

**SB 5522 - S AMD 914**  
By Senator Takko

**PULLED 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 may  
11 annex unincorporated territory pursuant to an interlocal agreement.  
12 This method of annexation shall be an alternative method and is  
13 additional to all other methods provided for in this chapter.

14 (2) 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, regional  
27 fire protection service authority, fire protection district, water-  
28 sewer district, or transportation benefit district. Such adjacent  
29 city or notified district shall have thirty calendar days from the  
30 date of the notice to provide written notice of its interest in being  
31 a party to the interlocal agreement. If timely notice is provided,

1 such city or district shall be included as a party to the interlocal  
2 agreement. If the adjacent city or district does not approve the  
3 interlocal agreement, the annexation may not proceed under this  
4 section. For purposes of this subsection, "adjacent" means that the  
5 territory proposed for annexation is contiguous with the existing  
6 city limits of the nonannexing city. The interlocal agreement must  
7 ensure that for a period of five years after the annexation any  
8 parcel zoned for residential development within the annexed area  
9 shall:

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

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

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

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

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

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

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

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8 On page 1, line 3 of the title, after "county;" strike the  
9 remainder of the title and insert "adding a new section to chapter  
10 35A.14 RCW; and creating a new section."

EFFECT: Provides that this method of annexation shall be an alternative method and additional to all other methods provided for code cities.

Removes the requirement for the code city to notify and include all special purpose districts where the area proposed to be annexed will include areas in the special purpose districts, and instead, requires the code city to provide written notice to any fire protection districts, regional fire protection service authorities, water-sewer districts, or transportation benefit districts where the area proposed to be annexed will include areas in these districts, and any city adjacent to the area proposed to be annexed where the sole access or majority of egress and ingress for the area proposed to be annexed is served by the transportation network of the city. Defines "adjacent" to mean that the territory proposed for annexation is contiguous with the existing city limits of the nonannexing city.

Requires that such cities or districts have 30 days from the date of the notice to provide written notice of its interest in being a party to the interlocal agreement, and upon timely notice, be included as a party to the interlocal agreement.

Directs that if such city or district does not approve of the interlocal agreement, then the annexation may not proceed.

Specifies that the interlocal agreement must ensure that for a period of five years after the annexation, any parcel zoned for residential development within the annexed area: (1) Maintain a zoning designation that provides for residential development; and (2) not have its minimum gross residential density reduced below the density allowed for by the zoning designation for that parcel prior to annexation.

Requires each legislative body holding a public hearing to publish notice of availability of the agreement at least once a week for four weeks before the date of the hearing in one or more newspapers, as opposed to two weeks; and if the legislative body has

the ability to do so, publish the same on its web site for those four weeks.

--- **END** ---