
HOUSE BILL 3123

State of Washington 59th Legislature 2006 Regular Session

By Representative Simpson

Read first time 01/20/2006. Referred to Committee on Local Government.

1 AN ACT Relating to modifying annexation requirements for
2 unincorporated island territories; and amending RCW 35.13.182,
3 35.13.1821, 35A.14.295, and 35A.14.299.

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

5 **Sec. 1.** RCW 35.13.182 and 1998 c 286 s 1 are each amended to read
6 as follows:

7 (1) The legislative body of a city or town planning under chapter
8 36.70A RCW as of June 30, 1994, may resolve to annex territory to the
9 city or town if there is, within the city or town, unincorporated
10 territory containing residential property owners within the same county
11 and within the same urban growth area designated under RCW 36.70A.110
12 as the city or town:

13 (a) Containing less than one hundred acres and having at least
14 eighty percent of the boundaries of such area contiguous to the city or
15 town; (~~or~~)

16 (b) Containing one hundred or more acres and having at least sixty
17 percent of the boundaries of such area contiguous to the city or town;
18 or

1 (c) Of any size and having at least eighty percent of the
2 boundaries of the area contiguous to the city if the area existed
3 before June 30, 1994.

4 (2) The resolution shall describe the boundaries of the area to be
5 annexed, state the number of voters residing in the area as nearly as
6 may be, and set a date for a public hearing on the resolution for
7 annexation. Notice of the hearing shall be given by publication of the
8 resolution at least once a week for two weeks before the date of the
9 hearing in one or more newspapers of general circulation within the
10 city or town and one or more newspapers of general circulation within
11 the area to be annexed.

12 (3) For purposes of subsection (1)(~~(b)~~) (c) of this section,
13 territory bounded by a river, lake, or other body of water is
14 considered contiguous to a city that is also bounded by the same river,
15 lake, or other body of water.

16 **Sec. 2.** RCW 35.13.1821 and 1998 c 286 s 2 are each amended to read
17 as follows:

18 The annexation ordinance provided for in RCW 35.13.182 is subject
19 to referendum for forty-five days after its passage. Upon the filing
20 of a timely and sufficient referendum petition with the legislative
21 body, signed by qualified electors in number equal to not less than
22 (~~ten~~) twenty-five percent of the votes cast in the last general state
23 election in the area to be annexed, the question of annexation shall be
24 submitted to the voters of the area in a general election if one is to
25 be held within ninety days or at a special election called for that
26 purpose not less than forty-five days nor more than ninety days after
27 the filing of the referendum petition. Notice of the election shall be
28 given as provided in RCW 35.13.080 and the election shall be conducted
29 as provided in the general election law. The annexation shall be
30 deemed approved by the voters unless a majority of the votes cast on
31 the proposition are in opposition thereto.

32 After the expiration of the forty-fifth day from but excluding the
33 date of passage of the annexation ordinance, if no timely and
34 sufficient referendum petition has been filed, the area annexed shall
35 become a part of the city or town upon the date fixed in the ordinance
36 of annexation.

1 **Sec. 3.** RCW 35A.14.295 and 1997 c 429 s 36 are each amended to
2 read as follows:

3 (1) The legislative body of a code city may resolve to annex
4 territory containing residential property owners to the city if there
5 is within the city, unincorporated territory:

6 (a) Containing less than one hundred acres and having at least
7 eighty percent of the boundaries of such area contiguous to the code
8 city; (~~(b)~~)

9 (b) Containing one hundred or more acres and having at least sixty
10 percent of the boundaries of such area contiguous to the code city; or

11 (c) Of any size and having at least eighty percent of the
12 boundaries of such area contiguous to the city if such area existed
13 before June 30, 1994, and is within the same county and within the same
14 urban growth area designated under RCW 36.70A.110, and the city was
15 planning under chapter 36.70A RCW as of June 30, 1994.

16 (2) The resolution shall describe the boundaries of the area to be
17 annexed, state the number of voters residing therein as nearly as may
18 be, and set a date for a public hearing on such resolution for
19 annexation. Notice of the hearing shall be given by publication of the
20 resolution at least once a week for two weeks prior to the date of the
21 hearing, in one or more newspapers of general circulation within the
22 code city and one or more newspapers of general circulation within the
23 area to be annexed.

24 (3) For purposes of subsection (1)(~~(b)~~) (c) of this section,
25 territory bounded by a river, lake, or other body of water is
26 considered contiguous to a city that is also bounded by the same river,
27 lake, or other body of water.

28 **Sec. 4.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each
29 amended to read as follows:

30 Such annexation ordinance as provided for in RCW 35A.14.297 shall
31 be subject to referendum for forty-five days after the passage thereof.
32 Upon the filing of a timely and sufficient referendum petition with the
33 legislative body, signed by qualified electors in number equal to not
34 less than (~~(ten)~~) twenty-five percent of the votes cast in the last
35 general state election in the area to be annexed, the question of
36 annexation shall be submitted to the voters of such area in a general
37 election if one is to be held within ninety days or at a special

1 election called for that purpose not less than forty-five days nor more
2 than ninety days after the filing of the referendum petition. Notice
3 of such election shall be given as provided in RCW 35A.14.070 (~~and the~~
4 ~~election shall be conducted as provided in RCW 35A.14.060~~). The
5 annexation shall be deemed approved by the voters unless a majority of
6 the votes cast on the proposition are in opposition thereto.

7 After the expiration of the forty-fifth day from but excluding the
8 date of passage of the annexation ordinance, if no timely and
9 sufficient referendum petition has been filed, the area annexed shall
10 become a part of the code city upon the date fixed in the ordinance of
11 annexation. From and after such date, if the ordinance so provided,
12 property in the annexed area shall be subject to the proposed zoning
13 regulation prepared and filed for such area as provided in RCW
14 35A.14.330 and 35A.14.340. If the ordinance so provided, all property
15 within the area annexed shall be assessed and taxed at the same rate
16 and on the same basis as the property of such annexing code city is
17 assessed and taxed to pay for any then outstanding indebtedness of such
18 city contracted prior to, or existing at, the date of annexation.

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