
HOUSE BILL 2829

State of Washington 58th Legislature 2004 Regular Session

By Representatives Jarrett, Moeller, Nixon, Shabro, Clibborn and Romero

Read first time 01/21/2004. Referred to Committee on Local Government.

1 AN ACT Relating to the incorporation of territory within designated
2 urban growth areas in counties subject to the requirements of RCW
3 36.70A.215; and adding new sections 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 RCW
6 to read as follows:

7 (1) Any boundary review board established under this chapter may,
8 as provided by this section, initiate a review of unincorporated
9 territory within an urban growth area designated under RCW 36.70A.110
10 for the purpose of establishing a planning boundary.

11 A request for review as provided by this section may only be made
12 by a legislative body subject to the provisions of RCW 36.70A.215 that
13 is within the territorial jurisdiction of the board, or a growth
14 management council or citizen subject to the jurisdiction of such a
15 legislative body.

16 (2) The planning boundary should be consistent with any potential
17 or planned annexation areas designated in an adopted county
18 comprehensive plan or a written annexation agreement between a county

1 and a city or town. The board, however, may establish a planning
2 boundary in a manner consistent with the review provisions established
3 by the board in this chapter.

4 (3) Following the completion of the review provided by this
5 section, the board shall forward the planning boundary to the
6 legislative authority of the county. Upon receipt of the planning
7 boundary, the county shall perform a fiscal analysis for the purpose of
8 determining whether the county will experience any revenue loss as a
9 result of an annexation of the territory within the planning boundary
10 and the amount of any related revenue loss.

11 (4) Following the completion of the fiscal analysis, the county
12 must commence a negotiation process with the city or town that, as
13 identified in the planning boundary, the subject territory may be
14 annexed to for the purpose of negotiating an interlocal agreement as
15 provided in chapter 39.34 RCW. The interlocal agreement shall provide:

16 (a) For a transfer of funds from the county in an amount equal to
17 the revenue loss identified by the county in the fiscal analysis
18 required by this section; and

19 (b) That all municipal services within the planning boundary,
20 except those provided by special purpose districts, must be provided by
21 the city or town that, under the proposed planning boundary, the
22 subject territory may be annexed to.

23 (5)(a) Upon completing the interlocal agreement negotiations, the
24 agreement shall be submitted to the county legislative authority of the
25 county party to the agreement.

26 (b) Upon receipt of the completed agreement, the question of either
27 approving the agreement or annexing to the city or town party to the
28 agreement shall be submitted by the county legislative authority to the
29 voters of the subject territory in a general election if one is to be
30 held within ninety days or at a special election called for that
31 purpose not less than forty-five days nor more than ninety days after
32 submission of the agreement to the county legislative authority.

33 (c) The election shall be conducted as provided in the general
34 election law. Upon the certification of the election:

35 (i) The agreement shall be deemed approved if a majority of the
36 votes cast on the proposition by the voters of the subject territory
37 are in favor thereto and shall be effective January 1st of the
38 following year; or

1 (ii) The annexation shall be deemed approved if a majority of the
2 votes cast on the proposition by the voters of the subject territory
3 are in favor thereto and shall be effective January 1st of the
4 following year.

5 (6) Should the voters choose to approve the interlocal agreement as
6 provided by subsection (5) of this section, the jurisdictions subject
7 to the agreement must renegotiate and update the agreement annually or
8 biennially, as appropriate.

9 (7) Should the voters choose to approve the annexation, the
10 annexing jurisdiction shall receive priority status for grant
11 applications for infrastructure investments from the public works trust
12 fund.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.93 RCW
14 to read as follows:

15 (1) A petition calling for an election as provided by section 1(5)
16 of this act may be filed with the boundary review board specified in
17 section 1(1) of this act upon the renegotiation of an interlocal
18 agreement as provided by section 1(6) of this act. To qualify as
19 sufficient, the petition for election must comply with the requirements
20 of RCW 35A.01.040 and be signed by not fewer than twenty percent of the
21 registered voters residing within the subject territory.

22 (2) Upon a determination of sufficiency as provided by RCW
23 35A.01.040, the board shall transmit the petition to the legislative
24 authority of the county party to the interlocal agreement. Following
25 this transmission, the legislative authority shall resubmit the
26 question of either approving the agreement or annexing to the subject
27 city or town in a manner consistent with the election provisions of
28 section 1(5) of this act.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.93 RCW
30 to read as follows:

31 The services provided by a city or town as specified in an
32 interlocal agreement as provided by section 1 of this act shall
33 correspond to the estimated revenue loss specified by a county in the
34 fiscal analysis required by section 1(3) of this act.

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