirements of this chapter.

18 (3) In any petition under this chapter, the board, after full
19 consideration of the petition, shall determine whether there is
20 compliance with the requirements of this chapter. In making its
21 determination, the board shall consider the criteria adopted by the
22 department under RCW 36.70A.190(4). The board shall find compliance
23 unless it determines that the action by the state agency, county, or
24 city is clearly erroneous in view of the entire record before the
25 board and in light of the goals and requirements of this chapter. A
26 finding of noncompliance may not be based on the provision of water,
27 sewer, or stormwater facilities or services extended outside of a
28 city's boundaries when approved pursuant to RCW 36.70A.110(4), nor
29 shall state funding be restricted or reduced for such a reason.

30 (4) A county or city subject to a determination of invalidity
31 made under RCW 36.70A.300 or 36.70A.302 has the burden of
32 demonstrating that the ordinance or resolution it has enacted in
33 response to the determination of invalidity will no longer
34 substantially interfere with the fulfillment of the goals of this
35 chapter under the standard in RCW 36.70A.302(1).

36 (5) The shoreline element of a comprehensive plan and the
37 applicable development regulations adopted by a county or city shall
38 take effect as provided in chapter 90.58 RCW.

1 (6) The greenhouse gas emissions reduction subelement required by
2 RCW 36.70A.070 shall take effect as provided in RCW 36.70A.096.

3 **Sec. 5.** RCW 36.93.100 and 1994 c 216 s 13 are each amended to
4 read as follows:

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

9 (1) Three members of a five-member boundary review board or five
10 members of a boundary review board in a county with a population of
11 one million or more files a request for review: PROVIDED, That the
12 members of the boundary review board shall not be authorized to file
13 a request for review of the following actions:

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

16 (b) The extension of permanent water service outside of its
17 existing corporate boundaries by a city, town, or special purpose
18 district if (i) the extension is through the installation of water
19 mains of six inches or less in diameter or (ii) the county
20 legislative authority for the county in which the proposed extension
21 is to be built is required or chooses to plan under RCW 36.70A.040
22 and has by a majority vote waived the authority of the board to
23 initiate review of all other extensions; (~~or~~)

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

32 (d) The extension of permanent water service outside of its
33 existing corporate boundaries by a city, town, or special purpose
34 district when the extension is approved pursuant to RCW 36.70A.110(4)
35 and is included in the most recent update of the comprehensive plan
36 of any city extending such service, or of the county in which the
37 properties that service is extended to are located;

38 (2) Any governmental unit affected, including the governmental
39 unit for which the boundary change or extension of permanent water or

1 sewer service is proposed, or the county within which the area of the
2 proposed action is located, files a request for review of the
3 specific action;

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

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

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

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

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

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

26 **Sec. 6.** RCW 36.93.105 and 1999 c 153 s 46 are each amended to
27 read as follows:

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

30 (1) The extension of permanent water or sewer services outside of
31 its existing corporate boundaries by a city, town, or special purpose
32 district when approved pursuant to RCW 36.70A.110(4);

33 (2) Annexations of territory to a water-sewer district pursuant
34 to RCW 36.94.410 through 36.94.440;

35 ~~((2))~~ (3) Revisions of city or town boundaries pursuant to RCW
36 35.21.790 or 35A.21.210;

37 ~~((3))~~ (4) Adjustments to city or town boundaries pursuant to
38 RCW 35.13.340; and

1 (~~(4)~~) (5) Adjustments to city and town boundaries pursuant to
2 RCW 35.13.300 through 35.13.330.

--- **END** ---



WSABRRB MINI-ZOOM

Thursday, February 6, 2025
1:00 – 2:00 pm

Workshop Agenda

- Introductions
- Organization and Rules of Practice and Procedure (Board Rules)
- BRB Member Recruitment Strategies
- WSABRRB Website Tools - What's Missing?
- Round Robin Discussion

ZOOM
MEETING ID: 883 9731 1053
PASSWORD: 476688



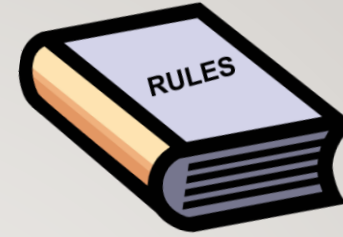
<https://www.wsabrrb.org/mini-zoom.html>

BOARD RULES OF PRACTICE & PROCEDURE & BOARD MEMBER RECRUITMENT

WSABRB MINI ZOOM SESSION

THURSDAY, FEBRUARY 6, 2025

NECESSITY OF RULES



1. Legally required: RCW 36.93.200

“Each review board shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter... Such rules shall also include rules of practice before the board, together with forms and instructions.”

2. Transparency, Clarity & Relevancy

- Clear rules for conducting Board business
- Clarity & Relevancy for customers and BRB staff
 - NOI content
 - Timelines

ENFORCEABILITY OF RULES



-
- *City of Bellevue v. King County Boundary Review Board.*, 90 Wn.2d 856, 861–62, 586 P.2d 470, 473–74 (1978)
 - Excerpts of the Supreme Court’s Ruling:
 - **“Under RCW 36.93.200 the board is granted the power to adopt rules governing the formal and informal procedures relating to its duties and powers... Under that authority, the board has a long-standing rule that a filing date shall be assigned to a notice of intention to annex as of the date that a “legally sufficient” notice is filed. This rule is presumptively valid, and is reviewed only for abuse of discretion or rule making exceeding statutory authority...”**
 - **“We find no abuse of discretion or action exceeding the board's statutory power. In light of the purposes of the 60-day period, the administratively adopted rule appears to be a particularly rational procedural rule...”**
 - **“The board's rule is reasonable, and because the board has rule-making power under RCW 36.93.200 and exercised it in a manner which furthers the purposes of the annexation statute, adoption of this rule is within the statutory authority of the board.”**

STEPS FOR UPDATING RULES

- Work with Board Chair and others
 - Research – other counties & court rules
 - Rules Committee?
 - Prepare document using “track changes”
 - Review by legal counsel
- Proposed Rules (RCW 36.93.200)
 - File with County Clerk
 - Publish with newspaper
 - Post on website
 - Notify – county departments and other jurisdictions
- Finalize
 - Adoption at Board Meeting
 - File with County Clerk (RCW 36.93.210)
 - Notify – county departments and other jurisdictions
 - Post on website



BOARD COMPOSITION



COUNTIES LESS

THAN ONE MILLION RESIDENTS

- RCW 36.93.061
- Five Member Board
 - Governor = 2 positions
 - County Appointing Authority = 1 position
 - Mayors = 1 position
 - Special Purpose District *Nominee* = 1 position

COUNTIES MORE

THAN ONE MILLION RESIDENTS

- RCW 36.93.051
- Eleven Member Board
 - County = 4 positions
 - Mayors = 4 positions
 - Special Purpose District *Nominee* – Water & Sewer Districts = 2 positions
 - Special Purpose District *Nominee* – Fire Commissioners = 1 position

BOARD MEMBER RECRUITMENT

- Post & Publish
 - Press Release
 - Board Website
 - Word of Mouth
 - Other ideas?



QUESTIONS?

- Snohomish County BRB Clerk
 - Sonya Kraski
BRB@snoco.org
425-388-3445
- King County BRB Clerk
 - Shelby Miklethun
Shelby.Miklethun@kingcounty.gov
206-263-9772



From: [Brown, Elsa](#)
Cc: [Hashemi, Mina](#); [Miklethun, Shelby](#)
Subject: Fw: Boundary Review Board - call for nominations
Date: Thursday, February 6, 2025 1:21:05 PM
Attachments: [2025 King County Boundary Review Board Letter.pdf](#)
[Boundary Review Board Information.pdf](#)
[Cities of King County Application Form.pdf](#)
[Recruitment Notice.pdf](#)

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Good afternoon King County Mayor,

Attached please find a letter requesting nominations for a cities of King County position on the King County Boundary Review Board. **We ask that you submit candidates by February 19.** If potential candidates have any questions about the board Shelby and I are available for further conversation.

In addition to a letter explaining the appointment and election process I have also attached:
Boundary Review Board Information
Cities of King County Application Form
Recruitment Notice – Cities

Thank you for your consideration.

Best,
Elsa

Elsa Brown
Regional Affairs Director
Office of Intergovernmental Relations
City of Seattle
elsa.brown@seattle.gov
C: 206-702-7819



City of Seattle

Mayor Bruce A. Harrell

Executive Department – Office of Intergovernmental Relations

Mina Hashemi, Director

February 6, 2025

Dear King County Mayor,

The Washington State Boundary Review Board for King County (Board) is now in the process of recruiting candidates to fill a position on the Board for a four-year term through January 31, 2029. The Board consists of eleven members; this recruitment is for one candidate to represent the Cities of King County. We have three other city members serving terms through 2027. As you know it is our duty and privilege, as cities of King County, to nominate and choose appointees for this position.

The Board appointment process requires the City of Seattle to convene the process that includes soliciting nominations from all cities in King County, circulating a ballot with the names of those put forward, including those seeking reappointment, and making the appointment according to the results of a democratic vote by the Mayors of the cities in King County.

Process and Timeline

Deadline to submit nominations to the City of Seattle	February 19, 2025
Ballots circulated to cities via email	February 21, 2025
Deadline to return ballots via email	February 28, 2025
Count ballots	March 3, 2025
Announce results via email	March 3, 2025

Anyone is welcome to participate in the counting of ballots on Monday, March 3, at 12:00. We will provide office location when ballots are sent.

In considering potential appointments, please remember that the board seeks diversity in its board members and recognizes the value diversity brings in the decision-making process. There is a need for candidates with diverse backgrounds and those who provide geographic representation throughout King County. It should be noted that Board members may not serve as officials, employees or contract personnel of a government agency within King County while serving on the Board.

Do not hesitate to contact me if you have any questions at 206-702-7819 or elsa.brown@seattle.gov.

Sincerely,

Elsa Brown

Regional Affairs Director, City of Seattle

CC: Shelby Miklethun, Executive Secretary
Washington State Boundary Review Board for King County

Attachments: Boundary Review Board Information
Cities of King County Application Form
Recruitment Notice - Cities

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
BACKGROUND INFORMATION (Updated October 2022)

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 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 major 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 14 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 by the Boundary Review Board 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.

Boards in other counties have five members variously appointed by their cities, county, special purpose districts, and the Office of the Governor.

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 2018 to the present, the Board has reviewed more than 65 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.

The Board has reviewed proposed municipal annexations of substantial territories and other actions from several cities including: Bellevue, Burien, Issaquah, Redmond, Renton, 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.)

The Board anticipates a minimum of eight Notices of Intention for creation of/changes to water district boundaries in 2022.

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 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., varying types of 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 be completed later in the decade (perhaps 2026).

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: Under RCW 36.93, 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 King County Special Deputy Prosecuting Attorney provides guidance and support relating to statutory requirements and provides legal interpretations concerning the applicability of regulations to particular types of Notices of Intention.

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 206-263-9772 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.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

Yesler Building

400 Yesler Way

#205

Seattle, Washington 98104

206-206-263-9772

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

BOARD/COMMISSION:

The Washington State Boundary Review Board for King County is authorized under and regulated by RCW 36.93. The purpose of the Board is to consider land annexations, utility district annexations, mergers, consolidations, incorporations, disincorporations and similar actions. There are eleven Board members, including three members appointed by the Office of the Governor, three members appointed by the King County Executive's Office, three members appointed by the Cities of King County and two members representing Special Districts. The standard term of office is four years.

Please State Reasons for Your Interest in Serving on the Boundary Review Board

Are you Available to Attend Monthly Meetings and to Attend Public Hearings?

___Yes ___No

Comments: _____

Are you Available to Serve the Full Four Year Term Of Office? ___Yes ___No

Comments: _____

BASIC INFORMATION:

Name: _____

Home Address _____

County: _____ Legislative District _____ Home Telephone _____

Business Address _____

County: _____ Legislative District _____ Business Telephone _____

Home/Business Fax _____ Home/Business E-Mail _____

Are you registered to vote in Washington State? ___Yes ___No

Have you ever been convicted of a crime (excluding traffic offenses under \$100.00)

___No ___Yes

(If so, please attach a statement providing details).

EDUCATION:

	Name	Location	Graduation Date	Major/Degree
High School				
College/University – Undergraduate				
College/University –Graduate Studies				

EMPLOYMENT:

NAME OF EMPLOYER	LOCATION	POSITION	EMPLOYMENT DATE	CONTACT/PHONE
CURRENT EMPLOYER:				
PREVIOUS EMPLOYER				

MEMBERSHIPS IN PROFESSIONAL OR CIVIC ORGANIZATIONS

ORGANIZATION	LOCATION	OFFICE HELD	DATES OF TERMS	CONTACT/PHONE

REFERENCES:

NAME/TITLE	ADDRESS	CONTACT/PHONE

PERSONAL INFORMATION (OPTIONAL)

NOTE: The Office of the Governor seeks diversity in representation on boards and commissions. The information requested below will assist us in achieving this goal.

Please indicate your race or ethnicity:

- American Indian or Alaska Native
- Asian or Pacific Islander
- Black/African American
- Latino/Hispanic/Spanish
- White/Caucasian
- Other Please specify _____

Female _____ Male _____ Date of Birth _____

Do you have a permanent physical, sensory or mental condition that substantially affects your major life functions, such as working, caring for yourself, learning, sight, hearing, speaking?
____ No ____ Yes

If yes, please explain briefly:

Have you ever been on active duty in the US Armed Forces ____ Yes ____ No

Signature _____ Date _____

APPLICATION INSTRUCTIONS:

- Complete the entire application (original or copies may be submitted).
- Applicants are strongly encouraged to attach a current resume or biography.
- Return materials to the Boundary Review Board

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
YESLER BUILDING, 400 YESLER WAY, #205, SEATTLE, WASHINGTON 98104
206-263-2772

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY SEEKS NEW MEMBERS

The Washington State Boundary Review Board for King County is now recruiting a candidate to serve on the Board. Terms of office will begin upon election in **March 2025**.

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. In the past decade, 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. Four members appointed from the Executive of King County, four members appointed from Cities of King County and three members appointed from area Special Purpose Districts.

The Board is currently recruiting candidates for an appointment from the Cities of King County. The new member would serve a four-year term until January 31, 2029.

Board members must be available to attend the Board's regular monthly meeting and public hearings as required for proposed actions - e.g., annexations, mergers, or incorporations. All meetings and hearings are held in the evening hours. Meetings will be held via Zoom only during the pandemic emergency. 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, please complete the enclosed application. You may also contact Shelby Miklethun, Executive Secretary to the Board, with questions about the position at 206-263-9772. We would also welcome your recommendation of other persons who would be interested in serving on the Board.

Applications must be submitted by February 19 to:

Elsa Brown

elsa.brown@seattle.gov

File	Date Rec	Filed	Exp/45	Entity	Entity Type	Action	Annexation Method	Name	Board Action	Date Closed	Final/Ord	Parcel Nos.	No. of Parcels	Total Acres
2421	12/27/2024	1/3/2025	2/18/2025	W & S: NE SAMM S & W DIST	WATER AND SEWER DISTRICT	ANN	PETITION	PARKLANE SWR				1240100082	1	1
2420	7/17/2024	7/30/2024	9/13/2024	W & S: SAMM PLATEAU W & S	WATER AND SEWER DISTRICT	WTR DE	WITHDRAWAL RESOLUTION - RCW 57.28	AMES LAKE ROAD	APV/45/09/12/2024	9/13/2024	ORD. 19834, RES. 5283	2425069059, 2425069026, 2425069012, 252506	4	25
2419	4/10/2024	4/17/2024	6/2/2024	WD: COVINGTON	WATER DISTRICT	ANN	PETITION	SCHNEIDER WTR	APV/WAIVER 05/09/2024	5/9/2024	ORD. 19773, RES. 4683	2022069098	1	0.49
2418	2/22/2024	2/24/2024	4/8/2024	C: REDMOND	CITY	ANN	PETITION	NE 97TH STREET	APV/45/03/14/2024	4/9/2024	ORD. 3165	0325059160, 0325059155, 0325059155, 0325059134, 0325059039, 0325059045, 0325059052, 0325059108, 0325059053, 0325059087, 0325059082, 0325059093, 0325059257	13	13.5
2417	10/27/2023	10/27/2023	12/11/2023	W & S: SOOS CREEK W & S	WATER AND SEWER DISTRICT	ANN	PETITION	LAKEPOINTE SWR	APV/45/11/09/2023	12/12/2023	ORD. 19737, RES. 3845-S	2922069162, 1922069041, 3022069001, 2022069152, 2022069012	5	79.9
2416	10/5/2023	10/10/2023	11/27/2023	C: AUBURN	CITY	ANN	RESOLUTION - RCW 35.10.271(2)	THE BRIDGES	APV/45/11/09/2023	11/28/2023	ORD. 6928	https://cdn.kingcounty.gov/-/media/king-county/independent/governance-and-leadership/government-oversight/boundary-review-board/docs/nois/2416-parcels.pdf?rev=bfb344bbb6747a2a082a4dd7e64e2b8&hash=3C079BA04A3D64A02FED185A33583E20	443	156
2415	3/31/2023	3/31/2023	5/15/2023	C: PACIFIC	CITY	SAC	INTERLOCAL AGREEMENT	GREEN VALLEY FARMS SAC	APV/45/04/13/2023	5/19/2023	RES. 2023-876	3621049016, 3621049077	2	20.5
2414	2/28/2023	2/28/2023	4/17/2023	WD: COVINGTON	WATER DISTRICT	ANN	PETITION	HUB WTR	APV/45/03/09/2023	4/25/2023	ORD. 19622, RES 4618	4127000805, 4127000860, 4127000861	3	46.05
2413	10/17/2022	10/26/2022	12/12/2022	C: ENUMCLAW	CITY	ANN	PETITION	GRACE POINT	APV/45/11/10/2022	12/20/2022	ORD. 2749	7792000015, 7792000020	2	1.23
2412	9/26/2022	9/28/2022	11/14/2022	W & S: SAMM PLATEAU W & S	WATER AND SEWER DISTRICT	ANN	PETITION	SILER RIDGE WTR	APV/45/11/10/2022	11/18/2022	ORD. 19554	1225069051, 1225069050, 135069091, 1225069049, 1225069013, 135069005	6	120
2411	8/9/2022	8/15/2022	9/29/2022	W & S: SAMM PLATEAU W & S	WATER AND SEWER DISTRICT	ANN	PETITION	NE 1ST & JUNIPER SWR ANNE	APV/45/09/22/2022	9/29/2022	ORD. 19519	8843500209, 8843500208, 8843500205, 8843500150, 8843500121, 8843500120, 8843500124, 8843500136, 8843500138, 8843500145	10	12
2410	8/9/2022	8/15/2022	9/29/2022	W & S: SAMM PLATEAU W & S	WATER AND SEWER DISTRICT	ANN	PETITION	M-BROOKE FARM WTR ANN	APV/45/09/22/2022	9/29/2022	ORD. 19518	2425069002, 2525069003	2	80
2409	7/29/2022	8/2/2022	9/16/2022	FD: KCFD # 43	FIRE DISTRICT	ANN	PETITION	VANDER WOUDE ANNEX	APV/45/08/11/2022	9/16/2022	ORD. 19520	0822079034	1	1.36
2408	6/30/2022	7/5/2022	8/19/2022	W & S: SAMM PLATEAU W & S	WATER AND SEWER DISTRICT	SWR DE	WITHDRAWAL RESOLUTION - RCW 57.28	ISSAQUAH HIGHLANDS	APV/45/08/11/2022	8/19/2022	RES. 5139	NOT PROVIDED IN A LISTABLE FORMAT	NOT PROVIDED IN A LISTABLE FORMAT	27
2407	6/30/2022	7/5/2022	8/19/2022	W & S: SAMM PLATEAU W & S	WATER AND SEWER DISTRICT	WTR DE	WITHDRAWAL RESOLUTION - RCW 57.28	ISS H'LANDS & URBAN VILLA	APV/45/08/11/2022	8/19/2022	RES. 5138	NOT PROVIDED IN A LISTABLE FORMAT	NOT PROVIDED IN A LISTABLE FORMAT	247
2406	5/2/2022	5/3/2022	6/17/2022	WD: COVINGTON	WATER DISTRICT	ANN	PETITION	STATION BY VINTAGE	APV/45/05/12/2022	6/17/2022	ORD. 19468	3622059057	1	2.33
2405	1/7/2021	1/11/2021	2/25/2021	FD:NORTHSHORE F.D.	FIRE DISTRICT	MERGER	ELECTION METHOD MERGER - RCW 52.06	NORTHSHORE-WOODINVILLE	APV/45/02/11/2021	2/25/2021	REJECTED BY VOTERS	NOT PROVIDED IN A LISTABLE FORMAT	NOT PROVIDED IN A LISTABLE FORMAT	28,880
2404	10/1/2020	10/8/2020	11/22/2020	C: RENTON	CITY	ANN	PETITION	GRAVES ANNEX.	APV/45/11/12/2020	11/23/2020	ORD. 6011	3664500338, 3664500006, 3664500009, 3664500008, 3664500330, 3664500007, 3664500320, 1457500044, 1457500045, 1457500046, 1457500043, 1457500047, 1457500050, 1457500051, 1457500054, 1457500049, 1457500048, 1457500055, 1457500053	19	21.4
2403		9/21/2020	11/5/2020	WD: COVINGTON	WATER DISTRICT	ANN	PETITION	JACKSON DEAN ANNEX.	APV/45/10/08/2020	11/5/2020	ORD. 19190	2022069011	1	6.47
2402	6/3/2020	6/4/2020	7/19/2020	C: ENUMCLAW	CITY	ANN	PETITION	MT. RAINIER CHRISTIAN CTR.	APV/45/05/14/2020	7/20/2020	ORD. 2691	2220069097, 2220069170	2	6.87
2401	4/1/2020	4/15/2020	5/30/2020	C: FEDERAL WAY	CITY	ANN	PETITION	S. 320th STREET ANNEX.	APV/45/05/14/2020	5/18/2020	ORD. 20-892	0921049028, 0921049139, 0921049206, 0921049187, 0921049140, 0921049160, 0921049206	7	21
2400	2/6/2020	2/6/2020	3/22/2020	C: ENUMCLAW	CITY	ANN	PETITION	MT. RAINIER CHRISTIAN CTR	APV/45/02/13/2020	WITHDRAWN	WD-SEE FILE NO. 2402	2220069097, 2220069170	2	8.7
2399	12/19/2019	12/19/2019	2/2/2020	W & S: NE SAMM S & W DIST	WATER AND SEWER DISTRICT	ANN		SRIRAM SEWER ANNEX.	APV/45/01/09/2020	2/3/2020	ORD. 19072			
2398	12/18/2019	12/18/2019	2/1/2020	WD: COVINGTON	WATER DISTRICT	ANN		PACIFIC RACEWAYS	APV/45/01/09/2020	2/3/2020	ORD. 19071			