
HOUSE BILL 1854

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Schmick and Fagan

Read first time 02/12/13. Referred to Committee on Local Government.

1 AN ACT Relating to public approval of annexations by cities and
2 towns; and amending RCW 35.13.182, 35.13.238, 35.13.470, 35.13.480,
3 35A.14.295, 35A.14.460, 35A.14.470, and 35A.14.480.

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

5 **Sec. 1.** RCW 35.13.182 and 1998 c 286 s 1 are each amended to read
6 as follows:

7 (1) The legislative body of a city or town planning under chapter
8 36.70A RCW as of June 30, 1994, may resolve to annex territory to the
9 city or town if there is, within the city or town, unincorporated
10 territory containing residential property owners within the same county
11 and within the same urban growth area designated under RCW 36.70A.110
12 as the city or town:

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

16 (b) Of any size and having at least eighty percent of the
17 boundaries of the area contiguous to the city if the area existed
18 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) For purposes of subsection (1)(b) of this section, territory
10 bounded by a river, lake, or other body of water is considered
11 contiguous to a city that is also bounded by the same river, lake, or
12 other body of water.

13 (4) The annexation method authorized by this section may be used
14 only after obtaining approval by the owners of not less than seventy
15 percent in value according to the assessed valuation for general
16 taxation of the property for which annexation is proposed.

17 **Sec. 2.** RCW 35.13.238 and 2009 c 60 s 7 are each amended to read
18 as follows:

19 (1)(a) An annexation by a city or town that is proposing to annex
20 territory served by one or more fire protection districts may be
21 accomplished by ordinance after satisfying the requirements of this
22 section and entering into an interlocal agreement as provided in
23 chapter 39.34 RCW with the county and the fire protection district or
24 districts that have jurisdiction over the territory proposed for
25 annexation.

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

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

11 (2) An interlocal annexation agreement under this section must
12 include the following:

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

15 (i) The transfer of revenues and assets between the fire protection
16 districts and the city or town;

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

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

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

27 (v) Revenue sharing, if any;

28 (vi) Debt distribution;

29 (vii) Capital facilities obligations of the city, county, and fire
30 protection districts;

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

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

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

38 (i) Roads and traffic impact mitigation;

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

12 (c) A term of at least five years, which may be extended by mutual
13 agreement of the city or town, the county, and the fire protection
14 district.

15 (3) If the fire protection district, annexing city or town, and
16 county reach an agreement on the enumerated goals, the annexation
17 ordinance may proceed and is not subject to referendum. If only the
18 annexing city or town and county reach an agreement on the enumerated
19 goals, the city or town and county may proceed with annexation under
20 the interlocal agreement, but the annexation ordinance provided for in
21 this section is subject to referendum for forty-five days after its
22 passage. Upon the filing of a timely and sufficient referendum
23 petition with the legislative body of the city or town, signed by
24 qualified electors in a number not less than ten percent of the votes
25 cast in the last general state election in the area to be annexed, the
26 question of annexation must be submitted to the voters of the area in
27 a general election if one is to be held within ninety days or at a
28 special election called for that purpose according to RCW 29A.04.330.
29 Notice of the election must be given as provided in RCW 35.13.080, and
30 the election must be conducted as provided in the general election laws
31 under Title 29A RCW. The annexation must be deemed approved by the
32 voters unless a majority of the votes cast on the proposition are in
33 opposition to the annexation.

34 After the expiration of the forty-fifth day from, but excluding,
35 the date of passage of the annexation ordinance, if a timely and
36 sufficient referendum petition has not been filed, the area annexed
37 becomes a part of the city or town upon the date fixed in the ordinance
38 of annexation.

1 (4) If any portion of a fire protection district is proposed for
2 annexation to or incorporation into a city or town, both the fire
3 protection district and the city or town shall jointly inform the
4 employees of the fire protection district about hires, separations,
5 terminations, and any other changes in employment that are a direct
6 consequence of annexation or incorporation at the earliest reasonable
7 opportunity.

8 (5) The needed employees shall be taken in order of seniority and
9 the remaining employees who transfer as provided in this section and
10 RCW 35.10.360 and 35.10.370 shall head the list for employment in the
11 civil service system in order of their seniority, to the end that they
12 shall be the first to be reemployed in the city or town fire department
13 when appropriate positions become available. Employees who are not
14 immediately hired by the city or town shall be placed on a reemployment
15 list for a period not to exceed thirty-six months unless a longer
16 period is authorized by an agreement reached between the collective
17 bargaining representatives of the employees of the annexing and annexed
18 fire agencies and the annexing and annexed fire agencies.

19 (6)(a) Upon transfer, an employee is entitled to the employee
20 rights, benefits, and privileges to which he or she would have been
21 entitled as an employee of the fire protection district, including
22 rights to:

23 (i) Compensation at least equal to the level of compensation at the
24 time of transfer, unless the employee's rank and duties have been
25 reduced as a result of the transfer. If the transferring employee is
26 placed in a position with reduced rank and duties, the employee's
27 compensation may be adjusted, but the adjustment may not result in a
28 decrease of greater than fifty percent of the difference between the
29 employee's compensation before the transfer and the compensation level
30 for the position that the employee is transferred to;

31 (ii) Retirement, vacation, sick leave, and any other accrued
32 benefit;

33 (iii) Promotion and service time accrual; and

34 (iv) The length or terms of probationary periods, including no
35 requirement for an additional probationary period if one had been
36 completed before the transfer date.

37 (b) (a) of this subsection does not apply if upon transfer an

1 agreement for different terms of transfer is reached between the
2 collective bargaining representatives of the transferring employees and
3 the participating fire protection jurisdictions.

4 (7) If upon transfer, the transferring employee receives the
5 rights, benefits, and privileges established under subsection (6)(a)(i)
6 through (iv) of this section, those rights, benefits, and privileges
7 are subject to collective bargaining at the end of the current
8 bargaining period for the jurisdiction to which the employee has
9 transferred.

10 (8) Such bargaining must take into account the years of service the
11 transferring employee accumulated before the transfer and must be
12 treated as if those years of service occurred in the jurisdiction to
13 which the employee has transferred.

14 (9) The annexation method authorized by this section may be used
15 only after obtaining approval: (a) By the owners of not less than
16 seventy percent in value according to the assessed valuation for
17 general taxation of the property for which annexation is proposed; or
18 (b) through a ballot proposition, conducted in accordance with RCW
19 35.13.070, that is approved by sixty percent of the voters voting on
20 the proposition.

21 **Sec. 3.** RCW 35.13.470 and 2003 c 299 s 1 are each amended to read
22 as follows:

23 (1) The legislative body of a county, city, or town planning under
24 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215
25 may initiate an annexation process for unincorporated territory by
26 adopting a resolution commencing negotiations for an interlocal
27 agreement as provided in chapter 39.34 RCW between a county and any
28 city or town within the county. The territory proposed for annexation
29 must meet the following criteria: (a) Be within the city or town urban
30 growth area designated under RCW 36.70A.110, and (b) at least sixty
31 percent of the boundaries of the territory proposed for annexation must
32 be contiguous to the annexing city or town or one or more cities or
33 towns.

34 (2) If the territory proposed for annexation has been designated in
35 an adopted county comprehensive plan as part of an urban growth area,
36 urban service area, or potential annexation area for a specific city or
37 town, or if the urban growth area territory proposed for annexation has

1 been designated in a written agreement between a city or town and a
2 county for annexation to a specific city or town, the designation or
3 designations shall receive full consideration before a city or county
4 may initiate the annexation process provided for in RCW 35.13.480.

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

28 (5) The annexation method authorized by this section may be used
29 only after obtaining approval: (a) By the owners of not less than
30 seventy percent in value according to the assessed valuation for
31 general taxation of the property for which annexation is proposed; or
32 (b) through a ballot proposition, conducted in accordance with RCW
33 35.13.070, that is approved by sixty percent of the voters voting on
34 the proposition.

35 **Sec. 4.** RCW 35.13.480 and 2006 c 344 s 23 are each amended to read
36 as follows:

37 (1) The legislative body of any county planning under chapter

1 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
2 initiate an annexation process with the legislative body of any other
3 cities or towns that are contiguous to the territory proposed for
4 annexation in RCW 35.13.470 if:

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

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

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

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

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

33 (4) Following adoption and execution of the agreement by both
34 legislative bodies, the city or town legislative body shall adopt an
35 ordinance providing for the annexation. The legislative body shall
36 cause notice of the proposed effective date of the annexation, together
37 with a description of the property to be annexed, to be published at
38 least once each week for two weeks subsequent to passage of the

1 ordinance, in one or more newspapers of general circulation within the
2 city and in one or more newspapers of general circulation within the
3 territory to be annexed. If the annexation ordinance provides for
4 assumption of indebtedness or adoption of a proposed zoning regulation,
5 the notice shall include a statement of the requirements. Any area to
6 be annexed through an ordinance adopted under this section is annexed
7 and becomes a part of the city or town upon the date fixed in the
8 ordinance of annexation, which date may not be less than forty-five
9 days after adoption of the ordinance.

10 (5) The annexation ordinances provided for in RCW 35.13.470(4) and
11 subsection (4) of this section are subject to referendum for forty-five
12 days after passage. Upon the filing of a timely and sufficient
13 referendum petition with the legislative body, signed by registered
14 voters in number equal to not less than fifteen percent of the votes
15 cast in the last general state election in the area to be annexed, the
16 question of annexation shall be submitted to the voters of the area in
17 a general election if one is to be held within ninety days or at a
18 special election called for that purpose according to RCW 29A.04.330.
19 Notice of the election shall be given as provided in RCW 35.13.080 and
20 the election shall be conducted as provided in the general election
21 law. The annexation shall be deemed approved by the voters unless a
22 majority of the votes cast on the proposition are in opposition
23 thereto.

24 After the expiration of the forty-fifth day from but excluding the
25 date of passage of the annexation ordinance, if no timely and
26 sufficient referendum petition has been filed, the area annexed shall
27 become a part of the city or town upon the date fixed in the ordinance
28 of annexation.

29 (6) If more than one city or town adopts interlocal agreements
30 providing for annexation of the same unincorporated territory as
31 provided by this section, an election shall be held in the area to be
32 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the
33 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also
34 contain a separate proposition allowing voters to cast votes in favor
35 of annexation to any one city or town participating in an interlocal
36 agreement as provided by this section. If a majority of voters voting
37 on the proposition vote against annexation, the proposition is
38 defeated. If, however, a majority of voters voting in the election

1 approve annexation, the area shall be annexed to the city or town
2 receiving the highest number of votes among those cast in favor of
3 annexation.

4 (7) The annexation method authorized by this section may be used
5 only after obtaining approval: (a) By the owners of not less than
6 seventy percent in value according to the assessed valuation for
7 general taxation of the property for which annexation is proposed; or
8 (b) through a ballot proposition, conducted in accordance with RCW
9 35.13.070, that is approved by sixty percent of the voters voting on
10 the proposition.

11 (8) Costs for an election required under subsection (6) or (7) of
12 this section shall be borne by the county.

13 **Sec. 5.** RCW 35A.14.295 and 1997 c 429 s 36 are each amended to
14 read as follows:

15 (1) The legislative body of a code city may resolve to annex
16 territory containing residential property owners to the city if there
17 is within the city, unincorporated territory:

18 (a) Containing less than one hundred acres and having at least
19 eighty percent of the boundaries of such area contiguous to the code
20 city; or

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

26 (2) The resolution shall describe the boundaries of the area to be
27 annexed, state the number of voters residing therein as nearly as may
28 be, and set a date for a public hearing on such resolution for
29 annexation. Notice of the hearing shall be given by publication of the
30 resolution at least once a week for two weeks prior to the date of the
31 hearing, in one or more newspapers of general circulation within the
32 code city and one or more newspapers of general circulation within the
33 area to be annexed.

34 (3) For purposes of subsection (1)(b) of this section, territory
35 bounded by a river, lake, or other body of water is considered
36 contiguous to a city that is also bounded by the same river, lake, or
37 other body of water.

1 (4) The annexation method authorized by this section may be used
2 only after obtaining approval by the owners of not less than seventy
3 percent in value according to the assessed valuation for general
4 taxation of the property for which annexation is proposed.

5 **Sec. 6.** RCW 35A.14.460 and 2003 c 299 s 3 are each amended to read
6 as follows:

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

17 (2) If the territory proposed for annexation has been designated in
18 an adopted county comprehensive plan as part of an urban growth area,
19 urban service area, or potential annexation area for a specific city,
20 or if the urban growth area territory proposed for annexation has been
21 designated in a written agreement between a city and a county for
22 annexation to a specific city or town, the designation or designations
23 shall receive full consideration before a city or county may initiate
24 the annexation process provided for in RCW 35A.14.470.

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

32 (4) Following adoption and execution of the agreement by both
33 legislative bodies, the city legislative body shall adopt an ordinance
34 providing for the annexation of the territory described in the
35 agreement. The legislative body shall cause notice of the proposed
36 effective date of the annexation, together with a description of the
37 property to be annexed, to be published at least once each week for two

1 weeks subsequent to passage of the ordinance, in one or more newspapers
2 of general circulation within the city and in one or more newspapers of
3 general circulation within the territory to be annexed. If the
4 annexation ordinance provides for assumption of indebtedness or
5 adoption of a proposed zoning regulation, the notice shall include a
6 statement of the requirements. Any territory to be annexed through an
7 ordinance adopted under this section is annexed and becomes a part of
8 the city upon the date fixed in the ordinance of annexation, which date
9 may not be fewer than forty-five days after adoption of the ordinance.

10 (5) The annexation method authorized by this section may be used
11 only after obtaining approval: (a) By the owners of not less than
12 seventy percent in value according to the assessed valuation for
13 general taxation of the property for which annexation is proposed; or
14 (b) through a ballot proposition, conducted in accordance with RCW
15 35.13.070, that is approved by sixty percent of the voters voting on
16 the proposition.

17 **Sec. 7.** RCW 35A.14.470 and 2006 c 344 s 26 are each amended to
18 read as follows:

19 (1) The legislative body of any county planning under chapter
20 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
21 initiate an annexation process with the legislative body of any other
22 cities or towns that are contiguous to the territory proposed for
23 annexation in RCW 35A.14.460 if:

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

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

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

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

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

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

31 (5) The annexation ordinances provided for in RCW 35A.14.460(4) and
32 subsection (4) of this section are subject to referendum for forty-five
33 days after passage. Upon the filing of a timely and sufficient
34 referendum petition with the legislative body, signed by registered
35 voters in number equal to not less than fifteen percent of the votes
36 cast in the last general state election in the area to be annexed, the
37 question of annexation shall be submitted to the voters of the area in
38 a general election if one is to be held within ninety days or at a

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

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

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

24 (7) The annexation method authorized by this section may be used
25 only after obtaining approval: (a) By the owners of not less than
26 seventy percent in value according to the assessed valuation for
27 general taxation of the property for which annexation is proposed; or
28 (b) through a ballot proposition, conducted in accordance with RCW
29 35.13.070, that is approved by sixty percent of the voters voting on
30 the proposition.

31 (8) Costs for an election required under subsection (6) or (7) of
32 this section shall be borne by the county.

33 **Sec. 8.** RCW 35A.14.480 and 2009 c 60 s 9 are each amended to read
34 as follows:

35 (1)(a) An annexation by a code city proposing to annex territory
36 served by one or more fire protection districts may be accomplished by
37 ordinance after satisfying the requirements of this section and

1 entering into an interlocal agreement as provided in chapter 39.34 RCW
2 with the county and the fire protection district or districts that have
3 jurisdiction over the territory proposed for annexation.

4 (b) A code city proposing to annex territory shall initiate the
5 interlocal agreement process by sending notice to the fire protection
6 district representative and county representative stating the code
7 city's interest to enter into an interlocal agreement negotiation
8 process. The parties have forty-five days to respond in the
9 affirmative or negative. A negative response must state the reasons
10 the parties do not wish to participate in an interlocal agreement
11 negotiation. A failure to respond within the forty-five day period is
12 deemed an affirmative response and the interlocal agreement negotiation
13 process may proceed. The interlocal agreement process may not proceed
14 if any negative responses are received within the forty-five day
15 period.

16 (c) The interlocal agreement must describe the boundaries of the
17 territory proposed for annexation and must be consistent with the
18 boundaries identified in an ordinance describing the boundaries of the
19 territory proposed for annexation and setting a date for a public
20 hearing on the ordinance. If the boundaries of the territory proposed
21 for annexation are agreed to by all parties, a notice of intention must
22 be filed with the boundary review board created under RCW 36.93.030.
23 However, the jurisdiction of the board may not be invoked as described
24 in RCW 36.93.100 for annexations that are the subject of such
25 agreement.

26 (2) An interlocal annexation agreement under this section must
27 include the following:

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

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

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

37 (iii) A discussion with fire protection districts regarding the

1 division of assets and its impact to citizens inside and outside the
2 newly annexed area;

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

5 (v) Revenue sharing, if any;

6 (vi) Debt distribution;

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

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

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

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

16 (i) Roads and traffic impact mitigation;

17 (ii) Surface and storm water management;

18 (iii) Coordination and timing of comprehensive plan and development
19 regulation updates;

20 (iv) Outstanding bonds and special or improvement district
21 assessments;

22 (v) Annexation procedures;

23 (vi) Distribution of debt and revenue sharing for annexation
24 proposals, code enforcement, and inspection services;

25 (vii) Financial and administrative services; and

26 (viii) Consultation with other service providers, including water-
27 sewer districts, if applicable.

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

31 (3) If the fire protection district, annexing code city, and county
32 reach an agreement on the enumerated goals, the annexation ordinance
33 may proceed and is not subject to referendum. If only the annexing
34 code city and county reach an agreement on the enumerated goals, the
35 code city and county may proceed with annexation under the interlocal
36 agreement, but the annexation ordinance provided for in this section is
37 subject to referendum for forty-five days after its passage. Upon the
38 filing of a timely and sufficient referendum petition with the

1 legislative body of the code city, signed by qualified electors in a
2 number not less than ten percent of the votes cast in the last general
3 state election in the area to be annexed, the question of annexation
4 must be submitted to the voters of the area in a general election if
5 one is to be held within ninety days or at a special election called
6 for that purpose according to RCW 29A.04.330. Notice of the election
7 must be given as provided in RCW 35A.14.070, and the election must be
8 conducted as provided in the general election laws under Title 29A RCW.
9 The annexation must be deemed approved by the voters unless a majority
10 of the votes cast on the proposition are in opposition to the
11 annexation.

12 (4) After the expiration of the forty-fifth day from, but
13 excluding, the date of passage of the annexation ordinance, if a timely
14 and sufficient referendum petition has not been filed, the area annexed
15 becomes a part of the code city upon the date fixed in the ordinance of
16 annexation.

17 (5) The annexation method authorized by this section may be used
18 only after obtaining approval: (a) By the owners of not less than
19 seventy percent in value according to the assessed valuation for
20 general taxation of the property for which annexation is proposed; or
21 (b) through a ballot proposition, conducted in accordance with RCW
22 35.13.070, that is approved by sixty percent of the voters voting on
23 the proposition.

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