

NOTICE OF INTENTION PROCESS

1. Action initiated. Initiators of an action have 180 days after the action is proposed to file a Notice of Intention with the Boundary Review Board. (RCW 3893.090)

2. Notice of Intention is submitted to the Chief Clerk. The Notice of Intention contains a description of the action sought, reasons for the proposed action, a legal description of the boundaries proposed to be altered, a county assessors map and any additional information or maps requested by the Boundary Review Board. (RCW 36.93.130)

3. Notice of Intention is filed by Chief Clerk. The Chief Clerk reviews the Notice of Intention to determine legal sufficiency and when deemed sufficient, assigns a filing date and file number. The 45-day review period begins on the date it is filed by the Chief Clerk. (RCW 36,93.090)

4. Affected agency review of Notice of Intention. The Chief Clerk routes the Notice of Intention to agencies, municipalities, county departments, special purpose districts, and interested citizens for review and comment. In the case of water or sewer district annexations or extensions, the State Department of Ecology and County Commissioners are also sent copies. (RCW 36.93.093)

5. The Notice of Intention is sent to Board members and Board Legal Counsel. The Chief Clerk sends a copy of the Notice of Intention to Board and Legal Counsel for review.

6. Board Chair may waive 45-day review period. If the proposed action is a city annexation under ten acres and less than two million dollars in assessed valuation, the Board Chair may waive the review period by written statement. The annexation then may proceed as proposed. individual Boundary Review Boards may have additional notification and review requirements before issuing waivers. (RCW 36.93.05)

7. Boundary Review Board considers proposal. The Board discusses the proposal and determines fit will invoke jurisdiction or if another entity must request the Board to invoke its jurisdiction. (RCW 36.93.100)

8. 45-day review period elapses. If the 45-day review period elapses without the Board's jurisdiction being invoked, the proposed action is deemed approved. The initiator may then proceed to finalize proposal under its pertinent laws. (RCW 36.93.100)

9. Jurisdiction invoked. The Board's jurisdiction can be invoked by:

1. any governmental unit affected or the county; or
2. a petition signed by five percent of the registered voters residing within the area which is being considered or the proposed action; or
3. an owner or owners of property consisting of five percent of the assessed valuation within such area; or
4. the Board, when three members of the Board concur with a request for review when a petition requesting review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action; or

5. the Board, when three members of the Board vote affirmatively to invoke jurisdiction except in the case of:

- a. an incorporation of a special purpose district or change in the boundary of any city, town, or special purpose district;
- b. the extension of permanent water service outside of its existing service boundaries by a city, town, or special purpose district with water mains six inches or less in diameter; or
- c. the extension of permanent sewer service outside of its existing service boundaries by a city, town, or special purpose district with sewer mains eight inches or less in diameter. (RCW 36.93.100)

In the case of incorporations, the Board's jurisdiction is, by law, invoked upon the filing of the Notice of Intention.

10. Public hearing set and advertised. The Board sets the time, date and place of the public hearing. The Chief Clerk provides 30 days' written notice to affected governmental units and municipalities within three miles of the proposal, places three legal advertisements in a newspaper of general circulation and posts notices in at least ten locations in the proposed area. (RCW 36.93.160)

11. Public hearing is held. A verbatim record is made of all testimony and the Board may direct the Chief Clerk to issue subpoenas to any person or agency for testimony or presentation of records. (RCW 36.93.160(4))

12. Board makes decision. The Board hears testimony from affected governmental units and individuals, closes the public testimony, and then reviews on the record the factors to be considered by the Board (RCW 36.93.170), the objectives of the Boundary Review Board (RCW 36.934180) and the requirements of the State Environmental Protection Act (RCW 42.21 C and WAC 197-11) and the Growth Management Act (RCW 36.70A). Based on the above, the Board may either approve, modify, or deny a proposal (RCW 36.93.150) In the case of incorporations over 7,500 in population, the Board may approve, modify by ten percent of the land area, or recommend against the proposal.

13. Written decision is filed. The Board has 40 days from the final public hearing but not more than 120 days from the date that jurisdiction was invoked to file its written decision. The written decision addresses the purpose, factors and objectives of the Boundary Review Board Law as well as SEPA considerations. It is filed with the County Commissioners and the clerk of each city or town within three miles of the proposal. Dissenting Board members may file a written minority opinion as a part of the written decision. (RCW 36.93.160(4))

14. Board decision may be appealed to the Superior Court. Appeals of the Boundary Review Board's written decision may be made to the County Superior Court within thirty days from the date the written decision is filed. The appeal is on the record which means that the Court reviews the exhibits, transcript and Board's written decision rather than conducting a new hearing. (RCW 36.93.160(5))

15. Superior Court may decide case. The Superior Court may affirm the decision of the Board, remand the case for further proceedings or reverse the Board's decision. The Superior Court decision may be appealed to the Court of Appeals or to the State Supreme Court. (RCW 36.93.160(6))