
SENATE BILL 5013

State of Washington

63rd Legislature

2013 Regular Session

By Senator Benton

Read first time 01/14/13. Referred to Committee on Governmental Operations .

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, 35.13.440,
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.14.440, 35A.14.460,
5 35A.14.470, 35A.14.480, 35A.14.490, and 35A.21.210; and repealing RCW
6 35.13.1821 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. Notices of
18 the public hearing at which the second resolution is adopted shall be
19 mailed to the owners of the property within the area proposed to be
20 annexed in the same manner that notices of a hearing on a proposed
21 local improvement district are required to be mailed by a city or town
22 as provided in chapter 35.43 RCW. An annexation under this subsection
23 shall be potentially subject to review by a boundary review board or
24 other annexation review board after the adoption of the initial
25 resolution, and the second resolution may not be adopted until the
26 proposed annexation has been approved by the board.~~

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

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

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

37 Following the hearing, the (~~council or commission shall determine~~

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

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

16 City and town councils of second-class cities and towns may by a
17 majority vote annex new unincorporated territory outside the city or
18 town limits, whether contiguous or noncontiguous for park, cemetery, or
19 other municipal purposes when such territory is owned by the city or
20 town and all of the registered voters in the territory to be annexed
21 give their written consent or all of the owners of the real property in
22 the territory give their written consent to the annexation.

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

25 (1) The legislative body of a city or town planning under chapter
26 36.70A RCW as of June 30, 1994, may resolve to annex territory to the
27 city or town if there is, within the city or town, unincorporated
28 territory containing residential property owners within the same county
29 and within the same urban growth area designated under RCW 36.70A.110
30 as the city or town:

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

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

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

9 (3) The question of annexation shall be submitted to the voters of
10 the area in a general election if one is to be held within ninety days
11 or at a special election called for that purpose according to RCW
12 29A.04.330. Notice of the election shall be given as provided in RCW
13 35.13.080 and the election shall be conducted as provided in the
14 general election law. The annexation shall be deemed approved by the
15 voters unless a majority of the votes cast on the proposition are in
16 opposition to the annexation.

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

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

23 Any unincorporated area contiguous to a first-class city may be
24 annexed thereto by an ordinance accepting a gift, grant, lease or
25 cession of jurisdiction from the government of the United States of the
26 right to occupy or control it. All of the registered voters in the
27 unincorporated area to be annexed or all of the owners of the real
28 property in the territory must give their written consent to the
29 annexation.

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

32 Any unincorporated area contiguous to a second-class city or town
33 may be annexed thereto by an ordinance accepting a gift, grant, or
34 lease from the government of the United States of the right to occupy,
35 control, improve it or sublet it for commercial, manufacturing, or
36 industrial purposes: PROVIDED, That this shall not apply to any

1 territory more than four miles from the corporate limits existing
2 before such annexation. All of the registered voters in the
3 unincorporated area to be annexed or all of the owners of the real
4 property in the territory must give their written consent to the
5 annexation.

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

8 A second-class city or town may cause territory annexed pursuant to
9 a gift, grant, or lease of the government of the United States to be
10 surveyed, subdivided and platted into lots, blocks, or tracts and lay
11 out, reserve for public use, and improve streets, roads, alleys, slips,
12 and other public places. It may grant or sublet any lot, block, or
13 tract therein for commercial, manufacturing, or industrial purposes and
14 reserve, receive and collect rents therefrom. It may expend the rents
15 received therefrom in making and maintaining public improvements
16 therein, and if any surplus remains at the end of any fiscal year, may
17 transfer it to the city's or town's current expense fund. All of the
18 registered voters or all of the owners of the real property in the
19 territory must give their written consent to the annexation.

20 **Sec. 8.** RCW 35.13.440 and 2003 c 331 s 5 are each amended to read
21 as follows:

22 Following the hearing, the council or commission shall determine by
23 ordinance whether annexation shall be made. The question of annexation
24 shall be submitted to the voters of the area in a general election if
25 one is to be held within ninety days or at a special election called
26 for that purpose according to RCW 29A.04.330. Notice of the election
27 shall be given as provided in RCW 35.13.080 and the election shall be
28 conducted as provided in the general election law. The annexation
29 shall be deemed approved by the voters unless a majority of the votes
30 cast on the proposition are in opposition to the annexation. Subject
31 to the provisions of RCW 35.13.410, 35.13.460, and 35.21.005, (~~they~~)
32 the council or commission may annex all or any portion of the proposed
33 area but may not include in the annexation any property not described
34 in the petition. Upon passage of the ordinance a certified copy shall
35 be filed with the board of county commissioners of the county in which
36 the annexed property is located.

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

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

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

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

29 (4) The question of annexation shall be submitted to the voters of
30 the area in a general election if one is to be held within ninety days
31 or at a special election called for that purpose according to RCW
32 29A.04.330. Notice of the election shall be given as provided in RCW
33 35.13.080 and the election shall be conducted as provided in the
34 general election law.

35 (5) Following adoption and execution of the agreement by both
36 legislative bodies and approval by a majority of the voters in the
37 area, the city or town legislative body shall adopt an ordinance
38 providing for the annexation of the territory described in the

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

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

16 (1) The legislative body of any county planning under chapter
17 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
18 initiate an annexation process with the legislative body of any other
19 cities or towns that are contiguous to the territory proposed for
20 annexation in RCW 35.13.470 if:

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

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

26 (c) More than one hundred eighty days have passed since adoption of
27 a county resolution as provided for in RCW 35.13.470 and the parties
28 have not adopted or executed an interlocal agreement providing for the
29 annexation of unincorporated territory. The legislative body for
30 either the county or an affected city or town may, however, pass a
31 resolution extending the negotiation period for one or more six-month
32 periods if a public hearing is held and findings of fact are made prior
33 to each extension.

34 (2) Any county initiating the process provided for in subsection
35 (1) of this section must do so by adopting a resolution commencing
36 negotiations for an interlocal agreement as provided in chapter 39.34
37 RCW between the county and any city or town within the county. The

1 annexation area must be within an urban growth area designated under
2 RCW 36.70A.110 and at least sixty percent of the boundaries of the
3 territory to be annexed must be contiguous to one or more cities or
4 towns.

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

12 (4) The question of annexation shall be submitted to the voters of
13 the area in a general election if one is to be held within ninety days
14 or at a special election called for that purpose according to RCW
15 29A.04.330. Notice of the election shall be given as provided in RCW
16 35.13.080 and the election shall be conducted as provided in the
17 general election law.

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

34 ~~((5) The annexation ordinances provided for in RCW 35.13.470(4)~~
35 ~~and subsection (4) of this section are subject to referendum for forty-~~
36 ~~five days after passage. Upon the filing of a timely and sufficient~~
37 ~~referendum petition with the legislative body, signed by registered~~
38 ~~voters in number equal to not less than fifteen percent of the votes~~

1 ~~cast in the last general state election in the area to be annexed, the~~
2 ~~question of annexation shall be submitted to the voters of the area in~~
3 ~~a 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. The annexation shall be deemed approved by the voters unless a~~
8 ~~majority of the votes cast on the proposition are in opposition~~
9 ~~thereto.~~

10 ~~After the expiration of the forty fifth day from but excluding the~~
11 ~~date of passage of the annexation ordinance, if no timely and~~
12 ~~sufficient referendum petition has been filed, the area annexed shall~~
13 ~~become a part of the city or town upon the date fixed in the ordinance~~
14 ~~of annexation.))~~

15 (6) If more than one city or town adopts interlocal agreements
16 providing for annexation of the same unincorporated territory as
17 provided by this section, an election shall be held in the area to be
18 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the
19 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also
20 contain a separate proposition allowing voters to cast votes in favor
21 of annexation to any one city or town participating in an interlocal
22 agreement as provided by this section. If a majority of voters voting
23 on the proposition vote against annexation, the proposition is
24 defeated. If, however, a majority of voters voting in the election
25 approve annexation, the area shall be annexed to the city or town
26 receiving the highest number of votes among those cast in favor of
27 annexation.

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

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

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

36 (a) The legislative body of the city or town proposing the

1 annexation must submit a request for annexation and a legal description
2 of the subject territory to the legislative authority of the county
3 within which the territory is located.

4 (b) Upon receipt of the request and description, the county
5 legislative authority has thirty days to review the proposal and
6 determine if the annexation proceedings will continue. As a condition
7 of approval, the county legislative authority may modify the proposal,
8 but it may not add territory that was not included in the request and
9 description. Approval of the county legislative authority is a
10 condition precedent to further proceedings upon the request and there
11 is no appeal of the county legislative authority's decision.

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

24 (d) If, following the conclusion of the hearing, a majority of the
25 county legislative authority deems the annexation proposal to be in the
26 best interest of the county, it may adopt a resolution approving of the
27 annexation.

28 (e) The question of annexation shall be submitted to the voters of
29 the area in a general election if one is to be held within ninety days
30 or at a special election called for that purpose according to RCW
31 29A.04.330. Notice of the election shall be given as provided in RCW
32 35.13.080 and the election shall be conducted as provided in the
33 general election law.

34 (f) If, following the county legislative authority's adoption of
35 the annexation approval resolution and approval by a majority of the
36 voters in the area, the legislative body of the city or town proposing
37 annexation determines to effect the annexation, it must do so by
38 ordinance. The ordinance: (i) May only include territory approved for

1 annexation in the resolution adopted under (d) of this subsection; and
2 (ii) must not exclude territory approved for annexation in the
3 resolution adopted under (d) of this subsection. Upon passage of the
4 annexation ordinance, a certified copy must be filed with the
5 applicable county legislative authority.

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

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

11 (1) The governing bodies of a county and any city or town located
12 therein may by agreement revise any part of the corporate boundary of
13 the city or town which coincides with the centerline, edge, or any
14 portion of a public street, road or highway right-of-way by
15 substituting therefor a right-of-way line of the same public street,
16 road or highway so as fully to include or fully to exclude that segment
17 of the public street, road or highway from the corporate limits of the
18 city or town. All of the registered voters in the unincorporated area
19 to be annexed or all of the owners of the real property in the
20 unincorporated area to be annexed must give their written consent to
21 the boundary revision.

22 (2) The revision of a corporate boundary as authorized by this
23 section shall become effective when approved by ordinance of the city
24 or town council or commission and by ordinance or resolution of the
25 county legislative authority. Such a boundary revision is not subject
26 to potential review by a boundary review board.

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

29 A city or town may provide factual information on the effects of a
30 proposed boundary change on the city or town and the area potentially
31 affected by the boundary change. A statement that the city or town has
32 such information available, and copies of any printed materials or
33 information available to be provided to the public shall be (~~filled~~
34 ~~{filled}~~) filed with the boundary review board for the board's
35 information.

1 **Sec. 14.** 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; or

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

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

22 (3) The question of annexation shall be submitted to the voters of
23 the area in a general election if one is to be held within ninety days
24 or at a special election called for that purpose according to RCW
25 29A.04.330. Notice of the election shall be given as provided in RCW
26 35A.14.070 and the election shall be conducted as provided in the
27 general election law.

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

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

34 On the date set for hearing as provided in RCW 35A.14.295,
35 residents or property owners of the area included in the resolution for
36 annexation shall be afforded an opportunity to be heard. After
37 approval by a majority of the voters in the area, the legislative body

1 may provide by ordinance for annexation of the territory described in
2 the resolution, but the effective date of the ordinance shall be not
3 less than forty-five days after the passage thereof. The legislative
4 body shall cause notice of the proposed effective date of the
5 annexation, together with a description of the property to be annexed,
6 to be published at least once each week for two weeks subsequent to
7 passage of the ordinance, in one or more newspapers of general
8 circulation within the city and in one or more newspapers of general
9 circulation within the area to be annexed. If the annexation ordinance
10 provides for assumption of indebtedness or adoption of a proposed
11 zoning regulation, the notice shall include a statement of such
12 requirements. (~~Such annexation ordinance shall be subject to~~
13 ~~referendum for forty five days after the passage thereof. Upon the~~
14 ~~filing of a timely and sufficient referendum petition as provided in~~
15 ~~RCW 35A.14.299 below, a referendum election shall be held as provided~~
16 ~~in RCW 35A.14.299, and the annexation shall be deemed approved by the~~
17 ~~voters unless a majority of the votes cast on the proposition are in~~
18 ~~opposition thereto. After the expiration of the forty fifth day from,~~
19 ~~but excluding the date of passage of the annexation ordinance, if no~~
20 ~~timely and sufficient referendum petition has been filed, as provided~~
21 ~~by RCW 35A.14.299 below)) After approval by a majority of the voters in
22 the area, the area annexed shall become a part of the code city upon
23 the date fixed in the ordinance of annexation.~~

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

26 (~~Such annexation ordinance as provided for in RCW 35A.14.297 shall~~
27 ~~be subject to referendum for forty five days after the passage thereof.~~
28 ~~Upon the filing of a timely and sufficient referendum petition with the~~
29 ~~legislative body, signed by qualified electors in number equal to not~~
30 ~~less than ten percent of the votes cast in the last general state~~
31 ~~election in the area to be annexed, the question of annexation shall be~~
32 ~~submitted to the voters of such area in a general election if one is to~~
33 ~~be held within ninety days or at a special election called for that~~
34 ~~purpose according to RCW 29A.04.330. Notice of such election shall be~~
35 ~~given as provided in RCW 35A.14.070 and the election shall be conducted~~
36 ~~as provided in RCW 35A.29.151. The annexation shall be deemed approved~~

1 by the voters unless a majority of the votes cast on the proposition
2 are in 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 code city upon the date fixed in the ordinance of
7 annexation.) From and after ((such)) the date fixed in the ordinance
8 of annexation, if the ordinance so provided, property in the annexed
9 area shall be subject to the proposed zoning regulation prepared and
10 filed for such area as provided in RCW 35A.14.330 and 35A.14.340. If
11 the ordinance so provided, all property within the area annexed shall
12 be assessed and taxed at the same rate and on the same basis as the
13 property of such annexing code city is assessed and taxed to pay for
14 any then outstanding indebtedness of such city contracted prior to, or
15 existing at, the date of annexation.

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

18 Legislative bodies of code cities may by a majority vote annex
19 territory outside the limits of such city whether contiguous or
20 noncontiguous for any municipal purpose when such territory is owned by
21 the city. All of the registered voters in the unincorporated area to
22 be annexed must give their written consent to the annexation.

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

25 A code city may annex an unincorporated area contiguous to the city
26 that is owned by the federal government by adopting an ordinance
27 providing for the annexation and which ordinance either acknowledges an
28 agreement of the annexation by the government of the United States, or
29 accepts a gift, grant, or lease from the government of the United
30 States of the right to occupy, control, improve it or sublet it for
31 commercial, manufacturing, or industrial purposes: PROVIDED, That this
32 right of annexation shall not apply to any territory more than four
33 miles from the corporate limits existing before such annexation.
34 Whenever a code city proposes to annex territory under this section,
35 the city shall provide written notice of the proposed annexation to the
36 legislative authority of the county within which such territory is

1 located. The notice shall be provided at least thirty days before the
2 city proposes to adopt the annexation ordinance. The city shall not
3 adopt the annexation ordinance, and the annexation shall not occur
4 under this section, if within twenty-five days of receipt of the
5 notice, the county legislative authority adopts a resolution opposing
6 the annexation, which resolution makes a finding that the proposed
7 annexation will have an adverse fiscal impact on the county or road
8 district. All of the registered voters in the unincorporated area to
9 be annexed or all of the owners of the real property in the
10 unincorporated area to be annexed must give their written consent to
11 the annexation.

12 **Sec. 19.** RCW 35A.14.440 and 2003 c 331 s 12 are each amended to
13 read as follows:

14 Following the hearing, ~~((if))~~ the question of annexation shall be
15 submitted to the voters of the area in a general election if one is to
16 be held within ninety days or at a special election called for that
17 purpose according to RCW 29A.04.330. Notice of the election shall be
18 given as provided in RCW 35A.14.070 and the election shall be conducted
19 as provided in the general election law. After approval by a majority
20 of voters in the area, the legislative body ~~((determines to effect the~~
21 annexation, they)) shall ~~((do so))~~ effect the annexation by ordinance.
22 Subject to RCW 35A.14.410, the ordinance may annex all or any portion
23 of the proposed area but may not include in the annexation any property
24 not described in the petition. Upon passage of the annexation
25 ordinance, a certified copy shall be filed with the board of county
26 commissioners of the county in which the annexed property is located.

27 **Sec. 20.** RCW 35A.14.460 and 2003 c 299 s 3 are each amended to
28 read as follows:

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

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

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

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 in a general election if one is to be held within ninety days
21 or at a special election called for that purpose according to RCW
22 29A.04.330. Notice of the election shall be given as provided in RCW
23 35A.14.070 and the election shall be conducted as provided in the
24 general election law.

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

1 ordinance adopted under this section is annexed and becomes a part of
2 the city upon the date fixed in the ordinance of annexation, which date
3 may not be fewer than forty-five days after adoption of the ordinance.

4 **Sec. 21.** RCW 35A.14.470 and 2006 c 344 s 26 are each amended to
5 read as follows:

6 (1) The legislative body of any county planning under chapter
7 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
8 initiate an annexation process with the legislative body of any other
9 cities or towns that are contiguous to the territory proposed for
10 annexation in RCW 35A.14.460 if:

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

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

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

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

32 (3) The agreement shall describe the boundaries of the territory to
33 be annexed. A public hearing shall be held by each legislative body,
34 separately or jointly, before the agreement is executed. Each
35 legislative body holding a public hearing shall, separately or jointly,
36 publish the agreement at least once a week for two weeks before the

1 date of the hearing in one or more newspapers of general circulation
2 within the territory proposed for annexation.

3 (4) The question of annexation shall be submitted to the voters of
4 the area in a general election if one is to be held within ninety days
5 or at a special election called for that purpose according to RCW
6 29A.04.330. Notice of the election shall be given as provided in RCW
7 35A.14.070 and the election shall be conducted as provided in the
8 general election law.

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

25 ~~((5) The annexation ordinances provided for in RCW 35A.14.460(4)~~
26 ~~and subsection (4) of this section are subject to referendum for forty-~~
27 ~~five days after passage. Upon the filing of a timely and sufficient~~
28 ~~referendum petition with the legislative body, signed by registered~~
29 ~~voters in number equal to not less than fifteen percent of the votes~~
30 ~~cast in the last general state election in the area to be annexed, the~~
31 ~~question of annexation shall be submitted to the voters of the area in~~
32 ~~a general election if one is to be held within ninety days or at a~~
33 ~~special election called for that purpose according to RCW 29A.04.330.~~
34 ~~Notice of the election shall be given as provided in RCW 35A.14.070 and~~
35 ~~the election shall be conducted as provided in the general election~~
36 ~~law. The annexation shall be deemed approved by the voters unless a~~
37 ~~majority of the votes cast on the proposition are in opposition~~
38 ~~thereto.~~

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

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

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

20 **Sec. 22.** RCW 35A.14.480 and 2009 c 60 s 9 are each amended to read
21 as follows:

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

28 (b) A code city proposing to annex territory shall initiate the
29 interlocal agreement process by sending notice to the fire protection
30 district representative and county representative stating the code
31 city's interest to enter into an interlocal agreement negotiation
32 process. The parties have forty-five days to respond in the
33 affirmative or negative. A negative response must state the reasons
34 the parties do not wish to participate in an interlocal agreement
35 negotiation. A failure to respond within the forty-five day period is
36 deemed an affirmative response and the interlocal agreement negotiation

1 process may proceed. The interlocal agreement process may not proceed
2 if any negative responses are received within the forty-five day
3 period.

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

14 (2) An interlocal annexation agreement under this section must
15 include the following:

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

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

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

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

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

30 (v) Revenue sharing, if any;

31 (vi) Debt distribution;

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

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

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

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

- 4 (i) Roads and traffic impact mitigation;
- 5 (ii) Surface and storm water management;
- 6 (iii) Coordination and timing of comprehensive plan and development
7 regulation updates;
- 8 (iv) Outstanding bonds and special or improvement district
9 assessments;
- 10 (v) Annexation procedures;
- 11 (vi) Distribution of debt and revenue sharing for annexation
12 proposals, code enforcement, and inspection services;
- 13 (vii) Financial and administrative services; and
- 14 (viii) Consultation with other service providers, including water-
15 sewer districts, if applicable.

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

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

1 to RCW 29A.04.330. Notice of the election shall be given as provided
2 in RCW 35A.14.070 and the election shall be conducted as provided in
3 the general election law. The annexation must be deemed approved by
4 the voters unless a majority of the votes cast on the proposition are
5 in opposition to the annexation.

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

11 **Sec. 23.** RCW 35A.14.490 and 2009 c 402 s 5 are each amended to
12 read as follows:

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

17 (a) The legislative body of the city proposing the annexation must
18 submit a request for annexation and a legal description of the subject
19 territory to the legislative authority of the county within which the
20 territory is located.

21 (b) Upon receipt of the request and description, the county
22 legislative authority has thirty days to review the proposal and
23 determine if the annexation proceedings will continue. As a condition
24 of approval, the county legislative authority may modify the proposal,
25 but it may not add territory that was not included in the request and
26 description. Approval of the county legislative authority is a
27 condition precedent to further proceedings upon the request and there
28 is no appeal of the county legislative authority's decision.

29 (c) If the county legislative authority determines that the
30 proceedings may continue, it must, within thirty days of the
31 determination, fix a date for a public hearing on the proposal, and
32 cause notice of the hearing to be published at least once a week for
33 two weeks prior to the hearing in one or more newspapers of general
34 circulation in the territory proposed for annexation. The notice must
35 also be posted in three public places within the subject territory,
36 specify the time and place of the hearing, and invite interested
37 persons to appear and voice approval or disapproval of the annexation.

1 If the annexation proposal provides for assumption of indebtedness or
2 adoption of a proposed zoning regulation, the notice must include a
3 statement of these requirements.

4 (d) If, following the conclusion of the hearing, a majority of the
5 county legislative authority deems the annexation proposal to be in the
6 best interest of the county, it may adopt a resolution approving of the
7 annexation.

8 (e) The question of annexation shall be submitted to the voters of
9 the area in a general election if one is to be held within ninety days
10 or at a special election called for that purpose according to RCW
11 29A.04.330. Notice of the election shall be given as provided in RCW
12 35A.14.070 and the election shall be conducted as provided in the
13 general election law.

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

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

27 **Sec. 24.** RCW 35A.21.210 and 1989 c 84 s 11 are each amended to
28 read as follows:

29 (1) The governing bodies of a county and any code city located
30 therein may by agreement revise any part of the corporate boundary of
31 the city which coincides with the centerline, edge, or any portion of
32 a public street, road or highway right-of-way by substituting therefor
33 a right-of-way line of the same public street, road or highway so as
34 fully to include or fully to exclude that segment of the public street,
35 road or highway from the corporate limits of the city. All of the
36 registered voters in the unincorporated area to be annexed or all of

1 the owners of the real property in the unincorporated area to be
2 annexed must give their written consent to the boundary revision.

3 (2) The revision of a corporate boundary as authorized by this
4 section shall become effective when approved by ordinance of the city
5 council and by ordinance or resolution of the county legislative
6 authority. Such a boundary revision is not subject to potential review
7 by a boundary review board.

8 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
9 each repealed:

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

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

--- END ---