
HOUSE BILL 2303

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Horn, Edmondson, B. Thomas and Dyer

Read first time 01/12/94. Referred to Committee on Local Government.

1 AN ACT Relating to competing proposals for city and town
2 annexations and incorporations; amending RCW 36.93.115; adding a new
3 section to chapter 35.02 RCW; adding a new section to chapter 35.13
4 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW
5 35.13.175 and 35A.14.230.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.02 RCW
8 to read as follows:

9 For a period of ninety days after a petition proposing the
10 incorporation of a city or town is filed with the county auditor, a
11 petition or resolution proposing the annexation of any portion of the
12 territory included in the incorporation proposal may be filed or
13 adopted and the proposed annexation may continue following the
14 applicable statutory procedure. Territory that ultimately is annexed,
15 as a result of the filing of such an annexation petition or adoption of
16 such an annexation resolution during this ninety-day period, shall be
17 withdrawn from the incorporation proposal.

18 A proposed annexation of a portion of the territory included within
19 the proposed incorporation, that is initiated by the filing of an

1 annexation petition or adoption of an annexation resolution after this
2 ninety-day period, shall be held in abeyance and may not occur unless:
3 (1) The boundary review board modifies the boundaries of the proposed
4 incorporation and removes the territory from the proposed
5 incorporation; (2) the boundary review board rejects the proposed
6 incorporation and the proposed city or town has a population of less
7 than seven thousand five hundred; (3) voters defeat the ballot
8 proposition authorizing the proposed incorporation; or (4) a boundary
9 review board simultaneously considers the proposed incorporation and
10 the proposed annexation of the territory, as provided in RCW 36.93.115.

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

13 After a petition proposing an annexation by a city or town is filed
14 with the city or town or the governing body of the city or town, or
15 after a resolution proposing an annexation by a city or town has been
16 adopted by the city or town governing body, no territory included in
17 the proposed annexation may be annexed by another city or town or
18 incorporated into a city or town unless: (1) The boundary review board
19 modifies the boundaries of the proposed annexation and removes the
20 territory; (2) the boundary review board or review board created under
21 RCW 35.13.171 rejects the proposed annexation; or (3) the city or town
22 governing body rejects the proposed annexation or voters defeat the
23 ballot proposition authorizing the annexation.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.14 RCW
25 to read as follows:

26 After a petition proposing an annexation by a code city has been
27 filed with the city or the city legislative authority, or after a
28 resolution proposing the annexation by a code city has been adopted by
29 the city legislative authority, no territory included in the proposed
30 annexation may be annexed by another city or town or incorporated into
31 a city or town unless: (1) The boundary review board or county
32 annexation review board created under RCW 35A.14.160 modifies the
33 boundaries of the proposed annexation and removes the territory; (2)
34 the boundary review board or county annexation review board created
35 under RCW 35A.14.160 rejects the proposed annexation; or (3) the city
36 legislative authority rejects the proposed annexation or voters defeat
37 the ballot proposition authorizing the annexation.

1 **Sec. 4.** RCW 36.93.115 and 1982 c 220 s 5 are each amended to read
2 as follows:

3 A boundary review board(~~(, county auditor, county legislative~~
4 ~~authority, or any other public official or body)) may simultaneously
5 consider the proposed incorporation of a city or town, and the proposed
6 annexation of a portion of the territory included in the proposed
7 incorporation, if the resolution or petition initiating the annexation
8 is adopted or filed ninety or fewer days after the petition proposing
9 the incorporation was filed, and may act upon ((a petition for)) the~~

10 proposed annexation before ((considering or)) acting upon ((a)) the
11 petition for incorporation ((which embraces some or all of the same
12 territory,)) without regard to priority of filing.

13 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
14 repealed:

15 (1) RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 & 1965 c 7 s
16 35.13.175; and

17 (2) RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230.

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