

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.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

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

**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.

1 AN ACT Relating to annexing areas used for agricultural fairs;
2 amending RCW 35.13.010 and 35A.14.010; adding a new section to chapter
3 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a
4 new section.

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

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

15 In recognition of the many benefits of agricultural fairs and the
16 importance of promoting effective annexation laws, the legislature
17 intends to establish clear and logical procedures for the annexation of
18 county-owned fairgrounds that are consistent with the longstanding

1 requirement that these grounds may only be annexed with the consent of
2 a majority of the county legislative authority.

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

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

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

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

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

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

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

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

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

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

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

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

26 Any portion of a county not incorporated as part of a city or town
27 but lying contiguous to a code city may become a part of the charter
28 code city or noncharter code city by annexation(~~(:—PROVIDED,—That~~
29 ~~property owned by a county, and used for the purpose of an agricultural~~
30 ~~fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be~~
31 ~~subject to annexation without the consent of the majority of the board~~
32 ~~of county commissioners)). An area proposed to be annexed to a charter
33 code city or noncharter code city shall be deemed contiguous thereto
34 even though separated by water or tide or shore lands and, upon
35 annexation of such area, any such intervening water and/or tide or
36 shore lands shall become a part of such annexing city.~~

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.14 RCW
2 to read as follows:

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

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

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

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

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

34 (e) If, following the county legislative authority's adoption of
35 the annexation approval resolution, the legislative body of the city
36 proposing annexation determines to effect the annexation, it must do so
37 by ordinance. The ordinance: (i) May only include territory approved
38 for annexation in the resolution adopted under (d) of this subsection;

1 and (ii) must not exclude territory approved for annexation in the
2 resolution adopted under (d) of this subsection. Upon passage of the
3 annexation ordinance, a certified copy must be filed with the
4 applicable county legislative authority.

5 (2) Any territory annexed through an ordinance adopted under this
6 section is annexed and becomes a part of the code city upon the date
7 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.