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ENGROSSED SUBSTITUTE SENATE BILL 5522

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State of Washington                      66th Legislature                      2019 Regular Session

By Senate Local Government (originally sponsored by Senator Takko)

READ FIRST TIME 02/15/19.

1            AN ACT Relating to providing code cities with the ability to  
2 annex unincorporated areas pursuant to a jointly approved interlocal  
3 agreement with the county; adding a new section to chapter 35A.14  
4 RCW; and creating a new section.

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

6            NEW SECTION.            **Sec. 1.**            The legislature finds that city  
7 annexations of unincorporated areas within urban growth areas will be  
8 more efficient and effective if the county and city develop a jointly  
9 approved interlocal agreement so as not to create illogical  
10 boundaries or islands of unincorporated territory.

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

13            (1) A code city as provided in subsection (2) of this section may  
14 annex unincorporated territory pursuant to an interlocal agreement.  
15 This method of annexation shall be an alternative method and is  
16 additional to all other methods provided for in this chapter.

17            (2) The county legislative authority of a county and the  
18 governing body of a code city may jointly initiate an annexation  
19 process for unincorporated territory by adopting an interlocal  
20 agreement as provided in chapter 39.34 RCW and under this section

1 between the county and code city within the county. If a code city is  
2 proposing to annex territory where the sole access or majority of  
3 egress and ingress for the territory proposed for annexation is  
4 served by the transportation network of an adjacent city, or that  
5 will include areas in a fire protection district under Title 52 RCW,  
6 regional fire protection service authority under chapter 52.26 RCW,  
7 water-sewer district under Title 57 RCW, or transportation benefit  
8 district under chapter 36.73 RCW, the code city must provide written  
9 notice to the governing authority of such adjacent city, regional  
10 fire protection service authority, fire protection district, water-  
11 sewer district, or transportation benefit district. Such adjacent  
12 city or notified district shall have thirty calendar days from the  
13 date of the notice to provide written notice of its interest in being  
14 a party to the interlocal agreement. If timely notice is provided,  
15 such city or district shall be included as a party to the interlocal  
16 agreement. If the adjacent city or district does not approve the  
17 interlocal agreement, the annexation may not proceed under this  
18 section. For purposes of this subsection, "adjacent" means that the  
19 territory proposed for annexation is contiguous with the existing  
20 city limits of the nonannexing city. The interlocal agreement must  
21 ensure that for a period of five years after the annexation any  
22 parcel zoned for residential development within the annexed area  
23 shall:

24 (a) Maintain a zoning designation that provides for residential  
25 development; and

26 (b) Not have its minimum gross residential density reduced below  
27 the density allowed for by the zoning designation for that parcel  
28 prior to annexation.

29 (3) The county and code city shall jointly agree on the  
30 boundaries of the annexation and its effective date. The interlocal  
31 agreement shall describe the boundaries of the territory to be  
32 annexed and set a date for a public hearing on such agreement for  
33 annexation. An interlocal agreement may include phased annexation of  
34 territory, and may be amended following the same process as initial  
35 approval, including adding additional territory. A public hearing  
36 shall be held by each legislative body, separately or jointly, before  
37 the agreement is executed. Each legislative body holding a public  
38 hearing shall:

39 (a) Separately or jointly, publish a notice of availability of  
40 the agreement at least once a week for four weeks before the date of

1 the hearing in one or more newspapers of general circulation within  
2 the code city and one or more newspapers of general circulation  
3 within the territory proposed for annexation; and

4 (b) If the legislative body has the ability to do so, post the  
5 notice of availability of the agreement on its web site for the same  
6 four weeks that the notice is published in the newspapers under (a)  
7 of this subsection. The notice shall describe where the public may  
8 review the agreement and the territory to be annexed.

9 (4) On the date set for hearing, the public shall be afforded an  
10 opportunity to be heard. Following the hearing, if the legislative  
11 body determines to effect the annexation, they shall do so by  
12 ordinance. If the annexation agreement includes phased annexation of  
13 territory, the legislative body shall adopt a separate ordinance at  
14 the time of each phase of annexation. Upon the date fixed in the  
15 ordinance of annexation the area annexed shall become part of the  
16 city. If the annexation ordinance provides for assumption of  
17 indebtedness or adoption of a proposed zoning regulation, the notice  
18 shall include a statement of such requirements. Upon passage of the  
19 annexation ordinance a certified copy shall be filed with the board  
20 of county commissioners of the county in which the annexed property  
21 is located.

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