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HOUSE BILL 2006

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Moeller and Eddy

Read first time 02/05/2007. Referred to Committee on Local Government.

1            AN ACT Relating to annexation; providing authorization for cities  
2 that are required to plan under the growth management act to annex  
3 areas within their urban growth boundary; establishing a process to  
4 facilitate annexations between cities and counties; amending RCW  
5 35.02.170; adding new sections to chapter 35.13 RCW; and adding new  
6 sections to chapter 35A.14 RCW.

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

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

10            Proceedings for the annexation of territory pursuant to the method  
11 established by this section and section 2 of this act, which is  
12 alternative to other methods provided in this chapter, must be  
13 commenced as follows:

14            (1) The legislative body of a city or town planning under RCW  
15 36.70A.040 may by a majority vote resolve to annex unincorporated  
16 territory contiguous to the city or town. No city or town may annex  
17 territory in accordance with the provisions of this section that is  
18 beyond the urban growth area designated under RCW 36.70A.110 the  
19 annexing city or town is within.

1 (2) The resolution must describe the boundaries of the territory  
2 proposed for annexation and set a date for a public hearing on the  
3 resolution.

4 (3) Separate public hearings shall be held by the legislative body  
5 of the city or town proposing annexation and the legislative body of  
6 the county that has jurisdiction over the territory proposed for  
7 annexation. Notice of each hearing must be given by the appropriate  
8 legislative body by publication of the resolution at least once a week  
9 for three weeks before the date of the hearing, in one or more  
10 newspapers of general circulation within the city or town and one or  
11 more newspapers of general circulation within the territory to be  
12 annexed. The notice must contain a legal description of the territory  
13 proposed for annexation, specify the time and place of hearing, and  
14 invite interested persons to appear and voice approval or disapproval  
15 of the annexation. The notice must also be posted in three public  
16 places in the territory proposed for annexation.

17 (4) For purposes of subsection (1) of this section, territory  
18 bounded by a river, lake, or other body of water is contiguous to the  
19 city or town that is also bounded by the same river, lake, or other  
20 body of water.

21 (5) Following the hearings, the legislative body of the city or  
22 town must determine by ordinance whether the territory proposed for  
23 annexation will be annexed. Subject to RCW 35.02.170, the council may  
24 annex the territory proposed for annexation identified in an interlocal  
25 agreement as provided by section 2 of this act, but may not include any  
26 property not described in the notice. Upon passage of the ordinance,  
27 the annexed territory shall become part of the city or town upon the  
28 date fixed in the ordinance. The annexing city or town must file a  
29 certified copy of the ordinance with the board of county commissioners  
30 of the county in which the annexed territory is located.

31 (6) Annexations pursuant to this section and section 2 of this act  
32 are not subject to review by a boundary review board established under  
33 chapter 36.93 RCW.

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

36 (1)(a) Before initiating an annexation as provided by section 1 of  
37 this act, a city or town proposing to annex territory must enter into

1 an interlocal agreement as provided in chapter 39.34 RCW with the  
2 county that has jurisdiction over the territory proposed for  
3 annexation.

4 (b) The interlocal agreement must describe the boundaries of the  
5 territory proposed for annexation and must be consistent with the  
6 boundaries identified in the resolution required by section 1 of this  
7 act.

8 (2)(a) An interlocal agreement providing for a specific annexation  
9 that was entered into between an annexing city or town and a county  
10 before the effective date of this section satisfies the requirements of  
11 this section.

12 (b) An interlocal agreement providing general annexation terms for  
13 all annexations by a city or town that was entered into between an  
14 annexing city or town and a county before the effective date of this  
15 section satisfies the requirements of this section.

16 (3) A supplemental interlocal agreement may be negotiated to  
17 address issues for a specific annexation if the issues are not  
18 sufficiently addressed in a general interlocal agreement.

19 (4) A general interlocal annexation agreement must include the  
20 following:

21 (a) A statement of the goals of the agreement. Goals may include,  
22 but are not limited to:

- 23 (i) Providing for long-term and short-term transition of services  
24 and staff;
- 25 (ii) Community involvement;
- 26 (iii) Revenue sharing; and
- 27 (iv) Debt distribution.

28 (b) The subject areas and policies and procedures the parties agree  
29 to undertake in annexations. Subject areas may include, but are not  
30 limited to:

- 31 (i) Roads and traffic impact mitigation;
- 32 (ii) Surface and storm water management;
- 33 (iii) Coordination and timing of comprehensive plan and development  
34 regulation updates;
- 35 (iv) Parks, trails, recreation, and open space;
- 36 (v) Public utilities;
- 37 (vi) Outstanding bonds and special or improvement district  
38 assessments;

- 1 (vii) Transfer of staff, records, and equipment;
- 2 (viii) Annexation procedures;
- 3 (ix) Distribution of debt and revenue sharing for annexation
- 4 proposals, code enforcement, inspection services;
- 5 (x) Financial and administrative services; and
- 6 (xi) Consultation with other service providers, including water-
- 7 sewer districts and fire protection districts, if applicable.
- 8 (c) A term of at least five years which may be extended by mutual
- 9 agreement of the city or town and the county.

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

12 Proceedings for the annexation of territory pursuant to the method  
13 established by this section and section 4 of this act, which is  
14 alternative to other methods provided in this chapter, must be  
15 commenced as follows:

16 (1) The legislative body of a code city planning under RCW  
17 36.70A.040 may by a majority vote resolve to annex unincorporated  
18 territory contiguous to the city. No city may annex territory in  
19 accordance with the provisions of this section that is beyond the urban  
20 growth area designated under RCW 36.70A.110 the annexing city is  
21 within.

22 (2) The resolution must describe the boundaries of the territory  
23 proposed for annexation and set a date for a public hearing on the  
24 resolution.

25 (3) Separate public hearings shall be held by the legislative body  
26 of the city proposing annexation and the legislative body of the county  
27 that has jurisdiction over the territory proposed for annexation.  
28 Notice of each hearing must be given by the appropriate legislative  
29 body by publication of the resolution at least once a week for three  
30 weeks before the date of the hearing, in one or more newspapers of  
31 general circulation within the city and one or more newspapers of  
32 general circulation within the territory to be annexed. The notice  
33 must contain a legal description of the territory proposed for  
34 annexation, specify the time and place of hearing, and invite  
35 interested persons to appear and voice approval or disapproval of the  
36 annexation. The notice must also be posted in three public places in  
37 the territory proposed for annexation.

1 (4) For purposes of subsection (1) of this section, territory  
2 bounded by a river, lake, or other body of water is contiguous to the  
3 city that is also bounded by the same river, lake, or other body of  
4 water.

5 (5) Following the hearings, the legislative body of the city must  
6 determine by ordinance whether the territory proposed for annexation  
7 will be annexed. Subject to RCW 35A.14.410, the council may annex the  
8 territory proposed for annexation identified in an interlocal agreement  
9 as provided by section 4 of this act, but may not include any property  
10 not described in the notice. Upon passage of the ordinance, the  
11 annexed territory shall become part of the city upon the date fixed in  
12 the ordinance. The annexing city must file a certified copy of the  
13 ordinance with the board of county commissioners of the county in which  
14 the annexed territory is located.

15 (6) Annexations pursuant to this section and section 4 of this act  
16 are not subject to review by a boundary review board established under  
17 chapter 36.93 RCW.

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

20 (1)(a) Before initiating an annexation as provided by section 3 of  
21 this act, a code city proposing to annex territory must enter into an  
22 interlocal agreement as provided in chapter 39.34 RCW with the county  
23 that has jurisdiction over the territory proposed for annexation.

24 (b) The interlocal agreement must describe the boundaries of the  
25 territory proposed for annexation and must be consistent with the  
26 boundaries identified in the resolution required by section 3 of this  
27 act.

28 (2)(a) An interlocal agreement providing for a specific annexation  
29 that was entered into between an annexing city and a county before the  
30 effective date of this section satisfies the requirements of this  
31 section.

32 (b) An interlocal agreement providing general annexation terms for  
33 all annexations by a city that was entered into between an annexing  
34 city and a county before the effective date of this section satisfies  
35 the requirements of this section.

36 (3) A supplemental interlocal agreement may be negotiated to

1 address issues for a specific annexation if the issues are not  
2 sufficiently addressed in a general interlocal agreement.

3 (4) A general interlocal annexation agreement must include the  
4 following:

5 (a) A statement of the goals of the agreement. Goals may include,  
6 but are not limited to:

7 (i) Providing for long-term and short-term transition of services  
8 and staff;

9 (ii) Community involvement;

10 (iii) Revenue sharing; and

11 (iv) Debt distribution.

12 (b) The subject areas and policies and procedures the parties agree  
13 to undertake in annexations. Subject areas may include, but are not  
14 limited to:

15 (i) Roads and traffic impact mitigation;

16 (ii) Surface and storm water management;

17 (iii) Coordination and timing of comprehensive plan and development  
18 regulation updates;

19 (iv) Parks, trails, recreation, and open space;

20 (v) Public utilities;

21 (vi) Outstanding bonds and special or improvement district  
22 assessments;

23 (vii) Transfer of staff, records, and equipment;

24 (viii) Annexation procedures;

25 (ix) Distribution of debt and revenue sharing for annexation  
26 proposals, code enforcement, inspection services;

27 (x) Financial and administrative services; and

28 (xi) Consultation with other service providers, including water-  
29 sewer districts and fire protection districts, if applicable.

30 (c) A term of at least five years which may be extended by mutual  
31 agreement of the city and the county.

32 **Sec. 5.** RCW 35.02.170 and 1989 c 84 s 7 are each amended to read  
33 as follows:

34 The right of way line of any public street, road or highway, or any  
35 segment thereof, may be used to define a part of a corporate boundary  
36 in an incorporation or annexation proceeding. The boundaries of a  
37 newly incorporated city or town shall not include a portion of the

1 right of way of any public street, road or highway except where the  
2 boundary runs from one edge of the right of way to the other edge of  
3 the right of way.

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