CERTIFICATION OF ENROLLMENT

HOUSE BILL 1295

Chapter 402, Laws of 2009

61st Legislature
2009 Regular Session

AGRICULTURAL FAIRS--ANNEXATION

EFFECTIVE DATE: 07/26/09

Passed by the House April 18, 2009
Yeas 97 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 2, 2009
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved May 7, 2009, 2:46 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 1295 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
May 8, 2009

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
HOUSE BILL 1295

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representatives Warnick and Upthegrove

Read first time 01/16/09. Referred to Committee on Local Government & Housing.

AN ACT Relating to annexing areas used for agricultural fairs; amending RCW 35.13.010 and 35A.14.010; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature recognizes that agricultural fairs serve valuable educational, vocational, and recreational purposes that promote the public good and serve as showcases for an important sector of Washington's economy. The legislature also recognizes that counties provide territory for agricultural fairs and supporting services, thereby creating locales for economic and other beneficial activities. Washington's increasing population can, however, create significant annexation pressures that impact fairgrounds and surrounding lands.

In recognition of the many benefits of agricultural fairs and the importance of promoting effective annexation laws, the legislature intends to establish clear and logical procedures for the annexation of county-owned fairgrounds that are consistent with the longstanding
requirement that these grounds may only be annexed with the consent of
a majority of the county legislative authority.

Sec. 2. RCW 35.13.010 and 1965 c 7 s 35.13.010 are each amended to
read as follows:

Any portion of a county not incorporated as part of a city or town
but lying contiguous thereto may become a part of the city or town by
annexation(Provided, That property owned by a county, and used for
the purpose of an agricultural fair as provided in chapter 15.76 RCW or
chapter 36.37 RCW shall not be subject to annexation without the
consent of the majority of the board of county commissioners). An
area proposed to be annexed to a city or town shall be deemed
contiguous thereto even though separated by water or tide or shore
lands on which no bona fide residence is maintained by any person.

NEW SECTION. Sec. 3. A new section is added to chapter 35.13 RCW
to read as follows:

(1) Territory owned by a county and used for an agricultural fair
as provided in chapter 15.76 RCW or chapter 36.37 RCW may only be
annexed to a city or town through the method prescribed in this
section.

(a) The legislative body of the city or town proposing the
annexation must submit a request for annexation and a legal description
of the subject territory to the legislative authority of the county
within which the territory is located.

(b) Upon receipt of the request and description, the county
legislative authority has thirty days to review the proposal and
determine if the annexation proceedings will continue. As a condition
of approval, the county legislative authority may modify the proposal,
but it may not add territory that was not included in the request and
description. Approval of the county legislative authority is a
condition precedent to further proceedings upon the request and there
is no appeal of the county legislative authority's decision.

(c) If the county legislative authority determines that the
proceedings may continue, it must, within thirty days of the
determination, fix a date for a public hearing on the proposal, and
cause notice of the hearing to be published at least once a week for
two weeks prior to the hearing in one or more newspapers of general

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circulation in the territory proposed for annexation. The notice must also be posted in three public places within the subject territory, specify the time and place of the hearing, and invite interested persons to appear and voice approval or disapproval of the annexation. If the annexation proposal provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of these requirements.

(d) If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

(e) If, following the county legislative authority's adoption of the annexation approval resolution, the legislative body of the city or town proposing annexation determines to effect the annexation, it must do so by ordinance. The ordinance: (i) May only include territory approved for annexation in the resolution adopted under (d) of this subsection; and (ii) must not exclude territory approved for annexation in the resolution adopted under (d) of this subsection. Upon passage of the annexation ordinance, a certified copy must be filed with the applicable county legislative authority.

(2) Any territory annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance.

Sec. 4. RCW 35A.14.010 and 1967 ex.s. c 119 s 35A.14.010 are each amended to read as follows:

Any portion of a county not incorporated as part of a city or town but lying contiguous to a code city may become a part of the charter code city or noncharter code city by annexation(Provided, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners). An area proposed to be annexed to a charter code city or noncharter code city shall be deemed contiguous thereto even though separated by water or tide or shore lands and, upon annexation of such area, any such intervening water and/or tide or shore lands shall become a part of such annexing city.
NEW SECTION. Sec. 5. A new section is added to chapter 35A.14 RCW to read as follows:

(1) Territory owned by a county and used for an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW may only be annexed to a code city through the method prescribed in this section.

(a) The legislative body of the city proposing the annexation must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

(b) Upon receipt of the request and description, the county legislative authority has thirty days to review the proposal and determine if the annexation proceedings will continue. As a condition of approval, the county legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the county legislative authority's decision.

(c) If the county legislative authority determines that the proceedings may continue, it must, within thirty days of the determination, fix a date for a public hearing on the proposal, and cause notice of the hearing to be published at least once a week for two weeks prior to the hearing in one or more newspapers of general circulation in the territory proposed for annexation. The notice must also be posted in three public places within the subject territory, specify the time and place of the hearing, and invite interested persons to appear and voice approval or disapproval of the annexation. If the annexation proposal provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of these requirements.

(d) If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

(e) If, following the county legislative authority's adoption of the annexation approval resolution, the legislative body of the city proposing annexation determines to effect the annexation, it must do so by ordinance. The ordinance: (i) May only include territory approved for annexation in the resolution adopted under (d) of this subsection;
and (ii) must not exclude territory approved for annexation in the
resolution adopted under (d) of this subsection. Upon passage of the
annexation ordinance, a certified copy must be filed with the
applicable county legislative authority.

(2) Any territory annexed through an ordinance adopted under this
section is annexed and becomes a part of the code city upon the date
fixed in the ordinance.

Passed by the House April 18, 2009.
Passed by the Senate April 2, 2009.
Approved by the Governor May 7, 2009.
Filed in Office of Secretary of State May 8, 2009.