
SUBSTITUTE HOUSE BILL 1948

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Thompson, Scott and Koster)

Read first time 03/05/97.

1 AN ACT Relating to annexations by cities and towns; amending RCW
2 35.13.005, 35A.14.005, 35.13.180, and 36.70A.110; adding a new section
3 to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW;
4 providing expiration dates; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13 RCW
7 to read as follows:

8 A city or town may not annex territory unless the territory is
9 located within the same county as the city or town.

10 This section expires July 1, 1999.

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

13 A code city may not annex territory unless the territory is located
14 within the same county as the code city.

15 This section expires July 1, 1999.

16 **Sec. 3.** RCW 35.13.005 and 1990 1st ex.s. c 17 s 30 are each
17 amended to read as follows:

1 (~~No~~) A city or town may not annex territory located in a county
2 in which urban growth areas have been designated under RCW 36.70A.110
3 (~~may annex territory~~) that is located beyond an urban growth area
4 unless the territory is annexed under RCW 35.13.180.

5 **Sec. 4.** RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31 are each
6 amended to read as follows:

7 (~~No~~) A code city may not annex territory located in a county in
8 which urban growth areas have been designated under RCW 36.70A.110
9 (~~may annex territory~~) that is located beyond an urban growth area
10 unless the territory is annexed under RCW 35A.14.300.

11 **Sec. 5.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to read
12 as follows:

13 City and town councils (~~of second class cities and towns~~) may by
14 a majority vote annex new unincorporated territory outside the city or
15 town limits, whether contiguous or noncontiguous for park, cemetery, or
16 other municipal purposes when such territory is owned by the city or
17 town (~~or all of the owners of the real property in the territory give~~
18 ~~their written consent to the annexation~~)).

19 **Sec. 6.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read
20 as follows:

21 (1) Each county that is required or chooses to plan under RCW
22 36.70A.040 shall designate an urban growth area or areas within which
23 urban growth shall be encouraged and outside of which growth can occur
24 only if it is not urban in nature. Each city that is located in such
25 a county shall be included within an urban growth area, except that an
26 area owned by a city or town that was annexed to the city or town under
27 RCW 35.13.180 or 35A.14.300 may be located outside of an urban growth
28 area. An urban growth area may include more than a single city. An
29 urban growth area may include territory that is located outside of a
30 city only if such territory already is characterized by urban growth
31 whether or not the urban growth area includes a city, or is adjacent to
32 territory already characterized by urban growth, or is a designated new
33 fully contained community as defined by RCW 36.70A.350.

34 (2) Based upon the growth management population projection made for
35 the county by the office of financial management, the urban growth
36 areas in the county shall include areas and densities sufficient to

1 permit the urban growth that is projected to occur in the county for
2 the succeeding twenty-year period. Each urban growth area shall permit
3 urban densities and shall include greenbelt and open space areas. An
4 urban growth area determination may include a reasonable land market
5 supply factor and shall permit a range of urban densities and uses. In
6 determining this market factor, cities and counties may consider local
7 circumstances. Cities and counties have discretion in their
8 comprehensive plans to make many choices about accommodating growth.

9 Within one year of July 1, 1990, each county that as of June 1,
10 1991, was required or chose to plan under RCW 36.70A.040, shall begin
11 consulting with each city located within its boundaries and each city
12 shall propose the location of an urban growth area. Within sixty days
13 of the date the county legislative authority of a county adopts its
14 resolution of intention or of certification by the office of financial
15 management, all other counties that are required or choose to plan
16 under RCW 36.70A.040 shall begin this consultation with each city
17 located within its boundaries. The county shall attempt to reach
18 agreement with each city on the location of an urban growth area within
19 which the city is located. If such an agreement is not reached with
20 each city located within the urban growth area, the county shall
21 justify in writing why it so designated the area an urban growth area.
22 A city may object formally with the department over the designation of
23 the urban growth area within which it is located. Where appropriate,
24 the department shall attempt to resolve the conflicts, including the
25 use of mediation services.

26 (3) Urban growth should be located first in areas already
27 characterized by urban growth that have adequate existing public
28 facility and service capacities to serve such development, second in
29 areas already characterized by urban growth that will be served
30 adequately by a combination of both existing public facilities and
31 services and any additional needed public facilities and services that
32 are provided by either public or private sources, and third in the
33 remaining portions of the urban growth areas. Urban growth may also be
34 located in designated new fully contained communities as defined by RCW
35 36.70A.350.

36 (4) In general, cities are the units of local government most
37 appropriate to provide urban governmental services. In general, it is
38 not appropriate that urban governmental services be extended to or
39 expanded in rural areas except in those limited circumstances shown to

1 be necessary to protect basic public health and safety and the
2 environment and when such services are financially supportable at rural
3 densities and do not permit urban development.

4 (5) On or before October 1, 1993, each county that was initially
5 required to plan under RCW 36.70A.040(1) shall adopt development
6 regulations designating interim urban growth areas under this chapter.
7 Within three years and three months of the date the county legislative
8 authority of a county adopts its resolution of intention or of
9 certification by the office of financial management, all other counties
10 that are required or choose to plan under RCW 36.70A.040 shall adopt
11 development regulations designating interim urban growth areas under
12 this chapter. Adoption of the interim urban growth areas may only
13 occur after public notice; public hearing; and compliance with the
14 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
15 Such action may be appealed to the appropriate growth management
16 hearings board under RCW 36.70A.280. Final urban growth areas shall be
17 adopted at the time of comprehensive plan adoption under this chapter.

18 (6) Each county shall include designations of urban growth areas in
19 its comprehensive plan.

20 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately.

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