
SUBSTITUTE SENATE BILL 5013

State of Washington

63rd Legislature

2013 Regular Session

By Senate Governmental Operations (originally sponsored by Senator Benton)

READ FIRST TIME 01/30/13.

1 AN ACT Relating to annexations; amending RCW 35.10.217, 35.13.150,
2 35.13.180, 35.13.182, 35.13.185, 35.13.190, 35.13.210, 35.13.238,
3 35.13.470, 35.13.480, 35.13.490, 35.21.790, 35.21.890, 35A.14.295,
4 35A.14.297, 35A.14.299, 35A.14.300, 35A.14.310, 35A.14.460, 35A.14.470,
5 35A.14.480, 35A.14.490, and 35A.21.210; and repealing RCW 35.13.1821
6 and 35.13.1822.

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

8 **Sec. 1.** RCW 35.10.217 and 1986 c 253 s 1 are each amended to read
9 as follows:

10 The following methods are available for the annexation of all or a
11 part of a city or town to another city or town:

12 (1) A petition for an election to vote upon the annexation, which
13 proposed annexation is approved by the legislative body of the city or
14 town from which the territory will be taken, may be submitted to the
15 legislative body of the city or town to which annexation is proposed.
16 An annexation under this subsection shall otherwise conform with the
17 requirements for and procedures of a petition and election method of
18 annexing unincorporated territory under chapter 35.13 RCW(~~(, except for~~

1 ~~the requirement for the approval of the annexation by the city or town~~
2 ~~from which the territory would be taken)).~~

3 (2) The legislative body of a city or town may on its own
4 initiative by resolution indicate its desire to be annexed to a city or
5 town either in whole or in part, or the legislative body of a city or
6 town proposing to annex all or part of another city or town may
7 initiate the annexation by adopting a resolution indicating that
8 desire. In case such resolution is passed, such resolution shall be
9 transmitted to the other affected city or town. The annexation is
10 effective if the other city or town adopts a resolution concurring in
11 the annexation(~~(, unless the owners of property in the area proposed to~~
12 ~~be annexed, equal in value to sixty percent or more of the assessed~~
13 ~~valuation of the property in the area, protest the proposed annexation~~
14 ~~in writing to the legislative body of the city or town proposing to~~
15 ~~annex the area, within thirty days of the adoption of the second~~
16 ~~resolution accepting the annexation)) and the registered voters of the
17 area to be annexed approve the annexation by majority vote or written
18 consent. Notices of the public hearing at which the second resolution
19 is adopted shall be mailed to the owners of the property within the
20 area proposed to be annexed in the same manner that notices of a
21 hearing on a proposed local improvement district are required to be
22 mailed by a city or town as provided in chapter 35.43 RCW. An
23 annexation under this subsection shall be potentially subject to review
24 by a boundary review board or other annexation review board after the
25 adoption of the initial resolution, and the second resolution may not
26 be adopted until the proposed annexation has been approved by the
27 board.~~

28 (3) The owners of property located in a city or town may petition
29 for annexation to another city or town. An annexation under this
30 subsection shall conform with the requirements for and procedures of a
31 direct petition method of annexing unincorporated territory, except
32 that the legislative body of the city or town from which the territory
33 would be taken must approve the annexation before it may proceed.

34 (4) All annexations under this section are subject to potential
35 review by the local boundary review board or annexation review board.

36 **Sec. 2.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each
37 amended to read as follows:

1 Following the hearing, the (~~council or commission shall determine~~
2 ~~by ordinance whether annexation shall be made~~) question of annexation
3 shall be submitted to the voters of the area, if the area contains at
4 least one hundred voters, in a general election if one is to be held
5 within ninety days or at a special election called for that purpose
6 according to RCW 29A.04.330. Notice of the election shall be given as
7 provided in RCW 35.13.080 and the election shall be conducted as
8 provided in the general election law. If the area to be annexed
9 contains less than one hundred voters, at least a majority of the
10 voters in the area to be annexed must give their written consent to the
11 annexation. The annexation shall be deemed approved by the voters
12 unless a majority of the votes cast on the proposition are in
13 opposition to the annexation or unless less than a majority provide
14 their written consent to the annexation. Subject to RCW 35.02.170,
15 (~~they~~) the council or commission may annex all or any portion of the
16 proposed area but may not include in the annexation any property not
17 described in the petition. Upon passage of the ordinance a certified
18 copy shall be filed with the board of county commissioners of the
19 county in which the annexed property is located.

20 **Sec. 3.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to read
21 as follows:

22 City and town councils of second-class cities and towns may by a
23 majority vote annex new unincorporated territory outside the city or
24 town limits, whether contiguous or noncontiguous for park, cemetery, or
25 other municipal purposes when such territory is owned by the city or
26 town and at least a majority of the registered voters in the territory
27 to be annexed give their written consent or all of the owners of the
28 real property in the territory give their written consent to the
29 annexation.

30 **Sec. 4.** RCW 35.13.182 and 1998 c 286 s 1 are each amended to read
31 as follows:

32 (1) The legislative body of a city or town planning under chapter
33 36.70A RCW as of June 30, 1994, may resolve to annex territory to the
34 city or town if there is, within the city or town, unincorporated
35 territory containing residential property owners within the same county

1 and within the same urban growth area designated under RCW 36.70A.110
2 as the city or town:

3 (a) Containing less than one hundred acres and having at least
4 eighty percent of the boundaries of such area contiguous to the city or
5 town; or

6 (b) Of any size and having at least eighty percent of the
7 boundaries of the area contiguous to the city if the area existed
8 before June 30, 1994.

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

17 (3) The question of annexation shall be submitted to the voters of
18 the area, if the area contains at least one hundred voters, in a
19 general election if one is to be held within ninety days or at a
20 special election called for that purpose according to RCW 29A.04.330.
21 Notice of the election shall be given as provided in RCW 35.13.080 and
22 the election shall be conducted as provided in the general election
23 law. If the area to be annexed contains less than one hundred voters,
24 at least a majority of the voters in the area to be annexed must give
25 their written consent to the annexation. The annexation shall be
26 deemed approved by the voters unless a majority of the votes cast on
27 the proposition are in opposition to the annexation or unless less than
28 a majority provide their written consent to the annexation.

29 (4) For purposes of subsection (1)(b) of this section, territory
30 bounded by a river, lake, or other body of water is considered
31 contiguous to a city that is also bounded by the same river, lake, or
32 other body of water.

33 **Sec. 5.** RCW 35.13.185 and 1965 c 7 s 35.13.185 are each amended to
34 read as follows:

35 Any unincorporated area contiguous to a first-class city may be
36 annexed thereto by an ordinance accepting a gift, grant, lease or
37 cession of jurisdiction from the government of the United States of the

1 right to occupy or control it. At least a majority of the registered
2 voters in the unincorporated area to be annexed or at least a majority
3 of the owners of the real property in the territory must give their
4 written consent to the annexation.

5 **Sec. 6.** RCW 35.13.190 and 1994 c 81 s 12 are each amended to read
6 as follows:

7 Any unincorporated area contiguous to a second-class city or town
8 may be annexed thereto by an ordinance accepting a gift, grant, or
9 lease from the government of the United States of the right to occupy,
10 control, improve it or sublet it for commercial, manufacturing, or
11 industrial purposes: PROVIDED, That this shall not apply to any
12 territory more than four miles from the corporate limits existing
13 before such annexation. At least a majority of the registered voters
14 in the unincorporated area to be annexed or at least a majority of the
15 owners of the real property in the territory must give their written
16 consent to the annexation.

17 **Sec. 7.** RCW 35.13.210 and 1994 c 81 s 14 are each amended to read
18 as follows:

19 A second-class city or town may cause territory annexed pursuant to
20 a gift, grant, or lease of the government of the United States to be
21 surveyed, subdivided and platted into lots, blocks, or tracts and lay
22 out, reserve for public use, and improve streets, roads, alleys, slips,
23 and other public places. It may grant or sublet any lot, block, or
24 tract therein for commercial, manufacturing, or industrial purposes and
25 reserve, receive and collect rents therefrom. It may expend the rents
26 received therefrom in making and maintaining public improvements
27 therein, and if any surplus remains at the end of any fiscal year, may
28 transfer it to the city's or town's current expense fund. At least a
29 majority of the registered voters or at least a majority of the owners
30 of the real property in the territory must give their written consent
31 to the annexation.

32 **Sec. 8.** RCW 35.13.238 and 2009 c 60 s 7 are each amended to read
33 as follows:

34 (1)(a) An annexation by a city or town that is proposing to annex
35 territory served by one or more fire protection districts may be

1 accomplished by ordinance after entering into an interlocal agreement
2 as provided in chapter 39.34 RCW with the county and the fire
3 protection district or districts that have jurisdiction over the
4 territory proposed for annexation.

5 (b) A city or town proposing to annex territory shall initiate the
6 interlocal agreement process by sending notice to the fire protection
7 district representative and county representative stating the city's or
8 town's interest to enter into an interlocal agreement negotiation
9 process. The parties have forty-five days to respond in the
10 affirmative or negative. A negative response must state the reasons
11 the parties do not wish to participate in an interlocal agreement
12 negotiation. A failure to respond within the forty-five day period is
13 deemed an affirmative response and the interlocal agreement negotiation
14 process may proceed. The interlocal agreement process may not proceed
15 if any negative responses are received within the forty-five day
16 period.

17 (c) The interlocal agreement must describe the boundaries of the
18 territory proposed for annexation and must be consistent with the
19 boundaries identified in an ordinance describing the boundaries of the
20 territory proposed for annexation and setting a date for a public
21 hearing on the ordinance. If the boundaries of the territory proposed
22 for annexation are agreed to by all parties, a notice of intention must
23 be filed with the boundary review board created under RCW 36.93.030.
24 However, the jurisdiction of the board may not be invoked as described
25 in RCW 36.93.100 for annexations that are the subject of such
26 agreement.

27 (2) An interlocal annexation agreement under this section must
28 include the following:

29 (a) A statement of the goals of the agreement. Goals must include,
30 but are not limited to:

31 (i) The transfer of revenues and assets between the fire protection
32 districts and the city or town;

33 (ii) A consideration and discussion of the impact to the level of
34 service of annexation on the unincorporated area, and an agreement that
35 the impact on the ability of fire protection and emergency medical
36 services within the incorporated area must not be negatively impacted
37 at least through the budget cycle in which the annexation occurs;

1 (iii) A discussion with fire protection districts regarding the
2 division of assets and its impact to citizens inside and outside the
3 newly annexed area;

4 (iv) Community involvement, including an agreed upon schedule of
5 public meetings in the area or areas proposed for annexation;

6 (v) Revenue sharing, if any;

7 (vi) Debt distribution;

8 (vii) Capital facilities obligations of the city, county, and fire
9 protection districts;

10 (viii) An overall schedule or plan on the timing of any annexations
11 covered under this agreement; and

12 (ix) A description of which of the annexing cities' development
13 regulations will apply and be enforced in the area.

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

17 (i) Roads and traffic impact mitigation;

18 (ii) Surface and storm water management;

19 (iii) Coordination and timing of comprehensive plan and development
20 regulation updates;

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

23 (v) Annexation procedures;

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

26 (vii) Financial and administrative services; and

27 (viii) Consultation with other service providers, including water-
28 sewer districts, if applicable.

29 (c) A term of at least five years, which may be extended by mutual
30 agreement of the city or town, the county, and the fire protection
31 district.

32 (3) If the fire protection district, annexing city or town, and
33 county reach an agreement on the enumerated goals or if only the
34 annexing city or town and county reach an agreement on the enumerated
35 goals, the ~~((annexation ordinance may proceed and is not subject to~~
36 ~~referendum. If only the annexing city or town and county reach an~~
37 ~~agreement on the enumerated goals, the city or town and county may~~
38 ~~proceed with annexation under the interlocal agreement, but the~~

1 ~~annexation ordinance provided for in this section is subject to~~
2 ~~referendum for forty five days after its passage. Upon the filing of~~
3 ~~a timely and sufficient referendum petition with the legislative body~~
4 ~~of the city or town, signed by qualified electors in a number not less~~
5 ~~than ten percent of the votes cast in the last general state election~~
6 ~~in the area to be annexed, the question of annexation must be submitted~~
7 ~~to the voters of the area in a general election if one is to be held~~
8 ~~within ninety days or at a special election called for that purpose~~
9 ~~according to RCW 35.13.080. Notice of the election must be given as~~
10 ~~provided in RCW 35.13.080, and the election must be conducted as~~
11 ~~provided in the general election laws under Title 29A RCW.)) question~~
12 ~~of annexation shall be submitted to the voters of the area, if the area~~
13 ~~contains at least one hundred voters, in a general election if one is~~
14 ~~to be held within ninety days or at a special election called for that~~
15 ~~purpose according to RCW 29A.04.330. Notice of the election shall be~~
16 ~~given as provided in RCW 35.13.080 and the election shall be conducted~~
17 ~~as provided in the general election law. If the area to be annexed~~
18 ~~contains less than one hundred voters, at least a majority of the~~
19 ~~voters in the area to be annexed must give their written consent to the~~
20 ~~annexation.~~ The annexation must be deemed approved by the voters
21 unless a majority of the votes cast on the proposition are in
22 opposition to the annexation ~~or unless less than a majority provide~~
23 ~~their written consent to the annexation.~~

24 After the ~~((expiration of the forty fifth day from, but excluding,~~
25 ~~the date of passage of the annexation ordinance, if a timely and~~
26 ~~sufficient referendum petition has not been filed)) approval by a~~
27 ~~majority of the voters in the area,~~ the area annexed becomes a part of
28 the city or town upon the date fixed in the ordinance of annexation.

29 (4) If any portion of a fire protection district is proposed for
30 annexation to or incorporation into a city or town, both the fire
31 protection district and the city or town shall jointly inform the
32 employees of the fire protection district about hires, separations,
33 terminations, and any other changes in employment that are a direct
34 consequence of annexation or incorporation at the earliest reasonable
35 opportunity.

36 (5) The needed employees shall be taken in order of seniority and
37 the remaining employees who transfer as provided in this section and
38 RCW 35.10.360 and 35.10.370 shall head the list for employment in the

1 civil service system in order of their seniority, to the end that they
2 shall be the first to be reemployed in the city or town fire department
3 when appropriate positions become available. Employees who are not
4 immediately hired by the city or town shall be placed on a reemployment
5 list for a period not to exceed thirty-six months unless a longer
6 period is authorized by an agreement reached between the collective
7 bargaining representatives of the employees of the annexing and annexed
8 fire agencies and the annexing and annexed fire agencies.

9 (6)(a) Upon transfer, an employee is entitled to the employee
10 rights, benefits, and privileges to which he or she would have been
11 entitled as an employee of the fire protection district, including
12 rights to:

13 (i) Compensation at least equal to the level of compensation at the
14 time of transfer, unless the employee's rank and duties have been
15 reduced as a result of the transfer. If the transferring employee is
16 placed in a position with reduced rank and duties, the employee's
17 compensation may be adjusted, but the adjustment may not result in a
18 decrease of greater than fifty percent of the difference between the
19 employee's compensation before the transfer and the compensation level
20 for the position that the employee is transferred to;

21 (ii) Retirement, vacation, sick leave, and any other accrued
22 benefit;

23 (iii) Promotion and service time accrual; and

24 (iv) The length or terms of probationary periods, including no
25 requirement for an additional probationary period if one had been
26 completed before the transfer date.

27 (b) (a) of this subsection does not apply if upon transfer an
28 agreement for different terms of transfer is reached between the
29 collective bargaining representatives of the transferring employees and
30 the participating fire protection jurisdictions.

31 (7) If upon transfer, the transferring employee receives the
32 rights, benefits, and privileges established under subsection (6)(a)(i)
33 through (iv) of this section, those rights, benefits, and privileges
34 are subject to collective bargaining at the end of the current
35 bargaining period for the jurisdiction to which the employee has
36 transferred.

37 (8) Such bargaining must take into account the years of service the

1 transferring employee accumulated before the transfer and must be
2 treated as if those years of service occurred in the jurisdiction to
3 which the employee has transferred.

4 **Sec. 9.** RCW 35.13.470 and 2003 c 299 s 1 are each amended to read
5 as follows:

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

17 (2) If the territory proposed for annexation has been designated in
18 an adopted county comprehensive plan as part of an urban growth area,
19 urban service area, or potential annexation area for a specific city or
20 town, or if the urban growth area territory proposed for annexation has
21 been designated in a written agreement between a city or town and a
22 county for annexation to a specific city or town, the designation or
23 designations shall receive full consideration before a city or county
24 may initiate the annexation process provided for in RCW 35.13.480.

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) The question of annexation shall be submitted to the voters of
33 the area, if the area contains at least one hundred voters, in a
34 general election if one is to be held within ninety days or at a
35 special election called for that purpose according to RCW 29A.04.330.
36 Notice of the election shall be given as provided in RCW 35.13.080 and
37 the election shall be conducted as provided in the general election

1 law. If the area to be annexed contains less than one hundred voters,
2 at least a majority of the voters in the area to be annexed must give
3 their written consent to the annexation.

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

21 **Sec. 10.** RCW 35.13.480 and 2006 c 344 s 23 are each amended to
22 read as follows:

23 (1) The legislative body of any county planning under chapter
24 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
25 initiate an annexation process with the legislative body of any other
26 cities or towns that are contiguous to the territory proposed for
27 annexation in RCW 35.13.470 if:

28 (a) The county legislative body initiated an annexation process as
29 provided in RCW 35.13.470; and

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

33 (c) More than one hundred eighty days have passed since adoption of
34 a county resolution as provided for in RCW 35.13.470 and the parties
35 have not adopted or executed an interlocal agreement providing for the
36 annexation of unincorporated territory. The legislative body for
37 either the county or an affected city or town may, however, pass a

1 resolution extending the negotiation period for one or more six-month
2 periods if a public hearing is held and findings of fact are made prior
3 to each extension.

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

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

19 (4) The question of annexation shall be submitted to the voters of
20 the area, if the area contains at least one hundred voters, in a
21 general election if one is to be held within ninety days or at a
22 special election called for that purpose according to RCW 29A.04.330.
23 Notice of the election shall be given as provided in RCW 35.13.080 and
24 the election shall be conducted as provided in the general election
25 law. If the area to be annexed contains less than one hundred voters,
26 at least a majority of the voters in the area to be annexed must give
27 their written consent to the annexation.

28 (5) Following adoption and execution of the agreement by both
29 legislative bodies and approval by a majority of the voters in the
30 area, the city or town legislative body shall adopt an ordinance
31 providing for the annexation. (~~The legislative body shall cause~~
32 ~~notice of the proposed effective date of the annexation, together with~~
33 ~~a description of the property to be annexed, to be published at least~~
34 ~~once each week for two weeks subsequent to passage of the ordinance, in~~
35 ~~one or more newspapers of general circulation within the city and in~~
36 ~~one or more newspapers of general circulation within the territory to~~
37 ~~be annexed. If the annexation ordinance provides for assumption of~~
38 ~~indebtedness or adoption of a proposed zoning regulation, the notice~~

1 shall include a statement of the requirements. Any area to be annexed
2 through an ordinance adopted under this section is annexed and becomes
3 a part of the city or town upon the date fixed in the ordinance of
4 annexation, which date may not be less than forty five days after
5 adoption of the ordinance.

6 (5) The annexation ordinances provided for in RCW 35.13.470(4) and
7 subsection (4) of this section are subject to referendum for forty five
8 days after passage. Upon the filing of a timely and sufficient
9 referendum petition with the legislative body, signed by registered
10 voters in number equal to not less than fifteen percent of the votes
11 cast in the last general state election in the area to be annexed, the
12 question of annexation shall be submitted to the voters of the area in
13 a general election if one is to be held within ninety days or at a
14 special election called for that purpose according to RCW 29A.04.330.
15 Notice of the election shall be given as provided in RCW 35.13.080 and
16 the election shall be conducted as provided in the general election
17 law. The annexation shall be deemed approved by the voters unless a
18 majority of the votes cast on the proposition are in opposition
19 thereto.

20 After the expiration of the forty fifth day from but excluding the
21 date of passage of the annexation ordinance, if no timely and
22 sufficient referendum petition has been filed,) The area annexed shall
23 become a part of the city or town upon the date fixed in the ordinance
24 of annexation.

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

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

3 **Sec. 11.** RCW 35.13.490 and 2009 c 402 s 3 are each amended to read
4 as follows:

5 (1) Territory owned by a county and used for an agricultural fair
6 as provided in chapter 15.76 ((RCW)) or ((chapter)) 36.37 RCW may only
7 be annexed to a city or town through the method prescribed in this
8 section.

9 (a) The legislative body of the city or town proposing the
10 annexation must submit a request for annexation and a legal description
11 of the subject territory to the legislative authority of the county
12 within which the territory is located.

13 (b) Upon receipt of the request and description, the county
14 legislative authority has thirty days to review the proposal and
15 determine if the annexation proceedings will continue. As a condition
16 of approval, the county legislative authority may modify the proposal,
17 but it may not add territory that was not included in the request and
18 description. Approval of the county legislative authority is a
19 condition precedent to further proceedings upon the request and there
20 is no appeal of the county legislative authority's decision.

21 (c) If the county legislative authority determines that the
22 proceedings may continue, it must, within thirty days of the
23 determination, fix a date for a public hearing on the proposal, and
24 cause notice of the hearing to be published at least once a week for
25 two weeks prior to the hearing in one or more newspapers of general
26 circulation in the territory proposed for annexation. The notice must
27 also be posted in three public places within the subject territory,
28 specify the time and place of the hearing, and invite interested
29 persons to appear and voice approval or disapproval of the annexation.
30 If the annexation proposal provides for assumption of indebtedness or
31 adoption of a proposed zoning regulation, the notice must include a
32 statement of these requirements.

33 (d) If, following the conclusion of the hearing, a majority of the
34 county legislative authority deems the annexation proposal to be in the
35 best interest of the county, it may adopt a resolution approving of the
36 annexation.

1 (e) The question of annexation shall be submitted to the voters of
2 the area, if the area contains at least one hundred voters, in a
3 general election if one is to be held within ninety days or at a
4 special election called for that purpose according to RCW 29A.04.330.
5 Notice of the election shall be given as provided in RCW 35.13.080 and
6 the election shall be conducted as provided in the general election
7 law. If the area to be annexed contains less than one hundred voters,
8 at least a majority of the voters in the area to be annexed must give
9 their written consent to the annexation.

10 (f) If, following the county legislative authority's adoption of
11 the annexation approval resolution and approval by a majority of the
12 voters in the area, the legislative body of the city or town proposing
13 annexation determines to effect the annexation, it must do so by
14 ordinance. The ordinance: (i) May only include territory approved for
15 annexation in the resolution adopted under (d) of this subsection; and
16 (ii) must not exclude territory approved for annexation in the
17 resolution adopted under (d) of this subsection. Upon passage of the
18 annexation ordinance, a certified copy must be filed with the
19 applicable county legislative authority.

20 (2) Any territory annexed through an ordinance adopted under this
21 section is annexed and becomes a part of the city or town upon the date
22 fixed in the ordinance.

23 **Sec. 12.** RCW 35.21.790 and 1989 c 84 s 10 are each amended to read
24 as follows:

25 (1) The governing bodies of a county and any city or town located
26 therein may by agreement revise any part of the corporate boundary of
27 the city or town which coincides with the centerline, edge, or any
28 portion of a public street, road or highway right-of-way by
29 substituting therefor a right-of-way line of the same public street,
30 road or highway so as fully to include or fully to exclude that segment
31 of the public street, road or highway from the corporate limits of the
32 city or town. At least a majority of the registered voters in the
33 unincorporated area to be annexed or at least a majority of the owners
34 of the real property in the unincorporated area to be annexed must give
35 their written consent to the boundary revision.

36 (2) The revision of a corporate boundary as authorized by this
37 section shall become effective when approved by ordinance of the city

1 or town council or commission and by ordinance or resolution of the
2 county legislative authority. Such a boundary revision is not subject
3 to potential review by a boundary review board.

4 **Sec. 13.** RCW 35.21.890 and 1989 c 84 s 70 are each amended to read
5 as follows:

6 A city or town may provide factual information on the effects of a
7 proposed boundary change on the city or town and the area potentially
8 affected by the boundary change. A statement that the city or town has
9 such information available, and copies of any printed materials or
10 information available to be provided to the public shall be (~~filled~~
11 ~~{filled}~~) filed with the boundary review board for the board's
12 information.

13 **Sec. 14.** RCW 35A.14.295 and 1997 c 429 s 36 are each amended to
14 read as follows:

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

18 (a) Containing less than one hundred acres and having at least
19 eighty percent of the boundaries of such area contiguous to the code
20 city; or

21 (b) Of any size and having at least eighty percent of the
22 boundaries of such area contiguous to the city if such area existed
23 before June 30, 1994, and is within the same county and within the same
24 urban growth area designated under RCW 36.70A.110, and the city was
25 planning under chapter 36.70A RCW as of June 30, 1994.

26 (2) The resolution shall describe the boundaries of the area to be
27 annexed, state the number of voters residing therein as nearly as may
28 be, and set a date for a public hearing on such resolution for
29 annexation. Notice of the hearing shall be given by publication of the
30 resolution at least once a week for two weeks prior to the date of the
31 hearing, in one or more newspapers of general circulation within the
32 code city and one or more newspapers of general circulation within the
33 area to be annexed.

34 (3) The question of annexation shall be submitted to the voters of
35 the area, if the area contains at least one hundred voters, in a
36 general election if one is to be held within ninety days or at a

1 special election called for that purpose according to RCW 29A.04.330.
2 Notice of the election shall be given as provided in RCW 35A.14.070 and
3 the election shall be conducted as provided in the general election
4 law. If the area to be annexed contains less than one hundred voters,
5 at least a majority of the voters in the area to be annexed must give
6 their written consent to the annexation.

7 (4) For purposes of subsection (1)(b) of this section, territory
8 bounded by a river, lake, or other body of water is considered
9 contiguous to a city that is also bounded by the same river, lake, or
10 other body of water.

11 **Sec. 15.** RCW 35A.14.297 and 1967 ex.s. c 119 s 35A.14.297 are each
12 amended to read as follows:

13 On the date set for hearing as provided in RCW 35A.14.295,
14 residents or property owners of the area included in the resolution for
15 annexation shall be afforded an opportunity to be heard. ((The
16 legislative body may provide by ordinance for annexation of the
17 territory described in the resolution, but the effective date of the
18 ordinance shall be not less than forty five days after the passage
19 thereof. The legislative body shall cause notice of the proposed
20 effective date of the annexation, together with a description of the
21 property to be annexed, to be published at least once each week for two
22 weeks subsequent to passage of the ordinance, in one or more newspapers
23 of general circulation within the city and in one or more newspapers of
24 general circulation within the area to be annexed. If the annexation
25 ordinance provides for assumption of indebtedness or adoption of a
26 proposed zoning regulation, the notice shall include a statement of
27 such requirements. Such annexation ordinance shall be subject to
28 referendum for forty five days after the passage thereof. Upon the
29 filing of a timely and sufficient referendum petition as provided in
30 RCW 35A.14.299 below, a referendum election shall be held as provided
31 in RCW 35A.14.299, and the annexation shall be deemed approved by the
32 voters unless a majority of the votes cast on the proposition are in
33 opposition thereto. After the expiration of the forty fifth day from,
34 but excluding the date of passage of the annexation ordinance, if no
35 timely and sufficient referendum petition has been filed, as provided
36 by RCW 35A.14.299 below)) After approval by a majority of the voters in

1 the area, the area annexed shall become a part of the code city upon
2 the date fixed in the ordinance of annexation.

3 **Sec. 16.** RCW 35A.14.299 and 2006 c 344 s 25 are each amended to
4 read as follows:

5 ~~((Such annexation ordinance as provided for in RCW 35A.14.297 shall
6 be subject to referendum for forty five days after the passage thereof.
7 Upon the filing of a timely and sufficient referendum petition with the
8 legislative body, signed by qualified electors in number equal to not
9 less than ten percent of the votes cast in the last general state
10 election in the area to be annexed, the question of annexation shall be
11 submitted to the voters of such area in a general election if one is to
12 be held within ninety days or at a special election called for that
13 purpose according to RCW 29A.04.330. Notice of such election shall be
14 given as provided in RCW 35A.14.070 and the election shall be conducted
15 as provided in RCW 35A.29.151. The annexation shall be deemed approved
16 by the voters unless a majority of the votes cast on the proposition
17 are in opposition thereto.~~

18 ~~After the expiration of the forty fifth day from but excluding the
19 date of passage of the annexation ordinance, if no timely and
20 sufficient referendum petition has been filed, the area annexed shall
21 become a part of the code city upon the date fixed in the ordinance of
22 annexation.))~~ From and after ~~((such))~~ the date fixed in the ordinance
23 of annexation, if the ordinance so provided, property in the annexed
24 area shall be subject to the proposed zoning regulation prepared and
25 filed for such area as provided in RCW 35A.14.330 and 35A.14.340. If
26 the ordinance so provided, all property within the area annexed shall
27 be assessed and taxed at the same rate and on the same basis as the
28 property of such annexing code city is assessed and taxed to pay for
29 any then outstanding indebtedness of such city contracted prior to, or
30 existing at, the date of annexation.

31 **Sec. 17.** RCW 35A.14.300 and 1981 c 332 s 7 are each amended to
32 read as follows:

33 Legislative bodies of code cities may by a majority vote annex
34 territory outside the limits of such city whether contiguous or
35 noncontiguous for any municipal purpose when such territory is owned by

1 the city. At least a majority of the registered voters in the
2 unincorporated area to be annexed must give their written consent to
3 the annexation.

4 **Sec. 18.** RCW 35A.14.310 and 1985 c 105 s 1 are each amended to
5 read as follows:

6 A code city may annex an unincorporated area contiguous to the city
7 that is owned by the federal government by adopting an ordinance
8 providing for the annexation and which ordinance either acknowledges an
9 agreement of the annexation by the government of the United States, or
10 accepts a gift, grant, or lease from the government of the United
11 States of the right to occupy, control, improve it or sublet it for
12 commercial, manufacturing, or industrial purposes: PROVIDED, That this
13 right of annexation shall not apply to any territory more than four
14 miles from the corporate limits existing before such annexation.
15 Whenever a code city proposes to annex territory under this section,
16 the city shall provide written notice of the proposed annexation to the
17 legislative authority of the county within which such territory is
18 located. The notice shall be provided at least thirty days before the
19 city proposes to adopt the annexation ordinance. The city shall not
20 adopt the annexation ordinance, and the annexation shall not occur
21 under this section, if within twenty-five days of receipt of the
22 notice, the county legislative authority adopts a resolution opposing
23 the annexation, which resolution makes a finding that the proposed
24 annexation will have an adverse fiscal impact on the county or road
25 district. At least a majority of the registered voters in the
26 unincorporated area to be annexed or all of the owners of the real
27 property in the unincorporated area to be annexed must give their
28 written consent to the annexation.

29 **Sec. 19.** RCW 35A.14.460 and 2003 c 299 s 3 are each amended to
30 read as follows:

31 (1) The legislative body of a county or code city planning under
32 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215
33 may initiate an annexation process for unincorporated territory by
34 adopting a resolution commencing negotiations for an interlocal
35 agreement as provided in chapter 39.34 RCW between a county and any
36 code city within the county. The territory proposed for annexation

1 must meet the following criteria: (a) Be within the code city urban
2 growth area designated under RCW 36.70A.110, and (b) at least sixty
3 percent of the boundaries of the territory proposed for annexation must
4 be contiguous to the annexing code city or one or more cities or towns.

5 (2) If the territory proposed for annexation has been designated in
6 an adopted county comprehensive plan as part of an urban growth area,
7 urban service area, or potential annexation area for a specific city,
8 or if the urban growth area territory proposed for annexation has been
9 designated in a written agreement between a city and a county for
10 annexation to a specific city or town, the designation or designations
11 shall receive full consideration before a city or county may initiate
12 the annexation process provided for in RCW 35A.14.470.

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

20 (4) The question of annexation shall be submitted to the voters of
21 the area, if the area contains at least one hundred voters, in a
22 general election if one is to be held within ninety days or at a
23 special election called for that purpose according to RCW 29A.04.330.
24 Notice of the election shall be given as provided in RCW 35A.14.070 and
25 the election shall be conducted as provided in the general election
26 law. If the area to be annexed contains less than one hundred voters,
27 at least a majority of the voters in the area to be annexed must give
28 their written consent to the annexation.

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

1 ~~annexation ordinance provides for assumption of indebtedness or~~
2 ~~adoption of a proposed zoning regulation, the notice shall include a~~
3 ~~statement of the requirements.))~~ Any territory to be annexed through
4 an ordinance adopted under this section is annexed and becomes a part
5 of the city upon the date fixed in the ordinance of annexation(~~(, which~~
6 ~~date may not be fewer than forty five days after adoption of the~~
7 ~~ordinance)).~~

8 **Sec. 20.** RCW 35A.14.470 and 2006 c 344 s 26 are each amended to
9 read as follows:

10 (1) The legislative body of any county planning under chapter
11 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
12 initiate an annexation process with the legislative body of any other
13 cities or towns that are contiguous to the territory proposed for
14 annexation in RCW 35A.14.460 if:

15 (a) The county legislative body initiated an annexation process as
16 provided in RCW 35A.14.460; and

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

20 (c) More than one hundred eighty days have passed since adoption of
21 a county resolution as provided for in RCW 35A.14.460 and the parties
22 have not adopted or executed an interlocal agreement providing for the
23 annexation of unincorporated territory. The legislative body for
24 either the county or an affected city may, however, pass a resolution
25 extending the negotiation period for one or more six-month periods if
26 a public hearing is held and findings of fact are made prior to each
27 extension.

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

36 (3) The agreement shall describe the boundaries of the territory to
37 be annexed. A public hearing shall be held by each legislative body,

1 separately or jointly, before the agreement is executed. Each
2 legislative body holding a public hearing shall, separately or jointly,
3 publish the agreement at least once a week for two weeks before the
4 date of the hearing in one or more newspapers of general circulation
5 within the territory proposed for annexation.

6 (4) The question of annexation shall be submitted to the voters of
7 the area, if the area contains at least one hundred voters, in a
8 general election if one is to be held within ninety days or at a
9 special election called for that purpose according to RCW 29A.04.330.
10 Notice of the election shall be given as provided in RCW 35A.14.070 and
11 the election shall be conducted as provided in the general election
12 law. If the area to be annexed contains less than one hundred voters,
13 at least a majority of the voters in the area to be annexed must give
14 their written consent to the annexation.

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

31 ~~(5) The annexation ordinances provided for in RCW 35A.14.460(4) and~~
32 ~~subsection (4) of this section are subject to referendum for forty five~~
33 ~~days after passage. Upon the filing of a timely and sufficient~~
34 ~~referendum petition with the legislative body, signed by registered~~
35 ~~voters in number equal to not less than fifteen percent of the votes~~
36 ~~cast in the last general state election in the area to be annexed, the~~
37 ~~question of annexation shall be submitted to the voters of the area in~~
38 ~~a general election if one is to be held within ninety days or at a~~

1 ~~special election called for that purpose according to RCW 29A.04.330.~~
2 ~~Notice of the election shall be given as provided in RCW 35A.14.070 and~~
3 ~~the election shall be conducted as provided in the general election~~
4 ~~law. The annexation shall be deemed approved by the voters unless a~~
5 ~~majority of the votes cast on the proposition are in opposition~~
6 ~~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 city or town upon the date fixed in the ordinance~~
11 ~~of annexation)).~~

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

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

26 **Sec. 21.** RCW 35A.14.480 and 2009 c 60 s 9 are each amended to read
27 as follows:

28 (1)(a) An annexation by a code city proposing to annex territory
29 served by one or more fire protection districts may be accomplished by
30 ordinance after entering into an interlocal agreement as provided in
31 chapter 39.34 RCW with the county and the fire protection district or
32 districts that have jurisdiction over the territory proposed for
33 annexation.

34 (b) A code city proposing to annex territory shall initiate the
35 interlocal agreement process by sending notice to the fire protection
36 district representative and county representative stating the code
37 city's interest to enter into an interlocal agreement negotiation

1 process. The parties have forty-five days to respond in the
2 affirmative or negative. A negative response must state the reasons
3 the parties do not wish to participate in an interlocal agreement
4 negotiation. A failure to respond within the forty-five day period is
5 deemed an affirmative response and the interlocal agreement negotiation
6 process may proceed. The interlocal agreement process may not proceed
7 if any negative responses are received within the forty-five day
8 period.

9 (c) The interlocal agreement must describe the boundaries of the
10 territory proposed for annexation and must be consistent with the
11 boundaries identified in an ordinance describing the boundaries of the
12 territory proposed for annexation and setting a date for a public
13 hearing on the ordinance. If the boundaries of the territory proposed
14 for annexation are agreed to by all parties, a notice of intention must
15 be filed with the boundary review board created under RCW 36.93.030.
16 However, the jurisdiction of the board may not be invoked as described
17 in RCW 36.93.100 for annexations that are the subject of such
18 agreement.

19 (2) An interlocal annexation agreement under this section must
20 include the following:

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

23 (i) The transfer of revenues and assets between the fire protection
24 district and the code city;

25 (ii) A consideration and discussion of the impact to the level of
26 service of annexation on the unincorporated area, and an agreement that
27 the impact on the ability of fire protection and emergency medical
28 services within the incorporated area must not be negatively impacted
29 at least through the budget cycle in which the annexation occurs;

30 (iii) A discussion with fire protection districts regarding the
31 division of assets and its impact to citizens inside and outside the
32 newly annexed area;

33 (iv) Community involvement, including an agreed upon schedule of
34 public meetings in the area or areas proposed for annexation;

35 (v) Revenue sharing, if any;

36 (vi) Debt distribution;

37 (vii) Capital facilities obligations of the code city, county, and
38 fire protection districts;

1 (viii) An overall schedule or plan on the timing of any annexations
2 covered under this agreement; and

3 (ix) A description of which of the annexing code cities'
4 development regulations will apply and be enforced in the area.

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

8 (i) Roads and traffic impact mitigation;

9 (ii) Surface and storm water management;

10 (iii) Coordination and timing of comprehensive plan and development
11 regulation updates;

12 (iv) Outstanding bonds and special or improvement district
13 assessments;

14 (v) Annexation procedures;

15 (vi) Distribution of debt and revenue sharing for annexation
16 proposals, code enforcement, and inspection services;

17 (vii) Financial and administrative services; and

18 (viii) Consultation with other service providers, including water-
19 sewer districts, if applicable.

20 (c) A term of at least five years, which may be extended by mutual
21 agreement of the code city, the county, and the fire protection
22 district.

23 (3) If the fire protection district, annexing code city, and county
24 reach an agreement on the enumerated goals or if only the annexing code
25 city and county reach an agreement on the enumerated goals, the
26 ~~((annexation ordinance may proceed and is not subject to referendum.~~
27 ~~If only the annexing code city and county reach an agreement on the~~
28 ~~enumerated goals, the code city and county may proceed with annexation~~
29 ~~under the interlocal agreement, but the annexation ordinance provided~~
30 ~~for in this section is subject to referendum for forty five days after~~
31 ~~its passage. Upon the filing of a timely and sufficient referendum~~
32 ~~petition with the legislative body of the code city, signed by~~
33 ~~qualified electors in a number not less than ten percent of the votes~~
34 ~~cast in the last general state election in the area to be annexed, the~~
35 ~~question of annexation must be submitted to the voters of the area in~~
36 ~~a general election if one is to be held within ninety days or at a~~
37 ~~special election called for that purpose according to RCW 29A.04.330.~~
38 ~~Notice of the election must be given as provided in RCW 35A.14.070, and~~

1 ~~the election must be conducted as provided in the general election laws~~
2 ~~under Title 29A RCW))~~ question of annexation shall be submitted to the
3 voters of the area, if the area contains at least one hundred voters,
4 in a general election if one is to be held within ninety days or at a
5 special election called for that purpose according to RCW 29A.04.330.
6 Notice of the election shall be given as provided in RCW 35A.14.070 and
7 the election shall be conducted as provided in the general election
8 law. If the area to be annexed contains less than one hundred voters,
9 at least a majority of the voters in the area to be annexed must give
10 their written consent to the annexation. The annexation must be deemed
11 approved by the voters unless a majority of the votes cast on the
12 proposition are in opposition to the annexation or unless less than a
13 majority provide their written consent to the annexation.

14 After the (~~expiration of the forty-fifth day from, but excluding,~~
15 ~~the date of passage of the annexation ordinance, if a timely and~~
16 ~~sufficient referendum petition has not been filed)) approval by a
17 majority of the voters in the area, the area annexed becomes a part of
18 the code city upon the date fixed in the ordinance of annexation.~~

19 **Sec. 22.** RCW 35A.14.490 and 2009 c 402 s 5 are each amended to
20 read as follows:

21 (1) Territory owned by a county and used for an agricultural fair
22 as provided in chapter 15.76 ((RCW)) or ((chapter)) 36.37 RCW may only
23 be annexed to a code city through the method prescribed in this
24 section.

25 (a) The legislative body of the city proposing the annexation must
26 submit a request for annexation and a legal description of the subject
27 territory to the legislative authority of the county within which the
28 territory is located.

29 (b) Upon receipt of the request and description, the county
30 legislative authority has thirty days to review the proposal and
31 determine if the annexation proceedings will continue. As a condition
32 of approval, the county legislative authority may modify the proposal,
33 but it may not add territory that was not included in the request and
34 description. Approval of the county legislative authority is a
35 condition precedent to further proceedings upon the request and there
36 is no appeal of the county legislative authority's decision.

1 (c) If the county legislative authority determines that the
2 proceedings may continue, it must, within thirty days of the
3 determination, fix a date for a public hearing on the proposal, and
4 cause notice of the hearing to be published at least once a week for
5 two weeks prior to the hearing in one or more newspapers of general
6 circulation in the territory proposed for annexation. The notice must
7 also be posted in three public places within the subject territory,
8 specify the time and place of the hearing, and invite interested
9 persons to appear and voice approval or disapproval of the annexation.
10 If the annexation proposal provides for assumption of indebtedness or
11 adoption of a proposed zoning regulation, the notice must include a
12 statement of these requirements.

13 (d) If, following the conclusion of the hearing, a majority of the
14 county legislative authority deems the annexation proposal to be in the
15 best interest of the county, it may adopt a resolution approving of the
16 annexation.

17 (e) The question of annexation shall be submitted to the voters of
18 the area, if the area contains at least one hundred voters, in a
19 general election if one is to be held within ninety days or at a
20 special election called for that purpose according to RCW 29A.04.330.
21 Notice of the election shall be given as provided in RCW 35A.14.070 and
22 the election shall be conducted as provided in the general election
23 law. If the area to be annexed contains less than one hundred voters,
24 at least a majority of the voters in the area to be annexed must give
25 their written consent to the annexation.

26 (f) If, following the county legislative authority's adoption of
27 the annexation approval resolution and approval by a majority of the
28 voters in the area, the legislative body of the city proposing
29 annexation determines to effect the annexation, it must do so by
30 ordinance. The ordinance: (i) May only include territory approved for
31 annexation in the resolution adopted under (d) of this subsection; and
32 (ii) must not exclude territory approved for annexation in the
33 resolution adopted under (d) of this subsection. Upon passage of the
34 annexation ordinance, a certified copy must be filed with the
35 applicable county legislative authority.

36 (2) Any territory annexed through an ordinance adopted under this
37 section is annexed and becomes a part of the code city upon the date
38 fixed in the ordinance.

1 **Sec. 23.** RCW 35A.21.210 and 1989 c 84 s 11 are each amended to
2 read as follows:

3 (1) The governing bodies of a county and any code city located
4 therein may by agreement revise any part of the corporate boundary of
5 the city which coincides with the centerline, edge, or any portion of
6 a public street, road or highway right-of-way by substituting therefor
7 a right-of-way line of the same public street, road or highway so as
8 fully to include or fully to exclude that segment of the public street,
9 road or highway from the corporate limits of the city. At least a
10 majority of the registered voters in the unincorporated area to be
11 annexed or at least a majority of the owners of the real property in
12 the unincorporated area to be annexed must give their written consent
13 to the boundary revision.

14 (2) The revision of a corporate boundary as authorized by this
15 section shall become effective when approved by ordinance of the city
16 council and by ordinance or resolution of the county legislative
17 authority. Such a boundary revision is not subject to potential review
18 by a boundary review board.

19 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 35.13.1821 (Annexation of unincorporated island of
22 territory--Referendum--Election) and 2006 c 344 s 22 & 1998 c 286 s 2;
23 and

24 (2) RCW 35.13.1822 (Annexation of unincorporated island of
25 territory--Notice, hearing) and 1998 c 286 s 3.

--- END ---