

WHO IS THE BOUNDARY REVIEW BOARD?

Keep in mind we are not representing ourselves as legal experts on RCW 36.93 nor are we attempting to give anyone any legal advice. The comments below are provided solely by Craig McLaughlin who readily acknowledges he is not, despite being a retired attorney, a person with any expertise in this area of the law.

Under Washington state law, counties have the right and, for some counties, the obligation to create a Boundary Review Board. Pierce County is one of the counties required to create one due to the size of its population.

The Boundary Review Board can review and adjust, if appropriate, boundary lines for cities and towns within the county's boundaries. It can also review and adjust, if appropriate, boundary lines of special districts such as a Metropolitan Park District.

To obtain the right to appear before the Boundary Review Board, one must either get the County Commission's approval or obtain the signature of 5% of the registered voters or of the owners of real property representing at least 5% of the total value of real property in the area impacted by the proposed boundary adjustment. In our case, we are choosing to obtain 5% of the registered voters on Fox Island as a more appropriate demographic unrelated to the value of any particular parcel. All of us on Fox Island should be treated equally without regard to the value of the property they own.

We are required to submit our petition to the Boundary Review Board. The Boundary Review Board, in turn, will have the appropriate County Department verify the signatures on the petition both as to being registered voters and as to the 5% minimum.

At the same time, we will file a Notice of Intention with the Boundary Review asking them to adjust the current Peninsula Metropolitan Park District's existing boundaries by removing Fox Island from that district. When determining whether or not the Boundary Review Board will grant our request, it is required to take into account certain factors and objectives which we believe strongly support our request. For more information on these factors and objectives, please see RCW 36.93.170 and RCW 36.93.180 under RCW 36.93 on this website.

If the Boundary Review Board does not act within 45 days from the date we file our Notice of Intention, assuming our petition is approved as meeting the 5% minimum, our request is automatically granted. Accordingly, it's highly likely that the Boundary Review Board will act expeditiously on our Notice of Intention.

Set forth our RCW 36.93 webpage are all of the statutes pertaining to the Boundary Review Board should you want to investigate this further. Here is a listing of the statutes contained in Chapter 36.93 RCW):

Chapter 36.93 RCW

LOCAL GOVERNMENTAL ORGANIZATION—BOUNDARIES—REVIEW BOARDS

Sections

- 36.93.010** Purpose.
- 36.93.020** Definitions.
- 36.93.030** Creation of boundary review boards in counties with populations of two hundred ten thousand or more—
Creation in other counties.
- 36.93.040** Dates upon which boards in counties with populations of less than two hundred ten thousand deemed
established.
- 36.93.051** Appointment of board—Members—Terms—Qualifications.
- 36.93.061** Boards in counties with populations of less than one million—Members—Terms—Qualifications.
- 36.93.063** Selection of board members—Procedure—Commencement of term—Vacancies.
- 36.93.067** Effect of failure to make appointment.
- 36.93.070** Chair, vice chair, chief clerk—Powers and duties of board and chief clerk—Meetings—Hearings—
Counsel—Compensation.

- 36.93.080** Expenditures—Remittance of costs to counties.
- 36.93.090** Filing notice of proposed actions with board.
- 36.93.093** Copy of notice of intention by water-sewer district to be sent officials.
- 36.93.100** Review of proposed actions by board—Procedure.
- 36.93.105** Actions not subject to review by board.
- 36.93.110** When review not necessary.
- 36.93.116** Simultaneous consideration of incorporation and annexation of territory.
- 36.93.120** Fees.
- 36.93.130** Notice of intention—Contents.
- 36.93.140** Pending actions not affected.
- 36.93.150** Review of proposed actions—Actions and determinations of board—Disapproval, effect.
- 36.93.153** Review of proposed incorporation in county with boundary review board.
- 36.93.155** Annexation approval—Other action not authorized.
- 36.93.157** Decisions to be consistent with growth management act.
- 36.93.160** Hearings—Notice—Record—Subpoenas—Decision of board—Appellate review.
- 36.93.170** Factors to be considered by board—Incorporation proceedings exempt from state environmental policy act.
- 36.93.180** Objectives of boundary review board.
- 36.93.185** Objectives of boundary review board—Water-sewer district annexations, mergers—Territory not adjacent to district.
- 36.93.190** Decision of board not to affect existing franchises, permits, codes, ordinances, etc., for ten years.
- 36.93.200** Rules and regulations—Adoption procedure.
- 36.93.210** Rules and regulations—Filing—Permanent register.
- 36.93.220** Provisions of prior laws superseded by chapter.
- 36.93.230** Power to disband boundary review board.
- 36.93.800** Application of chapter to merged special purpose districts.
- 36.93.900** Effective date—1967 c 189.

Thank you for your consideration of this important issue that affects all of us on Fox Island. Please look forward to future communications as we navigate the process of bringing home our park service!

Warmly,
Your Fox Island Neighbors
www.parksforfoxisland.org