

1 35 and 35A RCW must file notice with the office of financial
2 management for its review within three days of initial acceptance or
3 approval of the proposed action by the appropriate entity, except if
4 the initiator is the legislative body of a government unit, the
5 notice must be filed immediately following the legislative body's
6 initial acceptance or approval of the action.

7 (2) The notice of intention must be submitted with the following:

8 (a) A legal description of the proposed annexation, deannexation,
9 incorporation, disincorporation, consolidation, or boundary line
10 adjustment, which must be approved by the office of financial
11 management before subsequent notices regarding the proposed action
12 are filed;

13 (b) A map showing the specific territory boundaries of the
14 proposed annexation, deannexation, incorporation, disincorporation,
15 consolidation, or boundary line adjustment;

16 (c) The proposed action or resolution, if applicable;

17 (d) Parcel numbers of affected properties, if applicable; and

18 (e) Street addresses of affected properties, if applicable, but
19 excluding the names of owners and residents.

20 (3) Within thirty days of receipt of notice, the office of
21 financial management must review the documents and deny approval of
22 the proposed action if any of the following occur:

23 (a) Except for city consolidations and boundary line adjustments,
24 the ordinance or resolution includes any territory that is part of
25 another city or that is already part of the city boundaries;

26 (b) Except for municipal purpose annexations, the territory to be
27 annexed, deannexed, or incorporated, or subject to consolidation is
28 not contiguous to existing city boundaries;

29 (c) The proposed action or resolution does not include or
30 excludes the full right-of-way when roads are being used as part of
31 the city boundary;

32 (d) Except for municipal purpose annexations, the proposed action
33 or resolution includes any territory that is outside of an urban
34 growth area in counties that are required or choose to plan under
35 chapter 36.70A RCW; or

36 (e) The map of the territory to be annexed, deannexed,
37 incorporated, disincorporated, consolidated, or subject to boundary
38 line adjustment is not an accurate representation of the legal
39 description.

1 (4) The office of financial management must post required
2 documents as described in subsection (2) of this section on its web
3 site and notify the department of transportation. The office of
4 financial management must produce an annexation, deannexation,
5 incorporation, disincorporation, city consolidation, and boundary
6 line adjustment report thirty days prior to the commencement of each
7 quarterly period, post the report on its web site, and notify state
8 entities pursuant to RCW 35.13.260 and 35A.14.700.

9 (5) For purposes of this section, "contiguous" means that
10 territory proposed to be annexed, deannexed, incorporated, or
11 consolidated touches or is in physical contact with a city boundary
12 though the contact must be more than a single point. Territory
13 connected to a city only by a public right-of-way, where the edge of
14 the right-of-way does not constitute part of the city boundary, is
15 not considered contiguous for purposes of this section.

16 **PART I - INCORPORATION**

17 **Sec. 101.** RCW 35.02.030 and 1994 c 216 s 3 are each amended to
18 read as follows:

19 The petition for incorporation shall: (1) Indicate whether the
20 proposed city or town shall be a noncharter code city operating under
21 Title 35A RCW, or a city or town operating under Title 35 RCW; (2)
22 indicate the form or plan of government the city or town is to have;
23 (3) set forth and particularly describe the proposed boundaries of
24 the proposed city or town; (4) state the name of the proposed city or
25 town; (5) state the number of inhabitants therein, as (~~nearly as may~~
26 ~~be~~) determined by the office of financial management through use of
27 its small area estimate program; and (6) pray that the city or town
28 be incorporated. The petition shall conform to the requirements for
29 form prescribed in RCW 35A.01.040. The petition shall include the
30 identification number provided under RCW 35.02.017 and state the last
31 date by which the petition may be filed, as determined under RCW
32 35.02.020.

33 If the proposed city or town is located in more than one county,
34 the petition shall be prepared in such a manner as to indicate the
35 different counties within which the signators reside.

36 A city or town operating under Title 35 RCW may have a mayor/
37 council, council/manager, or commission form of government. A city

1 operating under Title 35A RCW may have a mayor/council or council/
2 manager plan of government.

3 If the petition fails to specify the matters described in
4 subsection (1) of this section, the proposal shall be to incorporate
5 as a noncharter code city. If the petition fails to specify the
6 matter described in subsection (2) of this section, the proposal
7 shall be to incorporate with a mayor/council form or plan of
8 government.

9 **Sec. 102.** RCW 35.02.037 and 1986 c 234 s 6 are each amended to
10 read as follows:

11 The county auditor who certifies the sufficiency of the petition
12 shall notify the person or persons who submitted the petition of its
13 sufficiency within five days of when the determination of sufficiency
14 is made. Notice shall be by certified mail and may additionally be
15 made by telephone. The petitioners must file notice of the proposed
16 action with the office of financial management for its review and
17 approval pursuant to section 1 of this act. If a boundary review
18 board or boards exists in the county or counties in which the
19 proposed city or town is located, the petitioners (~~shall~~) must also
20 file notice of the proposed incorporation with the boundary review
21 board or boards.

22 **Sec. 103.** RCW 35.02.070 and 1994 c 216 s 17 are each amended to
23 read as follows:

24 (1) If a county legislative authority holds a public hearing on a
25 proposed incorporation, it shall establish and define the boundaries
26 of the proposed city or town, being authorized to decrease or
27 increase the area proposed in the petition under the same
28 restrictions that a boundary review board may modify the proposed
29 boundaries. The (~~county legislative authority, or the boundary~~
30 ~~review board if it takes jurisdiction, shall~~) office of financial
31 management must determine the number of inhabitants within the
32 proposed boundaries (~~it has established~~) through use of its small
33 area estimate program. If the boundary review board modifies the
34 proposed boundaries, the county legislative authority must notify the
35 office of financial management of the modifications.

36 (2) A county legislative authority shall disapprove the proposed
37 incorporation if, without decreasing the area proposed in the
38 petition, it does not conform with RCW 35.02.010. A county

1 legislative authority may not otherwise disapprove a proposed
2 incorporation.

3 (3) A county legislative authority or boundary review board has
4 jurisdiction only over that portion of a proposed city or town
5 located within the boundaries of the county.

6 **Sec. 104.** RCW 35.02.100 and 1986 c 234 s 13 are each amended to
7 read as follows:

8 The notice of election on the question of the incorporation shall
9 be given as provided by RCW (~~(29.27.080)~~) 29A.52.355 but shall
10 further describe the boundaries of the proposed city or town, its
11 name, and the number of inhabitants (~~((ascertained by the county
12 legislative authority or the boundary review board to reside in it))~~)
13 as determined by the office of financial management through use of
14 its small area estimate program.

15 **Sec. 105.** RCW 35.02.130 and 2011 c 60 s 15 are each amended to
16 read as follows:

17 Subject to approval of the proposed action by the office of
18 financial management pursuant to section 1 of this act, the city or
19 town officially shall become incorporated at a date from one hundred
20 eighty days to three hundred sixty days after the date of the
21 election on the question of incorporation. An interim period shall
22 exist between the time the newly elected officials have been elected
23 and qualified and this official date of incorporation. During this
24 interim period, the newly elected officials are authorized to adopt
25 ordinances and resolutions which shall become effective on or after
26 the official date of incorporation, and to enter into contracts and
27 agreements to facilitate the transition to becoming a city or town
28 and to ensure a continuation of governmental services after the
29 official date of incorporation. Periods of time that would be
30 required to elapse between the enactment and effective date of such
31 ordinances, including but not limited to times for publication or for
32 filing referendums, shall commence upon the date of such enactment as
33 though the city or town were officially incorporated.

34 During this interim period, the city or town governing body may
35 adopt rules establishing policies and procedures under the state
36 environmental policy act, chapter 43.21C RCW, and may use these rules
37 and procedures in making determinations under the state environmental
38 policy act, chapter 43.21C RCW.

1 During this interim period, the newly formed city or town and its
2 governing body shall be subject to the following as though the city
3 or town were officially incorporated: RCW 4.24.470 relating to
4 immunity; chapter 42.17A RCW relating to open government; chapter
5 42.56 RCW relating to public records; chapter 40.14 RCW relating to
6 the preservation and disposition of public records; chapters 42.20
7 and 42.23 RCW relating to ethics and conflicts of interest; chapters
8 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW
9 35.22.288, 35.23.221, 35.27.300, 35A.12.160, as appropriate, and
10 chapter 35A.65 RCW relating to the publication of notices and
11 ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation
12 of an official newspaper; RCW 36.16.138 relating to liability
13 insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate,
14 and statutes referenced therein relating to public contracts and
15 bidding; and chapter 39.34 RCW relating to interlocal cooperation.
16 Tax anticipation or revenue anticipation notes or warrants and other
17 short-term obligations may be issued and funds may be borrowed on the
18 security of these instruments during this interim period, as provided
19 in chapter 39.50 RCW. Funds also may be borrowed from federal, state,
20 and other governmental agencies in the same manner as if the city or
21 town were officially incorporated.

22 RCW 84.52.020 and 84.52.070 shall apply to the extent that they
23 may be applicable, and the governing body of such city or town may
24 take appropriate action by ordinance during the interim period to
25 adopt the property tax levy for its first full calendar year
26 following the interim period.

27 The governing body of the new city or town may acquire needed
28 facilities, supplies, equipment, insurance, and staff during this
29 interim period as if the city or town were in existence. An interim
30 city manager or administrator, who shall have such administrative
31 powers and duties as are delegated by the governing body, may be
32 appointed to serve only until the official date of incorporation.
33 After the official date of incorporation the governing body of such a
34 new city organized under the council manager form of government may
35 extend the appointment of such an interim manager or administrator
36 with such limited powers as the governing body determines, for up to
37 ninety days. This governing body may submit ballot propositions to
38 the voters of the city or town to authorize taxes to be collected on
39 or after the official date of incorporation, or authorize an
40 annexation of the city or town by a fire protection district or

1 library district to be effective immediately upon the effective date
2 of the incorporation as a city or town.

3 The boundaries of a newly incorporated city or town shall be
4 deemed to be established for purposes of RCW 84.09.030 on the date
5 that the results of the initial election on the question of
6 incorporation are certified or the first day of January following the
7 date of this election if the newly incorporated city or town does not
8 impose property taxes in the same year that the voters approve the
9 incorporation.

10 The newly elected officials shall take office immediately upon
11 their election and qualification with limited powers during this
12 interim period as provided in this section. They shall acquire their
13 full powers as of the official date of incorporation and shall
14 continue in office until their successors are elected and qualified
15 at the next general municipal election after the official date of
16 incorporation: PROVIDED, That if the date of the next general
17 municipal election is less than twelve months after the date of the
18 first election of councilmembers, those initially elected
19 councilmembers shall serve until their successors are elected and
20 qualified at the next following general municipal election as
21 provided in RCW ((~~29A.20.040~~)) 29A.60.280. For purposes of this
22 section, the general municipal election shall be the date on which
23 city and town general elections are held throughout the state of
24 Washington, pursuant to RCW 29A.04.330.

25 In any newly incorporated city that has adopted the council-
26 manager form of government, the term of office of the mayor, during
27 the interim period only, shall be set by the council, and thereafter
28 shall be as provided by law.

29 The official date of incorporation shall be on a date from one
30 hundred eighty to three hundred sixty days after the date of the
31 election on the question of incorporation, as specified in a
32 resolution adopted by the governing body during this interim period.
33 A copy of the resolution shall be filed with the county legislative
34 authority of the county in which all or the major portion of the
35 newly incorporated city or town is located. If the governing body
36 fails to adopt such a resolution, the official date of incorporation
37 shall be three hundred sixty days after the date of the election on
38 the question of incorporation. The county legislative authority of
39 the county in which all or the major portion of the newly
40 incorporated city or town is located shall file a notice with the

1 county assessor that the city or town has been authorized to be
2 incorporated immediately after the favorable results of the election
3 on the question of incorporation have been certified. The county
4 legislative authority shall file a notice with the secretary of state
5 and the office of financial management that the city or town is
6 incorporated as of the official date of incorporation.

7 **PART II - DISINCORPORATION**

8 **Sec. 201.** RCW 35.07.020 and 1965 c 7 s 35.07.020 are each
9 amended to read as follows:

10 The petition for disincorporation must be signed by a majority of
11 the registered voters thereof and filed with the city or town
12 council. The petitioners must also file notice of the proposed action
13 with the office of financial management for its review and approval
14 pursuant to section 1 of this act.

15 **Sec. 202.** RCW 35.07.040 and 1997 c 361 s 4 are each amended to
16 read as follows:

17 The council shall cause an election to be called upon the
18 proposition of disincorporation. The council must also file notice of
19 the proposed action with the office of financial management for its
20 review and approval pursuant to section 1 of this act. If the city or
21 town has any indebtedness or outstanding liabilities, it shall order
22 the election of a receiver at the same time.

23 **Sec. 203.** RCW 35.07.230 and 1995 c 301 s 34 are each amended to
24 read as follows:

25 If any town fails for two successive years to hold its regular
26 municipal election, or if the officers elected at the regular
27 election of any town fail for two successive years to qualify and the
28 government of the town ceases to function by reason thereof, the
29 state auditor may petition the superior court of the county for an
30 order((7)) dissolving the town. The state auditor must also file
31 notice of the proposed action with the office of financial management
32 for its review and approval pursuant to section 1 of this act. In
33 addition to stating the facts which would justify the entry of such
34 an order, the petition shall set forth a detailed statement of the
35 assets and liabilities of the town insofar as they can be
36 ascertained.

1 Two or more contiguous, as defined in section 1(5) of this act,
2 cities located in the same or different counties may consolidate into
3 one city by proceedings in conformity with the provisions of this
4 chapter. When cities are separated by water and/or tide or shore
5 lands they shall be deemed contiguous, as defined in section 1(5) of
6 this act, for all the purposes of this chapter and, upon a
7 consolidation of such cities under the provisions of this chapter,
8 any such intervening water and/or tide or shore lands shall become a
9 part of the consolidated city. The consolidated city shall become a
10 noncharter code city operating under Title 35A RCW.

11 **Sec. 303.** RCW 35.10.410 and 1985 c 281 s 4 are each amended to
12 read as follows:

13 The submission of a ballot proposal to the voters of two or more
14 contiguous cities for the consolidation of these contiguous, as
15 defined in section 1(5) of this act, cities may be caused by the
16 adoption of a joint resolution, by a majority vote of each city
17 legislative body, seeking consolidation of such contiguous cities.
18 Each city's legislative body must file notice of the proposed action
19 with the office of financial management for its review and approval
20 pursuant to section 1 of this act. The joint resolution shall provide
21 for submission of the question to the voters at the next general
22 municipal election, if one is to be held more than ninety days but
23 not more than one hundred eighty days after the passage of the joint
24 resolution, or shall call for a special election to be held for that
25 purpose at the next special election date, as specified in RCW
26 ((29.13.020)) 29A.04.330, that occurs ninety or more days after the
27 passage of the joint resolution. The legislative bodies of the cities
28 also shall notify the county legislative authority of each county in
29 which the cities are located of the proposed consolidation.

30 **Sec. 304.** RCW 35.10.420 and 1995 c 196 s 7 are each amended to
31 read as follows:

32 The submission of a ballot proposal to the voters of two or more
33 contiguous cities for the consolidation of these contiguous, as
34 defined in section 1(5) of this act, cities may also be caused by the
35 filing of a petition with the legislative body of each such city,
36 signed by the voters of each city in number equal to not less than
37 ten percent of voters who voted in the city at the last general
38 municipal election therein, seeking consolidation of such contiguous

1 cities. A copy of the petition shall be forwarded immediately by each
2 city to the auditor of the county or counties within which that city
3 is located.

4 The county auditor or auditors shall determine the sufficiency of
5 the signatures in each petition within ten days of receipt of the
6 copies and immediately notify the cities proposed to be consolidated
7 of the sufficiency. Upon receipt of notice from the county auditor or
8 auditors, the cities must file notice of the proposed action with the
9 office of financial management for its review and approval pursuant
10 to section 1 of this act. If each of the petitions is found to have
11 sufficient valid signatures, the auditor or auditors shall call a
12 special election at which the question of whether such cities shall
13 consolidate shall be submitted to the voters of each of such cities.
14 If a general election is to be held more than ninety days but not
15 more than one hundred eighty days after the filing of the last
16 petition, the question shall be submitted at that election. Otherwise
17 the question shall be submitted at a special election to be called
18 for that purpose at the next special election date, as specified in
19 RCW ((~~29.13.020~~)) 29A.04.330, that occurs ninety or more days after
20 the date when the last petition was filed.

21 If each of the petitions is found to have sufficient valid
22 signatures, the auditor or auditors also shall notify the county
23 legislative authority of each county in which the cities are located
24 of the proposed consolidation.

25 Petitions shall conform with the requirements for form prescribed
26 in RCW 35A.01.040, except different colored paper may be used on
27 petitions circulated in the different cities. A legal description of
28 the cities need not be included in the petitions.

29 **PART IV - ANNEXATION, BOUNDARY LINE ADJUSTMENT, AND CITY LIMIT**
30 **REDUCTION**

31 **Sec. 401.** RCW 35.13.010 and 2009 c 402 s 2 are each amended to
32 read as follows:

33 Any portion of a county not incorporated as part of a city or
34 town but lying contiguous, as defined in section 1(5) of this act,
35 thereto may become a part of the city or town by annexation. An area
36 proposed to be annexed to a city or town shall be deemed contiguous,
37 as defined in section 1(5) of this act, thereto even though separated

1 by water or tide or shore lands on which no bona fide residence is
2 maintained by any person.

3 **Sec. 402.** RCW 35.13.020 and 1981 c 332 s 3 are each amended to
4 read as follows:

5 A petition for an election to vote upon the annexation of a
6 portion of a county to a contiguous, as defined in section 1(5) of
7 this act, city or town signed by qualified voters resident in the
8 area equal in number to twenty percent of the votes cast at the last
9 election ~~((may))~~ must be filed ~~((in the office of the board of county~~
10 ~~commissioners: PROVIDED, That any such petition shall first be~~
11 ~~submitted to the prosecuting attorney who shall, within twenty one~~
12 ~~days after submission, certify or refuse to certify the petition as~~
13 ~~set forth in RCW 35.13.025. If the prosecuting attorney certifies the~~
14 ~~petition, it shall be filed with the legislative body of the city or~~
15 ~~town to which the annexation is proposed, and such))~~ with the auditor
16 of the county in which all, or the greatest portion, of the territory
17 is located, and a copy of the petition must be filed with the
18 legislative body of the city or town. If the territory is located in
19 more than one county, the auditor of the county with whom the
20 petition is filed is the lead auditor and must transmit a copy of the
21 petition to the auditor of each other county within which a portion
22 of the territory is located. The auditor or auditors must examine the
23 petition, and the auditor or lead auditor must certify the
24 sufficiency of the petition to the legislative body of the city or
25 town. If the signatures on the petition are certified under the rules
26 set forth in RCW 35.21.005 as containing sufficient, valid
27 signatures, the legislative body ((shall)) of the city or town must,
28 by resolution entered within sixty days from the date of
29 presentation, notify the petitioners, either by mail or by
30 publication in the same manner notice of hearing is required by RCW
31 35.13.040 to be published, of its approval or rejection of the
32 proposed action. If approved, the legislative body of the city or
33 town must file notice of the proposed action with the office of
34 financial management for its review pursuant to section 1 of this
35 act. The petition may also provide for the simultaneous creation of a
36 community municipal corporation and election of community
37 councilmembers as provided for in RCW 35.14.010 through 35.14.060. In
38 approving the proposed action, the legislative body may require that
39 there also be submitted to the electorate of the territory to be

1 annexed, a proposition that all property within the area to be
2 annexed shall, upon annexation be assessed and taxed at the same rate
3 and on the same basis as the property of such annexing city or town
4 is assessed and taxed to pay for all or any portion of the then
5 outstanding indebtedness of the city or town to which said area is
6 annexed, approved by the voters, contracted, or incurred prior to, or
7 existing at, the date of annexation. Only after the legislative body
8 has completed preparation and filing of a comprehensive plan for the
9 area to be annexed as provided for in RCW 35.13.177 and 35.13.178,
10 the legislative body in approving the proposed action, may require
11 that the comprehensive plan be simultaneously adopted upon approval
12 of annexation by the electorate of the area to be annexed. The
13 approval of the legislative body shall be a condition precedent to
14 the filing of such petition with the board of county commissioners
15 (~~as hereinafter provided~~) pursuant to RCW 35.13.030. The costs of
16 conducting such election shall be a charge against the city or town
17 concerned. The proposition or questions provided for in this section
18 may be submitted to the voters either separately or as a single
19 proposition.

20 **Sec. 403.** RCW 35.13.100 and 1996 c 286 s 2 are each amended to
21 read as follows:

22 If (1) a proposition relating to annexation or annexation and
23 adoption of the comprehensive plan or creation of a community
24 municipal corporation, or both, as the case may be was submitted to
25 the voters and such proposition was approved and (2) the proposed
26 action is approved by the office of financial management pursuant to
27 section 1 of this act, the legislative body shall adopt an ordinance
28 providing for the annexation or adopt ordinances providing for the
29 annexation and adoption of the comprehensive plan, or adopt an
30 ordinance providing for the annexation and creation of a community
31 municipal corporation, as the case may be. If a proposition for
32 annexation or annexation and adoption of the comprehensive plan or
33 creation of a community municipal corporation, as the case may be,
34 and a proposition for assumption of all or of any portion of
35 indebtedness were both submitted, and were approved, the legislative
36 body shall adopt an ordinance providing for the annexation or
37 annexation and adoption of the comprehensive plan or annexation and
38 creation of a community municipal corporation including the
39 assumption of all or of any portion of indebtedness. If the

1 propositions were submitted and only the annexation or annexation and
2 adoption of the comprehensive plan or annexation and creation of a
3 community municipal corporation proposition was approved, the
4 legislative body may, if it deems it wise or expedient, adopt an
5 ordinance providing for the annexation or adopt ordinances providing
6 for the annexation and adoption of the comprehensive plan, or adopt
7 ordinances providing for the annexation and creation of a community
8 municipal corporation, as the case may be.

9 **Sec. 404.** RCW 35.13.130 and 2009 c 60 s 3 are each amended to
10 read as follows:

11 A petition for annexation of an area contiguous, as defined in
12 section 1(5) of this act, to a city or town may be made in writing
13 addressed to and filed with the legislative body of the municipality
14 to which annexation is desired. When the petition for annexation is
15 filed with the legislative body, the legislative body must file
16 notice of the proposed action with the office of financial management
17 for its review pursuant to section 1 of this act. Except where all
18 the property sought to be annexed is property of a school district,
19 and the school directors thereof file the petition for annexation as
20 in RCW 28A.335.110 authorized, the petition must be signed by the
21 owners of not less than sixty percent in value according to the
22 assessed valuation for general taxation of the property for which
23 annexation is petitioned: PROVIDED, That in cities and towns with
24 populations greater than one hundred sixty thousand located east of
25 the Cascade mountains, the owner of tax exempt property may sign an
26 annexation petition and have the tax exempt property annexed into the
27 city or town, but the value of the tax exempt property shall not be
28 used in calculating the sufficiency of the required property owner
29 signatures unless only tax exempt property is proposed to be annexed
30 into the city or town. The petition shall set forth a description of
31 the property according to government legal subdivisions or legal
32 plats which is in compliance with RCW 35.02.170, and shall be
33 accompanied by a plat which outlines the boundaries of the property
34 sought to be annexed. If the legislative body has required the
35 assumption of all or of any portion of city or town indebtedness by
36 the area annexed, and/or the adoption of a comprehensive plan for the
37 area to be annexed, these facts, together with a quotation of the
38 minute entry of such requirement or requirements shall be set forth
39 in the petition.

1 **Sec. 405.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each
2 amended to read as follows:

3 Following the hearing and approval of the proposed action by the
4 office of financial management pursuant to section 1 of this act, the
5 council or commission shall determine by ordinance whether annexation
6 shall be made. Subject to RCW 35.02.170, they may annex all or any
7 portion of the proposed area but may not include in the annexation
8 any property not described in the petition. Upon passage of the
9 ordinance a certified copy shall be filed with the board of county
10 commissioners of the county in which the annexed property is located.

11 **Sec. 406.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to
12 read as follows:

13 City and town councils of second-class cities and towns may by a
14 majority vote annex new unincorporated territory outside the city or
15 town limits, whether contiguous or noncontiguous for park, cemetery,
16 or other municipal purposes when such territory is owned by the city
17 or town or all of the owners of the real property in the territory
18 give their written consent to the annexation. The city or town
19 council must file notice of the proposed action with the office of
20 financial management for its review and approval pursuant to section
21 1 of this act.

22 **Sec. 407.** RCW 35.13.182 and 1998 c 286 s 1 are each amended to
23 read as follows:

24 (1) The legislative body of a city or town planning under chapter
25 36.70A RCW (~~(as of June 30, 1994,)~~) may resolve to annex territory to
26 the city or town if there is, within the city or town, unincorporated
27 territory containing residential property owners within the same
28 county and within the same urban growth area designated under RCW
29 36.70A.110 as the city or town:

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

33 (b) Of any size and having at least eighty percent of the
34 boundaries of the area contiguous to the city (~~(if the area existed~~
35 ~~before June 30, 1994)~~).

36 (2) The resolution shall describe the boundaries of the area to
37 be annexed, state the number of voters residing in the area as nearly
38 as may be, and set a date for a public hearing on the resolution for

1 annexation. The legislative body of the city or town must file notice
2 of the proposed action with the office of financial management for
3 its review pursuant to section 1 of this act. Notice of the hearing
4 shall be given by publication of the resolution at least once a week
5 for two weeks before the date of the hearing in one or more
6 newspapers of general circulation within the city or town and one or
7 more newspapers of general circulation within the area to be annexed.

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

12 **Sec. 408.** RCW 35.13.1822 and 1998 c 286 s 3 are each amended to
13 read as follows:

14 On the date set for hearing as provided in RCW 35.13.182(2),
15 residents or property owners of the area included in the resolution
16 for annexation shall be afforded an opportunity to be heard. Subject
17 to approval of the proposed action by the office of financial
18 management pursuant to section 1 of this act, the legislative body
19 may provide by ordinance for annexation of the territory described in
20 the resolution, but the effective date of the ordinance shall be not
21 less than forty-five days after the passage thereof. The legislative
22 body shall cause notice of the proposed effective date of the
23 annexation, together with a description of the property to be
24 annexed, to be published at least once each week for two weeks
25 subsequent to passage of the ordinance, in one or more newspapers of
26 general circulation within the city and in one or more newspapers of
27 general circulation within the area to be annexed. If the annexation
28 ordinance provides for assumption of indebtedness or adoption of a
29 proposed zoning regulation, the notice shall include a statement of
30 such requirements.

31 **Sec. 409.** RCW 35.13.185 and 1965 c 7 s 35.13.185 are each
32 amended to read as follows:

33 Any unincorporated area contiguous, as defined in section 1(5) of
34 this act, to a first-class city may be annexed thereto by an
35 ordinance accepting a gift, grant, lease, or cession of jurisdiction
36 from the government of the United States of the right to occupy or
37 control it. The first-class city must file notice of the proposed

1 action with the office of financial management for its review and
2 approval pursuant to section 1 of this act.

3 **Sec. 410.** RCW 35.13.190 and 1994 c 81 s 12 are each amended to
4 read as follows:

5 Any unincorporated area contiguous, as defined in section 1(5) of
6 this act, to a second-class city or town may be annexed thereto by an
7 ordinance accepting a gift, grant, or lease from the government of
8 the United States of the right to occupy, control, improve it or
9 sublet it for commercial, manufacturing, or industrial purposes:
10 PROVIDED, That this shall not apply to any territory more than four
11 miles from the corporate limits existing before such annexation. The
12 second-class city or town must file notice of the proposed action
13 with the office of financial management for its review and approval
14 pursuant to section 1 of this act.

15 **Sec. 411.** RCW 35.13.238 and 2013 2nd sp.s. c 27 s 3 are each
16 amended to read as follows:

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

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

35 (c) The interlocal agreement must describe the boundaries of the
36 territory proposed for annexation and must be consistent with the
37 boundaries identified in an ordinance describing the boundaries of
38 the territory proposed for annexation and setting a date for a public

1 hearing on the ordinance. If the boundaries of the territory proposed
2 for annexation are agreed to by all parties, a notice of intention
3 must be filed with the boundary review board created under RCW
4 36.93.030 and the office of financial management. However, the
5 jurisdiction of the board may not be invoked as described in RCW
6 36.93.100 for annexations that are the subject of such agreement.

7 (2) An interlocal annexation agreement under this section must
8 include the following:

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

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

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

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

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

24 (v) Revenue sharing, if any;

25 (vi) Debt distribution;

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

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

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

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

35 (i) Roads and traffic impact mitigation;

36 (ii) Surface and storm water management;

37 (iii) Coordination and timing of comprehensive plan and
38 development regulation updates;

39 (iv) Outstanding bonds and special or improvement district
40 assessments;

1 (v) Annexation procedures;

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

4 (vii) Financial and administrative services; and

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

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

10 (3) If the fire protection district, annexing city or town, and
11 county reach an agreement on the enumerated goals, or if only the
12 annexing city or town and county reach an agreement on the enumerated
13 goals, the city or town may adopt an annexation ordinance, but the
14 annexation ordinance provided for in this section is subject to
15 approval by the office of financial management pursuant to section 1
16 of this act and referendum for forty-five days after its passage,
17 provided that no referendum shall be allowed for an annexation under
18 this section if the fire protection district, annexing city or town,
19 and the county reach agreement on an annexation for which a city or
20 town has initiated the interlocal agreement process by sending notice
21 to the fire protection district representative and county
22 representative prior to July 28, 2013. Upon the filing of a timely
23 and sufficient referendum petition with the legislative body of the
24 city or town, signed by qualified electors in a number not less than
25 ten percent of the votes cast in the last general state election in
26 the area to be annexed, the question of annexation must be submitted
27 to the voters of the area in a general election if one is to be held
28 within ninety days or at a special election called for that purpose
29 according to RCW 29A.04.330. Notice of the election must be given as
30 provided in RCW 35.13.080, and the election must be conducted as
31 provided in the general election laws under Title 29A RCW. The
32 annexation must be deemed approved by the voters unless a majority of
33 the votes cast on the proposition are in opposition to the
34 annexation.

35 After the expiration of the forty-fifth day from, but excluding,
36 the date of passage of the annexation ordinance, if a timely and
37 sufficient referendum petition has not been filed, the area annexed
38 becomes a part of the city or town upon the date fixed in the
39 ordinance 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
12 they shall be the first to be reemployed in the city or town fire
13 department when appropriate positions become available. Employees who
14 are not immediately hired by the city or town shall be placed on a
15 reemployment list for a period not to exceed thirty-six months unless
16 a longer period is authorized by an agreement reached between the
17 collective bargaining representatives of the employees of the
18 annexing and annexed fire agencies and the annexing and annexed fire
19 agencies.

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

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

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

34 (iii) Promotion and service time accrual; and

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

38 (b) (a) of this subsection does not apply if upon transfer an
39 agreement for different terms of transfer is reached between the

1 collective bargaining representatives of the transferring employees
2 and the participating fire protection jurisdictions.

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

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

13 **Sec. 412.** RCW 35.13.260 and 2011 c 342 s 1 are each amended to
14 read as follows:

15 (1) Whenever any territory is annexed to or deannexed from a city
16 or town, any territory is subject to boundary line adjustment, or
17 cities are consolidated pursuant to chapter 35.10 RCW:

18 (a) A copy of the complete ordinance containing a legal
19 description and a map showing specifically the boundaries of the
20 territory or consolidated area may be submitted immediately after the
21 city or town's adoption. Within two days of receipt of the ordinance,
22 the office of financial management must post a digital copy on the
23 internet or transmit digital copies via email to the departments of
24 transportation and revenue. The requirement to notify the department
25 of revenue of a tax rate change under RCW 82.14.055(1) is met when
26 the office of financial management receives the documents required
27 under this subsection (1)(a); and

28 (b) A certificate as hereinafter provided (~~shall~~) must be
29 submitted (~~in triplicate~~) to the office of financial management(~~(~~
30 hereinafter in this section referred to as "the office",)
31 within thirty days of the effective date of (~~annexation~~) the action
32 specified in the relevant ordinance. After approval of the
33 certificate, the office (~~shall~~) of financial management must retain
34 the original copy in its files(~~)~~ and transmit (~~the second~~) a
35 digital copy to (~~the department of transportation and return the~~
36 third copy to) the city or town via email. (~~Such~~) The
37 certificate(~~s shall~~) must be in (~~such~~) a form and contain
38 (~~such~~) information as (~~shall be~~) prescribed by the office of
39 financial management. (~~A copy of the complete ordinance containing a~~

1 ~~legal description and a map showing specifically the boundaries of~~
2 ~~the annexed territory shall be attached to each of the three copies~~
3 ~~of the certificate.)~~ The certificate (~~shall~~) must be signed by the
4 mayor and attested by the city clerk. Upon request, the office
5 (~~shall~~) of financial management must furnish certification forms to
6 any city or town.

7 (2)(a) The resident population of the (~~annexed~~) territory
8 (~~shall~~) or consolidated area must be determined by, or under the
9 direction of, the mayor of the city or town.

10 (b) If the (~~annexing~~) city or town has a population of ten
11 thousand or less, the (~~annexed~~) territory or consolidated area
12 consists entirely of one or more partial federal census blocks, or
13 2010 federal decennial census data has not been released within
14 twelve months immediately prior to the date of (~~annexation~~) the
15 action, the population determination (~~shall~~) must consist of an
16 actual enumeration of the population.

17 (c) In any circumstance, the city or town may choose to have the
18 population determination of the entire (~~annexed~~) territory or
19 consolidated area consist of an actual enumeration. However, if the
20 city or town does not use actual enumeration for determining
21 population, the (~~annexed~~) territory or consolidated area includes
22 or consists of one or more complete federal census blocks, and 2010
23 federal decennial census data has been released within twelve months
24 immediately prior to the date of (~~annexation~~) the action, the
25 population determination (~~shall~~) must consist of:

26 (i) Relevant 2010 federal decennial census data pertaining to the
27 complete block or blocks, as such data has been updated by the most
28 recent official population estimate released by the office of
29 financial management pursuant to RCW 43.62.030;

30 (ii) An actual enumeration of any population located within the
31 (~~annexed~~) territory or consolidated area but outside the complete
32 federal census block or blocks; and

33 (iii) If the office of financial management, at least two weeks
34 prior to the date of (~~annexation~~) the action, confirms the
35 existence of a known census error within a complete federal census
36 block and identifies a structure or complex listed in (c)(iii)(A)
37 through (E) of this subsection (2) as a likely source of the error,
38 an actual enumeration of one or more of the block's identified:

39 (A) Group quarters;

40 (B) Mobile home parks;

1 (C) Apartment buildings that are composed of at least fifty units
2 and are certified for occupancy between January 1, 2010, and April 1,
3 2011;

4 (D) Missing subdivisions; and

5 (E) Closures of any of the categories in (c)(iii)(A) through (D)
6 of this subsection.

7 (d) Whenever an actual enumeration is used, it shall be made in
8 accordance with the practices and policies of, and subject to the
9 approval of, the office of financial management.

10 (e) The city or town (~~shall be~~) is responsible for the full
11 cost of the population determination.

12 (3) The population (~~shall~~) must be determined as of the
13 effective date of (~~annexation~~) the action as specified in the
14 relevant ordinance.

15 Until (~~an annexation~~) a certificate is filed and approved (~~as~~
16 ~~provided herein, such annexed~~), the territory (~~shall~~) or
17 consolidated area must not be considered by the office of financial
18 management in determining the population of such city or town.

19 Upon approval of the (~~annexation~~) certificate, the office
20 (~~shall~~) of financial management must forward to each state official
21 or department responsible for making allocations or payments to
22 cities or towns, a revised certificate reflecting the increase in
23 population due to (~~such annexation~~) the action. Upon and after the
24 date of the commencement of the next quarterly period, the population
25 determination indicated in (~~such~~) the revised certificate (~~shall~~)
26 must be used as the basis for the allocation and payment of state
27 funds to such city or town.

28 For the purposes of this section, each quarterly period (~~shall~~)
29 commences on the first day of the months of January, April, July, and
30 October. Whenever a revised certificate is forwarded by the office of
31 financial management thirty days or less prior to the commencement of
32 the next quarterly period, the population of the (~~annexed~~)
33 territory (~~shall~~) or consolidated area must not be considered until
34 the commencement of the following quarterly period.

35 **Sec. 413.** RCW 35.13.300 and 1989 c 84 s 12 are each amended to
36 read as follows:

37 The purpose of this section and RCW (~~35.13.300~~) 35.13.310
38 through (~~35.13.330~~) 35.13.340 is to establish a process for the
39 adjustment of existing or proposed city boundary lines to avoid a

1 situation where a common boundary line is or would be located within
2 a right-of-way of a public street, road, or highway, or a situation
3 where two cities are separated or would be separated by only the
4 right-of-way of a public street, road, or highway, other than
5 situations where a boundary line runs from one edge of the
6 right-of-way to the other edge of the right-of-way. Boundary line
7 adjustments under RCW 35.13.310 through 35.13.340 are subject to
8 review and approval by the office of financial management pursuant to
9 section 1 of this act.

10 As used in this section and RCW (~~35.13.300~~) 35.13.310 through
11 35.13.330, "city" includes every city or town in the state, including
12 a code city operating under Title 35A RCW.

13 **Sec. 414.** RCW 35.13.420 and 2003 c 331 s 3 are each amended to
14 read as follows:

15 (1) A petition for annexation of an area contiguous, as defined
16 in section 1(5) of this act, to a city or town may be made in writing
17 addressed to and filed with the legislative body of the municipality
18 to which annexation is desired. Except where all the property sought
19 to be annexed is property of a school district, and the school
20 directors thereof file the petition for annexation as in RCW
21 28A.335.110, the petition must be signed by the owners of a majority
22 of the acreage for which annexation is petitioned and a majority of
23 the registered voters residing in the area for which annexation is
24 petitioned.

25 (2) If no residents exist within the area proposed for
26 annexation, the petition must be signed by the owners of a majority
27 of the acreage for which annexation is petitioned.

28 (3) The petition shall set forth a legal description of the
29 property proposed to be annexed that complies with RCW 35.02.170, and
30 shall be accompanied by a drawing that outlines the boundaries of the
31 property sought to be annexed. If the petition for annexation is
32 approved by the legislative body, the legislative body must file
33 notice of the proposed action with the office of financial management
34 for its review pursuant to section 1 of this act. If the legislative
35 body has required the assumption of all or any portion of city or
36 town indebtedness by the area annexed, and/or the adoption of a
37 comprehensive plan for the area to be annexed, these facts, together
38 with a quotation of the minute entry of such requirement or
39 requirements, shall be set forth in the petition.

1 **Sec. 415.** RCW 35.13.440 and 2003 c 331 s 5 are each amended to
2 read as follows:

3 Following the hearing and approval of the proposed action by the
4 office of financial management pursuant to section 1 of this act, the
5 council or commission shall determine by ordinance whether annexation
6 shall be made. Subject to the provisions of RCW 35.13.410, 35.13.460,
7 and 35.21.005, (~~they~~) the council or commission may annex all or
8 any portion of the proposed area but may not include in the
9 annexation any property not described in the petition. Upon passage
10 of the ordinance, a certified copy (~~shall~~) must be filed with the
11 board of county commissioners of the county in which the annexed
12 property is located and a copy must be filed with the office of
13 financial management.

14 **Sec. 416.** RCW 35.13.480 and 2006 c 344 s 23 are each amended to
15 read as follows:

16 (1) The legislative body of any county planning under chapter
17 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
18 initiate an annexation process with the legislative body of any other
19 cities or towns that are contiguous, as defined in section 1(5) of
20 this act, to the territory proposed for annexation in RCW 35.13.470
21 if:

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

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

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

35 (2) Any county initiating the process provided for in subsection
36 (1) of this section must do so by adopting a resolution commencing
37 negotiations for an interlocal agreement as provided in chapter 39.34
38 RCW between the county and any city or town within the county. The
39 county must file notice of the proposed action with the office of

1 financial management for its review pursuant to section 1 of this
2 act. The annexation area must be within an urban growth area
3 designated under RCW 36.70A.110 and at least sixty percent of the
4 boundaries of the territory to be annexed must be contiguous, as
5 defined in section 1(5) of this act, to one or more cities or towns.

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

13 (4) Following adoption and execution of the agreement by both
14 legislative bodies and approval of the resolution adopted under
15 subsection (2) of this section by the office of financial management
16 pursuant to section 1 of this act, the city or town legislative body
17 shall adopt an ordinance providing for the annexation. The
18 legislative body shall cause notice of the proposed effective date of
19 the annexation, together with a description of the property to be
20 annexed, to be published at least once each week for two weeks
21 subsequent to passage of the ordinance, in one or more newspapers of
22 general circulation within the city and in one or more newspapers of
23 general circulation within the territory to be annexed. If the
24 annexation ordinance provides for assumption of indebtedness or
25 adoption of a proposed zoning regulation, the notice shall include a
26 statement of the requirements. Any area to be annexed through an
27 ordinance adopted under this section is annexed and becomes a part of
28 the city or town upon the date fixed in the ordinance of annexation,
29 which date may not be less than forty-five days after adoption of the
30 ordinance.

31 (5) The annexation ordinances provided for in RCW 35.13.470(4)
32 and subsection (4) of this section are subject to referendum for
33 forty-five days after passage. Upon the filing of a timely and
34 sufficient referendum petition with the legislative body, signed by
35 registered voters in number equal to not less than fifteen percent of
36 the votes cast in the last general state election in the area to be
37 annexed, the question of annexation shall be submitted to the voters
38 of the area in a general election if one is to be held within ninety
39 days or at a special election called for that purpose according to
40 RCW 29A.04.330. Notice of the election shall be given as provided in

1 RCW 35.13.080 and the election shall be conducted as provided in the
2 general election law. The annexation shall be deemed approved by the
3 voters unless a majority of the votes cast on the proposition are in
4 opposition thereto.

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

10 (6) If more than one city or town adopts interlocal agreements
11 providing for annexation of the same unincorporated territory as
12 provided by this section, an election shall be held in the area to be
13 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the
14 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also
15 contain a separate proposition allowing voters to cast votes in favor
16 of annexation to any one city or town participating in an interlocal
17 agreement as provided by this section. If a majority of voters voting
18 on the proposition vote against annexation, the proposition is
19 defeated. If, however, a majority of voters voting in the election
20 approve annexation, the area shall be annexed to the city or town
21 receiving the highest number of votes among those cast in favor of
22 annexation.

23 (7) Costs for an election required under subsection (6) of this
24 section shall be borne by the county.

25 **Sec. 417.** RCW 35.13.490 and 2009 c 402 s 3 are each amended to
26 read as follows:

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

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

35 (b) Upon receipt of the request and description, the county
36 legislative authority has thirty days to review the proposal and
37 determine if the annexation proceedings will continue. As a condition
38 of approval, the county legislative authority may modify the
39 proposal, but it may not add territory that was not included in the

1 request and description. Approval of the county legislative authority
2 is a condition precedent to further proceedings upon the request and
3 there is no appeal of the county legislative authority's decision.

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

16 (d) If, following the conclusion of the hearing, a majority of
17 the county legislative authority deems the annexation proposal to be
18 in the best interest of the county, it may adopt a resolution
19 approving of the annexation. The county legislative authority must
20 file notice of the proposed action with the office of financial
21 management for its review pursuant to section 1 of this act.

22 (e) If, following the county legislative authority's adoption of
23 the annexation approval resolution and approval of the proposed
24 action by the office of financial management pursuant to section 1 of
25 this act, the legislative body of the city or town proposing
26 annexation determines to effect the annexation, it must do so by
27 ordinance. The ordinance: (i) May only include territory approved for
28 annexation in the resolution adopted under (d) of this subsection;
29 and (ii) must not exclude territory approved for annexation in the
30 resolution adopted under (d) of this subsection. Upon passage of the
31 annexation ordinance, a certified copy must be filed with the
32 applicable county legislative authority.

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

36 **Sec. 418.** RCW 35.16.010 and 1994 c 273 s 1 are each amended to
37 read as follows:

38 Upon the filing of a petition which is sufficient as determined
39 by RCW 35A.01.040 requesting the exclusion from the boundaries of a

1 city or town of an area described by metes and bounds or by reference
2 to a recorded plat or government survey, signed by qualified voters
3 of the city or town equal in number to not less than ten percent of
4 the number of voters voting at the last general municipal election,
5 the city or town legislative body shall submit the question to the
6 voters. As an alternate method, the legislative body of the city or
7 town may by resolution submit a proposal to the voters for excluding
8 such a described area from the boundaries of the city or town. The
9 question shall be submitted at the next general municipal election if
10 one is to be held within one hundred eighty days or at a special
11 election called for that purpose not less than ninety days nor more
12 than one hundred eighty days after the certification of sufficiency
13 of the petition or the passage of the resolution. The petition or
14 resolution shall set out and describe the territory to be excluded
15 from the city or town, together with the boundaries of the city or
16 town as it will exist after such change is made. The legislative body
17 of the city or town must file notice of the proposed action with the
18 office of financial management for its review pursuant to section 1
19 of this act.

20 **Sec. 419.** RCW 35.16.040 and 1994 c 273 s 4 are each amended to
21 read as follows:

22 Promptly after the filing of the abstract of votes with the
23 office of the secretary of state and subject to approval of the
24 proposed action by the office of financial management pursuant to
25 section 1 of this act, the legislative body of the city or town shall
26 adopt an ordinance defining and fixing the corporate limits after
27 excluding the area as determined by the election. The ordinance shall
28 also describe the excluded territory by metes and bounds or by
29 reference to a recorded plat or government survey and declare it no
30 longer a part of the city or town.

31 **Sec. 420.** RCW 35A.14.010 and 2009 c 402 s 4 are each amended to
32 read as follows:

33 Any portion of a county not incorporated as part of a city or
34 town but lying contiguous, as defined in section 1(5) of this act, to
35 a code city may become a part of the charter code city or noncharter
36 code city by annexation. An area proposed to be annexed to a charter
37 code city or noncharter code city shall be deemed contiguous, as
38 defined in section 1(5) of this act, thereto even though separated by

1 water or tide or shore lands and, upon annexation of such area, any
2 such intervening water and/or tide or shore lands shall become a part
3 of such annexing city.

4 **Sec. 421.** RCW 35A.14.020 and 1989 c 351 s 4 are each amended to
5 read as follows:

6 (1) When a petition is sufficient under the rules set forth in
7 RCW 35A.01.040, calling for an election to vote upon the annexation
8 of unincorporated territory contiguous, as defined in section 1(5) of
9 this act, to a code city, describing the boundaries of the area
10 proposed to be annexed, stating the number of voters therein as
11 nearly as may be, and signed by qualified electors resident in such
12 territory equal in number to ten percent of the votes cast at the
13 last state general election therein, it shall be filed with the
14 auditor of the county in which all, or the greatest portion, of the
15 territory is located, and a copy of the petition shall be filed with
16 the legislative body of the code city. If the territory is located in
17 more than a single county, the auditor of the county with whom the
18 petition is filed shall act as the lead auditor and transmit a copy
19 of the petition to the auditor of each other county within which a
20 portion of the territory is located. The auditor or auditors shall
21 examine the petition, and the auditor or lead auditor shall certify
22 the sufficiency of the petition to the legislative authority of the
23 code city.

24 (2) If the signatures on the petition are certified as containing
25 sufficient valid signatures, the city legislative authority shall, by
26 resolution entered within sixty days thereafter, notify the
27 petitioners, either by mail or by publication in the same manner
28 notice of hearing is required by RCW 35A.14.040 to be published, of
29 its approval or rejection of the proposed action. If approved, the
30 legislative body must file notice of the proposed action with the
31 office of financial management for its review pursuant to section 1
32 of this act. In approving the proposed action, the legislative body
33 may require that there also be submitted to the electorate of the
34 territory to be annexed, a proposition that all property within the
35 area to be annexed shall, upon annexation, be assessed and taxed at
36 the same rate and on the same basis as the property of such annexing
37 city is assessed and taxed to pay for all or any portion of the then-
38 outstanding indebtedness of the city to which said area is annexed,
39 which indebtedness has been approved by the voters, contracted for,

1 or incurred prior to, or existing at, the date of annexation. Only
2 after the legislative body has completed preparation and filing of a
3 proposed zoning regulation for the area to be annexed as provided for
4 in RCW 35A.14.330 and 35A.14.340, the legislative body in approving
5 the proposed action, may require that the proposed zoning regulation
6 be simultaneously adopted upon the approval of annexation by the
7 electorate of the area to be annexed. The approval of the legislative
8 body shall be a condition precedent to further proceedings upon the
9 petition. The costs of conducting the election called for in the
10 petition shall be a charge against the city concerned. The
11 proposition or questions provided for in this section may be
12 submitted to the voter either separately or as a single proposition.

13 **Sec. 422.** RCW 35A.14.090 and 1979 ex.s. c 124 s 6 are each
14 amended to read as follows:

15 Upon filing of the certified copy of the finding of the county
16 legislative authority, the clerk shall transmit it to the legislative
17 body of the city at the next regular meeting or as soon thereafter as
18 practicable. If only a proposition relating to annexation or to
19 annexation and adoption of a proposed zoning regulation was submitted
20 to the voters and (~~such proposition was~~) approved, and the proposed
21 action was approved by the office of financial management pursuant to
22 section 1 of this act, the legislative body shall adopt an ordinance
23 providing for the annexation or adopt ordinances providing for the
24 annexation and adoption of a proposed zoning regulation, as the case
25 may be. If a proposition for annexation or for annexation and
26 adoption of a proposed zoning regulation, and a proposition for
27 assumption of all or any portion of indebtedness were both submitted,
28 and both were approved, the legislative body shall adopt an ordinance
29 providing for the annexation or for annexation and adoption of the
30 proposed zoning regulation, including the assumption of the portion
31 of indebtedness that was approved by the voters. If both propositions
32 were submitted and only the annexation or the annexation and adoption
33 of the proposed zoning regulation was approved, the legislative body
34 may adopt an ordinance providing for the annexation or adopt
35 ordinances providing for the annexation and adoption of the proposed
36 zoning regulation, as the case may be, or the legislative body may
37 refuse to annex when a proposal for assumption of the portion of
38 indebtedness has been disapproved by the voters.

1 **Sec. 423.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are
2 each amended to read as follows:

3 Whenever such a petition for annexation is filed with the
4 legislative body of a code city, which petition meets the
5 requirements herein specified and is sufficient according to the
6 rules set forth in RCW 35A.01.040, the legislative body may entertain
7 the same, fix a date for a public hearing thereon, and cause notice
8 of the hearing to be published in one or more issues of a newspaper
9 of general circulation in the city. The legislative body must also
10 file notice of the proposed action with the office of financial
11 management for its review pursuant to section 1 of this act. The
12 notice (~~shall~~) of the hearing must also be posted in three public
13 places within the territory proposed for annexation, (~~and shall~~)
14 specify the time and place of hearing, and invite interested persons
15 to appear and voice approval or disapproval of the annexation.

16 **Sec. 424.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to
17 read as follows:

18 Following the hearing and approval of the proposed action by the
19 office of financial management pursuant to section 1 of this act, if
20 the legislative body determines to effect the annexation, they shall
21 do so by ordinance. Subject to RCW 35.02.170, the ordinance may annex
22 all or any portion of the proposed area but may not include in the
23 annexation any property not described in the petition. Upon passage
24 of the annexation ordinance a certified copy shall be filed with the
25 board of county commissioners of the county in which the annexed
26 property is located.

27 **Sec. 425.** RCW 35A.14.295 and 2013 2nd sp.s. c 27 s 1 are each
28 amended to read as follows:

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

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

35 (b) Of any size containing residential property owners and having
36 at least eighty percent of the boundaries of such area contiguous to
37 the city. Territory annexed under this subsection (1)(b) must be
38 within the same county and within the same urban growth area

1 designated under RCW 36.70A.110, and the city must plan under chapter
2 36.70A RCW.

3 (2) The resolution (~~shall~~) must describe the boundaries of the
4 area to be annexed, state the number of voters residing therein as
5 nearly as may be, and set a date for a public hearing on such
6 resolution for annexation. The legislative body of the code city must
7 file notice of the proposed action with the office of financial
8 management for its review pursuant to section 1 of this act. Notice
9 of the hearing (~~shall~~) must be given by publication of the
10 resolution at least once a week for two weeks prior to the date of
11 the hearing, in one or more newspapers of general circulation within
12 the code city and one or more newspapers of general circulation
13 within the area to be annexed.

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

18 **Sec. 426.** RCW 35A.14.297 and 1967 ex.s. c 119 s 35A.14.297 are
19 each amended to read as follows:

20 On the date set for hearing as provided in RCW 35A.14.295,
21 residents or property owners of the area included in the resolution
22 for annexation shall be afforded an opportunity to be heard. Subject
23 to approval of the proposed action by the office of financial
24 management pursuant to section 1 of this act, the legislative body
25 may provide by ordinance for annexation of the territory described in
26 the resolution, but the effective date of the ordinance shall be not
27 less than forty-five days after the passage thereof. The legislative
28 body shall cause notice of the proposed effective date of the
29 annexation, together with a description of the property to be
30 annexed, to be published at least once each week for two weeks
31 subsequent to passage of the ordinance, in one or more newspapers of
32 general circulation within the city and in one or more newspapers of
33 general circulation within the area to be annexed. If the annexation
34 ordinance provides for assumption of indebtedness or adoption of a
35 proposed zoning regulation, the notice shall include a statement of
36 such requirements. Such annexation ordinance shall be subject to
37 referendum for forty-five days after the passage thereof. Upon the
38 filing of a timely and sufficient referendum petition as provided in
39 RCW 35A.14.299 below, a referendum election shall be held as provided

1 in RCW 35A.14.299, and the annexation shall be deemed approved by the
2 voters unless a majority of the votes cast on the proposition are in
3 opposition thereto. After the expiration of the forty-fifth day from,
4 but excluding the date of passage of the annexation ordinance, if no
5 timely and sufficient referendum petition has been filed, as provided
6 by RCW 35A.14.299 below, the area annexed shall become a part of the
7 code city upon the date fixed in the ordinance of annexation.

8 **Sec. 427.** RCW 35A.14.300 and 1981 c 332 s 7 are each amended to
9 read as follows:

10 Legislative bodies of code cities may by a majority vote annex
11 territory outside the limits of such city whether contiguous or
12 noncontiguous for any municipal purpose when such territory is owned
13 by the city. The legislative body of a code city must file notice of
14 the proposed action with the office of financial management for its
15 review and approval pursuant to section 1 of this act.

16 **Sec. 428.** RCW 35A.14.310 and 1985 c 105 s 1 are each amended to
17 read as follows:

18 A code city may annex an unincorporated area contiguous, as
19 defined in section 1(5) of this act, to the city that is owned by the
20 federal government by adopting an ordinance providing for the
21 annexation and which ordinance either acknowledges an agreement of
22 the annexation by the government of the United States, or accepts a
23 gift, grant, or lease from the government of the United States of the
24 right to occupy, control, improve it or sublet it for commercial,
25 manufacturing, or industrial purposes: PROVIDED, That this right of
26 annexation shall not apply to any territory more than four miles from
27 the corporate limits existing before such annexation. Whenever a code
28 city proposes to annex territory under this section, the city
29 ~~((shall))~~ must file notice of the proposed action with the office of
30 financial management for its review and approval pursuant to section
31 1 of this act and provide written notice of the proposed
32 ~~((annexation))~~ action to the legislative authority of the county
33 within which such territory is located. The notice ~~((shall))~~ to the
34 legislative authority of the county must be provided at least thirty
35 days before the city proposes to adopt the annexation ordinance. The
36 city shall not adopt the annexation ordinance, and the annexation
37 shall not occur under this section, if within twenty-five days of
38 receipt of the notice, the county legislative authority adopts a

1 resolution opposing the annexation, which resolution makes a finding
2 that the proposed annexation will have an adverse fiscal impact on
3 the county or road district.

4 **Sec. 429.** RCW 35A.14.430 and 2003 c 331 s 11 are each amended to
5 read as follows:

6 When a petition for annexation is filed with the legislative body
7 of a code city, that meets the requirements of RCW 35A.01.040 and
8 35A.14.420, the legislative body may entertain the same, fix a date
9 for a public hearing thereon and cause notice of the hearing to be
10 published in one or more issues of a newspaper of general circulation
11 in the city. The legislative body must also file notice of the
12 proposed action with the office of financial management for its
13 review pursuant to section 1 of this act. The notice (~~shall~~) of the
14 hearing must also be posted in three public places within the
15 territory proposed for annexation, (~~and shall~~) specify the time and
16 place of hearing, and invite interested persons to appear and voice
17 approval or disapproval of the annexation.

18 **Sec. 430.** RCW 35A.14.440 and 2003 c 331 s 12 are each amended to
19 read as follows:

20 Following the hearing and approval of the proposed action by the
21 office of financial management pursuant to section 1 of this act, if
22 the legislative body determines to effect the annexation, (~~they~~
23 ~~shall~~) it must do so by ordinance. Subject to RCW 35A.14.410, the
24 ordinance may annex all or any portion of the proposed area but may
25 not include in the annexation any property not described in the
26 petition. Upon passage of the annexation ordinance, a certified copy
27 (~~shall~~) must be filed with the board of county commissioners of the
28 county in which the annexed property is located and a copy must be
29 filed with the office of financial management.

30 **Sec. 431.** RCW 35A.14.460 and 2003 c 299 s 3 are each amended to
31 read as follows:

32 (1) The legislative body of a county or code city planning under
33 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215
34 may initiate an annexation process for unincorporated territory by
35 adopting a resolution commencing negotiations for an interlocal
36 agreement as provided in chapter 39.34 RCW between a county and any
37 code city within the county. The territory proposed for annexation

1 must meet the following criteria: (a) Be within the code city urban
2 growth area designated under RCW 36.70A.110, and (b) at least sixty
3 percent of the boundaries of the territory proposed for annexation
4 must be contiguous, as defined in section 1(5) of this act, to the
5 annexing code city or one or more cities or towns.

6 (2) If the territory proposed for annexation has been designated
7 in an adopted county comprehensive plan as part of an urban growth
8 area, urban service area, or potential annexation area for a specific
9 city, or if the urban growth area territory proposed for annexation
10 has been designated in a written agreement between a city and a
11 county for annexation to a specific city or town, the designation or
12 designations shall receive full consideration before a city or county
13 may initiate the annexation process provided for in RCW 35A.14.470.

14 (3) The agreement shall describe the boundaries of the territory
15 to be annexed and be submitted to the office of financial management
16 for its review pursuant to section 1 of this act. A public hearing
17 shall be held by each legislative body, separately or jointly, before
18 the agreement is executed. Each legislative body holding a public
19 hearing shall, separately or jointly, publish the agreement at least
20 once a week for two weeks before the date of the hearing in one or
21 more newspapers of general circulation within the territory proposed
22 for annexation.

23 (4) Following adoption and execution of the agreement by both
24 legislative bodies and its approval by the office of financial
25 management pursuant to section 1 of this act, the city legislative
26 body shall adopt an ordinance providing for the annexation of the
27 territory described in the agreement. The legislative body shall
28 cause notice of the proposed effective date of the annexation,
29 together with a description of the property to be annexed, to be
30 published at least once each week for two weeks subsequent to passage
31 of the ordinance, in one or more newspapers of general circulation
32 within the city and in one or more newspapers of general circulation
33 within the territory to be annexed. If the annexation ordinance
34 provides for assumption of indebtedness or adoption of a proposed
35 zoning regulation, the notice shall include a statement of the
36 requirements. Any territory to be annexed through an ordinance
37 adopted under this section is annexed and becomes a part of the city
38 upon the date fixed in the ordinance of annexation, which date may
39 not be fewer than forty-five days after adoption of the ordinance.

1 **Sec. 432.** RCW 35A.14.470 and 2006 c 344 s 26 are each amended to
2 read as follows:

3 (1) The legislative body of any county planning under chapter
4 36.70A RCW and subject to the requirements of RCW 36.70A.215 may
5 initiate an annexation process with the legislative body of any other
6 cities or towns that are contiguous, as defined in section 1(5) of
7 this act, to the territory proposed for annexation in RCW 35A.14.460
8 if:

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

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

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

22 (2) Any county initiating the process provided for in subsection
23 (1) of this section must do so by adopting a resolution commencing
24 negotiations for an interlocal agreement as provided in chapter 39.34
25 RCW between the county and any city or town within the county. The
26 annexation area must be within an urban growth area designated under
27 RCW 36.70A.110 and at least sixty percent of the boundaries of the
28 territory to be annexed must be contiguous, as defined in section
29 1(5) of this act, to one or more cities or towns.

30 (3) The agreement shall describe the boundaries of the territory
31 to be annexed and be submitted to the office of financial management
32 for its review pursuant to section 1 of this act. A public hearing
33 shall be held by each legislative body, separately or jointly, before
34 the agreement is executed. Each legislative body holding a public
35 hearing shall, separately or jointly, publish the agreement at least
36 once a week for two weeks before the date of the hearing in one or
37 more newspapers of general circulation within the territory proposed
38 for annexation.

39 (4) Following adoption and execution of the agreement by both
40 legislative bodies and its approval by the office of financial

1 management pursuant to section 1 of this act, the city or town
2 legislative body shall adopt an ordinance providing for the
3 annexation. The legislative body shall cause notice of the proposed
4 effective date of the annexation, together with a description of the
5 property to be annexed, to be published at least once each week for
6 two weeks subsequent to passage of the ordinance, in one or more
7 newspapers of general circulation within the city and in one or more
8 newspapers of general circulation within the territory to be annexed.
9 If the annexation ordinance provides for assumption of indebtedness
10 or adoption of a proposed zoning regulation, the notice shall include
11 a statement of the requirements. Any area to be annexed through an
12 ordinance adopted under this section is annexed and becomes a part of
13 the city or town upon the date fixed in the ordinance of annexation,
14 which date may not be less than forty-five days after adoption of the
15 ordinance.

16 (5) The annexation ordinances provided for in RCW 35A.14.460(4)
17 and subsection (4) of this section are subject to referendum for
18 forty-five days after passage. Upon the filing of a timely and
19 sufficient referendum petition with the legislative body, signed by
20 registered voters in number equal to not less than fifteen percent of
21 the votes cast in the last general state election in the area to be
22 annexed, the question of annexation shall be submitted to the voters
23 of the area in a general election if one is to be held within ninety
24 days or at a special election called for that purpose according to
25 RCW 29A.04.330. Notice of the election shall be given as provided in
26 RCW 35A.14.070 and the election shall be conducted as provided in the
27 general election law. The annexation shall be deemed approved by the
28 voters unless a majority of the votes cast on the proposition are in
29 opposition thereto.

30 After the expiration of the forty-fifth day from but excluding
31 the date of passage of the annexation ordinance, if no timely and
32 sufficient referendum petition has been filed, the area annexed shall
33 become a part of the city or town upon the date fixed in the
34 ordinance of annexation.

35 (6) If more than one city or town adopts interlocal agreements
36 providing for annexation of the same unincorporated territory as
37 provided by this section, an election shall be held in the area to be
38 annexed pursuant to RCW 35A.14.070. In addition to the provisions of
39 RCW 35A.14.070, the ballot shall also contain a separate proposition
40 allowing voters to cast votes in favor of annexation to any one city

1 or town participating in an interlocal agreement as provided by this
2 section. If a majority of voters voting on the proposition vote
3 against annexation, the proposition is defeated. If, however, a
4 majority of voters voting in the election approve annexation, the
5 area shall be annexed to the city or town receiving the highest
6 number of votes among those cast in favor of annexation.

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

9 **Sec. 433.** RCW 35A.14.480 and 2013 2nd sp.s. c 27 s 2 are each
10 amended to read as follows:

11 (1)(a) An annexation by a code city proposing to annex territory
12 served by one or more fire protection districts may be accomplished
13 by ordinance after entering into an interlocal agreement as provided
14 in chapter 39.34 RCW with the county and the fire protection district
15 or districts that have jurisdiction over the territory proposed for
16 annexation.

17 (b) A code city proposing to annex territory shall initiate the
18 interlocal agreement process by sending notice to the fire protection
19 district representative and county representative stating the code
20 city's interest to enter into an interlocal agreement negotiation
21 process. The parties have forty-five days to respond in the
22 affirmative or negative. A negative response must state the reasons
23 the parties do not wish to participate in an interlocal agreement
24 negotiation. A failure to respond within the forty-five day period is
25 deemed an affirmative response and the interlocal agreement
26 negotiation process may proceed. The interlocal agreement process may
27 not proceed if any negative responses are received within the forty-
28 five day period.

29 (c) The interlocal agreement must describe the boundaries of the
30 territory proposed for annexation and must be consistent with the
31 boundaries identified in an ordinance describing the boundaries of
32 the territory proposed for annexation and setting a date for a public
33 hearing on the ordinance. If the boundaries of the territory proposed
34 for annexation are agreed to by all parties, a notice of intention
35 must be filed with the boundary review board created under RCW
36 36.93.030 along with a notice of the proposed action with the office
37 of financial management for its review pursuant to section 1 of this
38 act. However, the jurisdiction of the board may not be invoked as

1 described in RCW 36.93.100 for annexations that are the subject of
2 such agreement.

3 (2) An interlocal annexation agreement under this section must
4 include the following:

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

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

9 (ii) A consideration and discussion of the impact to the level of
10 service of annexation on the unincorporated area, and an agreement
11 that the impact on the ability of fire protection and emergency
12 medical services within the incorporated area must not be negatively
13 impacted at least through the budget cycle in which the annexation
14 occurs;

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

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

20 (v) Revenue sharing, if any;

21 (vi) Debt distribution;

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

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

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

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

31 (i) Roads and traffic impact mitigation;

32 (ii) Surface and storm water management;

33 (iii) Coordination and timing of comprehensive plan and
34 development regulation updates;

35 (iv) Outstanding bonds and special or improvement district
36 assessments;

37 (v) Annexation procedures;

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

40 (vii) Financial and administrative services; and

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

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

6 (3) If (a) the fire protection district, annexing code city, and
7 county reach an agreement on the enumerated goals, or ~~((if))~~ only the
8 annexing code city and county reach an agreement on the enumerated
9 goals, and (b) the office of financial management approves the
10 interlocal agreement pursuant to section 1 of this act, the code city
11 may adopt an annexation ordinance, but the annexation ordinance
12 provided for in this section is subject to referendum for forty-five
13 days after its passage, provided that no referendum shall be allowed
14 for an annexation under this section if the fire protection district,
15 annexing code city, and the county reach agreement on an annexation
16 for which a code city has initiated the interlocal agreement process
17 by sending notice to the fire protection district representative and
18 county representative prior to July 28, 2013. Upon the filing of a
19 timely and sufficient referendum petition with the legislative body
20 of the code city, signed by qualified electors in a number not less
21 than ten percent of the votes cast in the last general state election
22 in the area to be annexed, the question of annexation must be
23 submitted to the voters of the area in a general election if one is
24 to be held within ninety days or at a special election called for
25 that purpose according to RCW 29A.04.330. Notice of the election must
26 be given as provided in RCW 35A.14.070, and the election must be
27 conducted as provided in the general election laws under Title 29A
28 RCW. The annexation must be deemed approved by the voters unless a
29 majority of the votes cast on the proposition are in opposition to
30 the annexation.

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

36 **Sec. 434.** RCW 35A.14.490 and 2009 c 402 s 5 are each amended to
37 read as follows:

38 (1) Territory owned by a county and used for an agricultural fair
39 as provided in chapter 15.76 ~~((RCW))~~ or ~~((chapter))~~ 36.37 RCW may

1 only be annexed to a code city through the method prescribed in this
2 section.

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

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

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

27 (d) If, following the conclusion of the hearing, a majority of
28 the county legislative authority deems the annexation proposal to be
29 in the best interest of the county, it may adopt a resolution
30 approving of the annexation. The county legislative authority must
31 file notice of the proposed action with the office of financial
32 management for its review pursuant to section 1 of this act.

33 (e) If, following the county legislative authority's adoption of
34 the annexation approval resolution and approval of the proposed
35 action by the office of financial management pursuant to section 1 of
36 this act, the legislative body of the city proposing annexation
37 determines to effect the annexation, it must do so by ordinance. The
38 ordinance: (i) May only include territory approved for annexation in
39 the resolution adopted under (d) of this subsection; and (ii) must
40 not exclude territory approved for annexation in the resolution

1 adopted under (d) of this subsection. Upon passage of the annexation
2 ordinance, a certified copy must be filed with the applicable county
3 legislative authority.

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

7 **Sec. 435.** RCW 35A.14.700 and 2011 c 342 s 2 are each amended to
8 read as follows:

9 (1) Whenever any territory is annexed to or deannexed from a code
10 city, any territory is subject to boundary line adjustment, or cities
11 are consolidated pursuant to chapter 35.10 RCW:

12 (a) A copy of the complete ordinance containing a legal
13 description and a map showing specifically the boundaries of the
14 territory or consolidated area may be submitted immediately after the
15 city or town's adoption. Within two days of receipt of the ordinance,
16 the office of financial management must post a digital copy on the
17 internet or transmit digital copies via email to the departments of
18 transportation and revenue. The requirement to notify the department
19 of revenue of a tax rate change under RCW 82.14.055(1) is met when
20 the office of financial management receives the documents required
21 under this subsection (1)(a); and

22 (b) A certificate as hereinafter provided (~~shall~~) must be
23 submitted (~~in triplicate~~) to the office of financial management
24 within thirty days of the effective date of (~~annexation~~) the action
25 specified in the relevant ordinance. After approval of the
26 certificate, the office of financial management (~~shall~~) must retain
27 the original copy in its files(~~(7)~~) and transmit (~~the second~~) a
28 digital copy to (~~the department of transportation and return the~~
29 ~~third copy to~~) the code city via email. (~~Such~~) The certificate(~~s~~
30 ~~shall~~) must be in (~~such~~) a form and contain (~~such~~) information
31 as (~~shall be~~) prescribed by the office of financial management. (~~A~~
32 ~~copy of the complete ordinance containing a legal description and a~~
33 ~~map showing specifically the boundaries of the annexed territory~~
34 ~~shall be attached to each of the three copies of the certificate.~~)
35 The certificate (~~shall~~) must be signed by the mayor and attested by
36 the city clerk. Upon request, the office of financial management
37 (~~shall~~) must furnish certification forms to any code city.

1 (2)(a) The resident population of the (~~annexed~~) territory
2 (~~shall~~) or consolidated area must be determined by, or under the
3 direction of, the mayor of the code city.

4 (b) If the (~~annexing~~) code city has a population of ten
5 thousand or less, the (~~annexed~~) territory or consolidated area
6 consists entirely of one or more partial federal census blocks, or
7 2010 federal decennial census data has not been released within
8 twelve months immediately prior to the date of (~~annexation~~) the
9 action, the population determination (~~shall~~) must consist of an
10 actual enumeration of the population.

11 (c) In any circumstance, the code city may choose to have the
12 population determination of the entire (~~annexed~~) territory or
13 consolidated area consist of an actual enumeration. However, if the
14 code city does not use actual enumeration for determining population,
15 the (~~annexed~~) territory or consolidated area includes or consists
16 of one or more complete federal census blocks, and 2010 federal
17 decennial census data has been released within twelve months
18 immediately prior to the date of (~~annexation~~) the action, the
19 population determination (~~shall~~) must consist of:

20 (i) Relevant 2010 federal decennial census data pertaining to the
21 complete block or blocks, as such data has been updated by the most
22 recent official population estimate released by the office of
23 financial management pursuant to RCW 43.62.030;

24 (ii) An actual enumeration of any population located within the
25 (~~annexed~~) territory or consolidated area but outside the complete
26 federal census block or blocks; and

27 (iii) If the office of financial management, at least two weeks
28 prior to the date of (~~annexation~~) the action, confirms the
29 existence of a known census error within a complete federal census
30 block and identifies a structure or complex listed in (c)(iii)(A)
31 through (E) of this subsection (2) as a likely source of the error,
32 an actual enumeration of one or more of the block's identified:

33 (A) Group quarters;

34 (B) Mobile home parks;

35 (C) Apartment buildings that are composed of at least fifty units
36 and are certified for occupancy between January 1, 2010, and April 1,
37 2011;

38 (D) Missing subdivisions; and

39 (E) Closures of any of the categories in (c)(iii)(A) through (D)
40 of this subsection.

1 (d) Whenever an actual enumeration is used, it shall be made in
2 accordance with the practices and policies of, and subject to the
3 approval of, the office of financial management.

4 (e) The code city (~~((shall be))~~) is responsible for the full cost
5 of the population determination.

6 (3) Upon approval of the (~~((annexation))~~) certificate, the office
7 of financial management (~~((shall))~~) must forward to each state official
8 or department responsible for making allocations or payments to
9 cities or towns, a revised certificate reflecting the increase in
10 population due to (~~((such annexation))~~) the action. Upon and after the
11 date of the commencement of the next quarterly period, the population
12 determination indicated in (~~((such))~~) the revised certificate (~~((shall))~~)
13 must be used as the basis for the allocation and payment of state
14 funds to such city or town.

15 For the purposes of this section, each quarterly period (~~((shall))~~)
16 commences on the first day of the months of January, April, July, and
17 October. Whenever a revised certificate is forwarded by the office of
18 financial management thirty days or less prior to the commencement of
19 the next quarterly period, the population of the (~~((annexed))~~)
20 territory (~~((shall))~~) or consolidated area must not be considered until
21 the commencement of the following quarterly period.

22 (4) Until (~~((an annexation))~~) a certificate is filed and approved
23 (~~((as provided herein, such annexed))~~), the territory (~~((shall))~~) or
24 consolidated area must not be considered by the office of financial
25 management in determining the population of such code city.

26 **Sec. 436.** RCW 35A.16.010 and 1967 ex.s. c 119 s 35A.16.010 are
27 each amended to read as follows:

28 Upon the filing of a petition which is sufficient as determined
29 by RCW 35A.01.040 praying for the exclusion from the boundaries of a
30 code city of an area described by metes and bounds or by reference to
31 a recorded plat or government survey, signed by qualified voters of
32 the city in number equal to not less than ten percent of the number
33 of votes cast at the last general municipal election, the legislative
34 body of the code city shall cause the question to be submitted to the
35 voters. As an alternate method, such a proposal for exclusion from
36 the code city of a described area may be submitted to the voters by
37 resolution of the legislative body. The question shall be submitted
38 at the next general municipal election if one is to be held within
39 one hundred and eighty days or at a special election called for that

1 purpose not less than ninety days nor more than one hundred and
2 eighty days after the certification of sufficiency of the petition or
3 the passage of the resolution. The petition or resolution shall set
4 out and describe the territory to be excluded from the code city,
5 together with the boundaries of the code city as it will exist after
6 such change is made. The legislative body of the code city must file
7 notice of the proposed action with the office of financial management
8 for its review pursuant to section 1 of this act.

9 **Sec. 437.** RCW 35A.16.040 and 1967 ex.s. c 119 s 35A.16.040 are
10 each amended to read as follows:

11 Promptly after the filing of the abstract of votes with the
12 secretary of state and subject to approval of the proposed action by
13 the office of financial management pursuant to section 1 of this act,
14 the legislative body shall adopt an ordinance defining and fixing the
15 corporate limits after excluding the area as determined by the
16 election. The ordinance shall also describe the excluded territory by
17 metes and bounds or by reference to a recorded plat or government
18 survey and declare it no longer a part of the code city.

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