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SENATE BILL 6312

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State of Washington

65th Legislature

2018 Regular Session

By Senator Hunt

1 AN ACT Relating to eliminating certain requirements for the  
2 annexation of an unincorporated island of territory; and amending RCW  
3 35A.14.295, 35A.14.297, 35A.14.299, and 36.93.105.

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

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

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

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

13 (b) Of any size containing residential property owners and having  
14 at least eighty percent of the boundaries of such area contiguous to  
15 the city. Territory annexed under this subsection (1)(b) must be  
16 within the same county and within the same urban growth area  
17 designated under RCW 36.70A.110, and the city must plan under chapter  
18 36.70A RCW.

19 (2) The resolution shall describe the boundaries of the area to  
20 be annexed(~~(, state the number of voters residing therein as nearly~~  
21 ~~as may be,)~~) and set a date for a public hearing on such resolution

1 for annexation. Notice of the hearing shall be given by publication  
2 of the resolution at least once a week for two weeks prior to the  
3 date of the hearing, in one or more newspapers of general circulation  
4 within the code city and one or more newspapers of general  
5 circulation within the area to be annexed.

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

10 **Sec. 2.** RCW 35A.14.297 and 1967 ex.s. c 119 s 35A.14.297 are  
11 each amended to read as follows:

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

1       **Sec. 3.** RCW 35A.14.299 and 2006 c 344 s 25 are each amended to  
2 read as follows:

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

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

30       **Sec. 4.** RCW 36.93.105 and 1999 c 153 s 46 are each amended to  
31 read as follows:

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

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

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

38       (3) Revisions of city or town boundaries pursuant to RCW  
39 35.21.790 or 35A.21.210;

1        (~~(3)~~) (4) Adjustments to city or town boundaries pursuant to  
2    RCW 35.13.340; and  
3        (~~(4)~~) (5) Adjustments to city and town boundaries pursuant to  
4    RCW 35.13.300 through 35.13.330.

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