S-1473.3

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**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)

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

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

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

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

(1) A code city as provided in subsection (2) of this section may annex unincorporated territory pursuant to an interlocal agreement.

(2) The county legislative authority of a county and the governing body of a code city may jointly initiate an annexation process for unincorporated territory by adopting an interlocal agreement as provided in chapter 39.34 RCW and under this section between the county and code city within the county. If a code city is proposing to annex territory that will include areas in a special purpose district, the code city must notify the authority of the special purpose district and include the special purpose district as a party to the interlocal agreement. If the special purpose district does not approve the interlocal agreement, the annexation may not proceed under this section. The interlocal agreement must ensure that for a period of five years after the annexation for any parcel zoned for residential development within the annexed area:

(a) The parcel remains zoned for residential development; and

(b) The residential density of any parcel is not reduced below the density allowed for that parcel prior to annexation.

(3) The county and code city shall jointly agree on the boundaries of the annexation and its effective date. The interlocal agreement shall describe the boundaries of the territory to be annexed and set a date for a public hearing on such agreement for annexation. An interlocal agreement may include phased annexation of territory, and may be amended following the same process as initial approval, including adding additional territory. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish a notice of availability of the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the territory proposed for annexation. The notice shall describe where the public may review the agreement and the territory to be annexed.

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

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