

**SHB 1598 - H AMD 1103**

By Representative Doglio

**ADOPTED 02/13/2020**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that city  
4 annexations of unincorporated areas within urban growth areas will be  
5 more efficient and effective if the county and city develop a jointly  
6 approved interlocal agreement so as not to create illogical  
7 boundaries or islands of unincorporated territory.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.14  
9 RCW to read as follows:

10 (1) A code city, as provided in subsection (2) of this section,  
11 may annex unincorporated territory pursuant to an interlocal  
12 agreement. This method of annexation shall be an alternative method  
13 and is additional to all other methods provided for in this chapter.

14 (2)(a) The county legislative authority of a county and the  
15 governing body of a code city may jointly initiate an annexation  
16 process for unincorporated territory by adopting an interlocal  
17 agreement as provided in chapter 39.34 RCW and under this section  
18 between the county and code city within the county. If a code city is  
19 proposing to annex territory where the sole access or majority of  
20 egress and ingress for the territory proposed for annexation is  
21 served by the transportation network of an adjacent city, or that  
22 will include areas in a fire protection district under Title 52 RCW,  
23 regional fire protection service authority under chapter 52.26 RCW,  
24 water-sewer district under Title 57 RCW, or transportation benefit  
25 district under chapter 36.73 RCW, the code city must provide written  
26 notice to the governing authority of such adjacent city, fire  
27 protection district, regional fire protection service authority,  
28 water-sewer district, or transportation benefit district. Such  
29 adjacent city or notified district shall have thirty calendar days  
30 from the date of the notice to provide written notice of its interest  
31 in being a party to the interlocal agreement. If timely notice is  
32 provided, such city or district shall be included as a party to the

1 interlocal agreement. If the adjacent city or district does not  
2 approve the interlocal agreement, the annexation may not proceed  
3 under this section. For purposes of this subsection, "adjacent" means  
4 that the territory proposed for annexation is contiguous with the  
5 existing city limits of the nonannexing city.

6 (b) The interlocal agreement must ensure that for a period of  
7 five years after the annexation any parcel zoned for residential  
8 development within the annexed area shall:

9 (i) Maintain a zoning designation that provides for residential  
10 development; and

11 (ii) Not have its minimum gross residential density reduced below  
12 the density allowed for by the zoning designation for that parcel  
13 prior to annexation.

14 (3) The county and code city shall jointly agree on the  
15 boundaries of the annexation and its effective date. The interlocal  
16 agreement shall describe the boundaries of the territory to be  
17 annexed and set a date for a public hearing on such agreement for  
18 annexation. An interlocal agreement may include phased annexation of  
19 territory, and may be amended following the same process as initial  
20 approval, including adding additional territory. A public hearing  
21 shall be held by each legislative body, separately or jointly, before  
22 the agreement is executed. Each legislative body holding a public  
23 hearing shall:

24 (a) Separately or jointly, publish a notice of availability of  
25 the agreement at least once a week for four weeks before the date of  
26 the hearing in one or more newspapers of general circulation within  
27 the code city and one or more newspapers of general circulation  
28 within the territory proposed for annexation; and

29 (b) If the legislative body has the ability to do so, post the  
30 notice of availability of the agreement on its web site for the same  
31 four weeks that the notice is published in the newspapers under (a)  
32 of this subsection. The notice shall describe where the public may  
33 review the agreement and the territory to be annexed.

34 (4) On the date set for hearing, the public shall be afforded an  
35 opportunity to be heard. Following the hearing, if the legislative  
36 body determines to effect the annexation, they shall do so by  
37 ordinance. If the annexation agreement includes phased annexation of  
38 territory, the legislative body shall adopt a separate ordinance at  
39 the time of each phase of annexation. Upon the date fixed in the  
40 ordinance of annexation the area annexed shall become part of the

1 city. If the annexation ordinance provides for assumption of  
2 indebtedness or adoption of a proposed zoning regulation, the notice  
3 shall include a statement of such requirements. Upon passage of the  
4 annexation ordinance, a certified copy shall be filed with the board  
5 of county commissioners of the county in which the annexed property  
6 is located."

7 Correct the title.

EFFECT: (1) Eliminates the provision that solely allows only counties and cities of a certain size to jointly initiate an annexation.

(2) Requires the city initiating an annexation (and after adopting an interlocal agreement between the city and county) to provide written notice of the proposed annexation to the adjacent city, fire district, transportation benefit district, or water-sewer district: (a) Where the sole access or majority of egress and ingress for the territory proposed for annexation is served by the transportation network of an adjacent city; or (b) where the annexation will include areas in a fire protection service district, regional fire protection service authority, transportation benefit district, or water-sewer district. Provides that such an entity has thirty days to respond with its interest to become party to the interlocal agreement.

(3) Prohibits the annexation from proceeding if the adjacent city or district becomes a party to the agreement and does not approve it.

(4) Requires for a period of five years after the annexation that any parcel zoned for residential development within the annexed area must: (a) Maintain a zoning designation that provides for residential development; and (b) maintain that the minimum gross residential density of any parcel is not reduced below the density allowed for by the zoning designation for that parcel prior to annexation.

(5) Requires notice of the public hearing relating to the annexation to be published in the newspapers at least once a week for four weeks, instead of two, prior to the date of the hearing. Requires such notice to also be posted on the web site, if the legislative body has the ability to do so, for the same four weeks.

(6) Requires a public hearing be held prior to passage of the annexation ordinance. Requires that phased annexations be effectuated by separate ordinances at each phase of annexation. Requires notice to include a statement of any assumption of indebtedness or adoption of a proposed zoning regulation that is provided for in the ordinance. Requires that a certified copy of the annexation ordinance be filed with the board of county commissioners of the county in which the annexed property is located.

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