

HB 1295 - S COMM AMD

By Committee on Agriculture & Rural Economic Development

ADOPTED 04/02/2009

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

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

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

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

35 (e) If, following the county legislative authority's adoption of
36 the annexation approval resolution, the legislative body of the city or
37 town proposing annexation determines to effect the annexation, it must
38 do so by ordinance. The ordinance: (i) May only include territory

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

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

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

11 Any portion of a county not incorporated as part of a city or town
12 but lying contiguous to a code city may become a part of the charter
13 code city or noncharter code city by annexation(~~(:—PROVIDED, That~~
14 ~~property owned by a county, and used for the purpose of an agricultural~~
15 ~~fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be~~
16 ~~subject to annexation without the consent of the majority of the board~~
17 ~~of county commissioners)). An area proposed to be annexed to a charter
18 code city or noncharter code city shall be deemed contiguous thereto
19 even though separated by water or tide or shore lands and, upon
20 annexation of such area, any such intervening water and/or tide or
21 shore lands shall become a part of such annexing city.~~

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

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

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

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

1 description. Approval of the county legislative authority is a
2 condition precedent to further proceedings upon the request and there
3 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 annexation.
13 If the annexation proposal provides for assumption of indebtedness or
14 adoption of a proposed zoning regulation, the notice must include a
15 statement of these requirements.

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

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

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

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1 On page 1, line 1 of the title, after "fairs;" strike the remainder
2 of the title and insert "amending RCW 35.13.010 and 35A.14.010; adding
3 a new section to chapter 35.13 RCW; adding a new section to chapter
4 35A.14 RCW; and creating a new section."

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