
HOUSE BILL 2880

State of Washington 65th Legislature 2018 Regular Session

By Representatives Fey, Jinkins, Kirby, Griffey, and Sawyer

Read first time 01/19/18. Referred to Committee on Local Government.

1 AN ACT Relating to the redevelopment of an area overlapping the
2 boundary between two adjacent cities; and amending RCW 35.10.217,
3 35.13.178, and 36.93.105.

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

5 **Sec. 1.** RCW 35.10.217 and 1986 c 253 s 1 are each amended to
6 read as follows:

7 The following methods are available for the annexation of all or
8 a part of a city or town to another city or town:

9 (1) A petition for an election to vote upon the annexation, which
10 proposed annexation is approved by the legislative body of the city
11 or town from which the territory will be taken, may be submitted to
12 the legislative body of the city or town to which annexation is
13 proposed. An annexation under this subsection shall otherwise conform
14 with the requirements for and procedures of a petition and election
15 method of annexing unincorporated territory under chapter 35.13 RCW,
16 except for the requirement for the approval of the annexation by the
17 city or town from which the territory would be taken.

18 (2) The legislative body of a city or town may on its own
19 initiative by resolution indicate its desire to be annexed to a city
20 or town either in whole or in part, or the legislative body of a city
21 or town proposing to annex all or part of another city or town may

1 initiate the annexation by adopting a resolution indicating that
2 desire. In case such resolution is passed, such resolution shall be
3 transmitted to the other affected city or town. The annexation is
4 effective if the other city or town adopts a resolution concurring in
5 the annexation, unless the owners of property in the area proposed to
6 be annexed, equal in value to sixty percent or more of the assessed
7 valuation of the property in the area, protest the proposed
8 annexation in writing to the legislative body of the city or town
9 proposing to annex the area, within thirty days of the adoption of
10 the second resolution accepting the annexation. Notices of the public
11 hearing at which the second resolution is adopted shall be mailed to
12 the owners of the property within the area proposed to be annexed in
13 the same manner that notices of a hearing on a proposed local
14 improvement district are required to be mailed by a city or town as
15 provided in chapter 35.43 RCW. An annexation under this subsection
16 shall be potentially subject to review by a boundary review board or
17 other annexation review board after the adoption of the initial
18 resolution, and the second resolution may not be adopted until the
19 proposed annexation has been approved by the board.

20 (3) The owners of property located in a city or town may petition
21 for annexation to another city or town. An annexation under this
22 subsection shall conform with the requirements for and procedures of
23 a direct petition method of annexing unincorporated territory~~((τ))~~.
24 Except ((that)) as provided in subsection (4) of this section, the
25 legislative body of the city or town from which the territory would
26 be taken must approve the annexation under this subsection (3) before
27 it may proceed.

28 (4)(a) For annexations conducted under subsection (3) of this
29 section, approval by the legislative body of the city or town from
30 which the territory would be taken is not required if all of the
31 conditions of (a)(i) and (ii) of this subsection (4) are met:

32 (i) The area to be annexed:

33 (A) Is fifty or fewer acres;

34 (B) Is part of a master planned development project for which an
35 environmental impact statement has been issued under chapter 43.21C
36 RCW;

37 (C) Is less than fifty percent of the total area of the master
38 planned development project, as described in the final environmental
39 impact statement;

1 (D) Includes two hundred or more lineal feet of shorelines of the
2 state as defined in RCW 90.58.030 and as determined in the most
3 recent inventory of shoreline conditions conducted under WAC
4 173-26-201(3)(c); and

5 (E) Is designated, in whole or in part, as a superfund site under
6 the federal comprehensive environmental response, compensation, and
7 liability act, 42 U.S.C. Sec. 9601 et seq., as it existed on January
8 1, 2014, or is subject to remediation under the model toxics control
9 act, chapter 70.105D RCW.

10 (ii) The city to which the territory would be annexed has:

11 (A) Incorporated as a first-class city under chapter 35.01 RCW
12 and has a population of one hundred fifty thousand or more persons
13 according to the most recent federal decennial census;

14 (B) More than fifty percent of the total area of the master
15 planned development project, as described in the final environmental
16 impact statement, within its corporate boundaries;

17 (C) Acted as the lead agency in conducting the environmental
18 review of the master planned development project under chapter 43.21C
19 RCW;

20 (D) Issued one or more development permits for the master planned
21 development project that is consistent with the final environmental
22 impact statement for the project; and

23 (E) Formed a local improvement district under RCW 35.43.030 that
24 includes, in whole or in part, the property comprising the master
25 planned development project and has issued bonds to fund the
26 construction of local improvements that benefit the entirety or a
27 portion of the property for which annexation is proposed.

28 (b) For annexations conducted in accordance with this subsection
29 (4), upon written agreement of all owners of the property for which
30 annexation is proposed, the city to which the territory would be
31 annexed may adopt a comprehensive plan and applicable land use
32 regulations as part of, and in conjunction with, the public hearing
33 required by RCW 35.13.140. If the city to which the territory would
34 be annexed adopts any land use regulations as provided in this
35 subsection (4)(b), the regulations regarding building height limits
36 must be consistent with those that applied to the territory to be
37 annexed prior to the annexation. If a comprehensive plan and land use
38 regulations are adopted as provided in this subsection (4)(b), no
39 additional public hearings must be held after the initial public
40 hearing required by RCW 35.13.178.

1 (c) Annexations conducted in accordance with this subsection (4)
2 are not subject to potential review by a local boundary review board
3 or an annexation review board.

4 (d) The annexing city must maintain the master development plan
5 in the annexed area that existed prior to the annexation.

6 (e) In order for an annexation to be finalized under this
7 subsection (4), all property owners in the annexed area that owe
8 taxes to the city from which territory will be annexed must become
9 current on all unpaid property taxes.

10 (f) The annexing city must continue providing utility services to
11 the city from which the territory is annexed in the same manner that
12 they were provided prior to the annexation.

13 (g) After a petition for annexation is approved by the annexing
14 city by ordinance, the annexing city and the city from which
15 territory is annexed must submit to binding arbitration. If the
16 cities are unable to agree on an arbitrator, a court of competent
17 jurisdiction, on motion of a city, must appoint an arbitrator. The
18 arbitrator must decide the following issues:

19 (i) What portion of tax revenues generated by the territory to be
20 annexed will be remitted by the annexing city to the city from which
21 the territory was annexed on an ongoing basis after the annexation is
22 complete. The amount must be sufficient to maintain the city from
23 which the territory is annexed as an economically viable city;

24 (ii) How the city from which territory is annexed will be
25 compensated for unpaid permit and inspection fees incurred through
26 development in the annexed area; and

27 (iii) Any other disputes arising from the annexation.

28 (h) Annexations may be conducted under this subsection (4) until
29 June 30, 2021.

30 (5) All annexations under this section, except for annexations
31 conducted in accordance with subsection (4) of this section, are
32 subject to potential review by the local boundary review board or
33 annexation review board.

34 **Sec. 2.** RCW 35.13.178 and 1965 ex.s. c 88 s 2 are each amended
35 to read as follows:

36 Except as provided in RCW 35.10.217(4)(b), the legislative body
37 of the city or town shall hold two or more public hearings, to be
38 held at least thirty days apart, upon the proposed comprehensive
39 plan, giving notice of the time and place thereof by publication in a

1 newspaper of general circulation in the annexing city or town and the
2 area to be annexed. A copy of the ordinance or resolution adopting or
3 embodying such proposed plan or any part thereof or any amendment
4 thereto, duly certified as a true copy by the clerk of the annexing
5 city or town, shall be filed with the county auditor. A like
6 certified copy of any map or plat referred to or adopted by the
7 ordinance or resolution shall likewise be filed with the county
8 auditor. The auditor shall record the ordinance or resolution and
9 keep on file the map or plat.

10 **Sec. 3.** RCW 36.93.105 and 1999 c 153 s 46 are each amended to
11 read as follows:

12 The following actions shall not be subject to potential review by
13 a boundary review board:

14 (1) Annexations of territory to a water-sewer district pursuant
15 to RCW 36.94.410 through 36.94.440;

16 (2) Annexations of all or part of a city or town pursuant to RCW
17 35.10.217(4);

18 (3) Revisions of city or town boundaries pursuant to RCW
19 35.21.790 or 35A.21.210;

20 (~~(3)~~) (4) Adjustments to city or town boundaries pursuant to
21 RCW 35.13.340; and

22 (~~(4)~~) (5) Adjustments to city and town boundaries pursuant to
23 RCW 35.13.300 through 35.13.330.

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