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ENGROSSED SUBSTITUTE HOUSE BILL 1598

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State of Washington

66th Legislature

2019 Regular Session

By House Local Government (originally sponsored by Representatives Doglio, Dolan, Pollet, and Macri)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to providing code cities of a certain size with  
2 the ability to annex unincorporated areas without a referendum  
3 provision pursuant to a jointly approved interlocal agreement with  
4 the county; adding a new section to chapter 35A.14 RCW; and creating  
5 a new section.

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

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

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

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

18 (2)(a) The county legislative authority of a county and the  
19 governing body of a code city may jointly initiate an annexation  
20 process for unincorporated territory by adopting an interlocal

1 agreement as provided in chapter 39.34 RCW and under this section  
2 between the county and code city within the county. If a code city is  
3 proposing to annex territory where the sole access or majority of  
4 egress and ingress for the territory proposed for annexation is  
5 served by the transportation network of an adjacent city, or that  
6 will include areas in a fire protection district under Title 52 RCW,  
7 regional fire protection service authority under chapter 52.26 RCW,  
8 water-sewer district under Title 57 RCW, or transportation benefit  
9 district under chapter 36.73 RCW, the code city must provide written  
10 notice to the governing authority of such adjacent city, fire  
11 protection district, regional fire protection service authority,  
12 water-sewer district, or transportation benefit district. Such  
13 adjacent city or notified district shall have thirty calendar days  
14 from the date of the notice to provide written notice of its interest  
15 in being a party to the interlocal agreement. If timely notice is  
16 provided, such city or district shall be included as a party to the  
17 interlocal agreement. If the adjacent city or district does not  
18 approve the interlocal agreement, the annexation may not proceed  
19 under this section. For purposes of this subsection, "adjacent" means  
20 that the territory proposed for annexation is contiguous with the  
21 existing city limits of the nonannexing city.

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

25 (i) Maintain a zoning designation that provides for residential  
26 development; and

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

30 (3) The county and code city shall jointly agree on the  
31 boundaries of the annexation and its effective date. The interlocal  
32 agreement shall describe the boundaries of the territory to be  
33 annexed and set a date for a public hearing on such agreement for  
34 annexation. An interlocal agreement may include phased annexation of  
35 territory, and may be amended following the same process as initial  
36 approval, including adding additional territory. A public hearing  
37 shall be held by each legislative body, separately or jointly, before  
38 the agreement is executed. Each legislative body holding a public  
39 hearing shall:

1 (a) Separately or jointly, publish a notice of availability of  
2 the agreement at least once a week for four weeks before the date of  
3 the hearing in one or more newspapers of general circulation within  
4 the code city and one or more newspapers of general circulation  
5 within the territory proposed for annexation; and

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

11 (4) On the date set for hearing, the public shall be afforded an  
12 opportunity to be heard. Following the hearing, if the legislative  
13 body determines to effect the annexation, they shall do so by  
14 ordinance. If the annexation agreement includes phased annexation of  
15 territory, the legislative body shall adopt a separate ordinance at  
16 the time of each phase of annexation. Upon the date fixed in the  
17 ordinance of annexation the area annexed shall become part of the  
18 city. 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 such requirements. Upon passage of the  
21 annexation ordinance, a certified copy shall be filed with the board  
22 of county commissioners of the county in which the annexed property  
23 is located.

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