

SHB 1755 - S COMM AMD

By Committee on Land Use & Planning

NOT ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13 RCW
4 to read as follows:

5 (1) The legislative body of any county, city, or town planning
6 under chapter 36.70A RCW may initiate an annexation process for
7 unincorporated territory by adopting a resolution commencing
8 negotiations for an interlocal agreement as provided in chapter 39.34
9 RCW between a county and any city or town within the county. The
10 territory proposed for annexation must meet the following criteria:

11 (a) Be within the city or town urban growth area designated under RCW
12 36.70A.110, and (b) at least sixty percent of the boundaries of the
13 territory proposed for annexation must be contiguous to the annexing
14 city or town and at least one other city or town.

15 (2) If the territory proposed for annexation has been designated in
16 an adopted county comprehensive plan as part of an urban growth area,
17 urban service area, or potential annexation area for a specific city or
18 town, or if the urban growth area territory proposed for annexation has
19 been designated in a written agreement between a city or town and a
20 county for annexation to a specific city or town, the designation or
21 designations shall receive full consideration before a city or county
22 may initiate the annexation process provided for in section 2 of this
23 act.

24 (3) The agreement shall describe the boundaries of the territory to
25 be annexed. A public hearing shall be held by each legislative body,
26 separately or jointly, before the agreement is executed. Each
27 legislative body holding a public hearing shall, separately or jointly,
28 publish the agreement at least once a week for two weeks before the
29 date of the hearing in one or more newspapers of general circulation
30 within the territory proposed for annexation.

1 (4) Following adoption and execution of the agreement by both
2 legislative bodies, the city or town legislative body shall adopt an
3 ordinance providing for the annexation of the territory described in
4 the agreement. The legislative body shall cause notice of the proposed
5 effective date of the annexation, together with a description of the
6 property to be annexed, to be published at least once each week for two
7 weeks subsequent to passage of the ordinance, in one or more newspapers
8 of general circulation within the city and in one or more newspapers of
9 general circulation within the territory to be annexed. If the
10 annexation ordinance provides for assumption of indebtedness or
11 adoption of a proposed zoning regulation, the notice shall include a
12 statement of the requirements. Any territory to be annexed through an
13 ordinance adopted under this section is annexed and becomes a part of
14 the city or town upon the date fixed in the ordinance of annexation,
15 which date may not be fewer than forty-five days after adoption of the
16 ordinance.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW
18 to read as follows:

19 (1) The legislative body of any county planning under chapter
20 36.70A RCW may initiate an annexation process with the legislative body
21 of any other cities or towns that are contiguous to the territory
22 proposed for annexation in section 1 of this act if:

23 (a) The county legislative body initiated an annexation process as
24 provided in section 1 of this act; and

25 (b) The affected city or town legislative body adopted a responsive
26 resolution rejecting the proposed annexation or declined to create the
27 requested interlocal agreement with the county; or

28 (c) More than one hundred eighty days have passed since adoption of
29 a county resolution as provided for in section 1 of this act and the
30 parties have not adopted or executed an interlocal agreement providing
31 for the annexation of unincorporated territory. The legislative body
32 for either the county or an affected city or town may, however, pass a
33 resolution extending the negotiation period for one or more six-month
34 periods if a public hearing is held and findings of fact are made prior
35 to each extension.

1 (2) Any county initiating the process provided for in subsection
2 (1) of this section must do so by adopting a resolution commencing
3 negotiations for an interlocal agreement as provided in chapter 39.34
4 RCW between the county and any city or town within the county. The
5 annexation area must be within an urban growth area designated under
6 RCW 36.70A.110 and at least sixty percent of the boundaries of the
7 territory to be annexed must be contiguous to two or more cities or
8 towns.

9 (3) The agreement shall describe the boundaries of the territory to
10 be annexed. A public hearing shall be held by each legislative body,
11 separately or jointly, before the agreement is executed. Each
12 legislative body holding a public hearing shall, separately or jointly,
13 publish the agreement at least once a week for two weeks before the
14 date of the hearing in one or more newspapers of general circulation
15 within the territory proposed for annexation.

16 (4) Following adoption and execution of the agreement by both
17 legislative bodies, the city or town legislative body shall adopt an
18 ordinance providing for the annexation. The legislative body shall
19 cause notice of the proposed effective date of the annexation, together
20 with a description of the property to be annexed, to be published at
21 least once each week for two weeks subsequent to passage of the
22 ordinance, in one or more newspapers of general circulation within the
23 city and in one or more newspapers of general circulation within the
24 territory to be annexed. If the annexation ordinance provides for
25 assumption of indebtedness or adoption of a proposed zoning regulation,
26 the notice shall include a statement of the requirements. Any area to
27 be annexed through an ordinance adopted under this section is annexed
28 and becomes a part of the city or town upon the date fixed in the
29 ordinance of annexation, which date may not be less than forty-five
30 days after adoption of the ordinance.

31 (5) The annexation ordinances provided for in section 1(4) of this
32 act and subsection (4) of this section are subject to referendum for
33 forty-five days after passage. Upon the filing of a timely and
34 sufficient referendum petition with the legislative body, signed by
35 registered voters in number equal to not less than fifteen percent of
36 the votes cast in the last general state election in the area to be
37 annexed, the question of annexation shall be submitted to the voters of

1 the area in a general election if one is to be held within ninety days
2 or at a special election called for that purpose not less than forty-
3 five days nor more than ninety days after the filing of the referendum
4 petition. Notice of the election shall be given as provided in RCW
5 35.13.080 and the election shall be conducted as provided in the
6 general election law. The annexation shall be deemed approved by the
7 voters unless a majority of the votes cast on the proposition are in
8 opposition thereto.

9 After the expiration of the forty-fifth day from but excluding the
10 date of passage of the annexation ordinance, if no timely and
11 sufficient referendum petition has been filed, the area annexed shall
12 become a part of the city or town upon the date fixed in the ordinance
13 of annexation.

14 (6) If more than one city or town adopts interlocal agreements
15 providing for annexation of the same unincorporated territory as
16 provided by this section, an election shall be held in the area to be
17 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the
18 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also
19 contain a separate proposition allowing voters to cast votes in favor
20 of annexation to any one city or town participating in an interlocal
21 agreement as provided by this section. If a majority of voters voting
22 on the proposition vote against annexation, the proposition is
23 defeated. If, however, a majority of voters voting in the election
24 approve annexation, the area shall be annexed to the city or town
25 receiving the highest number of votes among those cast in favor of
26 annexation.

27 (7) Costs for an election required under subsection (6) of this
28 section shall be borne by the county.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.14 RCW
30 to read as follows:

31 (1) The legislative body of any county or code city planning under
32 chapter 36.70A RCW may initiate an annexation process for
33 unincorporated territory by adopting a resolution commencing
34 negotiations for an interlocal agreement as provided in chapter 39.34
35 RCW between a county and any code city within the county. The
36 territory proposed for annexation must meet the following criteria:

1 (a) Be within the code city urban growth area designated under RCW
2 36.70A.110, and (b) at least sixty percent of the boundaries of the
3 territory proposed for annexation must be contiguous to the annexing
4 code city and at least one other city or town.

5 (2) If the territory proposed for annexation has been designated in
6 an adopted county comprehensive plan as part of an urban growth area,
7 urban service area, or potential annexation area for a specific city,
8 or if the urban growth area territory proposed for annexation has been
9 designated in a written agreement between a city and a county for
10 annexation to a specific city or town, the designation or designations
11 shall receive full consideration before a city or county may initiate
12 the annexation process provided for in section 4 of this act.

13 (3) The agreement shall describe the boundaries of the territory to
14 be annexed. A public hearing shall be held by each legislative body,
15 separately or jointly, before the agreement is executed. Each
16 legislative body holding a public hearing shall, separately or jointly,
17 publish the agreement at least once a week for two weeks before the
18 date of the hearing in one or more newspapers of general circulation
19 within the territory proposed for annexation.

20 (4) Following adoption and execution of the agreement by both
21 legislative bodies, the city legislative body shall adopt an ordinance
22 providing for the annexation of the territory described in the
23 agreement. The legislative body shall cause notice of the proposed
24 effective date of the annexation, together with a description of the
25 property to be annexed, to be published at least once each week for two
26 weeks subsequent to passage of the ordinance, in one or more newspapers
27 of general circulation within the city and in one or more newspapers of
28 general circulation within the territory to be annexed. If the
29 annexation ordinance provides for assumption of indebtedness or
30 adoption of a proposed zoning regulation, the notice shall include a
31 statement of the requirements. Any territory to be annexed through an
32 ordinance adopted under this section is annexed and becomes a part of
33 the city upon the date fixed in the ordinance of annexation, which date
34 may not be fewer than forty-five days after adoption of the ordinance.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.14 RCW
36 to read as follows:

1 (1) The legislative body of any county planning under chapter
2 36.70A RCW may initiate an annexation process with the legislative body
3 of any other cities or towns that are contiguous to the territory
4 proposed for annexation in section 3 of this act if:

5 (a) The county legislative body initiated an annexation process as
6 provided in section 3 of this act; and

7 (b) The affected city legislative body adopted a responsive
8 resolution rejecting the proposed annexation or declined to create the
9 requested interlocal agreement with the county; or

10 (c) More than one hundred eighty days have passed since adoption of
11 a county resolution as provided for in section 3 of this act and the
12 parties have not adopted or executed an interlocal agreement providing
13 for the annexation of unincorporated territory. The legislative body
14 for either the county or an affected city may, however, pass a
15 resolution extending the negotiation period for one or more six-month
16 periods if a public hearing is held and findings of fact are made prior
17 to each extension.

18 (2) Any county initiating the process provided for in subsection
19 (1) of this section must do so by adopting a resolution commencing
20 negotiations for an interlocal agreement as provided in chapter 39.34
21 RCW between the county and any city or town within the county. The
22 annexation area must be within an urban growth area designated under
23 RCW 36.70A.110 and at least sixty percent of the boundaries of the
24 territory to be annexed must be contiguous to two or more cities or
25 towns.

26 (3) The agreement shall describe the boundaries of the territory to
27 be annexed. A public hearing shall be held by each legislative body,
28 separately or jointly, before the agreement is executed. Each
29 legislative body holding a public hearing shall, separately or jointly,
30 publish the agreement at least once a week for two weeks before the
31 date of the hearing in one or more newspapers of general circulation
32 within the territory proposed for annexation.

33 (4) Following adoption and execution of the agreement by both
34 legislative bodies, the city or town legislative body shall adopt an
35 ordinance providing for the annexation. The legislative body shall
36 cause notice of the proposed effective date of the annexation, together
37 with a description of the property to be annexed, to be published at

1 least once each week for two weeks subsequent to passage of the
2 ordinance, in one or more newspapers of general circulation within the
3 city and in one or more newspapers of general circulation within the
4 territory to be annexed. If the annexation ordinance provides for
5 assumption of indebtedness or adoption of a proposed zoning regulation,
6 the notice shall include a statement of the requirements. Any area to
7 be annexed through an ordinance adopted under this section is annexed
8 and becomes a part of the city or town upon the date fixed in the
9 ordinance of annexation, which date may not be less than forty-five
10 days after adoption of the ordinance.

11 (5) The annexation ordinances provided for in section 3(4) of this
12 act and subsection (4) of this section are subject to referendum for
13 forty-five days after passage. Upon the filing of a timely and
14 sufficient referendum petition with the legislative body, signed by
15 registered voters in number equal to not less than fifteen percent of
16 the votes cast in the last general state election in the area to be
17 annexed, the question of annexation shall be submitted to the voters of
18 the area in a general election if one is to be held within ninety days
19 or at a special election called for that purpose not less than forty-
20 five days nor more than ninety days after the filing of the referendum
21 petition. Notice of the election shall be given as provided in RCW
22 35A.14.070 and the election shall be conducted as provided in the
23 general election law. The annexation shall be deemed approved by the
24 voters unless a majority of the votes cast on the proposition are in
25 opposition thereto.

26 After the expiration of the forty-fifth day from but excluding the
27 date of passage of the annexation ordinance, if no timely and
28 sufficient referendum petition has been filed, the area annexed shall
29 become a part of the city or town upon the date fixed in the ordinance
30 of annexation.

31 (6) If more than one city or town adopts interlocal agreements
32 providing for annexation of the same unincorporated territory as
33 provided by this section, an election shall be held in the area to be
34 annexed pursuant to RCW 35A.14.070. In addition to the provisions of
35 RCW 35A.14.070, the ballot shall also contain a separate proposition
36 allowing voters to cast votes in favor of annexation to any one city or
37 town participating in an interlocal agreement as provided by this

1 section. If a majority of voters voting on the proposition vote
2 against annexation, the proposition is defeated. If, however, a
3 majority of voters voting in the election approve annexation, the area
4 shall be annexed to the city or town receiving the highest number of
5 votes among those cast in favor of annexation.

6 (7) Costs for an election required under subsection (6) of this
7 section shall be borne by the county.

8 **Sec. 5.** RCW 36.70A.110 and 1997 c 429 s 24 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 occur
13 only if it is not urban in nature. Each city that is located in such
14 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 already
19 characterized by urban growth, or is a designated new fully contained
20 community as defined by RCW 36.70A.350.

21 (2) Based upon the growth management population projection made for
22 the county by the office of financial management, the county and each
23 city within the county shall include areas and densities sufficient to
24 permit the urban growth that is projected to occur in the county or
25 city for the succeeding twenty-year period. Each urban growth area
26 shall permit urban densities and shall include greenbelt and open space
27 areas. An urban growth area determination may include a reasonable
28 land market supply factor and shall permit a range of urban densities
29 and uses. In determining this market factor, cities and counties may
30 consider local circumstances. Cities and counties have discretion in
31 their comprehensive plans to make many choices about accommodating
32 growth.

33 Within one year of July 1, 1990, each county that as of June 1,
34 1991, was required or chose to plan under RCW 36.70A.040, shall begin
35 consulting with each city located within its boundaries and each city
36 shall propose the location of an urban growth area. Within sixty days

1 of the date the county legislative authority of a county adopts its
2 resolution of intention or of certification by the office of financial
3 management, all other counties that are required or choose to plan
4 under RCW 36.70A.040 shall begin this consultation with each city
5 located within its boundaries. The county shall attempt to reach
6 agreement with each city on the location of an urban growth area within
7 which the city is located. If such an agreement is not reached with
8 each city located within the urban growth area, the county shall
9 justify in writing why it so designated the area an urban growth area.
10 A city may object formally with the department over the designation of
11 the urban growth area within which it is located. Where appropriate,
12 the department shall attempt to resolve the conflicts, including the
13 use of mediation services.

14 (3) Urban growth should be located first in areas already
15 characterized by urban growth that have adequate existing public
16 facility and service capacities to serve such development, second in
17 areas already characterized by urban growth that will be served
18 adequately by a combination of both existing public facilities and
19 services and any additional needed public facilities and services that
20 are provided by either public or private sources, and third in the
21 remaining portions of the urban growth areas. Urban growth may also be
22 located in designated new fully contained communities as defined by RCW
23 36.70A.350.

24 (4) In general, cities are the units of local government most
25 appropriate to provide urban governmental services. In general, it is
26 not appropriate that urban governmental services be extended to or
27 expanded in rural areas except in those limited circumstances shown to
28 be necessary to protect basic public health and safety and the
29 environment and when such services are financially supportable at rural
30 densities and do not permit urban development.

31 (5) On or before October 1, 1993, each county that was initially
32 required to plan under RCW 36.70A.040(1) shall adopt development
33 regulations designating interim urban growth areas under this chapter.
34 Within three years and three months of the date the county legislative
35 authority of a county adopts its resolution of intention or of
36 certification by the office of financial management, all other counties
37 that are required or choose to plan under RCW 36.70A.040 shall adopt

1 development regulations designating interim urban growth areas under
2 this chapter. Adoption of the interim urban growth areas may only
3 occur after public notice; public hearing; and compliance with the
4 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
5 Such action may be appealed to the appropriate growth management
6 hearings board under RCW 36.70A.280. Final urban growth areas shall be
7 adopted at the time of comprehensive plan adoption under this chapter.

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

10 (7) An urban growth area designated in accordance with this section
11 may include within its boundaries urban service areas or potential
12 annexation areas designated for specific cities or towns within the
13 county."

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By Committee on Land Use & Planning

NOT ADOPTED 04/17/2003

14 On page 1, line 2 of the title, after "territory;" strike the
15 remainder of the title and insert "amending RCW 36.70A.110; adding new
16 sections to chapter 35.13 RCW; and adding new sections to chapter
17 35A.14 RCW."

--- END ---