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**SUBSTITUTE HOUSE BILL 1250**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Local Government (originally sponsored by Representatives Holy and S. Hunt; by request of Office of Financial Management)

1       AN ACT Relating to notice and review processes for annexations,  
2 deannexations, incorporations, disincorporations, consolidations, and  
3 boundary line adjustments under Titles 35 and 35A RCW; amending RCW  
4 35.02.030, 35.02.037, 35.02.070, 35.02.100, 35.02.130, 35.07.020,  
5 35.07.040, 35.07.230, 35A.15.010, 35A.15.040, 35.10.265, 35.10.400,  
6 35.10.410, 35.10.420, 35.13.010, 35.13.020, 35.13.100, 35.13.130,  
7 35.13.150, 35.13.180, 35.13.182, 35.13.1822, 35.13.185, 35.13.190,  
8 35.13.238, 35.13.260, 35.13.300, 35.13.420, 35.13.440, 35.13.480,  
9 35.13.490, 35.16.010, 35.16.040, 35A.14.010, 35A.14.020, 35A.14.090,  
10 35A.14.130, 35A.14.140, 35A.14.295, 35A.14.297, 35A.14.300,  
11 35A.14.310, 35A.14.430, 35A.14.440, 35A.14.460, 35A.14.470,  
12 35A.14.480, 35A.14.490, 35A.14.700, 35A.16.010, and 35A.16.040; and  
13 adding a new section to chapter 43.41 RCW.

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

15       NEW SECTION.   **Sec. 1.**   A new section is added to chapter 43.41  
16 RCW to read as follows:

17       (1) The initiator of a proposed action regarding (a) annexation,  
18 (b) deannexation, (c) incorporation, (d) disincorporation, (e)  
19 consolidation of cities, or (f) boundary line adjustment under Titles  
20 35 and 35A RCW must file notice of intention with the office of  
21 financial management for its review within three days of initial

1 acceptance or approval of the proposed action by the appropriate  
2 entity, except if the initiator is the legislative body of a  
3 government unit, the notice of intention must be filed immediately  
4 following the legislative body's initial acceptance or approval of  
5 the action.

6 (2) The notice of intention must be submitted with the following:

7 (a) A legal description of the proposed annexation, deannexation,  
8 incorporation, disincorporation, consolidation, or boundary line  
9 adjustment, which must be reviewed by the office of financial  
10 management before subsequent notices regarding the proposed action  
11 are filed;

12 (b) A map showing the specific territory boundaries of the  
13 proposed annexation, deannexation, incorporation, disincorporation,  
14 consolidation, or boundary line adjustment;

15 (c) The proposed action or resolution, if applicable;

16 (d) Parcel numbers of affected properties, if applicable; and

17 (e) Street addresses of affected properties, if applicable, but  
18 excluding the names of owners and residents.

19 (3) Within thirty days of receipt of notice of intention, the  
20 office of financial management must review the documents submitted  
21 under the notice and provide comments to the initiator of the  
22 proposed action if any of the following occur:

23 (a) Except for city consolidations and boundary line adjustments,  
24 the ordinance or resolution includes any territory that is part of  
25 another city or that is already part of the city boundaries;

26 (b) The territory to be annexed, deannexed, or incorporated, or  
27 subject to consolidation is not contiguous to existing city  
28 boundaries;

29 (c) The proposed action or resolution does not include or  
30 excludes the full right-of-way when roads are being used as part of  
31 the city boundary;

32 (d) Except for municipal purpose annexations, the proposed action  
33 or resolution includes any territory that is outside of an urban  
34 growth area in counties that are required or choose to plan under RCW  
35 36.70A.040; or

36 (e) The map of the territory to be annexed, deannexed,  
37 incorporated, disincorporated, consolidated, or subject to boundary  
38 line adjustment is not an accurate representation of the legal  
39 description.

1 (4) If the office of financial management denies approval of a  
2 proposed action under subsection (3) of this section, it must, within  
3 three days of the denial, provide written notice of the reason or  
4 reasons for denial to the affected government unit or units or, in  
5 the case of a city incorporation, the incorporation initiators.

6 (5) The office of financial management must post required  
7 documents as described in subsection (2) of this section on its web  
8 site and notify the department of transportation. The office of  
9 financial management must produce an annexation, deannexation,  
10 incorporation, disincorporation, city consolidation, and boundary  
11 line adjustment report thirty days prior to the commencement of each  
12 quarterly period, post the report on its web site, and notify state  
13 entities pursuant to RCW 35.13.260 and 35A.14.700.

14 (6) The requirements for the office of financial management to  
15 approve of initiated actions under this section does not affect the  
16 authority of boundary review boards to review and approve,  
17 disapprove, or modify actions subject to their review under chapter  
18 36.93 RCW.

19 (7) For purposes of this section, "contiguous" means that  
20 territory proposed to be annexed, deannexed, incorporated, or  
21 consolidated touches or is in physical contact with a city boundary,  
22 though the contact must be more than a single point. Territory  
23 connected to a city only by a public right-of-way, where the edge of  
24 the right-of-way does not constitute part of the city boundary, is  
25 not considered contiguous for purposes of this section.

26 **PART I - INCORPORATION**

27 **Sec. 101.** RCW 35.02.030 and 1994 c 216 s 3 are each amended to  
28 read as follows:

29 The petition for incorporation shall: (1) Indicate whether the  
30 proposed city or town shall be a noncharter code city operating under  
31 Title 35A RCW, or a city or town operating under Title 35 RCW; (2)  
32 indicate the form or plan of government the city or town is to have;  
33 (3) set forth and particularly describe the proposed boundaries of  
34 the proposed city or town; (4) state the name of the proposed city or  
35 town; (5) state the number of inhabitants therein, as (~~nearly as may~~  
36 ~~be~~) determined by the office of financial management through use of  
37 its small area estimate program; and (6) pray that the city or town  
38 be incorporated. The petition shall conform to the requirements for

1 form prescribed in RCW 35A.01.040. The petition shall include the  
2 identification number provided under RCW 35.02.017 and state the last  
3 date by which the petition may be filed, as determined under RCW  
4 35.02.020.

5 If the proposed city or town is located in more than one county,  
6 the petition shall be prepared in such a manner as to indicate the  
7 different counties within which the signators reside.

8 A city or town operating under Title 35 RCW may have a mayor/  
9 council, council/manager, or commission form of government. A city  
10 operating under Title 35A RCW may have a mayor/council or council/  
11 manager plan of government.

12 If the petition fails to specify the matters described in  
13 subsection (1) of this section, the proposal shall be to incorporate  
14 as a noncharter code city. If the petition fails to specify the  
15 matter described in subsection (2) of this section, the proposal  
16 shall be to incorporate with a mayor/council form or plan of  
17 government.

18 **Sec. 102.** RCW 35.02.037 and 1986 c 234 s 6 are each amended to  
19 read as follows:

20 The county auditor who certifies the sufficiency of the petition  
21 shall notify the person or persons who submitted the petition of its  
22 sufficiency within five days of when the determination of sufficiency  
23 is made. Notice shall be by certified mail and may additionally be  
24 made by telephone. The petitioners must file notice of the proposed  
25 action with the office of financial management for its review  
26 pursuant to section 1 of this act. If a boundary review board or  
27 boards exists in the county or counties in which the proposed city or  
28 town is located, the petitioners (~~shall~~) must also file notice of  
29 the proposed incorporation with the boundary review board or boards.

30 **Sec. 103.** RCW 35.02.070 and 1994 c 216 s 17 are each amended to  
31 read as follows:

32 (1) If a county legislative authority holds a public hearing on a  
33 proposed incorporation, it shall establish and define the boundaries  
34 of the proposed city or town, being authorized to decrease or  
35 increase the area proposed in the petition under the same  
36 restrictions that a boundary review board may modify the proposed  
37 boundaries. The (~~county legislative authority, or the boundary~~  
38 ~~review board if it takes jurisdiction, shall~~) office of financial

1 management must determine the number of inhabitants within the  
2 proposed boundaries ((it has established)) through use of its small  
3 area estimate program. If the boundary review board modifies the  
4 proposed boundaries, the county legislative authority must notify the  
5 office of financial management of the modifications.

6 (2) A county legislative authority shall disapprove the proposed  
7 incorporation if, without decreasing the area proposed in the  
8 petition, it does not conform with RCW 35.02.010. A county  
9 legislative authority may not otherwise disapprove a proposed  
10 incorporation.

11 (3) A county legislative authority or boundary review board has  
12 jurisdiction only over that portion of a proposed city or town  
13 located within the boundaries of the county.

14 **Sec. 104.** RCW 35.02.100 and 1986 c 234 s 13 are each amended to  
15 read as follows:

16 The notice of election on the question of the incorporation shall  
17 be given as provided by RCW ((29.27.080)) 29A.52.355 but shall  
18 further describe the boundaries of the proposed city or town, its  
19 name, and the number of inhabitants ((ascertained by the county  
20 legislative authority or the boundary review board to reside in it))  
21 as determined by the office of financial management through use of  
22 its small area estimate program.

23 **Sec. 105.** RCW 35.02.130 and 2011 c 60 s 15 are each amended to  
24 read as follows:

25 Subject to review of the proposed action by the office of  
26 financial management pursuant to section 1 of this act, the city or  
27 town officially shall become incorporated at a date from one hundred  
28 eighty days to three hundred sixty days after the date of the  
29 election on the question of incorporation. An interim period shall  
30 exist between the time the newly elected officials have been elected  
31 and qualified and this official date of incorporation. During this  
32 interim period, the newly elected officials are authorized to adopt  
33 ordinances and resolutions which shall become effective on or after  
34 the official date of incorporation, and to enter into contracts and  
35 agreements to facilitate the transition to becoming a city or town  
36 and to ensure a continuation of governmental services after the  
37 official date of incorporation. Periods of time that would be  
38 required to elapse between the enactment and effective date of such

1 ordinances, including but not limited to times for publication or for  
2 filing referendums, shall commence upon the date of such enactment as  
3 though the city or town were officially incorporated.

4 During this interim period, the city or town governing body may  
5 adopt rules establishing policies and procedures under the state  
6 environmental policy act, chapter 43.21C RCW, and may use these rules  
7 and procedures in making determinations under the state environmental  
8 policy act, chapter 43.21C RCW.

9 During this interim period, the newly formed city or town and its  
10 governing body shall be subject to the following as though the city  
11 or town were officially incorporated: RCW 4.24.470 relating to  
12 immunity; chapter 42.17A RCW relating to open government; chapter  
13 42.56 RCW relating to public records; chapter 40.14 RCW relating to  
14 the preservation and disposition of public records; chapters 42.20  
15 and 42.23 RCW relating to ethics and conflicts of interest; chapters  
16 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW  
17 35.22.288, 35.23.221, 35.27.300, 35A.12.160, as appropriate, and  
18 chapter 35A.65 RCW relating to the publication of notices and  
19 ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation  
20 of an official newspaper; RCW 36.16.138 relating to liability  
21 insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate,  
22 and statutes referenced therein relating to public contracts and  
23 bidding; and chapter 39.34 RCW relating to interlocal cooperation.  
24 Tax anticipation or revenue anticipation notes or warrants and other  
25 short-term obligations may be issued and funds may be borrowed on the  
26 security of these instruments during this interim period, as provided  
27 in chapter 39.50 RCW. Funds also may be borrowed from federal, state,  
28 and other governmental agencies in the same manner as if the city or  
29 town were officially incorporated.

30 RCW 84.52.020 and 84.52.070 shall apply to the extent that they  
31 may be applicable, and the governing body of such city or town may  
32 take appropriate action by ordinance during the interim period to  
33 adopt the property tax levy for its first full calendar year  
34 following the interim period.

35 The governing body of the new city or town may acquire needed  
36 facilities, supplies, equipment, insurance, and staff during this  
37 interim period as if the city or town were in existence. An interim  
38 city manager or administrator, who shall have such administrative  
39 powers and duties as are delegated by the governing body, may be  
40 appointed to serve only until the official date of incorporation.

1 After the official date of incorporation the governing body of such a  
2 new city organized under the council manager form of government may  
3 extend the appointment of such an interim manager or administrator  
4 with such limited powers as the governing body determines, for up to  
5 ninety days. This governing body may submit ballot propositions to  
6 the voters of the city or town to authorize taxes to be collected on  
7 or after the official date of incorporation, or authorize an  
8 annexation of the city or town by a fire protection district or  
9 library district to be effective immediately upon the effective date  
10 of the incorporation as a city or town.

11 The boundaries of a newly incorporated city or town shall be  
12 deemed to be established for purposes of RCW 84.09.030 on the date  
13 that the results of the initial election on the question of  
14 incorporation are certified or the first day of January following the  
15 date of this election if the newly incorporated city or town does not  
16 impose property taxes in the same year that the voters approve the  
17 incorporation.

18 The newly elected officials shall take office immediately upon  
19 their election and qualification with limited powers during this  
20 interim period as provided in this section. They shall acquire their  
21 full powers as of the official date of incorporation and shall  
22 continue in office until their successors are elected and qualified  
23 at the next general municipal election after the official date of  
24 incorporation: PROVIDED, That if the date of the next general  
25 municipal election is less than twelve months after the date of the  
26 first election of councilmembers, those initially elected  
27 councilmembers shall serve until their successors are elected and  
28 qualified at the next following general municipal election as  
29 provided in RCW ((~~29A.20.040~~)) 29A.60.280. For purposes of this  
30 section, the general municipal election shall be the date on which  
31 city and town general elections are held throughout the state of  
32 Washington, pursuant to RCW 29A.04.330.

33 In any newly incorporated city that has adopted the council-  
34 manager form of government, the term of office of the mayor, during  
35 the interim period only, shall be set by the council, and thereafter  
36 shall be as provided by law.

37 The official date of incorporation shall be on a date from one  
38 hundred eighty to three hundred sixty days after the date of the  
39 election on the question of incorporation, as specified in a  
40 resolution adopted by the governing body during this interim period.

1 A copy of the resolution shall be filed with the county legislative  
2 authority of the county in which all or the major portion of the  
3 newly incorporated city or town is located. If the governing body  
4 fails to adopt such a resolution, the official date of incorporation  
5 shall be three hundred sixty days after the date of the election on  
6 the question of incorporation. The county legislative authority of  
7 the county in which all or the major portion of the newly  
8 incorporated city or town is located shall file a notice with the  
9 county assessor that the city or town has been authorized to be  
10 incorporated immediately after the favorable results of the election  
11 on the question of incorporation have been certified. The county  
12 legislative authority shall file a notice with the secretary of state  
13 and the office of financial management that the city or town is  
14 incorporated as of the official date of incorporation.

15 **PART II - DISINCORPORATION**

16 **Sec. 201.** RCW 35.07.020 and 1965 c 7 s 35.07.020 are each  
17 amended to read as follows:

18 The petition for disincorporation must be signed by a majority of  
19 the registered voters thereof and filed with the city or town  
20 council. The petitioners must also file notice of the proposed action  
21 with the office of financial management for its review pursuant to  
22 section 1 of this act.

23 **Sec. 202.** RCW 35.07.040 and 1997 c 361 s 4 are each amended to  
24 read as follows:

25 The council shall cause an election to be called upon the  
26 proposition of disincorporation. The council must also file notice of  
27 the proposed action with the office of financial management for its  
28 review pursuant to section 1 of this act. If the city or town has any  
29 indebtedness or outstanding liabilities, it shall order the election  
30 of a receiver at the same time.

31 **Sec. 203.** RCW 35.07.230 and 1995 c 301 s 34 are each amended to  
32 read as follows:

33 If any town fails for two successive years to hold its regular  
34 municipal election, or if the officers elected at the regular  
35 election of any town fail for two successive years to qualify and the  
36 government of the town ceases to function by reason thereof, the



1 state auditor may petition the superior court of the county for an  
2 order((7)) dissolving the town. The state auditor must also file  
3 notice of the proposed action with the office of financial management  
4 for its review pursuant to section 1 of this act. In addition to  
5 stating the facts which would justify the entry of such an order, the  
6 petition shall set forth a detailed statement of the assets and  
7 liabilities of the town insofar as they can be ascertained.

8 **Sec. 204.** RCW 35A.15.010 and 1990 c 259 s 11 are each amended to  
9 read as follows:

10 Any noncharter code city may be disincorporated. Proceedings may  
11 be initiated by the filing with the county auditor of a petition for  
12 disincorporation signed by a majority of the registered voters  
13 resident in such city, or the legislative body of the city may  
14 provide by resolution for an election on the proposition of  
15 disincorporation. The legislative body of the city must file notice  
16 of the proposed action with the office of financial management for  
17 its review pursuant to section 1 of this act.

18 **Sec. 205.** RCW 35A.15.040 and 1994 c 223 s 39 are each amended to  
19 read as follows:

20 Ballot titles shall be prepared by the city as provided in RCW  
21 35A.29.120 and shall contain the words "For Dissolution" and "Against  
22 Dissolution", and shall contain on separate lines, alphabetically,  
23 the names of candidates for receiver. If a majority of the votes cast  
24 on the proposition are for dissolution, the municipal corporation  
25 shall be dissolved upon certification of the election results to the  
26 office of the secretary of state. The legislative body of the city  
27 must file notice of the disincorporation with the office of financial  
28 management for its review.

29 **PART III - CONSOLIDATION**

30 **Sec. 301.** RCW 35.10.265 and 1985 c 281 s 17 are each amended to  
31 read as follows:

32 Immediately after the filing of the statement of an annexation  
33 election and subject to review of the proposed action by the office  
34 of financial management pursuant to section 1 of this act, the  
35 legislative body of the annexing city may, if it deems it wise or  
36 expedient, adopt an ordinance providing for the annexation. Upon the

1 date fixed in the ordinance of annexation, the area annexed shall  
2 become a part of the annexing city. The clerk of the annexing city  
3 shall transmit a certified copy of this ordinance to the secretary of  
4 state and the office of financial management.

5 **Sec. 302.** RCW 35.10.400 and 1985 c 281 s 3 are each amended to  
6 read as follows:

7 Two or more contiguous, as defined in section 1(7) of this act,  
8 cities located in the same or different counties may consolidate into  
9 one city by proceedings in conformity with the provisions of this  
10 chapter. When cities are separated by water and/or tide or shore  
11 lands they shall be deemed contiguous, as defined in section 1(7) of  
12 this act, for all the purposes of this chapter and, upon a  
13 consolidation of such cities under the provisions of this chapter,  
14 any such intervening water and/or tide or shore lands shall become a  
15 part of the consolidated city. The consolidated city shall become a  
16 noncharter code city operating under Title 35A RCW.

17 **Sec. 303.** RCW 35.10.410 and 1985 c 281 s 4 are each amended to  
18 read as follows:

19 The submission of a ballot proposal to the voters of two or more  
20 contiguous cities for the consolidation of these contiguous, as  
21 defined in section 1(7) of this act, cities may be caused by the  
22 adoption of a joint resolution, by a majority vote of each city  
23 legislative body, seeking consolidation of such contiguous cities.  
24 Each city's legislative body must file notice of the proposed action  
25 with the office of financial management for its review pursuant to  
26 section 1 of this act. The joint resolution shall provide for  
27 submission of the question to the voters at the next general  
28 municipal election, if one is to be held more than ninety days but  
29 not more than one hundred eighty days after the passage of the joint  
30 resolution, or shall call for a special election to be held for that  
31 purpose at the next special election date, as specified in RCW  
32 ~~((29.13.020))~~ 29A.04.330, that occurs ninety or more days after the  
33 passage of the joint resolution. The legislative bodies of the cities  
34 also shall notify the county legislative authority of each county in  
35 which the cities are located of the proposed consolidation.

36 **Sec. 304.** RCW 35.10.420 and 1995 c 196 s 7 are each amended to  
37 read as follows:

1 The submission of a ballot proposal to the voters of two or more  
2 contiguous cities for the consolidation of these contiguous, as  
3 defined in section 1(7) of this act, cities may also be caused by the  
4 filing of a petition with the legislative body of each such city,  
5 signed by the voters of each city in number equal to not less than  
6 ten percent of voters who voted in the city at the last general  
7 municipal election therein, seeking consolidation of such contiguous  
8 cities. A copy of the petition shall be forwarded immediately by each  
9 city to the auditor of the county or counties within which that city  
10 is located.

11 The county auditor or auditors shall determine the sufficiency of  
12 the signatures in each petition within ten days of receipt of the  
13 copies and immediately notify the cities proposed to be consolidated  
14 of the sufficiency. Upon receipt of notice from the county auditor or  
15 auditors, the cities must file notice of the proposed action with the  
16 office of financial management for its review pursuant to section 1  
17 of this act. If each of the petitions is found to have sufficient  
18 valid signatures, the auditor or auditors shall call a special  
19 election at which the question of whether such cities shall  
20 consolidate shall be submitted to the voters of each of such cities.  
21 If a general election is to be held more than ninety days but not  
22 more than one hundred eighty days after the filing of the last  
23 petition, the question shall be submitted at that election. Otherwise  
24 the question shall be submitted at a special election to be called  
25 for that purpose at the next special election date, as specified in  
26 RCW ((~~29.13.020~~)) 29A.04.330, that occurs ninety or more days after  
27 the date when the last petition was filed.

28 If each of the petitions is found to have sufficient valid  
29 signatures, the auditor or auditors also shall notify the county  
30 legislative authority of each county in which the cities are located  
31 of the proposed consolidation.

32 Petitions shall conform with the requirements for form prescribed  
33 in RCW 35A.01.040, except different colored paper may be used on  
34 petitions circulated in the different cities. A legal description of  
35 the cities need not be included in the petitions.

36 **PART IV - ANNEXATION, BOUNDARY LINE ADJUSTMENT, AND CITY LIMIT**  
37 **REDUCTION**

1       **Sec. 401.** RCW 35.13.010 and 2009 c 402 s 2 are each amended to  
2 read as follows:

3       Any portion of a county not incorporated as part of a city or  
4 town but lying contiguous, as defined in section 1(7) of this act,  
5 thereto may become a part of the city or town by annexation. An area  
6 proposed to be annexed to a city or town shall be deemed contiguous,  
7 as defined in section 1(7) of this act, thereto even though separated  
8 by water or tide or shore lands on which no bona fide residence is  
9 maintained by any person.

10       **Sec. 402.** RCW 35.13.020 and 1981 c 332 s 3 are each amended to  
11 read as follows:

12       A petition for an election to vote upon the annexation of a  
13 portion of a county to a contiguous, as defined in section 1(7) of  
14 this act, city or town signed by qualified voters resident in the  
15 area equal in number to twenty percent of the votes cast at the last  
16 election (~~may~~) must be filed in the office of the board of county  
17 commissioners: PROVIDED, That any such petition shall first be  
18 submitted to the prosecuting attorney who shall, within twenty-one  
19 days after submission, certify or refuse to certify the petition as  
20 set forth in RCW 35.13.025. If the prosecuting attorney certifies the  
21 petition, it shall be filed with the legislative body of the city or  
22 town to which the annexation is proposed, and such legislative body  
23 shall, by resolution entered within sixty days from the date of  
24 presentation, notify the petitioners, either by mail or by  
25 publication in the same manner notice of hearing is required by RCW  
26 35.13.040 to be published, of its approval or rejection of the  
27 proposed action. If approved, the legislative body of the city or  
28 town must file notice of the proposed action with the office of  
29 financial management for its review pursuant to section 1 of this  
30 act. The petition may also provide for the simultaneous creation of a  
31 community municipal corporation and election of community  
32 councilmembers as provided for in RCW 35.14.010 through 35.14.060. In  
33 approving the proposed action, the legislative body may require that  
34 there also be submitted to the electorate of the territory to be  
35 annexed, a proposition that all property within the area to be  
36 annexed shall, upon annexation be assessed and taxed at the same rate  
37 and on the same basis as the property of such annexing city or town  
38 is assessed and taxed to pay for all or any portion of the then  
39 outstanding indebtedness of the city or town to which said area is

1 annexed, approved by the voters, contracted, or incurred prior to, or  
2 existing at, the date of annexation. Only after the legislative body  
3 has completed preparation and filing of a comprehensive plan for the  
4 area to be annexed as provided for in RCW 35.13.177 and 35.13.178,  
5 the legislative body in approving the proposed action, may require  
6 that the comprehensive plan be simultaneously adopted upon approval  
7 of annexation by the electorate of the area to be annexed. The  
8 approval of the legislative body shall be a condition precedent to  
9 the filing of such petition with the board of county commissioners  
10 (~~as hereinafter provided~~) pursuant to RCW 35.13.030. The costs of  
11 conducting such election shall be a charge against the city or town  
12 concerned. The proposition or questions provided for in this section  
13 may be submitted to the voters either separately or as a single  
14 proposition.

15 **Sec. 403.** RCW 35.13.100 and 1996 c 286 s 2 are each amended to  
16 read as follows:

17 If (1) a proposition relating to annexation or annexation and  
18 adoption of the comprehensive plan or creation of a community  
19 municipal corporation, or both, as the case may be was submitted to  
20 the voters and such proposition was approved and (2) the proposed  
21 action has been subject to review by the office of financial  
22 management pursuant to section 1 of this act, the legislative body  
23 shall adopt an ordinance providing for the annexation or adopt  
24 ordinances providing for the annexation and adoption of the  
25 comprehensive plan, or adopt an ordinance providing for the  
26 annexation and creation of a community municipal corporation, as the  
27 case may be. If a proposition for annexation or annexation and  
28 adoption of the comprehensive plan or creation of a community  
29 municipal corporation, as the case may be, and a proposition for  
30 assumption of all or of any portion of indebtedness were both  
31 submitted(~~(r)~~) and (~~were~~) approved, and the proposed action has  
32 been subject to review by the office of financial management pursuant  
33 to section 1 of this act, the legislative body shall adopt an  
34 ordinance providing for the annexation or annexation and adoption of  
35 the comprehensive plan or annexation and creation of a community  
36 municipal corporation including the assumption of all or of any  
37 portion of indebtedness. If the propositions were submitted and only  
38 the annexation or annexation and adoption of the comprehensive plan  
39 or annexation and creation of a community municipal corporation

1 proposition was approved, and the proposed action has been subject to  
2 review by the office of financial management pursuant to section 1 of  
3 this act, the legislative body may, if it deems it wise or expedient,  
4 adopt an ordinance providing for the annexation or adopt ordinances  
5 providing for the annexation and adoption of the comprehensive plan,  
6 or adopt ordinances providing for the annexation and creation of a  
7 community municipal corporation, as the case may be.

8 **Sec. 404.** RCW 35.13.130 and 2009 c 60 s 3 are each amended to  
9 read as follows:

10 A petition for annexation of an area contiguous, as defined in  
11 section 1(7) of this act, to a city or town may be made in writing  
12 addressed to and filed with the legislative body of the municipality  
13 to which annexation is desired. When the petition for annexation is  
14 filed with the legislative body, the legislative body must file  
15 notice of the proposed action with the office of financial management  
16 for its review pursuant to section 1 of this act. Except where all  
17 the property sought to be annexed is property of a school district,  
18 and the school directors thereof file the petition for annexation as  
19 in RCW 28A.335.110 authorized, the petition must be signed by the  
20 owners of not less than sixty percent in value according to the  
21 assessed valuation for general taxation of the property for which  
22 annexation is petitioned: PROVIDED, That in cities and towns with  
23 populations greater than one hundred sixty thousand located east of  
24 the Cascade mountains, the owner of tax exempt property may sign an  
25 annexation petition and have the tax exempt property annexed into the  
26 city or town, but the value of the tax exempt property shall not be  
27 used in calculating the sufficiency of the required property owner  
28 signatures unless only tax exempt property is proposed to be annexed  
29 into the city or town. The petition shall set forth a description of  
30 the property according to government legal subdivisions or legal  
31 plats which is in compliance with RCW 35.02.170, and shall be  
32 accompanied by a plat which outlines the boundaries of the property  
33 sought to be annexed. If the legislative body has required the  
34 assumption of all or of any portion of city or town indebtedness by  
35 the area annexed, and/or the adoption of a comprehensive plan for the  
36 area to be annexed, these facts, together with a quotation of the  
37 minute entry of such requirement or requirements shall be set forth  
38 in the petition.

1       **Sec. 405.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each  
2 amended to read as follows:

3       Following the hearing and review of the proposed action by the  
4 office of financial management pursuant to section 1 of this act, the  
5 council or commission shall determine by ordinance whether annexation  
6 shall be made. Subject to RCW 35.02.170, they may annex all or any  
7 portion of the proposed area but may not include in the annexation  
8 any property not described in the petition. Upon passage of the  
9 ordinance a certified copy shall be filed with the board of county  
10 commissioners of the county in which the annexed property is located.

11       **Sec. 406.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to  
12 read as follows:

13       City and town councils of second-class cities and towns may by a  
14 majority vote annex new unincorporated territory outside the city or  
15 town limits, whether contiguous or noncontiguous for park, cemetery,  
16 or other municipal purposes when such territory is owned by the city  
17 or town or all of the owners of the real property in the territory  
18 give their written consent to the annexation. The city or town  
19 council must file notice of the proposed action with the office of  
20 financial management for its review pursuant to section 1 of this  
21 act.

22       **Sec. 407.** RCW 35.13.182 and 1998 c 286 s 1 are each amended to  
23 read as follows:

24       (1) The legislative body of a city or town planning under chapter  
25 36.70A RCW (~~as of June 30, 1994,~~) may resolve to annex territory to  
26 the city or town if there is, within the city or town, unincorporated  
27 territory containing residential property owners within the same  
28 county and within the same urban growth area designated under RCW  
29 36.70A.110 as the city or town:

30       (a) Containing less than one hundred acres and having at least  
31 eighty percent of the boundaries of such area contiguous to the city  
32 or town; or

33       (b) Of any size and having at least eighty percent of the  
34 boundaries of the area contiguous to the city (~~if the area existed~~  
35 ~~before June 30, 1994~~)).

36       (2) The resolution shall describe the boundaries of the area to  
37 be annexed, state the number of voters residing in the area as nearly  
38 as may be, and set a date for a public hearing on the resolution for

1 annexation. The legislative body of the city or town must file notice  
2 of the proposed action with the office of financial management for  
3 its review pursuant to section 1 of this act. Notice of the hearing  
4 shall be given by publication of the resolution at least once a week  
5 for two weeks before the date of the hearing in one or more  
6 newspapers of general circulation within the city or town and one or  
7 more newspapers of general circulation within the area to be annexed.

8 (3) For purposes of subsection (1)(b) of this section, territory  
9 bounded by a river, lake, or other body of water is considered  
10 contiguous to a city that is also bounded by the same river, lake, or  
11 other body of water.

12 **Sec. 408.** RCW 35.13.1822 and 1998 c 286 s 3 are each amended to  
13 read as follows:

14 On the date set for hearing as provided in RCW 35.13.182(2),  
15 residents or property owners of the area included in the resolution  
16 for annexation shall be afforded an opportunity to be heard. Subject  
17 to review of the proposed action by the office of financial  
18 management pursuant to section 1 of this act, the legislative body  
19 may provide by ordinance for annexation of the territory described in  
20 the resolution, but the effective date of the ordinance shall be not  
21 less than forty-five days after the passage thereof. The legislative  
22 body shall cause notice of the proposed effective date of the  
23 annexation, together with a description of the property to be  
24 annexed, to be published at least once each week for two weeks  
25 subsequent to passage of the ordinance, in one or more newspapers of  
26 general circulation within the city and in one or more newspapers of  
27 general circulation within the area to be annexed. If the annexation  
28 ordinance provides for assumption of indebtedness or adoption of a  
29 proposed zoning regulation, the notice shall include a statement of  
30 such requirements.

31 **Sec. 409.** RCW 35.13.185 and 1965 c 7 s 35.13.185 are each  
32 amended to read as follows:

33 Any unincorporated area contiguous, as defined in section 1(7) of  
34 this act, to a first-class city may be annexed thereto by an  
35 ordinance accepting a gift, grant, lease, or cession of jurisdiction  
36 from the government of the United States of the right to occupy or  
37 control it. The first-class city must file notice of the proposed



1 action with the office of financial management for its review  
2 pursuant to section 1 of this act.

3 **Sec. 410.** RCW 35.13.190 and 1994 c 81 s 12 are each amended to  
4 read as follows:

5 Any unincorporated area contiguous, as defined in section 1(7) of  
6 this act, to a second-class city or town may be annexed thereto by an  
7 ordinance accepting a gift, grant, or lease from the government of  
8 the United States of the right to occupy, control, improve it or  
9 sublet it for commercial, manufacturing, or industrial purposes:  
10 PROVIDED, That this shall not apply to any territory more than four  
11 miles from the corporate limits existing before such annexation. The  
12 second-class city or town must file notice of the proposed action  
13 with the office of financial management for its review pursuant to  
14 section 1 of this act.

15 **Sec. 411.** RCW 35.13.238 and 2013 2nd sp.s. c 27 s 3 are each  
16 amended to read as follows:

17 (1)(a) An annexation by a city or town that is proposing to annex  
18 territory served by one or more fire protection districts may be  
19 accomplished by ordinance after entering into an interlocal agreement  
20 as provided in chapter 39.34 RCW with the county and the fire  
21 protection district or districts that have jurisdiction over the  
22 territory proposed for annexation.

23 (b) A city or town proposing to annex territory shall initiate  
24 the interlocal agreement process by sending notice to the fire  
25 protection district representative and county representative stating  
26 the city's or town's interest to enter into an interlocal agreement  
27 negotiation process. The parties have forty-five days to respond in  
28 the affirmative or negative. A negative response must state the  
29 reasons the parties do not wish to participate in an interlocal  
30 agreement negotiation. A failure to respond within the forty-five day  
31 period is deemed an affirmative response and the interlocal agreement  
32 negotiation process may proceed. The interlocal agreement process may  
33 not proceed if any negative responses are received within the forty-  
34 five day period.

35 (c) The interlocal agreement must describe the boundaries of the  
36 territory proposed for annexation and must be consistent with the  
37 boundaries identified in an ordinance describing the boundaries of  
38 the territory proposed for annexation and setting a date for a public

1 hearing on the ordinance. If the boundaries of the territory proposed  
2 for annexation are agreed to by all parties, a notice of intention  
3 must be filed with the boundary review board created under RCW  
4 36.93.030 and the office of financial management. However, the  
5 jurisdiction of the board may not be invoked as described in RCW  
6 36.93.100 for annexations that are the subject of such agreement.

7 (2) An interlocal annexation agreement under this section must  
8 include the following:

9 (a) A statement of the goals of the agreement. Goals must  
10 include, but are not limited to:

11 (i) The transfer of revenues and assets between the fire  
12 protection districts and the city or town;

13 (ii) A consideration and discussion of the impact to the level of  
14 service of annexation on the unincorporated area, and an agreement  
15 that the impact on the ability of fire protection and emergency  
16 medical services within the incorporated area must not be negatively  
17 impacted at least through the budget cycle in which the annexation  
18 occurs;

19 (iii) A discussion with fire protection districts regarding the  
20 division of assets and its impact to citizens inside and outside the  
21 newly annexed area;

22 (iv) Community involvement, including an agreed upon schedule of  
23 public meetings in the area or areas proposed for annexation;

24 (v) Revenue sharing, if any;

25 (vi) Debt distribution;

26 (vii) Capital facilities obligations of the city, county, and  
27 fire protection districts;

28 (viii) An overall schedule or plan on the timing of any  
29 annexations covered under this agreement; and

30 (ix) A description of which of the annexing cities' development  
31 regulations will apply and be enforced in the area.

32 (b) The subject areas and policies and procedures the parties  
33 agree to undertake in annexations. Subject areas may include, but are  
34 not limited to:

35 (i) Roads and traffic impact mitigation;

36 (ii) Surface and storm water management;

37 (iii) Coordination and timing of comprehensive plan and  
38 development regulation updates;

39 (iv) Outstanding bonds and special or improvement district  
40 assessments;

1 (v) Annexation procedures;

2 (vi) Distribution of debt and revenue sharing for annexation  
3 proposals, code enforcement, and inspection services;

4 (vii) Financial and administrative services; and

5 (viii) Consultation with other service providers, including  
6 water-sewer districts, if applicable.

7 (c) A term of at least five years, which may be extended by  
8 mutual agreement of the city or town, the county, and the fire  
9 protection district.

10 (3) If the fire protection district, annexing city or town, and  
11 county reach an agreement on the enumerated goals, or if only the  
12 annexing city or town and county reach an agreement on the enumerated  
13 goals, the city or town may adopt an annexation ordinance, but the  
14 annexation ordinance provided for in this section is subject to  
15 review by the office of financial management pursuant to section 1 of  
16 this act and referendum for forty-five days after its passage,  
17 provided that no referendum shall be allowed for an annexation under  
18 this section if the fire protection district, annexing city or town,  
19 and the county reach agreement on an annexation for which a city or  
20 town has initiated the interlocal agreement process by sending notice  
21 to the fire protection district representative and county  
22 representative prior to July 28, 2013. Upon the filing of a timely  
23 and sufficient referendum petition with the legislative body of the  
24 city or town, signed by qualified electors in a number not less than  
25 ten percent of the votes cast in the last general state election in  
26 the area to be annexed, the question of annexation must be submitted  
27 to the voters of the area in a general election if one is to be held  
28 within ninety days or at a special election called for that purpose  
29 according to RCW 29A.04.330. Notice of the election must be given as  
30 provided in RCW 35.13.080, and the election must be conducted as  
31 provided in the general election laws under Title 29A RCW. The  
32 annexation must be deemed approved by the voters unless a majority of  
33 the votes cast on the proposition are in opposition to the  
34 annexation.

35 After the expiration of the forty-fifth day from, but excluding,  
36 the date of passage of the annexation ordinance, if a timely and  
37 sufficient referendum petition has not been filed, the area annexed  
38 becomes a part of the city or town upon the date fixed in the  
39 ordinance of annexation.

1 (4) If any portion of a fire protection district is proposed for  
2 annexation to or incorporation into a city or town, both the fire  
3 protection district and the city or town shall jointly inform the  
4 employees of the fire protection district about hires, separations,  
5 terminations, and any other changes in employment that are a direct  
6 consequence of annexation or incorporation at the earliest reasonable  
7 opportunity.

8 (5) The needed employees shall be taken in order of seniority and  
9 the remaining employees who transfer as provided in this section and  
10 RCW 35.10.360 and 35.10.370 shall head the list for employment in the  
11 civil service system in order of their seniority, to the end that  
12 they shall be the first to be reemployed in the city or town fire  
13 department when appropriate positions become available. Employees who  
14 are not immediately hired by the city or town shall be placed on a  
15 reemployment list for a period not to exceed thirty-six months unless  
16 a longer period is authorized by an agreement reached between the  
17 collective bargaining representatives of the employees of the  
18 annexing and annexed fire agencies and the annexing and annexed fire  
19 agencies.

20 (6)(a) Upon transfer, an employee is entitled to the employee  
21 rights, benefits, and privileges to which he or she would have been  
22 entitled as an employee of the fire protection district, including  
23 rights to:

24 (i) Compensation at least equal to the level of compensation at  
25 the time of transfer, unless the employee's rank and duties have been  
26 reduced as a result of the transfer. If the transferring employee is  
27 placed in a position with reduced rank and duties, the employee's  
28 compensation may be adjusted, but the adjustment may not result in a  
29 decrease of greater than fifty percent of the difference between the  
30 employee's compensation before the transfer and the compensation  
31 level for the position that the employee is transferred to;

32 (ii) Retirement, vacation, sick leave, and any other accrued  
33 benefit;

34 (iii) Promotion and service time accrual; and

35 (iv) The length or terms of probationary periods, including no  
36 requirement for an additional probationary period if one had been  
37 completed before the transfer date.

38 (b) (a) of this subsection does not apply if upon transfer an  
39 agreement for different terms of transfer is reached between the

1 collective bargaining representatives of the transferring employees  
2 and the participating fire protection jurisdictions.

3 (7) If upon transfer, the transferring employee receives the  
4 rights, benefits, and privileges established under subsection  
5 (6)(a)(i) through (iv) of this section, those rights, benefits, and  
6 privileges are subject to collective bargaining at the end of the  
7 current bargaining period for the jurisdiction to which the employee  
8 has transferred.

9 (8) Such bargaining must take into account the years of service  
10 the transferring employee accumulated before the transfer and must be  
11 treated as if those years of service occurred in the jurisdiction to  
12 which the employee has transferred.

13 **Sec. 412.** RCW 35.13.260 and 2011 c 342 s 1 are each amended to  
14 read as follows:

15 (1) Whenever any territory is annexed to or deannexed from a city  
16 or town, any territory is subject to boundary line adjustment, or  
17 cities are consolidated pursuant to chapter 35.10 RCW:

18 (a) A copy of the complete ordinance containing a legal  
19 description and a map showing specifically the boundaries of the  
20 territory or consolidated area must be submitted immediately after  
21 the city or town's adoption. Within two days of receipt of the  
22 ordinance, the office of financial management must post a digital  
23 copy on the internet or transmit digital copies via email to the  
24 departments of transportation and revenue. The requirement to notify  
25 the department of revenue of a tax rate change under RCW 82.14.055(1)  
26 is met when the office of financial management receives the documents  
27 required under this subsection (1)(a); and

28 (b) A certificate as hereinafter provided ((shall)) must be  
29 submitted ((in triplicate)) to the office of financial management((  
30 hereinafter in this section referred to as "the office",)) within  
31 thirty days of the effective date of ((annexation)) the action  
32 specified in the relevant ordinance. After approval of the  
33 certificate, the office ((shall)) of financial management must retain  
34 the original copy in its files((  
35 digital copy to ((the department of transportation and return the  
36 third copy to)) the city or town via email. ((Such)) The  
37 certificate((s shall)) must be in ((such)) a form and contain  
38 ((such)) information as ((shall be)) prescribed by the office of  
39 financial management. ((A copy of the complete ordinance containing a

1 ~~legal description and a map showing specifically the boundaries of~~  
2 ~~the annexed territory shall be attached to each of the three copies~~  
3 ~~of the certificate.))~~ The certificate (~~shall~~) must be signed by the  
4 mayor and attested by the city clerk. Upon request, the office  
5 (~~shall~~) of financial management must furnish certification forms to  
6 any city or town.

7 (2)(a) The resident population of the (~~annexed~~) territory  
8 (~~shall~~) or consolidated area must be determined by, or under the  
9 direction of, the mayor of the city or town.

10 (b) If the (~~annexing~~) city or town has a population of ten  
11 thousand or less, the (~~annexed~~) territory or consolidated area  
12 consists entirely of one or more partial federal census blocks, or  
13 2010 federal decennial census data has not been released within  
14 twelve months immediately prior to the date of (~~annexation~~) the  
15 action, the population determination (~~shall~~) must consist of an  
16 actual enumeration of the population.

17 (c) In any circumstance, the city or town may choose to have the  
18 population determination of the entire (~~annexed~~) territory or  
19 consolidated area consist of an actual enumeration. However, if the  
20 city or town does not use actual enumeration for determining  
21 population, the (~~annexed~~) territory or consolidated area includes  
22 or consists of one or more complete federal census blocks, and 2010  
23 federal decennial census data has been released within twelve months  
24 immediately prior to the date of (~~annexation~~) the action, the  
25 population determination (~~shall~~) must consist of:

26 (i) Relevant 2010 federal decennial census data pertaining to the  
27 complete block or blocks, as such data has been updated by the most  
28 recent official population estimate released by the office of  
29 financial management pursuant to RCW 43.62.030;

30 (ii) An actual enumeration of any population located within the  
31 (~~annexed~~) territory or consolidated area but outside the complete  
32 federal census block or blocks; and

33 (iii) If the office of financial management, at least two weeks  
34 prior to the date of (~~annexation~~) the action, confirms the  
35 existence of a known census error within a complete federal census  
36 block and identifies a structure or complex listed in (c)(iii)(A)  
37 through (E) of this subsection (2) as a likely source of the error,  
38 an actual enumeration of one or more of the block's identified:

39 (A) Group quarters;

40 (B) Mobile home parks;

1 (C) Apartment buildings that are composed of at least fifty units  
2 and are certified for occupancy between January 1, 2010, and April 1,  
3 2011;

4 (D) Missing subdivisions; and

5 (E) Closures of any of the categories in (c)(iii)(A) through (D)  
6 of this subsection.

7 (d) Whenever an actual enumeration is used, it shall be made in  
8 accordance with the practices and policies of, and subject to the  
9 approval of, the office of financial management.

10 (e) The city or town (~~shall be~~) is responsible for the full  
11 cost of the population determination.

12 (3) The population (~~shall~~) must be determined as of the  
13 effective date of (~~annexation~~) the action as specified in the  
14 relevant ordinance.

15 Until (~~an annexation~~) a certificate is filed and approved (~~as~~  
16 ~~provided herein, such annexed~~), the territory (~~shall~~) or  
17 consolidated area must not be considered by the office of financial  
18 management in determining the population of such city or town.

19 Upon approval of the (~~annexation~~) certificate, the office  
20 (~~shall~~) of financial management must forward to each state official  
21 or department responsible for making allocations or payments to  
22 cities or towns, a revised certificate reflecting the increase in  
23 population due to (~~such annexation~~) the action. Upon and after the  
24 date of the commencement of the next quarterly period, the population  
25 determination indicated in (~~such~~) the revised certificate (~~shall~~)  
26 must be used as the basis for the allocation and payment of state  
27 funds to such city or town.

28 For the purposes of this section, each quarterly period (~~shall~~)  
29 commences on the first day of the months of January, April, July, and  
30 October. Whenever a revised certificate is forwarded by the office of  
31 financial management thirty days or less prior to the commencement of  
32 the next quarterly period, the population of the (~~annexed~~)  
33 territory (~~shall~~) or consolidated area must not be considered until  
34 the commencement of the following quarterly period.

35 **Sec. 413.** RCW 35.13.300 and 1989 c 84 s 12 are each amended to  
36 read as follows:

37 The purpose of this section and RCW (~~35.13.300~~) 35.13.310  
38 through (~~35.13.330~~) 35.13.340 is to establish a process for the  
39 adjustment of existing or proposed city boundary lines to avoid a

1 situation where a common boundary line is or would be located within  
2 a right-of-way of a public street, road, or highway, or a situation  
3 where two cities are separated or would be separated by only the  
4 right-of-way of a public street, road, or highway, other than  
5 situations where a boundary line runs from one edge of the  
6 right-of-way to the other edge of the right-of-way. Boundary line  
7 adjustments under RCW 35.13.310 through 35.13.340 are subject to  
8 review by the office of financial management pursuant to section 1 of  
9 this act.

10 As used in this section and RCW (~~35.13.300~~) 35.13.310 through  
11 35.13.330, "city" includes every city or town in the state, including  
12 a code city operating under Title 35A RCW.

13 **Sec. 414.** RCW 35.13.420 and 2003 c 331 s 3 are each amended to  
14 read as follows:

15 (1) A petition for annexation of an area contiguous, as defined  
16 in section 1(7) of this act, to a city or town may be made in writing  
17 addressed to and filed with the legislative body of the municipality  
18 to which annexation is desired. Except where all the property sought  
19 to be annexed is property of a school district, and the school  
20 directors thereof file the petition for annexation as in RCW  
21 28A.335.110, the petition must be signed by the owners of a majority  
22 of the acreage for which annexation is petitioned and a majority of  
23 the registered voters residing in the area for which annexation is  
24 petitioned.

25 (2) If no residents exist within the area proposed for  
26 annexation, the petition must be signed by the owners of a majority  
27 of the acreage for which annexation is petitioned.

28 (3) The petition shall set forth a legal description of the  
29 property proposed to be annexed that complies with RCW 35.02.170, and  
30 shall be accompanied by a drawing that outlines the boundaries of the  
31 property sought to be annexed. If the petition for annexation is  
32 approved by the legislative body, the legislative body must file  
33 notice of the proposed action with the office of financial management  
34 for its review pursuant to section 1 of this act. If the legislative  
35 body has required the assumption of all or any portion of city or  
36 town indebtedness by the area annexed, and/or the adoption of a  
37 comprehensive plan for the area to be annexed, these facts, together  
38 with a quotation of the minute entry of such requirement or  
39 requirements, shall be set forth in the petition.



1       **Sec. 415.** RCW 35.13.440 and 2003 c 331 s 5 are each amended to  
2 read as follows:

3       Following the hearing and review of the proposed action by the  
4 office of financial management pursuant to section 1 of this act, the  
5 council or commission shall determine by ordinance whether annexation  
6 shall be made. Subject to the provisions of RCW 35.13.410, 35.13.460,  
7 and 35.21.005, (~~they~~) the council or commission may annex all or  
8 any portion of the proposed area but may not include in the  
9 annexation any property not described in the petition. Upon passage  
10 of the ordinance, a certified copy (~~shall~~) must be filed with the  
11 board of county commissioners of the county in which the annexed  
12 property is located and a copy must be filed with the office of  
13 financial management.

14       **Sec. 416.** RCW 35.13.480 and 2006 c 344 s 23 are each amended to  
15 read as follows:

16       (1) The legislative body of any county planning under chapter  
17 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
18 initiate an annexation process with the legislative body of any other  
19 cities or towns that are contiguous, as defined in section 1(7) of  
20 this act, to the territory proposed for annexation in RCW 35.13.470  
21 if:

22       (a) The county legislative body initiated an annexation process  
23 as provided in RCW 35.13.470; and

24       (b) The affected city or town legislative body adopted a  
25 responsive resolution rejecting the proposed annexation or declined  
26 to create the requested interlocal agreement with the county; or

27       (c) More than one hundred eighty days have passed since adoption  
28 of a county resolution as provided for in RCW 35.13.470 and the  
29 parties have not adopted or executed an interlocal agreement  
30 providing for the annexation of unincorporated territory. The  
31 legislative body for either the county or an affected city or town  
32 may, however, pass a resolution extending the negotiation period for  
33 one or more six-month periods if a public hearing is held and  
34 findings of fact are made prior to each extension.

35       (2) Any county initiating the process provided for in subsection  
36 (1) of this section must do so by adopting a resolution commencing  
37 negotiations for an interlocal agreement as provided in chapter 39.34  
38 RCW between the county and any city or town within the county. The  
39 annexation area must be within an urban growth area designated under

1 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
2 territory to be annexed must be contiguous, as defined in section  
3 1(7) of this act, to one or more cities or towns.

4 (3) The agreement shall describe the boundaries of the territory  
5 to be annexed and be submitted to the office of financial management  
6 for its review pursuant to section 1 of this act. A public hearing  
7 shall be held by each legislative body, separately or jointly, before  
8 the agreement is executed. Each legislative body holding a public  
9 hearing shall, separately or jointly, publish the agreement at least  
10 once a week for two weeks before the date of the hearing in one or  
11 more newspapers of general circulation within the territory proposed  
12 for annexation.

13 (4) Following adoption and execution of the agreement by both  
14 legislative bodies and its review by the office of financial  
15 management pursuant to section 1 of this act, the city or town  
16 legislative body shall adopt an ordinance providing for the  
17 annexation. The legislative body shall cause notice of the proposed  
18 effective date of the annexation, together with a description of the  
19 property to be annexed, to be published at least once each week for  
20 two weeks subsequent to passage of the ordinance, in one or more  
21 newspapers of general circulation within the city and in one or more  
22 newspapers of general circulation within the territory to be annexed.  
23 If the annexation ordinance provides for assumption of indebtedness  
24 or adoption of a proposed zoning regulation, the notice shall include  
25 a statement of the requirements. Any area to be annexed through an  
26 ordinance adopted under this section is annexed and becomes a part of  
27 the city or town upon the date fixed in the ordinance of annexation,  
28 which date may not be less than forty-five days after adoption of the  
29 ordinance.

30 (5) The annexation ordinances provided for in RCW 35.13.470(4)  
31 and subsection (4) of this section are subject to referendum for  
32 forty-five days after passage. Upon the filing of a timely and  
33 sufficient referendum petition with the legislative body, signed by  
34 registered voters in number equal to not less than fifteen percent of  
35 the votes cast in the last general state election in the area to be  
36 annexed, the question of annexation shall be submitted to the voters  
37 of the area in a general election if one is to be held within ninety  
38 days or at a special election called for that purpose according to  
39 RCW 29A.04.330. Notice of the election shall be given as provided in  
40 RCW 35.13.080 and the election shall be conducted as provided in the

1 general election law. The annexation shall be deemed approved by the  
2 voters unless a majority of the votes cast on the proposition are in  
3 opposition thereto.

4 After the expiration of the forty-fifth day from but excluding  
5 the date of passage of the annexation ordinance, if no timely and  
6 sufficient referendum petition has been filed, the area annexed shall  
7 become a part of the city or town upon the date fixed in the  
8 ordinance of annexation.

9 (6) If more than one city or town adopts interlocal agreements  
10 providing for annexation of the same unincorporated territory as  
11 provided by this section, an election shall be held in the area to be  
12 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the  
13 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also  
14 contain a separate proposition allowing voters to cast votes in favor  
15 of annexation to any one city or town participating in an interlocal  
16 agreement as provided by this section. If a majority of voters voting  
17 on the proposition vote against annexation, the proposition is  
18 defeated. If, however, a majority of voters voting in the election  
19 approve annexation, the area shall be annexed to the city or town  
20 receiving the highest number of votes among those cast in favor of  
21 annexation.

22 (7) Costs for an election required under subsection (6) of this  
23 section shall be borne by the county.

24 **Sec. 417.** RCW 35.13.490 and 2009 c 402 s 3 are each amended to  
25 read as follows:

26 (1) Territory owned by a county and used for an agricultural fair  
27 as provided in chapter 15.76 ((RCW)) or ((chapter)) 36.37 RCW may  
28 only be annexed to a city or town through the method prescribed in  
29 this section.

30 (a) The legislative body of the city or town proposing the  
31 annexation must submit a request for annexation and a legal  
32 description of the subject territory to the legislative authority of  
33 the county within which the territory is located.

34 (b) Upon receipt of the request and description, the county  
35 legislative authority has thirty days to review the proposal and  
36 determine if the annexation proceedings will continue. As a condition  
37 of approval, the county legislative authority may modify the  
38 proposal, but it may not add territory that was not included in the  
39 request and description. Approval of the county legislative authority

1 is a condition precedent to further proceedings upon the request and  
2 there is no appeal of the county legislative authority's decision.

3 (c) If the county legislative authority determines that the  
4 proceedings may continue, it must, within thirty days of the  
5 determination, fix a date for a public hearing on the proposal, and  
6 cause notice of the hearing to be published at least once a week for  
7 two weeks prior to the hearing in one or more newspapers of general  
8 circulation in the territory proposed for annexation. The notice must  
9 also be posted in three public places within the subject territory,  
10 specify the time and place of the hearing, and invite interested  
11 persons to appear and voice approval or disapproval of the  
12 annexation. If the annexation proposal provides for assumption of  
13 indebtedness or adoption of a proposed zoning regulation, the notice  
14 must include a statement of these requirements.

15 (d) If, following the conclusion of the hearing, a majority of  
16 the county legislative authority deems the annexation proposal to be  
17 in the best interest of the county, it may adopt a resolution  
18 approving of the annexation. The county legislative authority must  
19 file notice of the proposed action with the office of financial  
20 management for its review pursuant to section 1 of this act.

21 (e) If, following the county legislative authority's adoption of  
22 the annexation approval resolution and review of the proposed action  
23 by the office of financial management pursuant to section 1 of this  
24 act, the legislative body of the city or town proposing annexation  
25 determines to effect the annexation, it must do so by ordinance. The  
26 ordinance: (i) May only include territory approved for annexation in  
27 the resolution adopted under (d) of this subsection; and (ii) must  
28 not exclude territory approved for annexation in the resolution  
29 adopted under (d) of this subsection. Upon passage of the annexation  
30 ordinance, a certified copy must be filed with the applicable county  
31 legislative authority.

32 (2) Any territory annexed through an ordinance adopted under this  
33 section is annexed and becomes a part of the city or town upon the  
34 date fixed in the ordinance.

35 **Sec. 418.** RCW 35.16.010 and 1994 c 273 s 1 are each amended to  
36 read as follows:

37 Upon the filing of a petition which is sufficient as determined  
38 by RCW 35A.01.040 requesting the exclusion from the boundaries of a  
39 city or town of an area described by metes and bounds or by reference

1 to a recorded plat or government survey, signed by qualified voters  
2 of the city or town equal in number to not less than ten percent of  
3 the number of voters voting at the last general municipal election,  
4 the city or town legislative body shall submit the question to the  
5 voters. As an alternate method, the legislative body of the city or  
6 town may by resolution submit a proposal to the voters for excluding  
7 such a described area from the boundaries of the city or town. The  
8 question shall be submitted at the next general municipal election if  
9 one is to be held within one hundred eighty days or at a special  
10 election called for that purpose not less than ninety days nor more  
11 than one hundred eighty days after the certification of sufficiency  
12 of the petition or the passage of the resolution. The petition or  
13 resolution shall set out and describe the territory to be excluded  
14 from the city or town, together with the boundaries of the city or  
15 town as it will exist after such change is made. The legislative body  
16 of the city or town must file notice of the proposed action with the  
17 office of financial management for its review pursuant to section 1  
18 of this act.

19 **Sec. 419.** RCW 35.16.040 and 1994 c 273 s 4 are each amended to  
20 read as follows:

21 Promptly after the filing of the abstract of votes with the  
22 office of the secretary of state and subject to review of the  
23 proposed action by the office of financial management pursuant to  
24 section 1 of this act, the legislative body of the city or town shall  
25 adopt an ordinance defining and fixing the corporate limits after  
26 excluding the area as determined by the election. The ordinance shall  
27 also describe the excluded territory by metes and bounds or by  
28 reference to a recorded plat or government survey and declare it no  
29 longer a part of the city or town.

30 **Sec. 420.** RCW 35A.14.010 and 2009 c 402 s 4 are each amended to  
31 read as follows:

32 Any portion of a county not incorporated as part of a city or  
33 town but lying contiguous, as defined in section 1(7) of this act, to  
34 a code city may become a part of the charter code city or noncharter  
35 code city by annexation. An area proposed to be annexed to a charter  
36 code city or noncharter code city shall be deemed contiguous, as  
37 defined in section 1(7) of this act, thereto even though separated by  
38 water or tide or shore lands and, upon annexation of such area, any

1 such intervening water and/or tide or shore lands shall become a part  
2 of such annexing city.

3 **Sec. 421.** RCW 35A.14.020 and 1989 c 351 s 4 are each amended to  
4 read as follows:

5 (1) When a petition is sufficient under the rules set forth in  
6 RCW 35A.01.040, calling for an election to vote upon the annexation  
7 of unincorporated territory contiguous, as defined in section 1(7) of  
8 this act, to a code city, describing the boundaries of the area  
9 proposed to be annexed, stating the number of voters therein as  
10 nearly as may be, and signed by qualified electors resident in such  
11 territory equal in number to ten percent of the votes cast at the  
12 last state general election therein, it shall be filed with the  
13 auditor of the county in which all, or the greatest portion, of the  
14 territory is located, and a copy of the petition shall be filed with  
15 the legislative body of the code city. If the territory is located in  
16 more than a single county, the auditor of the county with whom the  
17 petition is filed shall act as the lead auditor and transmit a copy  
18 of the petition to the auditor of each other county within which a  
19 portion of the territory is located. The auditor or auditors shall  
20 examine the petition, and the auditor or lead auditor shall certify  
21 the sufficiency of the petition to the legislative authority of the  
22 code city.

23 (2) If the signatures on the petition are certified as containing  
24 sufficient valid signatures, the city legislative authority shall, by  
25 resolution entered within sixty days thereafter, notify the  
26 petitioners, either by mail or by publication in the same manner  
27 notice of hearing is required by RCW 35A.14.040 to be published, of  
28 its approval or rejection of the proposed action. If approved, the  
29 legislative body must file notice of the proposed action with the  
30 office of financial management for its review pursuant to section 1  
31 of this act. In approving the proposed action, the legislative body  
32 may require that there also be submitted to the electorate of the  
33 territory to be annexed, a proposition that all property within the  
34 area to be annexed shall, upon annexation, be assessed and taxed at  
35 the same rate and on the same basis as the property of such annexing  
36 city is assessed and taxed to pay for all or any portion of the then-  
37 outstanding indebtedness of the city to which said area is annexed,  
38 which indebtedness has been approved by the voters, contracted for,  
39 or incurred prior to, or existing at, the date of annexation. Only

1 after the legislative body has completed preparation and filing of a  
2 proposed zoning regulation for the area to be annexed as provided for  
3 in RCW 35A.14.330 and 35A.14.340, the legislative body in approving  
4 the proposed action, may require that the proposed zoning regulation  
5 be simultaneously adopted upon the approval of annexation by the  
6 electorate of the area to be annexed. The approval of the legislative  
7 body shall be a condition precedent to further proceedings upon the  
8 petition. The costs of conducting the election called for in the  
9 petition shall be a charge against the city concerned. The  
10 proposition or questions provided for in this section may be  
11 submitted to the voter either separately or as a single proposition.

12 **Sec. 422.** RCW 35A.14.090 and 1979 ex.s. c 124 s 6 are each  
13 amended to read as follows:

14 Upon filing of the certified copy of the finding of the county  
15 legislative authority, the clerk shall transmit it to the legislative  
16 body of the city at the next regular meeting or as soon thereafter as  
17 practicable. If only a proposition relating to annexation or to  
18 annexation and adoption of a proposed zoning regulation was submitted  
19 to the voters and (~~such proposition was~~) approved, and the proposed  
20 action has been subject to review by the office of financial  
21 management pursuant to section 1 of this act, the legislative body  
22 shall adopt an ordinance providing for the annexation or adopt  
23 ordinances providing for the annexation and adoption of a proposed  
24 zoning regulation, as the case may be. If a proposition for  
25 annexation or for annexation and adoption of a proposed zoning  
26 regulation(~~(τ)~~) and a proposition for assumption of all or any  
27 portion of indebtedness were both submitted(~~(τ)~~) and (~~both were~~)  
28 approved, and the proposed action has been subject to review by the  
29 office of financial management pursuant to section 1 of this act, the  
30 legislative body shall adopt an ordinance providing for the  
31 annexation or for annexation and adoption of the proposed zoning  
32 regulation, including the assumption of the portion of indebtedness  
33 that was approved by the voters. If both propositions were submitted  
34 and only the annexation or the annexation and adoption of the  
35 proposed zoning regulation was approved, and the proposed action has  
36 been subject to review by the office of financial management pursuant  
37 to section 1 of this act, the legislative body may adopt an ordinance  
38 providing for the annexation or adopt ordinances providing for the  
39 annexation and adoption of the proposed zoning regulation, as the

1 case may be, or the legislative body may refuse to annex when a  
2 proposal for assumption of the portion of indebtedness has been  
3 disapproved by the voters.

4 **Sec. 423.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are  
5 each amended to read as follows:

6 Whenever such a petition for annexation is filed with the  
7 legislative body of a code city, which petition meets the  
8 requirements herein specified and is sufficient according to the  
9 rules set forth in RCW 35A.01.040, the legislative body may entertain  
10 the same, fix a date for a public hearing thereon, and cause notice  
11 of the hearing to be published in one or more issues of a newspaper  
12 of general circulation in the city. The legislative body must also  
13 file notice of the proposed action with the office of financial  
14 management for its review pursuant to section 1 of this act. The  
15 notice (~~shall~~) of the hearing must also be posted in three public  
16 places within the territory proposed for annexation, (~~and shall~~)  
17 specify the time and place of hearing, and invite interested persons  
18 to appear and voice approval or disapproval of the annexation.

19 **Sec. 424.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to  
20 read as follows:

21 Following the hearing and review of the proposed action by the  
22 office of financial management pursuant to section 1 of this act, if  
23 the legislative body determines to effect the annexation, they shall  
24 do so by ordinance. Subject to RCW 35.02.170, the ordinance may annex  
25 all or any portion of the proposed area but may not include in the  
26 annexation any property not described in the petition. Upon passage  
27 of the annexation ordinance a certified copy shall be filed with the  
28 board of county commissioners of the county in which the annexed  
29 property is located.

30 **Sec. 425.** RCW 35A.14.295 and 2013 2nd sp.s. c 27 s 1 are each  
31 amended to read as follows:

32 (1) The legislative body of a code city may resolve to annex  
33 territory to the city if there is within the city, unincorporated  
34 territory:

35 (a) Containing less than one hundred seventy-five acres and  
36 having all of the boundaries of such area contiguous to the code  
37 city; or



1 (b) Of any size containing residential property owners and having  
2 at least eighty percent of the boundaries of such area contiguous to  
3 the city. Territory annexed under this subsection (1)(b) must be  
4 within the same county and within the same urban growth area  
5 designated under RCW 36.70A.110, and the city must plan under chapter  
6 36.70A RCW.

7 (2) The resolution (~~shall~~) must describe the boundaries of the  
8 area to be annexed, state the number of voters residing therein as  
9 nearly as may be, and set a date for a public hearing on such  
10 resolution for annexation. The legislative body of the code city must  
11 file notice of the proposed action with the office of financial  
12 management for its review pursuant to section 1 of this act. Notice  
13 of the hearing (~~shall~~) must be given by publication of the  
14 resolution at least once a week for two weeks prior to the date of  
15 the hearing, in one or more newspapers of general circulation within  
16 the code city and one or more newspapers of general circulation  
17 within the area to be annexed.

18 (3) For purposes of subsection (1)(b) of this section, territory  
19 bounded by a river, lake, or other body of water is considered  
20 contiguous to a city that is also bounded by the same river, lake, or  
21 other body of water.

22 **Sec. 426.** RCW 35A.14.297 and 1967 ex.s. c 119 s 35A.14.297 are  
23 each amended to read as follows:

24 On the date set for hearing as provided in RCW 35A.14.295,  
25 residents or property owners of the area included in the resolution  
26 for annexation shall be afforded an opportunity to be heard. Subject  
27 to review of the proposed action by the office of financial  
28 management pursuant to section 1 of this act, the legislative body  
29 may provide by ordinance for annexation of the territory described in  
30 the resolution, but the effective date of the ordinance shall be not  
31 less than forty-five days after the passage thereof. The legislative  
32 body shall cause notice of the proposed effective date of the  
33 annexation, together with a description of the property to be  
34 annexed, to be published at least once each week for two weeks  
35 subsequent to passage of the ordinance, in one or more newspapers of  
36 general circulation within the city and in one or more newspapers of  
37 general circulation within the area to be annexed. If the annexation  
38 ordinance provides for assumption of indebtedness or adoption of a  
39 proposed zoning regulation, the notice shall include a statement of

1 such requirements. Such annexation ordinance shall be subject to  
2 referendum for forty-five days after the passage thereof. Upon the  
3 filing of a timely and sufficient referendum petition as provided in  
4 RCW 35A.14.299 below, a referendum election shall be held as provided  
5 in RCW 35A.14.299, and the annexation shall be deemed approved by the  
6 voters unless a majority of the votes cast on the proposition are in  
7 opposition thereto. After the expiration of the forty-fifth day from,  
8 but excluding the date of passage of the annexation ordinance, if no  
9 timely and sufficient referendum petition has been filed, as provided  
10 by RCW 35A.14.299 below, the area annexed shall become a part of the  
11 code city upon the date fixed in the ordinance of annexation.

12 **Sec. 427.** RCW 35A.14.300 and 1981 c 332 s 7 are each amended to  
13 read as follows:

14 Legislative bodies of code cities may by a majority vote annex  
15 territory outside the limits of such city whether contiguous or  
16 noncontiguous for any municipal purpose when such territory is owned  
17 by the city. The legislative body of a code city must file notice of  
18 the proposed action with the office of financial management for its  
19 review pursuant to section 1 of this act.

20 **Sec. 428.** RCW 35A.14.310 and 1985 c 105 s 1 are each amended to  
21 read as follows:

22 A code city may annex an unincorporated area contiguous, as  
23 defined in section 1(7) of this act, to the city that is owned by the  
24 federal government by adopting an ordinance providing for the  
25 annexation and which ordinance either acknowledges an agreement of  
26 the annexation by the government of the United States, or accepts a  
27 gift, grant, or lease from the government of the United States of the  
28 right to occupy, control, improve it or sublet it for commercial,  
29 manufacturing, or industrial purposes: PROVIDED, That this right of  
30 annexation shall not apply to any territory more than four miles from  
31 the corporate limits existing before such annexation. Whenever a code  
32 city proposes to annex territory under this section, the city  
33 (~~shall~~) must file notice of the proposed action with the office of  
34 financial management for its review pursuant to section 1 of this act  
35 and provide written notice of the proposed (~~annexation~~) action to  
36 the legislative authority of the county within which such territory  
37 is located. The notice (~~shall~~) to the legislative authority of the  
38 county must be provided at least thirty days before the city proposes

1 to adopt the annexation ordinance. The city shall not adopt the  
2 annexation ordinance, and the annexation shall not occur under this  
3 section, if within twenty-five days of receipt of the notice, the  
4 county legislative authority adopts a resolution opposing the  
5 annexation, which resolution makes a finding that the proposed  
6 annexation will have an adverse fiscal impact on the county or road  
7 district.

8 **Sec. 429.** RCW 35A.14.430 and 2003 c 331 s 11 are each amended to  
9 read as follows:

10 When a petition for annexation is filed with the legislative body  
11 of a code city, that meets the requirements of RCW 35A.01.040 and  
12 35A.14.420, the legislative body may entertain the same, fix a date  
13 for a public hearing thereon and cause notice of the hearing to be  
14 published in one or more issues of a newspaper of general circulation  
15 in the city. The legislative body must also file notice of the  
16 proposed action with the office of financial management for its  
17 review pursuant to section 1 of this act. The notice (~~shall~~) of the  
18 hearing must also be posted in three public places within the  
19 territory proposed for annexation, (~~and shall~~) specify the time and  
20 place of hearing, and invite interested persons to appear and voice  
21 approval or disapproval of the annexation.

22 **Sec. 430.** RCW 35A.14.440 and 2003 c 331 s 12 are each amended to  
23 read as follows:

24 Following the hearing and review of the proposed action by the  
25 office of financial management pursuant to section 1 of this act, if  
26 the legislative body determines to effect the annexation, (~~they~~  
27 ~~shall~~) it must do so by ordinance. Subject to RCW 35A.14.410, the  
28 ordinance may annex all or any portion of the proposed area but may  
29 not include in the annexation any property not described in the  
30 petition. Upon passage of the annexation ordinance, a certified copy  
31 (~~shall~~) must be filed with the board of county commissioners of the  
32 county in which the annexed property is located and a copy must be  
33 filed with the office of financial management.

34 **Sec. 431.** RCW 35A.14.460 and 2003 c 299 s 3 are each amended to  
35 read as follows:

36 (1) The legislative body of a county or code city planning under  
37 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215

1 may initiate an annexation process for unincorporated territory by  
2 adopting a resolution commencing negotiations for an interlocal  
3 agreement as provided in chapter 39.34 RCW between a county and any  
4 code city within the county. The territory proposed for annexation  
5 must meet the following criteria: (a) Be within the code city urban  
6 growth area designated under RCW 36.70A.110, and (b) at least sixty  
7 percent of the boundaries of the territory proposed for annexation  
8 must be contiguous, as defined in section 1(7) of this act, to the  
9 annexing code city or one or more cities or towns.

10 (2) If the territory proposed for annexation has been designated  
11 in an adopted county comprehensive plan as part of an urban growth  
12 area, urban service area, or potential annexation area for a specific  
13 city, or if the urban growth area territory proposed for annexation  
14 has been designated in a written agreement between a city and a  
15 county for annexation to a specific city or town, the designation or  
16 designations shall receive full consideration before a city or county  
17 may initiate the annexation process provided for in RCW 35A.14.470.

18 (3) The agreement shall describe the boundaries of the territory  
19 to be annexed and be submitted to the office of financial management  
20 for its review pursuant to section 1 of this act. A public hearing  
21 shall be held by each legislative body, separately or jointly, before  
22 the agreement is executed. Each legislative body holding a public  
23 hearing shall, separately or jointly, publish the agreement at least  
24 once a week for two weeks before the date of the hearing in one or  
25 more newspapers of general circulation within the territory proposed  
26 for annexation.

27 (4) Following adoption and execution of the agreement by both  
28 legislative bodies and its review by the office of financial  
29 management pursuant to section 1 of this act, the city legislative  
30 body shall adopt an ordinance providing for the annexation of the  
31 territory described in the agreement. The legislative body shall  
32 cause notice of the proposed effective date of the annexation,  
33 together with a description of the property to be annexed, to be  
34 published at least once each week for two weeks subsequent to passage  
35 of the ordinance, in one or more newspapers of general circulation  
36 within the city and in one or more newspapers of general circulation  
37 within the territory to be annexed. If the annexation ordinance  
38 provides for assumption of indebtedness or adoption of a proposed  
39 zoning regulation, the notice shall include a statement of the  
40 requirements. Any territory to be annexed through an ordinance

1 adopted under this section is annexed and becomes a part of the city  
2 upon the date fixed in the ordinance of annexation, which date may  
3 not be fewer than forty-five days after adoption of the ordinance.

4 **Sec. 432.** RCW 35A.14.470 and 2006 c 344 s 26 are each amended to  
5 read as follows:

6 (1) The legislative body of any county planning under chapter  
7 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
8 initiate an annexation process with the legislative body of any other  
9 cities or towns that are contiguous, as defined in section 1(7) of  
10 this act, to the territory proposed for annexation in RCW 35A.14.460  
11 if:

12 (a) The county legislative body initiated an annexation process  
13 as provided in RCW 35A.14.460; and

14 (b) The affected city legislative body adopted a responsive  
15 resolution rejecting the proposed annexation or declined to create  
16 the requested interlocal agreement with the county; or

17 (c) More than one hundred eighty days have passed since adoption  
18 of a county resolution as provided for in RCW 35A.14.460 and the  
19 parties have not adopted or executed an interlocal agreement  
20 providing for the annexation of unincorporated territory. The  
21 legislative body for either the county or an affected city may,  
22 however, pass a resolution extending the negotiation period for one  
23 or more six-month periods if a public hearing is held and findings of  
24 fact are made prior to each extension.

25 (2) Any county initiating the process provided for in subsection  
26 (1) of this section must do so by adopting a resolution commencing  
27 negotiations for an interlocal agreement as provided in chapter 39.34  
28 RCW between the county and any city or town within the county. The  
29 annexation area must be within an urban growth area designated under  
30 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
31 territory to be annexed must be contiguous, as defined in section  
32 1(7) of this act, to one or more cities or towns.

33 (3) The agreement shall describe the boundaries of the territory  
34 to be annexed and be submitted to the office of financial management  
35 for its review pursuant to section 1 of this act. 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, separately or jointly, publish the agreement at least  
39 once a week for two weeks before the date of the hearing in one or

1 more newspapers of general circulation within the territory proposed  
2 for annexation.

3 (4) Following adoption and execution of the agreement by both  
4 legislative bodies and its review by the office of financial  
5 management pursuant to section 1 of this act, the city or town  
6 legislative body shall adopt an ordinance providing for the  
7 annexation. The legislative body shall cause notice of the proposed  
8 effective date of the annexation, together with a description of the  
9 property to be annexed, to be published at least once each week for  
10 two weeks subsequent to passage of the ordinance, in one or more  
11 newspapers of general circulation within the city and in one or more  
12 newspapers of general circulation within the territory to be annexed.  
13 If the annexation ordinance provides for assumption of indebtedness  
14 or adoption of a proposed zoning regulation, the notice shall include  
15 a statement of the requirements. Any area to be annexed through an  
16 ordinance adopted under this section is annexed and becomes a part of  
17 the city or town upon the date fixed in the ordinance of annexation,  
18 which date may not be less than forty-five days after adoption of the  
19 ordinance.

20 (5) The annexation ordinances provided for in RCW 35A.14.460(4)  
21 and subsection (4) of this section are subject to referendum for  
22 forty-five days after passage. Upon the filing of a timely and  
23 sufficient referendum petition with the legislative body, signed by  
24 registered voters in number equal to not less than fifteen percent of  
25 the votes cast in the last general state election in the area to be  
26 annexed, the question of annexation shall be submitted to the voters  
27 of the area in a general election if one is to be held within ninety  
28 days or at a special election called for that purpose according to  
29 RCW 29A.04.330. Notice of the election shall be given as provided in  
30 RCW 35A.14.070 and the election shall be conducted as provided in the  
31 general election law. The annexation shall be deemed approved by the  
32 voters unless a majority of the votes cast on the proposition are in  
33 opposition thereto.

34 After the expiration of the forty-fifth day from but excluding  
35 the date of passage of the annexation ordinance, if no timely and  
36 sufficient referendum petition has been filed, the area annexed shall  
37 become a part of the city or town upon the date fixed in the  
38 ordinance of annexation.

39 (6) If more than one city or town adopts interlocal agreements  
40 providing for annexation of the same unincorporated territory as

1 provided by this section, an election shall be held in the area to be  
2 annexed pursuant to RCW 35A.14.070. In addition to the provisions of  
3 RCW 35A.14.070, the ballot shall also contain a separate proposition  
4 allowing voters to cast votes in favor of annexation to any one city  
5 or town participating in an interlocal agreement as provided by this  
6 section. If a majority of voters voting on the proposition vote  
7 against annexation, the proposition is defeated. If, however, a  
8 majority of voters voting in the election approve annexation, the  
9 area shall be annexed to the city or town receiving the highest  
10 number of votes among those cast in favor of annexation.

11 (7) Costs for an election required under subsection (6) of this  
12 section shall be borne by the county.

13 **Sec. 433.** RCW 35A.14.480 and 2013 2nd sp.s. c 27 s 2 are each  
14 amended to read as follows:

15 (1)(a) An annexation by a code city proposing to annex territory  
16 served by one or more fire protection districts may be accomplished  
17 by ordinance after entering into an interlocal agreement as provided  
18 in chapter 39.34 RCW with the county and the fire protection district  
19 or districts that have jurisdiction over the territory proposed for  
20 annexation.

21 (b) A code city proposing to annex territory shall initiate the  
22 interlocal agreement process by sending notice to the fire protection  
23 district representative and county representative stating the code  
24 city's interest to enter into an interlocal agreement negotiation  
25 process. The parties have forty-five days to respond in the  
26 affirmative or negative. A negative response must state the reasons  
27 the parties do not wish to participate in an interlocal agreement  
28 negotiation. A failure to respond within the forty-five day period is  
29 deemed an affirmative response and the interlocal agreement  
30 negotiation process may proceed. The interlocal agreement process may  
31 not proceed if any negative responses are received within the forty-  
32 five day period.

33 (c) The interlocal agreement must describe the boundaries of the  
34 territory proposed for annexation and must be consistent with the  
35 boundaries identified in an ordinance describing the boundaries of  
36 the territory proposed for annexation and setting a date for a public  
37 hearing on the ordinance. If the boundaries of the territory proposed  
38 for annexation are agreed to by all parties, a notice of intention  
39 must be filed with the boundary review board created under RCW

1 36.93.030 and the office of financial management. However, the  
2 jurisdiction of the board may not be invoked as described in RCW  
3 36.93.100 for annexations that are the subject of such agreement.

4 (2) An interlocal annexation agreement under this section must  
5 include the following:

6 (a) A statement of the goals of the agreement. Goals must  
7 include, but are not limited to:

8 (i) The transfer of revenues and assets between the fire  
9 protection district and the code city;

10 (ii) A consideration and discussion of the impact to the level of  
11 service of annexation on the unincorporated area, and an agreement  
12 that the impact on the ability of fire protection and emergency  
13 medical services within the incorporated area must not be negatively  
14 impacted at least through the budget cycle in which the annexation  
15 occurs;

16 (iii) A discussion with fire protection districts regarding the  
17 division of assets and its impact to citizens inside and outside the  
18 newly annexed area;

19 (iv) Community involvement, including an agreed upon schedule of  
20 public meetings in the area or areas proposed for annexation;

21 (v) Revenue sharing, if any;

22 (vi) Debt distribution;

23 (vii) Capital facilities obligations of the code city, county,  
24 and fire protection districts;

25 (viii) An overall schedule or plan on the timing of any  
26 annexations covered under this agreement; and

27 (ix) A description of which of the annexing code cities'  
28 development regulations will apply and be enforced in the area.

29 (b) The subject areas and policies and procedures the parties  
30 agree to undertake in annexations. Subject areas may include, but are  
31 not limited to:

32 (i) Roads and traffic impact mitigation;

33 (ii) Surface and storm water management;

34 (iii) Coordination and timing of comprehensive plan and  
35 development regulation updates;

36 (iv) Outstanding bonds and special or improvement district  
37 assessments;

38 (v) Annexation procedures;

39 (vi) Distribution of debt and revenue sharing for annexation  
40 proposals, code enforcement, and inspection services;



1 (vii) Financial and administrative services; and

2 (viii) Consultation with other service providers, including  
3 water-sewer districts, if applicable.

4 (c) A term of at least five years, which may be extended by  
5 mutual agreement of the code city, the county, and the fire  
6 protection district.

7 (3) If the fire protection district, annexing code city, and  
8 county reach an agreement on the enumerated goals, or ~~((if))~~ only the  
9 annexing code city and county reach an agreement on the enumerated  
10 goals, the code city may adopt an annexation ordinance, but the  
11 annexation ordinance provided for in this section is subject to  
12 review by the office of financial management pursuant to section 1 of  
13 this act and referendum for forty-five days after its passage,  
14 provided that no referendum shall be allowed for an annexation under  
15 this section if the fire protection district, annexing code city, and  
16 the county reach agreement on an annexation for which a code city has  
17 initiated the interlocal agreement process by sending notice to the  
18 fire protection district representative and county representative  
19 prior to July 28, 2013. Upon the filing of a timely and sufficient  
20 referendum petition with the legislative body of the code city,  
21 signed by qualified electors in a number not less than ten percent of  
22 the votes cast in the last general state election in the area to be  
23 annexed, the question of annexation must be submitted to the voters  
24 of the area in a general election if one is to be held within ninety  
25 days or at a special election called for that purpose according to  
26 RCW 29A.04.330. Notice of the election must be given as provided in  
27 RCW 35A.14.070, and the election must be conducted as provided in the  
28 general election laws under Title 29A RCW. The annexation must be  
29 deemed approved by the voters unless a majority of the votes cast on  
30 the proposition are in opposition to the annexation.

31 After the expiration of the forty-fifth day from, but excluding,  
32 the date of passage of the annexation ordinance, if a timely and  
33 sufficient referendum petition has not been filed, the area annexed  
34 becomes a part of the code city upon the date fixed in the ordinance  
35 of annexation.

36 **Sec. 434.** RCW 35A.14.490 and 2009 c 402 s 5 are each amended to  
37 read as follows:

38 (1) Territory owned by a county and used for an agricultural fair  
39 as provided in chapter 15.76 ~~((RCW))~~ or ~~((chapter))~~ 36.37 RCW may

1 only be annexed to a code city through the method prescribed in this  
2 section.

3 (a) The legislative body of the city proposing the annexation  
4 must submit a request for annexation and a legal description of the  
5 subject territory to the legislative authority of the county within  
6 which the territory is located.

7 (b) Upon receipt of the request and description, the county  
8 legislative authority has thirty days to review the proposal and  
9 determine if the annexation proceedings will continue. As a condition  
10 of approval, the county legislative authority may modify the  
11 proposal, but it may not add territory that was not included in the  
12 request and description. Approval of the county legislative authority  
13 is a condition precedent to further proceedings upon the request and  
14 there is no appeal of the county legislative authority's decision.

15 (c) If the county legislative authority determines that the  
16 proceedings may continue, it must, within thirty days of the  
17 determination, fix a date for a public hearing on the proposal, and  
18 cause notice of the hearing to be published at least once a week for  
19 two weeks prior to the hearing in one or more newspapers of general  
20 circulation in the territory proposed for annexation. The notice must  
21 also be posted in three public places within the subject territory,  
22 specify the time and place of the hearing, and invite interested  
23 persons to appear and voice approval or disapproval of the  
24 annexation. If the annexation proposal provides for assumption of  
25 indebtedness or adoption of a proposed zoning regulation, the notice  
26 must include a statement of these requirements.

27 (d) If, following the conclusion of the hearing, a majority of  
28 the county legislative authority deems the annexation proposal to be  
29 in the best interest of the county, it may adopt a resolution  
30 approving of the annexation. The county legislative authority must  
31 file notice of the proposed action with the office of financial  
32 management for its review pursuant to section 1 of this act.

33 (e) If, following the county legislative authority's adoption of  
34 the annexation approval resolution and review of the proposed action  
35 by the office of financial management pursuant to section 1 of this  
36 act, the legislative body of the city proposing annexation determines  
37 to effect the annexation, it must do so by ordinance. The ordinance:

38 (i) May only include territory approved for annexation in the  
39 resolution adopted under (d) of this subsection; and (ii) must not  
40 exclude territory approved for annexation in the resolution adopted

1 under (d) of this subsection. Upon passage of the annexation  
2 ordinance, a certified copy must be filed with the applicable county  
3 legislative authority.

4 (2) Any territory annexed through an ordinance adopted under this  
5 section is annexed and becomes a part of the code city upon the date  
6 fixed in the ordinance.

7 **Sec. 435.** RCW 35A.14.700 and 2011 c 342 s 2 are each amended to  
8 read as follows:

9 (1) Whenever any territory is annexed to or deannexed from a code  
10 city, any territory is subject to boundary line adjustment, or cities  
11 are consolidated pursuant to chapter 35.10 RCW:

12 (a) A copy of the complete ordinance containing a legal  
13 description and a map showing specifically the boundaries of the  
14 territory or consolidated area must be submitted immediately after  
15 the city or town's adoption. Within two days of receipt of the  
16 ordinance, the office of financial management must post a digital  
17 copy on the internet or transmit digital copies via email to the  
18 departments of transportation and revenue. The requirement to notify  
19 the department of revenue of a tax rate change under RCW 82.14.055(1)  
20 is met when the office of financial management receives the documents  
21 required under this subsection (1)(a); and

22 (b) A certificate as hereinafter provided (~~shall~~) must be  
23 submitted (~~in triplicate~~) to the office of financial management  
24 within thirty days of the effective date of (~~annexation~~) the action  
25 specified in the relevant ordinance. After approval of the  
26 certificate, the office of financial management (~~shall~~) must retain  
27 the original copy in its files(~~7~~) and transmit (~~the second~~) a  
28 digital copy to (~~the department of transportation and return the~~  
29 ~~third copy to~~) the code city via email. (~~Such~~) The certificate(~~s~~  
30 ~~shall~~) must be in (~~such~~) a form and contain (~~such~~) information  
31 as (~~shall be~~) prescribed by the office of financial management. (~~A~~  
32 ~~copy of the complete ordinance containing a legal description and a~~  
33 ~~map showing specifically the boundaries of the annexed territory~~  
34 ~~shall be attached to each of the three copies of the certificate.~~)  
35 The certificate (~~shall~~) must be signed by the mayor and attested by  
36 the city clerk. Upon request, the office of financial management  
37 (~~shall~~) must furnish certification forms to any code city.

1 (2)(a) The resident population of the (~~annexed~~) territory  
2 (~~shall~~) or consolidated area must be determined by, or under the  
3 direction of, the mayor of the code city.

4 (b) If the (~~annexing~~) code city has a population of ten  
5 thousand or less, the (~~annexed~~) territory or consolidated area  
6 consists entirely of one or more partial federal census blocks, or  
7 2010 federal decennial census data has not been released within  
8 twelve months immediately prior to the date of (~~annexation~~) the  
9 action, the population determination (~~shall~~) must consist of an  
10 actual enumeration of the population.

11 (c) In any circumstance, the code city may choose to have the  
12 population determination of the entire (~~annexed~~) territory or  
13 consolidated area consist of an actual enumeration. However, if the  
14 code city does not use actual enumeration for determining population,  
15 the (~~annexed~~) territory or consolidated area includes or consists  
16 of one or more complete federal census blocks, and 2010 federal  
17 decennial census data has been released within twelve months  
18 immediately prior to the date of (~~annexation~~) the action, the  
19 population determination (~~shall~~) must consist of:

20 (i) Relevant 2010 federal decennial census data pertaining to the  
21 complete block or blocks, as such data has been updated by the most  
22 recent official population estimate released by the office of  
23 financial management pursuant to RCW 43.62.030;

24 (ii) An actual enumeration of any population located within the  
25 (~~annexed~~) territory or consolidated area but outside the complete  
26 federal census block or blocks; and

27 (iii) If the office of financial management, at least two weeks  
28 prior to the date of (~~annexation~~) the action, confirms the  
29 existence of a known census error within a complete federal census  
30 block and identifies a structure or complex listed in (c)(iii)(A)  
31 through (E) of this subsection (2) as a likely source of the error,  
32 an actual enumeration of one or more of the block's identified:

33 (A) Group quarters;

34 (B) Mobile home parks;

35 (C) Apartment buildings that are composed of at least fifty units  
36 and are certified for occupancy between January 1, 2010, and April 1,  
37 2011;

38 (D) Missing subdivisions; and

39 (E) Closures of any of the categories in (c)(iii)(A) through (D)  
40 of this subsection.

1 (d) Whenever an actual enumeration is used, it shall be made in  
2 accordance with the practices and policies of, and subject to the  
3 approval of, the office of financial management.

4 (e) The code city (~~shall be~~) is responsible for the full cost  
5 of the population determination.

6 (3) Upon approval of the (~~annexation~~) certificate, the office  
7 of financial management (~~shall~~) must forward to each state official  
8 or department responsible for making allocations or payments to  
9 cities or towns, a revised certificate reflecting the increase in  
10 population due to (~~such annexation~~) the action. Upon and after the  
11 date of the commencement of the next quarterly period, the population  
12 determination indicated in (~~such~~) the revised certificate (~~shall~~)  
13 must be used as the basis for the allocation and payment of state  
14 funds to such city or town.

15 For the purposes of this section, each quarterly period (~~shall~~)  
16 commences on the first day of the months of January, April, July, and  
17 October. Whenever a revised certificate is forwarded by the office of  
18 financial management thirty days or less prior to the commencement of  
19 the next quarterly period, the population of the (~~annexed~~)  
20 territory (~~shall~~) or consolidated area must not be considered until  
21 the commencement of the following quarterly period.

22 (4) Until (~~an annexation~~) a certificate is filed and approved  
23 (~~as provided herein, such annexed~~), the territory (~~shall~~) or  
24 consolidated area must not be considered by the office of financial  
25 management in determining the population of such code city.

26 **Sec. 436.** RCW 35A.16.010 and 1967 ex.s. c 119 s 35A.16.010 are  
27 each amended to read as follows:

28 Upon the filing of a petition which is sufficient as determined  
29 by RCW 35A.01.040 praying for the exclusion from the boundaries of a  
30 code city of an area described by metes and bounds or by reference to  
31 a recorded plat or government survey, signed by qualified voters of  
32 the city in number equal to not less than ten percent of the number  
33 of votes cast at the last general municipal election, the legislative  
34 body of the code city shall cause the question to be submitted to the  
35 voters. As an alternate method, such a proposal for exclusion from  
36 the code city of a described area may be submitted to the voters by  
37 resolution of the legislative body. The question shall be submitted  
38 at the next general municipal election if one is to be held within  
39 one hundred and eighty days or at a special election called for that

1 purpose not less than ninety days nor more than one hundred and  
2 eighty days after the certification of sufficiency of the petition or  
3 the passage of the resolution. The petition or resolution shall set  
4 out and describe the territory to be excluded from the code city,  
5 together with the boundaries of the code city as it will exist after  
6 such change is made. The legislative body of the code city must file  
7 notice of the proposed action with the office of financial management  
8 for its review pursuant to section 1 of this act.

9       **Sec. 437.** RCW 35A.16.040 and 1967 ex.s. c 119 s 35A.16.040 are  
10 each amended to read as follows:

11       Promptly after the filing of the abstract of votes with the  
12 secretary of state and subject to review of the proposed action by  
13 the office of financial management pursuant to section 1 of this act,  
14 the legislative body shall adopt an ordinance defining and fixing the  
15 corporate limits after excluding the area as determined by the  
16 election. The ordinance shall also describe the excluded territory by  
17 metes and bounds or by reference to a recorded plat or government  
18 survey and declare it no longer a part of the code city.

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