
SENATE BILL 6424

State of Washington

52nd Legislature

1992 Regular Session

By Senator Erwin

Read first time 01/29/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to community self-government; and adding a new
2 chapter to Title 35A RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature hereby affirms that
5 the citizens of the state of Washington have a long tradition of
6 capable self-government and that the most effective and truly
7 representative government is government closest to the people it
8 serves.

9 (2) The legislature further affirms that the people who care most
10 about a neighborhood or community are the individuals who live there
11 and that home rule is the most effective and most democratic method of
12 conserving the unique characteristics and environment of the neighbor-
13 hood or community.

1 (30 It is, therefore, the purpose of this legislation to: (a)
2 Protect and strengthen the ability and authority of local citizens to
3 govern themselves; (b) maximize public benefit by enabling citizens at
4 the local level to engage in self-government; (c) empower individuals,
5 neighborhoods, and communities to participate in decisions affecting
6 their lives, property, and local environments through elected community
7 councils serving geographically and functionally logical areas easily
8 identified by the residents; (d) maintain and enhance through said
9 elected councils the rich diversity of communities within Washington
10 state; and (e) minimize state-centralized control over the lives and
11 property of individuals.

12 (4) It is further the purpose of this legislation to: (a)
13 Establish a process for creating jurisdictions which will embrace
14 geographically integral areas logical to local residents; (b) reduce
15 the redundancy, confusion, and cost inherent in the number and
16 complexity of existing special service districts; and (c) protect
17 communities of interest from having their voices ignored, diluted, or
18 eliminated as a result of government being too far removed from its
19 citizens.

20 NEW SECTION. **Sec. 2.** Unless the context clearly requires
21 otherwise, the definitions in this section apply throughout this
22 chapter.

23 (1) "Community" means a portion of a city designated as a town,
24 village, or neighborhood for which a community council has been
25 established.

26 (2) "Community council" means the governing body established under
27 this chapter by a town, village, or neighborhood to adopt a community
28 comprehensive plan.

1 (3) "Community comprehensive plan" means a comprehensive plan
2 adopted by the community council of a town, village, or neighborhood.

3 (4) "Town" means a geographically and functionally separate
4 community within a city, wherein the new town shall have a population
5 not more than one-third the population of the city of which it is a
6 part at the time the town and community council are created. A town
7 must have at least one thousand persons residing in it at the time the
8 town and community council are created.

9 (5) "Village" means a geographically and functionally separate
10 community: (a) Within a city, wherein the new village shall have a
11 population not more than one-sixth the population of the city of which
12 it is a part at the time the village and community council are created;
13 or (b) within a town, wherein the new village shall have a population
14 not more than one-half the population of the town of which it is a part
15 at the time the village and community council are created. A village
16 must have at least five hundred persons residing in it at the time the
17 village and community council are created.

18 (6) "Neighborhood" means a geographically and functionally separate
19 community: (a) Within a city, wherein the new neighborhood shall have
20 a population not more than one-twelfth the population of the city of
21 which it is a part at the time the neighborhood and community council
22 are created; (b) within a town, wherein the new neighborhood shall have
23 a population not more than one-fourth the population of the town of
24 which it is a part at the time the neighborhood and community council
25 are created; or (c) within a village, wherein the new neighborhood
26 shall have a population not more than one-half the population of the
27 village of which it is a part at the time the neighborhood and
28 community council are created. A neighborhood must have at least one
29 hundred persons residing in it at the time the neighborhood and
30 community council are created.

1 NEW SECTION. **Sec. 3.** (1) As of January 1, 1993, a town or
2 city not currently classified as a first class city under chapter 35.22
3 RCW or as a noncharter code city or charter code city under this title
4 shall be classified as a noncharter code city under this title and
5 shall have all the powers conferred therein.

6 (2) Any municipal corporation reclassified under this chapter
7 operating under a mayor and council or manager and council form of
8 government may continue to operate under that form, subject to the
9 provisions of this title. Any municipal corporation reclassified under
10 this chapter may continue the election of officers as currently
11 authorized if the legislative authority of the corporation adopts a
12 resolution no later than June 30, 1993, declaring its intent to
13 continue such elections and specifying which offices shall remain
14 elected, subject to the provisions of this title.

15 (3) The voters within a city or the legislative body of a city are
16 authorized to establish elected town, village, and neighborhood
17 community councils as provided in this chapter. These elected councils
18 shall have direct control over the planning of the communities they
19 represent. Such planning must be consistent with components or
20 portions of the city comprehensive plan that have city-wide
21 applicability and importance. Community comprehensive plans shall
22 replace any subarea plans the city legislative authority may have
23 adopted for the area of the town, village, or neighborhood. The
24 community councils shall also serve as forums for the discussion of
25 local issues.

26 NEW SECTION. **Sec. 4.** A new community may be created only
27 within the boundaries of a single city. If either the voters within a
28 city or the legislative body of a city intend to establish elected

1 town, village, and neighborhood community councils they must conform
2 with the following procedure:

3 (1) The creation of a community within a city shall be initiated by
4 a petition which (a) sets forth the boundaries of the community; and
5 (b) calls for the creation of a community council; and either (c)
6 contains signatures of voters residing within the community equal in
7 number to at least ten percent of the voters residing in the community
8 who voted at the last state general election; or (d) is duly passed by
9 a simple majority of the legislative body.

10 (2) This petition shall be filed with the city clerk and the county
11 auditor or auditors of the county or counties in which the community is
12 located. Within fifteen days of filing, the county auditor shall
13 determine if the petition contains a sufficient number of valid
14 signatures or has been duly passed by a simple majority of the
15 legislative body. If the petition is certified as having a sufficient
16 number of valid signatures or having been duly passed by a simple
17 majority vote, the county auditor shall transmit the petitions and
18 certificate to the county legislative authority and the city
19 legislative authority.

20 (3) The city legislative authority shall hold a public hearing on
21 the creation of the proposed community no later than sixty days after
22 the petition and certificate of sufficiency are transmitted to the
23 county and city legislative authorities. Notice of the public hearing
24 shall be published in a newspaper of general circulation in the city at
25 least once a week for two consecutive weeks, with the last date of
26 publication no more than ten days prior to the date of the public
27 hearing. At least ten days before the public hearing, additional
28 notice shall be posted conspicuously in at least five places within the
29 proposed community in a manner designed to attract public attention.

1 (4) The county legislative authority shall call a special election
2 within the community at the next state general election occurring
3 seventy-five or more days after the initial public hearing on creation
4 of the proposed community: (a) To determine whether the proposed
5 community shall be created; and (b) to elect the initial community
6 council members. The community shall be created if the ballot
7 proposition authorizing the creation of the community is approved by a
8 simple majority vote of the voters voting on the proposition.

9 NEW SECTION. **Sec. 5.** (1) Community council members shall be
10 residents of the community and shall be elected to staggered four-year
11 terms until their successors are elected and qualified. After the
12 initial election, each council position shall be numbered separately
13 and candidates shall run for specific council positions.

14 (2) A council member shall lose his or her council position if his
15 or her primary residence no longer is located within the community.
16 Vacancies on a community council shall be filled by action of the
17 remaining council members.

18 (3) Community council members shall be nominated and elected in
19 nonpartisan elections pursuant to general election laws. Regular
20 elections shall be held in odd-numbered years for terms that begin on
21 January 1 of even-numbered years.

22 (4) The initial members of a community council shall be elected in
23 the same election as the ballot proposition authorizing the creation of
24 the community. However, the election of the initial community council
25 members shall be null and void if the ballot proposition authorizing
26 the creation of the community is not approved.

27 (5) The number of community council members shall be seven for a
28 town, five for a village, and three for a neighborhood.

1 (6) No primary election shall be held to nominate candidates for
2 initial council positions. The initial community council shall consist
3 of the candidates who receive the greatest number of votes in the
4 initial election. If the election is held in an odd-numbered year,
5 staggering of terms of office shall be accomplished by having the
6 majority of the winning candidates who receive the greatest number of
7 votes being elected to four-year terms of office, and the remaining
8 winning candidates being elected to two-year terms of office; or if the
9 election is held in an even-numbered year, by having the majority of
10 the winning candidates who receive the greatest number of votes being
11 elected to three-year terms of office, and the remaining winning
12 candidates being elected to one-year terms of office. Initial council
13 members shall take office immediately when qualified in accordance with
14 RCW 29.01.135. Subsequent terms shall begin on January 1 of even-
15 numbered years.

16 NEW SECTION. **Sec. 6.** (1) Within ninety days of the election
17 at which a community is created, the city legislative authority shall
18 adopt an ordinance designating those portions or components of the city
19 comprehensive plan having city-wide applicability and importance.

20 (2) A community comprehensive plan adopted by a community council
21 shall be submitted to the city legislative authority for its review of
22 the consistency of this plan with the portions or components of the
23 city comprehensive plan designated as having city-wide applicability
24 and importance under subsection (1) of this section. The city
25 legislative authority, within ninety days of submission, shall either
26 approve the plan as adopted or refer the plan back to the community
27 council with written findings of noncompliance specifying the reasons
28 for noncompliance. The city comprehensive plan, or subarea plan, and

1 zoning ordinances shall remain in effect in the community until the
2 community comprehensive plan has been approved by the city.

3 (3) Each amendment to a community comprehensive plan that is
4 adopted by a community council shall be submitted to the city
5 legislative authority for its review of the consistency of the
6 amendment with the portions or components of the city comprehensive
7 plan designated as having city-wide applicability and importance under
8 subsection (1) of this section. The city legislative authority, within
9 ninety days of submission, shall either approve the amendment as
10 adopted or refer the amendment back to the community council with
11 written findings of noncompliance specifying the reasons for
12 noncompliance. The unamended community comprehensive plan shall remain
13 in effect in the community until the amendment has been approved by the
14 city.

15 (4) Following any city legislative authority amendment to the
16 ordinance adopted under subsection (1) of this section, a community
17 council shall be given at least one hundred twenty days to amend its
18 community comprehensive plan. Said city ordinance, as amended, shall
19 serve as a guide for revision of a community comprehensive plan. The
20 city legislative authority may amend the community comprehensive plan
21 to achieve consistency with the city's amended ordinance if the
22 community council fails to adapt its community comprehensive plan to
23 said ordinance within one hundred twenty days. Nothing in this
24 subsection shall preclude a community council from subsequently
25 revising its community plan to adapt, in any manner whatsoever, to said
26 city ordinance, as amended.

27 (5) Approved community comprehensive plans shall be enforced by the
28 city as if they had been initiated by the city legislative authority.
29 All quasi-judicial actions and permits relating to these plans and

1 ordinances shall be decided by the city legislative authority or
2 otherwise resolved as provided by the city legislative authority.

3 (6) The city shall be responsible for financing the activities of,
4 and providing administrative and staff support for, each community
5 council within its boundaries.

6 NEW SECTION. **Sec. 7.** A community council shall adopt a
7 community comprehensive plan as provided in this chapter, and shall
8 have the authority to support the plan, once approved, with ordinances
9 essential to implementation of the plan, subject to approval by the
10 city. Community councils shall not have the authority to take quasi-
11 judicial actions or to decide permit applications. In addition, a
12 community council shall serve as a forum for the discussion of local
13 issues. Community councils are subject to chapter 42.30 RCW, the open
14 public meetings act.

15 NEW SECTION. **Sec. 8.** A community and community council shall
16 be dissolved by voters of the community approving, in a general
17 election, a ballot proposition to dissolve the community. The
18 community council may adopt a resolution placing dissolution on the
19 ballot or, by petition, its citizens may call for dissolution.
20 Petitions calling for dissolution shall be filed with the county
21 auditor and their sufficiency certified in the same manner as a
22 petition to create a community. The community and community council
23 shall be dissolved if the ballot proposition for dissolution is
24 approved by a simple majority vote of the voters voting on the
25 proposition.

26 NEW SECTION. **Sec. 9.** (1) Within two years of the effective
27 date of this act, all unincorporated areas within a county zoned for

1 densities higher than one dwelling unit per five acres shall be
2 incorporated either by annexation to existing cities or by
3 incorporation as new cities.

4 (2) The legislative authority of a city shall annex an
5 unincorporated area within or contiguous to its boundaries if: (a)
6 Most of the public facilities or public services utilized within such
7 an area are provided by the city; (b) most residents, occupants, or
8 users of structures within such an area utilize the public facilities
9 or public services provided by the city; or (c) most of the residents,
10 occupants, or users of structures within such an area have addresses
11 that designate the city or town, or mailing addresses that designate a
12 location within the city.

13 (3) In annexing an unincorporated area, the legislative authority
14 of the city shall attempt, as far as possible, to draw boundaries
15 reflecting logical and easily recognizable natural or man-made features
16 in order to eliminate fingers, pockets, islands, and other such
17 disjointed and nonintegral geographical areas.

18 (4) The legislative authority of a city shall annex, consolidate,
19 and control special service districts or portions thereof included
20 within city boundaries as they currently exist or as expanded through
21 annexation, including water, sewer, recreation, park, and other
22 services and service franchises, in order that residents of the city
23 may look to the city for all public services not clearly the
24 responsibility of federal, state, or county governments.

25 NEW SECTION. **Sec. 10.** (1) A community council may annex areas
26 adjacent to the community. Annexations shall be initiated both by
27 resolution of the community council and by petition of voters residing
28 in the adjacent area, which petition: (a) Requests the annexation; (b)
29 sets forth the boundaries of the area proposed to be annexed; and (c)

1 contains signatures of voters residing within the area that is proposed
2 to be annexed equal in number to at least ten percent of the voters
3 residing in that area who voted at the last state general election.

4 (2) Annexation petitions shall be filed with the city clerk and the
5 county auditor or auditors of the county or counties in which the
6 community is located, who shall determine if the petition contains a
7 sufficient number of valid signatures, certify the sufficiency of the
8 petition, and notify the community council of the sufficiency of the
9 petition within fifteen days of filing. A public hearing and notice of
10 said hearing shall be required as provided for creation of a new
11 community.

12 (3) A ballot proposition authorizing the annexation shall be
13 submitted at a special election to the voters of the area that is
14 proposed to be annexed. The annexation shall occur if the ballot
15 proposition authorizing the annexation is approved by a simple majority
16 vote of the voters voting on the proposition. The city's comprehensive
17 plan, and where applicable the city's subarea plan, and zoning
18 ordinances shall continue in effect in the annexed area until the
19 community comprehensive plan has been amended to include the annexed
20 area.

21 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act shall
22 constitute a new chapter in Title 35A RCW.