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ENGROSSED SUBSTITUTE HOUSE BILL 1887

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State of Washington

61st Legislature

2009 Regular Session

By House Local Government & Housing (originally sponsored by Representative Takko)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to diking districts; and adding a new section to  
2 chapter 85.38 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 85.38 RCW  
5 to read as follows:

6 (1) Except as provided in subsection (3) of this section,  
7 contiguous territory outside of a diking district that receives  
8 services from the district may be annexed into the district using the  
9 following method:

10 (a) The governing body must adopt a resolution of its intent to  
11 annex the territory. The resolution must: (i) Include a map and  
12 description of the subject territory; (ii) indicate which service or  
13 services the territory is receiving from the district; (iii) specify  
14 the proposed system of assessment; and (iv) set a date and time for a  
15 public hearing on the annexation proposal;

16 (b) The district must publish notice of the hearing in a newspaper  
17 of general circulation in the district and must notify, by mail, all  
18 property owners as determined by the records of the county assessor.  
19 The notice required under this subsection (1)(b) must be published and

1 mailed at least twenty-one days, but not more than twenty-eight days,  
2 before the public hearing. This subsection (1)(b) does not restrict or  
3 prevent a district from publishing or mailing notices that are in  
4 addition to the required notice;

5 (c) After the public hearing, which may be continued from time to  
6 time, the governing body must decide whether to recommend the  
7 annexation to the legislative authority of the county in which the  
8 territory proposed for annexation is located. If the governing body  
9 recommends the annexation, it must adopt a resolution of the  
10 recommendation within forty-five days of its decision and forward a  
11 copy of the resolution, together with a draft annexation ordinance, to  
12 the applicable legislative authority;

13 (d) The county legislative authority, by resolution, must set a  
14 date and time for a public hearing on the annexation proposal. The  
15 date of the hearing must be within ninety days after the county  
16 receives the recommendation resolution and draft annexation ordinance  
17 from the diking district. The county legislative authority must  
18 provide notice of the hearing, by mail, to all property owners within  
19 the proposed annexation area as determined by the records of the county  
20 assessor. The notice must be mailed at least twenty-one days, but not  
21 more than twenty-eight days, before the public hearing;

22 (e) After the public hearing, which may be continued from time to  
23 time, the county legislative authority must decide whether to approve,  
24 modify, or reject the annexation proposal. The legislative authority  
25 may remove territory from the proposal, but it may not add territory  
26 without holding an additional public meeting and providing meeting  
27 notice to the property owners affected by the addition that conforms  
28 with the notice requirements of (b) of this subsection; and

29 (f) If the county legislative authority approves the annexation  
30 proposal in its original or a modified form, it must do so by  
31 ordinance. Approved annexations are effective on the first day of the  
32 following January.

33 (2) For the purposes of this section, territory bounded by a river,  
34 lake, or other body of water is contiguous to a district that is also  
35 bounded by the same river, lake, or other body of water.

36 (3) Subsection (1) of this section does not apply to:

37 (a) Land owned, managed, or leased by a federally recognized Indian

- 1 tribe; or
- 2 (b) Tribal trust land.

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