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SENATE BILL 6511

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State of Washington

55th Legislature

1998 Regular Session

By Senators Patterson, Haugen, Anderson and Goings; by request of Land Use Study Commission

Read first time 01/20/98. Referred to Committee on Government Operations.

1 AN ACT Relating to recommendations of the land use study  
2 commission; amending RCW 35.13.182, 35.13.130, and 36.70A.060;  
3 amending 1995 c 347 s 433 (uncodified); amending 1995 c 347 s 411  
4 (uncodified); amending 1995 c 347 s 412 (uncodified); adding new  
5 sections to chapter 35.13 RCW; and adding a new section to chapter  
6 36.70A RCW.

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

8 **Sec. 1.** RCW 35.13.182 and 1997 c 429 s 37 are each amended to read  
9 as follows:

10 (1) The legislative body of a city or town planning under chapter  
11 36.70A RCW as of June 30, 1994, may resolve to annex territory to the  
12 city or town if there is, within the city or town, unincorporated  
13 territory containing residential property owners within the same county  
14 and within the same urban growth area designated under RCW 36.70A.110  
15 as the city or town:

16 (a) Containing less than one hundred acres and having at least  
17 eighty percent of the boundaries of such area contiguous to the city or  
18 town (~~(if such area existed before June 30, 1994)~~); or

1 (b) Of any size and having at least eighty percent of the  
2 boundaries of the area contiguous to the city if the area existed  
3 before June 30, 1994.

4 (2) The resolution shall describe the boundaries of the area to be  
5 annexed, state the number of voters residing in the area as nearly as  
6 may be, and set a date for a public hearing on the resolution for  
7 annexation. Notice of the hearing shall be given by publication of the  
8 resolution at least once a week for two weeks before the date of the  
9 hearing in one or more newspapers of general circulation within the  
10 city or town and one or more newspapers of general circulation within  
11 the area to be annexed.

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

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW  
17 to read as follows:

18 The annexation ordinance provided for in RCW 35.13.182 is subject  
19 to referendum for forty-five days after its passage. Upon the filing  
20 of a timely and sufficient referendum petition with the legislative  
21 body, signed by qualified electors in number equal to not less than ten  
22 percent of the votes cast in the last general state election in the  
23 area to be annexed, the question of annexation shall be submitted to  
24 the voters of the area in a general election if one is to be held  
25 within ninety days or at a special election called for that purpose not  
26 less than forty-five days nor more than ninety days after the filing of  
27 the referendum petition. Notice of the election shall be given as  
28 provided in RCW 35.13.080 and the election shall be conducted as  
29 provided in the general election law. The annexation shall be deemed  
30 approved by the voters unless a majority of the votes cast on the  
31 proposition are in opposition thereto.

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

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

3        On the date set for hearing as provided in RCW 35.13.182(2),  
4 residents or property owners of the area included in the resolution for  
5 annexation shall be afforded an opportunity to be heard.    The  
6 legislative body may provide by ordinance for annexation of the  
7 territory described in the resolution, but the effective date of the  
8 ordinance shall be not less than forty-five days after the passage  
9 thereof.    The legislative body shall cause notice of the proposed  
10 effective date of the annexation, together with a description of the  
11 property to be annexed, to be published at least once each week for two  
12 weeks subsequent to passage of the ordinance, in one or more newspapers  
13 of general circulation within the city and in one or more newspapers of  
14 general circulation within the area to be annexed.    If the annexation  
15 ordinance provides for assumption of indebtedness or adoption of a  
16 proposed zoning regulation, the notice shall include a statement of  
17 such requirements.

18        **Sec. 4.**    RCW 35.13.130 and 1990 c 33 s 566 are each amended to read  
19 as follows:

20        (1) A petition for annexation of an area contiguous to a city or  
21 town may be made in writing addressed to and filed with the legislative  
22 body of the municipality to which annexation is desired.

23        (2) Except as otherwise provided in subsection (3) of this section,  
24 the petition must be signed by the owners of not less than seventy-five  
25 percent in value according to the assessed valuation for general  
26 taxation of the property for which annexation is petitioned.

27        (3)(a) Subsection (2) of this section does not apply where all the  
28 property sought to be annexed is property of a school district, and the  
29 school directors thereof file the petition for annexation as authorized  
30 in RCW 28A.335.110 ((authorized, the petition must be signed by the  
31 owners of not less than seventy-five percent in value according to the  
32 assessed valuation for general taxation of the property for which  
33 annexation is petitioned: PROVIDED, That)).

34        (b) In a county required or choosing to plan under all of the  
35 provisions of RCW 36.70A.040 prior to June 30, 1994, if the property to  
36 be annexed is within an urban growth area designated under RCW  
37 36.70A.110, the petition must be signed by the owners of not less than

1 sixty percent in value according to the assessed valuation for general  
2 taxation of property for which annexation is petitioned.

3 (c) In cities and towns with populations greater than one hundred  
4 sixty thousand located east of the Cascade mountains, the owner of tax  
5 exempt property may sign an annexation petition and have the tax exempt  
6 property annexed into the city or town, but the value of the tax exempt  
7 property shall not be used in calculating the sufficiency of the  
8 required property owner signatures unless only tax exempt property is  
9 proposed to be annexed into the city or town.

10 (4) The petition shall set forth a description of the property  
11 according to government legal subdivisions or legal plats which is in  
12 compliance with RCW 35.02.170, and shall be accompanied by a plat which  
13 outlines the boundaries of the property sought to be annexed. If the  
14 legislative body has required the assumption of all or of any portion  
15 of city or town indebtedness by the area annexed, and/or the adoption  
16 of a comprehensive plan for the area to be annexed, these facts,  
17 together with a quotation of the minute entry of such requirement or  
18 requirements shall be set forth in the petition.

19 **Sec. 5.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended  
20 to read as follows:

21 (1) Each county that is required or chooses to plan under RCW  
22 36.70A.040, and each city within such county, shall adopt development  
23 regulations on or before September 1, 1991, to assure the conservation  
24 of agricultural, forest, and mineral resource lands designated under  
25 RCW 36.70A.170. Regulations adopted under this subsection may not  
26 prohibit uses legally existing on any parcel prior to their adoption  
27 and shall remain in effect until the county or city adopts development  
28 regulations pursuant to RCW 36.70A.120. Such regulations shall assure  
29 that the use of lands adjacent to agricultural, forest, or mineral  
30 resource lands shall not interfere with the continued use, in the  
31 accustomed manner and in accordance with best management practices, of  
32 these designated lands for the production of food, agricultural  
33 products, or timber, or for the extraction of minerals. Counties and  
34 cities shall require that all plats, short plats, development permits,  
35 and building permits issued for development activities on, or within  
36 ((three)) five hundred feet of, lands designated as agricultural lands,  
37 forest lands, or mineral resource lands, contain a notice that the  
38 subject property is within or near designated agricultural lands,

1 forest lands, or mineral resource lands on which a variety of  
2 commercial activities may occur that are not compatible with  
3 residential development for certain periods of limited duration.

4 (2) Each county and city shall adopt development regulations that  
5 protect critical areas that are required to be designated under RCW  
6 36.70A.170. For counties and cities that are required or choose to  
7 plan under RCW 36.70A.040, such development regulations shall be  
8 adopted on or before September 1, 1991. For the remainder of the  
9 counties and cities, such development regulations shall be adopted on  
10 or before March 1, 1992.

11 (3) Such counties and cities shall review these designations and  
12 development regulations when adopting their comprehensive plans under  
13 RCW 36.70A.040 and implementing development regulations under RCW  
14 36.70A.120 and may alter such designations and development regulations  
15 to insure consistency.

16 (4) Forest land and agricultural land located within urban growth  
17 areas shall not be designated by a county or city as forest land or  
18 agricultural land of long-term commercial significance under RCW  
19 36.70A.170 unless the city or county has enacted a program authorizing  
20 transfer or purchase of development rights.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW  
22 to read as follows:

23 As part of the review required by RCW 36.70A.130(1), a county or  
24 city shall review its mineral resource lands designations adopted  
25 pursuant to RCW 36.70A.170 and mineral resource lands development  
26 regulations adopted pursuant to RCW 36.70A.060 and 36.70A.120. In its  
27 review, the county or city shall take into consideration:

28 (1) New information made available since the adoption or last  
29 review of its designations or development regulations, including data  
30 available from the department of natural resources relating to mineral  
31 resource deposits; and

32 (2) New or modified model development regulations for mineral  
33 resource lands prepared by the department of natural resources, the  
34 department of community, trade, and economic development, or the  
35 Washington state association of counties.

36 **Sec. 7.** 1995 c 347 s 433 (uncodified) is amended to read as  
37 follows:

1       (~~Sections 413 and 421 of this act~~) RCW 36.70B.090 and 64.40.050  
2 shall expire June 30, (~~1998~~) 2000. The provisions of (~~sections 413~~  
3 ~~and 421 of this act~~) RCW 36.70B.090 and 64.40.050 shall apply to  
4 project permit applications determined to be complete pursuant to RCW  
5 36.70B.070 on or before June 30, (~~1998~~) 2000.

6       **Sec. 8.** 1995 c 347 s 411 (uncodified) is amended to read as  
7 follows:

8       The amendments to RCW (~~36.70A.065~~) 36.70B.080 contained in  
9 section 409 (~~of this act~~), chapter 347, Laws of 1995 shall expire  
10 July 1, (~~1998~~) 2000.

11       **Sec. 9.** 1995 c 347 s 412 (uncodified) is amended to read as  
12 follows:

13       Section 410 (~~of this act~~), chapter 347, Laws of 1995 shall take  
14 effect July 1, (~~1998~~) 2000.

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