

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1755**

58th Legislature  
2003 Regular Session

Passed by the House April 22, 2003  
Yeas 97 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 17, 2003  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1755** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1755**

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AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell)

READ FIRST TIME 03/06/03.

1            AN ACT Relating to creating alternative means for annexation of  
2 unincorporated island of territory; amending RCW 36.70A.110; adding new  
3 sections to chapter 35.13 RCW; and adding new sections to chapter  
4 35A.14 RCW.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.13 RCW  
7 to read as follows:

8            (1) The legislative body of a county, city, or town planning under  
9 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215  
10 may initiate an annexation process for unincorporated territory by  
11 adopting a resolution commencing negotiations for an interlocal  
12 agreement as provided in chapter 39.34 RCW between a county and any  
13 city or town within the county. The territory proposed for annexation  
14 must meet the following criteria: (a) Be within the city or town urban  
15 growth area designated under RCW 36.70A.110, and (b) at least sixty  
16 percent of the boundaries of the territory proposed for annexation must  
17 be contiguous to the annexing city or town or one or more cities or  
18 towns.

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

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

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

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

35 (1) The legislative body of any county planning under chapter  
36 36.70A RCW and subject to the requirements of RCW 36.70A.215 may

1 initiate an annexation process with the legislative body of any other  
2 cities or towns that are contiguous to the territory proposed for  
3 annexation in section 1 of this act if:

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

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

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

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

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

32 (4) Following adoption and execution of the agreement by both  
33 legislative bodies, the city or town legislative body shall adopt an  
34 ordinance providing for the annexation. The legislative body shall  
35 cause notice of the proposed effective date of the annexation, together  
36 with a description of the property to be annexed, to be published at  
37 least once each week for two weeks subsequent to passage of the  
38 ordinance, in one or more newspapers of general circulation within the

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

9 (5) The annexation ordinances provided for in section 1(4) of this  
10 act and subsection (4) of this section are subject to referendum for  
11 forty-five days after passage. Upon the filing of a timely and  
12 sufficient referendum petition with the legislative body, signed by  
13 registered voters in number equal to not less than fifteen percent of  
14 the votes cast in the last general state election in the area to be  
15 annexed, the question of annexation shall be submitted to the voters of  
16 the area in a general election if one is to be held within ninety days  
17 or at a special election called for that purpose not less than forty-  
18 five days nor more than ninety days after the filing of the referendum  
19 petition. Notice of the election shall be given as provided in RCW  
20 35.13.080 and the election shall be conducted as provided in the  
21 general election law. The annexation shall be deemed approved by the  
22 voters unless a majority of the votes cast on the proposition are in  
23 opposition thereto.

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

29 (6) If more than one city or town adopts interlocal agreements  
30 providing for annexation of the same unincorporated territory as  
31 provided by this section, an election shall be held in the area to be  
32 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the  
33 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also  
34 contain a separate proposition allowing voters to cast votes in favor  
35 of annexation to any one city or town participating in an interlocal  
36 agreement as provided by this section. If a majority of voters voting  
37 on the proposition vote against annexation, the proposition is  
38 defeated. If, however, a majority of voters voting in the election

1 approve annexation, the area shall be annexed to the city or town  
2 receiving the highest number of votes among those cast in favor of  
3 annexation.

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

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

8 (1) The legislative body of a county or code city planning under  
9 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215  
10 may initiate an annexation process for unincorporated territory by  
11 adopting a resolution commencing negotiations for an interlocal  
12 agreement as provided in chapter 39.34 RCW between a county and any  
13 code city within the county. The territory proposed for annexation  
14 must meet the following criteria: (a) Be within the code city urban  
15 growth area designated under RCW 36.70A.110, and (b) at least sixty  
16 percent of the boundaries of the territory proposed for annexation must  
17 be contiguous to the annexing code city or one or more cities or towns.

18 (2) If the territory proposed for annexation has been designated in  
19 an adopted county comprehensive plan as part of an urban growth area,  
20 urban service area, or potential annexation area for a specific city,  
21 or if the urban growth area territory proposed for annexation has been  
22 designated in a written agreement between a city and a county for  
23 annexation to a specific city or town, the designation or designations  
24 shall receive full consideration before a city or county may initiate  
25 the annexation process provided for in section 4 of this act.

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 legislative body shall adopt an ordinance  
35 providing for the annexation of the territory described in the  
36 agreement. The legislative body shall cause notice of the proposed  
37 effective date of the annexation, together with a description of the

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

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

13 (1) The legislative body of any county planning under chapter  
14 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
15 initiate an annexation process with the legislative body of any other  
16 cities or towns that are contiguous to the territory proposed for  
17 annexation in section 3 of this act if:

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

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

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

31 (2) Any county initiating the process provided for in subsection  
32 (1) of this section must do so by adopting a resolution commencing  
33 negotiations for an interlocal agreement as provided in chapter 39.34  
34 RCW between the county and any city or town within the county. The  
35 annexation area must be within an urban growth area designated under  
36 RCW 36.70A.110 and at least sixty percent of the boundaries of the

1 territory to be annexed must be contiguous to one or more cities or  
2 towns.

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

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

25 (5) The annexation ordinances provided for in section 3(4) of this  
26 act and subsection (4) of this section are subject to referendum for  
27 forty-five days after passage. Upon the filing of a timely and  
28 sufficient referendum petition with the legislative body, signed by  
29 registered voters in number equal to not less than fifteen percent of  
30 the votes cast in the last general state election in the area to be  
31 annexed, the question of annexation shall be submitted to the voters of  
32 the area in a general election if one is to be held within ninety days  
33 or at a special election called for that purpose not less than forty-  
34 five days nor more than ninety days after the filing of the referendum  
35 petition. Notice of the election shall be given as provided in RCW  
36 35A.14.070 and the election shall be conducted as provided in the  
37 general election law. The annexation shall be deemed approved by the



1 voters unless a majority of the votes cast on the proposition are in  
2 opposition thereto.

3 After the expiration of the forty-fifth day from but excluding the  
4 date of passage of the annexation ordinance, if no timely and  
5 sufficient referendum petition has been filed, the area annexed shall  
6 become a part of the city or town upon the date fixed in the ordinance  
7 of annexation.

8 (6) If more than one city or town adopts interlocal agreements  
9 providing for annexation of the same unincorporated territory as  
10 provided by this section, an election shall be held in the area to be  
11 annexed pursuant to RCW 35A.14.070. In addition to the provisions of  
12 RCW 35A.14.070, the ballot shall also contain a separate proposition  
13 allowing voters to cast votes in favor of annexation to any one city or  
14 town participating in an interlocal agreement as provided by this  
15 section. If a majority of voters voting on the proposition vote  
16 against annexation, the proposition is defeated. If, however, a  
17 majority of voters voting in the election approve annexation, the area  
18 shall be annexed to the city or town receiving the highest number of  
19 votes among those cast in favor of annexation.

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

22 **Sec. 5.** RCW 36.70A.110 and 1997 c 429 s 24 are each amended to  
23 read as follows:

24 (1) Each county that is required or chooses to plan under RCW  
25 36.70A.040 shall designate an urban growth area or areas within which  
26 urban growth shall be encouraged and outside of which growth can occur  
27 only if it is not urban in nature. Each city that is located in such  
28 a county shall be included within an urban growth area. An urban  
29 growth area may include more than a single city. An urban growth area  
30 may include territory that is located outside of a city only if such  
31 territory already is characterized by urban growth whether or not the  
32 urban growth area includes a city, or is adjacent to territory already  
33 characterized by urban growth, or is a designated new fully contained  
34 community as defined by RCW 36.70A.350.

35 (2) Based upon the growth management population projection made for  
36 the county by the office of financial management, the county and each  
37 city within the county shall include areas and densities sufficient to

1 permit the urban growth that is projected to occur in the county or  
2 city for the succeeding twenty-year period. Each urban growth area  
3 shall permit urban densities and shall include greenbelt and open space  
4 areas. An urban growth area determination may include a reasonable  
5 land market supply factor and shall permit a range of urban densities  
6 and uses. In determining this market factor, cities and counties may  
7 consider local circumstances. Cities and counties have discretion in  
8 their comprehensive plans to make many choices about accommodating  
9 growth.

10 Within one year of July 1, 1990, each county that as of June 1,  
11 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
12 consulting with each city located within its boundaries and each city  
13 shall propose the location of an urban growth area. Within sixty days  
14 of the date the county legislative authority of a county adopts its  
15 resolution of intention or of certification by the office of financial  
16 management, all other counties that are required or choose to plan  
17 under RCW 36.70A.040 shall begin this consultation with each city  
18 located within its boundaries. The county shall attempt to reach  
19 agreement with each city on the location of an urban growth area within  
20 which the city is located. If such an agreement is not reached with  
21 each city located within the urban growth area, the county shall  
22 justify in writing why it so designated the area an urban growth area.  
23 A city may object formally with the department over the designation of  
24 the urban growth area within which it is located. Where appropriate,  
25 the department shall attempt to resolve the conflicts, including the  
26 use of mediation services.

27 (3) Urban growth should be located first in areas already  
28 characterized by urban growth that have adequate existing public  
29 facility and service capacities to serve such development, second in  
30 areas already characterized by urban growth that will be served  
31 adequately by a combination of both existing public facilities and  
32 services and any additional needed public facilities and services that  
33 are provided by either public or private sources, and third in the  
34 remaining portions of the urban growth areas. Urban growth may also be  
35 located in designated new fully contained communities as defined by RCW  
36 36.70A.350.

37 (4) In general, cities are the units of local government most  
38 appropriate to provide urban governmental services. In general, it is

1 not appropriate that urban governmental services be extended to or  
2 expanded in rural areas except in those limited circumstances shown to  
3 be necessary to protect basic public health and safety and the  
4 environment and when such services are financially supportable at rural  
5 densities and do not permit urban development.

6 (5) On or before October 1, 1993, each county that was initially  
7 required to plan under RCW 36.70A.040(1) shall adopt development  
8 regulations designating interim urban growth areas under this chapter.  
9 Within three years and three months of the date the county legislative  
10 authority of a county adopts its resolution of intention or of  
11 certification by the office of financial management, all other counties  
12 that are required or choose to plan under RCW 36.70A.040 shall adopt  
13 development regulations designating interim urban growth areas under  
14 this chapter. Adoption of the interim urban growth areas may only  
15 occur after public notice; public hearing; and compliance with the  
16 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.  
17 Such action may be appealed to the appropriate growth management  
18 hearings board under RCW 36.70A.280. Final urban growth areas shall be  
19 adopted at the time of comprehensive plan adoption under this chapter.

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

22 (7) An urban growth area designated in accordance with this section  
23 may include within its boundaries urban service areas or potential  
24 annexation areas designated for specific cities or towns within the  
25 county.

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