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**SENATE BILL 5249**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senator Hunt

AN ACT Relating to eliminating certain requirements for the annexation of an unincorporated island of territory; and amending RCW 35A.14.295, 35A.14.297, 35A.14.299, and 36.93.105.

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

**Sec.**  RCW 35A.14.295 and 2013 2nd sp.s. c 27 s 1 are each amended to read as follows:

(1) The legislative body of a code city may resolve to annex territory to the city if there is within the city, unincorporated territory:

(a) Containing less than one hundred seventy-five acres and having all of the boundaries of such area contiguous to the code city; or

(b) Of any size containing residential property owners and having at least eighty percent of the boundaries of such area contiguous to the city. Territory annexed under this subsection (1)(b) must be within the same county and within the same urban growth area designated under RCW 36.70A.110, and the city must plan under chapter 36.70A RCW.

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

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

**Sec.**  RCW 35A.14.297 and 1967 ex.s. c 119 s 35A.14.297 are each amended to read as follows:

On the date set for hearing as provided in RCW 35A.14.295, any member of the public, including but not limited to residents or property owners of the area included in the resolution for annexation shall be afforded an opportunity to be heard. The legislative body may provide by ordinance for annexation of the territory described in the resolution((~~, but the effective date of the ordinance shall be not less than forty-five days after the passage thereof~~)). The legislative body shall cause notice of the ((~~proposed~~)) effective date of the annexation, together with a description of the property ((~~to be~~)) annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area ((~~to be~~)) annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements. ((~~Such annexation ordinance shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition as provided in RCW 35A.14.299 below, a referendum election shall be held as provided in RCW 35A.14.299, and the annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from, but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, as provided by RCW 35A.14.299 below,~~)) The area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation.

**Sec.**  RCW 35A.14.299 and 2006 c 344 s 25 are each amended to read as follows:

((~~Such annexation ordinance as provided for in RCW 35A.14.297 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW 35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.~~

~~After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed,~~)) The area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in RCW 35A.14.330 and 35A.14.340. If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

**Sec.**  RCW 36.93.105 and 1999 c 153 s 46 are each amended to read as follows:

The following actions shall not be subject to potential review by a boundary review board:

(1) Annexations of territory to a water-sewer district pursuant to RCW 36.94.410 through 36.94.440;

(2) Annexations of unincorporated island of territory within a code city pursuant to RCW 35A.14.295 through 35A.14.299;

(3) Revisions of city or town boundaries pursuant to RCW 35.21.790 or 35A.21.210;

((~~(3)~~)) (4) Adjustments to city or town boundaries pursuant to RCW 35.13.340; and

((~~(4)~~)) (5) Adjustments to city and town boundaries pursuant to RCW 35.13.300 through 35.13.330.

**--- END ---**