S-3729.1   _____

SENATE BILL 6303
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State of Washington   **58th Legislature**   **2004 Regular Session**

By Senator Carlson

Read first time 01/16/2004.   Referred to Committee on Land Use & Planning.

1   AN ACT Relating to annexation; providing authorization for cities
2   that are required to plan under the growth management act to annex
3   areas within their urban growth boundary; establishing a process to
4   facilitate annexations between cities and counties; amending RCW
5   36.93.105; adding a new section to chapter 35.13 RCW; and adding new
6   sections to chapter 39.34 RCW.

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

8   **Sec. 1.** RCW 36.93.105 and 1999 c 153 s 46 are each amended to read
9   as follows:
10   The following actions ((shall)) are not ((be)) subject to
11 ((potential)) review by a boundary review board:
12   (1) Annexations of territory to a water-sewer district pursuant to
13 RCW 36.94.410 through 36.94.440;
14   (2) Revisions of city or town boundaries pursuant to RCW 35.21.790
15 or 35A.21.210;
16   (3) Adjustments to city or town boundaries pursuant to RCW
17 35.13.340; ((and))
18   (4) Adjustments to city and town boundaries pursuant to RCW
19 35.13.300 through 35.13.330; and

1 (5) Annexations under the provisions of chapters 35.13 and 35A.14
2 RCW.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW
4 to read as follows:
5 Proceedings for the annexation of territory pursuant to this
6 section and section 3 of this act must be commenced as follows:
7 (1) The legislative body of a city may by a majority vote resolve
8 to annex unincorporated territory contiguous to the city that is within
9 the city's urban growth area as designated under RCW 36.70A.110.
10 (2) The resolution must describe the boundaries of the area to be
11 annexed, state the approximate number of voters residing therein, and
12 set a date for a public hearing on the resolution. Notice of the
13 hearing must be given by publication of the resolution at least once a
14 week for three weeks before the date of the hearing, in one or more
15 newspapers of general circulation within the code city and one or more
16 newspapers of general circulation within the area to be annexed. The
17 notice must contain a legal description of the area proposed for
18 annexation, specify the time and place of hearing, and invite
19 interested persons to appear and voice approval or disapproval of the
20 annexation. The notice must also be posted in three public places in
21 the territory proposed for annexation.
22 (3) For purposes of subsection (1) of this section, territory
23 bounded by a river, lake, or other body of water is contiguous to the
24 city that is also bounded by the same river, lake, or other body of
25 water.
26 (4) Following the hearing, the city council or commission must
27 determine by ordinance whether the area will be annexed. Subject to
28 RCW 35.02.170, the council may annex all or any portion of the proposed
29 area, but may not include any property not described in the notice.
30 Upon passage of the ordinance, a certified copy must be filed with the
31 board of county commissioners of the county in which the annexed
32 property is located.
33 (5) Annexations initiated under this section are subject to the
34 procedures set forth in chapters 35.13, 35A.14, and 39.34 RCW.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.34 RCW
36 to read as follows:

1   Before initiating an annexation under this act, a city must enter
 2 into an interlocal agreement with the county that governs annexations
 3 by that city within its urban growth boundary. An annexation
 4 interlocal agreement entered into before the effective date of this
 5 section or a general annexation interlocal agreement entered into
 6 between a city and county that is intended to apply to all annexations
 7 by a city within its urban growth boundary satisfies the requirements
 8 of this section. The interlocal agreement may be, by agreement of the
 9 city and county, supplemented to address issues specific to an
10 individual annexation if the issues are not addressed in the general
11 interlocal agreement. The general interlocal annexation agreement must
12 include the following:
13   (1) A statement of the goals of the agreement. Goals may include,
14 but are not limited to: Providing for long-term and short-term
15 transition of services and staff; joint provision of services;
16 community involvement; revenue sharing; and debt distribution;
17   (2) The subject areas and policies and procedures the parties agree
18 to undertake in annexations. Subject areas may include, but are not
19 limited to: Roads and traffic impact mitigation; surface and storm
20 water management; coordination and timing of comprehensive plan and
21 development regulation updates; parks, trails, recreation, and open
22 space; public utilities; outstanding bonds and special or improvement
23 district assessments; transfer of staff, records, and equipment;
24 annexation procedures; and distribution of debt and revenue sharing for
25 annexation proposals, code enforcement, inspection services, and
26 financial and administrative services.
27   (3) A term of at least five years which may be extended by mutual
28 agreement of the city and county.

29   NEW SECTION. **Sec. 4.** A new section is added to chapter 39.34 RCW
30 to read as follows:
31   If the city and county do not complete a general interlocal
32 annexation agreement within one hundred twenty days of its initiation:
33   (1) The city and county may extend the time in which to reach an
34 agreement; or
35   (2) The city or county may invoke mediated negotiation by notice to
36 the other party. Mediation must begin within thirty days. The city
37 and county must select a mediator and make available to the mediator

1   all relevant documents, including their respective proposals for goals
2   and policies and procedures, by subject area. If the parties fail to
3   reach agreement through mediation, either party may invoke binding
4   arbitration by providing notice to the other party. Each party must
5   select one arbitrator and the initial two arbitrators must select a
6   third arbitrator. Arbitration must begin within thirty days.

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