

copy of the annexation ordinance would likely be necessary. DOR suggests e-mail notification followed-up by a mailed paper copy.

ANNEXATION OF UNINCORPORATED ISLANDS

The annexation statutes provide for an abbreviated procedure to annex unincorporated islands or pockets of property within a code city/town. When there is an unincorporated area

- (1) containing less than 175 acres with all of the boundaries of the area contiguous to a code city/town, or
- (2) of any size containing residential property owners and having at least 80 percent of the boundaries contiguous to a code town if the area is within the same county and urban growth area designated under RCW 36.70A.110, and the town is required to plan under the Growth Management Act, the town council may initiate annexation proceedings by resolution (RCW 35A.14.295(1)).

However, annexation by this method is potentially subject to a referendum election within the unincorporated territory (RCW 35A.14.297).

Contents of Resolution (RCW 35A.14.295)

A resolution for annexation of an unincorporated island must:

- Describe the boundaries of the area to be annexed;
- State the number of voters residing in the area as nearly as possible; and
- Set a date for a public hearing on the resolution.

Notice of Hearing (RCW 35A.14.295)

Notice of the hearing on the annexation resolution is to be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the town and in one or more newspapers of general circulation within the area to be annexed. However, it is likely that one newspaper would be generally circulated both within the town and in the area proposed for annexation.

Hearing (RCW 35A.14.297)

Residents and property owners of the area described in the resolution are to be afforded an opportunity to be heard.

Adoption of Annexation Ordinance (RCW 35A.14.297)

After the hearing, the town council may by ordinance annex the territory described in the resolution, although it may be necessary to first obtain review board approval, as discussed below. The ordinance may also provide for the adoption of a proposed zoning regulation or for the assumption of indebtedness by the area to be annexed. The effective date of the annexation ordinance may not be less than 45 days after passage, to allow for the referendum period discussed below.

Notice of Annexation (RCW 35A.14.297)

Notice of the proposed effective date of the annexation, including a description of the property to be annexed, is to be published at least once a week for two weeks after the passage of the ordinance in one or more newspapers of general circulation within the town and within the area to be annexed. If the annexation ordinance provides for adoption of a proposed zoning regulation or for the assumption of indebtedness, the notice must include a statement of these requirements.

Review

- **Boundary Review Board.** Notice of intent to annex must also be filed with the boundary review board, if one has been established in the county. Since procedures can vary among counties, it is advisable to contact the appropriate review board for specific procedures. Boundary review board approval is necessary before the annexation may be effective.
- **County Annexation Review Board for Code Cities/Towns.** Review by the county annexation review board for code cities/towns is not necessary in counties without a boundary review board (RCW 35A.14.220).

Referendum (RCW 35A.14.297, 35A.14.299)

The annexation ordinance is subject to potential referendum for 45 days after passage. To initiate a referendum on the annexation, a referendum petition must be signed by qualified electors in number equal to not less than 10 percent of the votes cast in the last general state election in the area to be annexed. If a timely and sufficient referendum petition is filed with the town council, the question of annexation must be submitted to the voters

Election

- **Date of Election (RCW 35A.14.299, 29A.04.330).**

The date is to be at the next general election, if one is to be held within 90 days, or at a special election called not less than 45 days nor more than 90 days after the filing of the petition.

The special election on the proposed annexation must occur on one of the dates provided under RCW 29A.04.330 that is 60 or more days after the council's preference is indicated to the county auditor. Special election dates available under RCW 29A.04.330 are:

- The second Tuesday in February;
- The fourth Tuesday in April;
- The day of the primary election; or
- The first Tuesday after the first Monday in November.

- **Conduct of Election (RCW 35A.29.151).** The election must comply with general election law (Title 29A RCW).
- **Voters' Pamphlet (RCW 29A.32.210 - 280).** A code city/town may, at least 90 days before any primary or general election or at least 40 days before any special election, adopt an ordinance authorizing the publication and distribution of a local voters' pamphlet to provide information on ballot measures, such as an annexation election (RCW 29A.32.210). At least 45 days before the publication of the pamphlet, the town must, for each ballot measure, formally appoint a committee to prepare arguments in favor of the measure and a committee to prepare arguments against the measure (RCW 29A.32.280). See RCW 29A.32.210 - 280 for the rules regarding voter pamphlets. A town planning to authorize publication of a voters' pamphlet should consult with their county auditor or elections office regarding preparation of the pamphlet.
- **Cost of Election (RCW 35A.14.020).** The town is responsible for the cost of the election.

Canvass of Election Returns (RCW 35A.14.080)

- **Duties of County Canvassing Board (RCW 35A.14.080).** (See definition of "canvassing in RCW 29A.04.013.) On the Monday after the annexation election, the county canvassing board must:
 - Canvass the returns; and
 - Submit a "statement of canvass" to the county legislative authority.
- **Minimum Vote Required for Approval of Annexation (RCW 35A.14.080, 35A.14.085):**

- The proposition for or against annexation, or for or against adoption of the proposed zoning regulation, or for or against creation of a community municipal corporation (or any combination of these, as the case may be) may be approved by majority vote.
- A proposition for or against the assumption of all or any portion of indebtedness is approved by a 60 percent majority of those voting on the proposition, and the number of persons voting is not less than 40 percent of the total number of votes cast in the area at the last preceding general election.
- The annexation proposition may be submitted on the same ballot as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and assumption are approved only if the proposition is approved by a 60 percent majority of the voters voting and the turnout represents at least 40 percent of the total number of votes cast in the area at the last preceding general election. However, the town council may adopt a resolution accepting the annexation, but without the assumption of indebtedness, if the combined proposition is approved by a simple majority.

Duty of County Legislative Authority (RCW 35A.14.080)

If the voters approve any of the propositions, the county legislative authority must:

- Enter in its minutes a finding to that effect;
- Transmit and file a certified copy of its minutes to the town clerk; and
- Transmit to the town clerk a certified abstract of the vote, showing:
 - The number who voted at the election;
 - The number of votes cast for and against the proposition; and
 - A statement of the number of votes cast in the area at the last preceding general election (if a proposition for assumption of indebtedness was voted on).

If a proposition for the creation of a community municipal corporation was submitted and approved, the abstract must include the number of votes cast for the candidates for community council positions. (Certificates of election are to be issued to the successful candidates. They are to assume office within 10 days after the election.)

Duty of Town Upon Receipt of Abstract of Vote (RCW 35A.14.090)

The town clerk must transmit the certified copy of the finding of the county legislative authority to the town council at its next regular meeting or as soon thereafter as practicable.

The town council must then adopt ordinances providing for annexation, the adoption of the proposed zoning regulation, the assumption of indebtedness, and/or creation of a community municipal corporation, as is appropriate. If the voters rejected a proposition on assumption of indebtedness, the council may refuse to annex the territory.

- **Notice of Election (RCW 35A.14.299, 35A.14.070):**
 - The notice must be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed, and
 - Published at least once a week for two weeks prior to the election in one or more newspapers of general circulation within the area proposed to be annexed. One publication must also be not more than 10 nor less than three days prior to the election.
 - The notice of election must:
 - Describe the boundaries of the area proposed to be annexed,
 - State the purpose of the election as stated in the resolution,

- Require voters to cast ballots containing the words equivalent to:

For annexation Against annexation ; or

For annexation and adoption of proposed zoning regulation Against annexation and adoption of proposed zoning regulation

If assumption of indebtedness is proposed, the notice and ballot shall contain a separate proposition:

For assumption of indebtedness Against assumption of indebtedness

Approval of Annexation (RCW 35A.14.297, 35A.14.299)

If approval is received from the boundary review board (if any), and if no sufficient referendum petition is filed within 45 days from of passage of the annexation ordinance (excluding the date of passage), the annexation will be effective upon the date fixed in the ordinance. If a sufficient petition is filed and an election held, the annexation will be decided by majority vote.

Notice of Annexation

- **Notice to State (OFM Certification) (RCW 35A.14.700).** The town must submit an annexation certificate and additional supporting documents to the state Office of Financial Management (OFM) within 30 days of the effective date of annexation specified in the annexation ordinance. See OFM's webpages on Certification of Annexations: Procedures and Annexation and municipal boundary changes.

OFM files the approved annexation certificates on a quarterly basis. Filing dates are the last working days of November, February, May, and August. Annexations are not approved and filed until all of OFM's requirements are met. Revenues may be lost as a result of problems in the certification process, because revenue distributions are not backdated.

- **Special Notice to County Treasurer and Assessor, Light and Power and Gas Distribution Businesses, and, Where Applicable, to Fire District and Library District (RCW 35A.14.801).**

At least 60 days before the effective date of the annexation, the town is required by RCW 35A.14.801 to notify the county treasurer and assessor and light and power and gas distribution businesses of the annexation. The notice must be by certified mail or electronic means and must include a list of annexed parcel numbers and street addresses.

If the town annexes territory within a fire district and/or library district (and the town has not been annexed to such districts), it is required to provide the same notification to such district or districts. The county treasurer is required to remit only those road taxes and, where applicable, fire district and library district taxes collected 60 or more days after receipt of the notification. Light and power businesses and gas distribution businesses are only required to remit to the town those utility taxes collected 60 days or more after receipt of the notice.

Towns in counties that do not have a boundary review board and that annex territory of a fire district or library district must provide notice to such district(s) of the town's "resolution" approving the annexation. (The statute, RCW 35A.14.801, uses the term "resolution," but the town action approving an annexation is in the form of an ordinance, so the notice should be of the ordinance approving the annexation.) The notice must be by certified mail within seven days of the resolution (i.e., ordinance) approving the annexation, and it must include a description of the annexed area.

- **Other Notice.** For information regarding the notice that should be given to the county, the Department of Revenue, and town departments.

Notice to Department of Revenue. Sales tax changes may take effect only on January 1, April 1, or July 1. The term "sales tax changes," for purposes of this legislation, includes changes resulting from annexation (RCW

82.14.055(4)). Local governments must provide notice to the Department of Revenue (DOR) at least 75 days before the change takes place. RCW 82.14.055 does not specify what the “notice” to DOR must consist of, but a copy of the annexation ordinance would likely be necessary. DOR suggests e-mail notification followed-up by a mailed paper copy.

ALTERNATIVE UNINCORPORATED ISLAND-INTERLOCAL METHOD OF ANNEXATION

RCW 35A.14.460-.470 provides an alternative method of annexing islands of unincorporated territory through the use of interlocal agreements. However, this “island-interlocal” method of annexation is available only to cities and towns located in counties that are subject to the “buildable lands” review and evaluation program (RCW 36.70A.215) under the GMA (RCW 35A.14.460(1)). These counties are Clark, King, Kitsap, Pierce, Snohomish, and Thurston.

Unlike the other method of annexing unincorporated “islands” of territory, which is available to all cities/towns and requires the proposed annexation area to have at least 80 percent of its boundaries contiguous to a single town (RCW 35A.14.295), the proposed annexation area under the “island-interlocal” method need have only 60 percent of its boundaries contiguous to a city/town or to more than one city/town. As with all annexations in counties subject to the GMA, the proposed annexation area must be within an urban growth area (UGA) (RCW 35A.14.460(1)).

Initiation by Resolution/Negotiation (RCW 35A.14.460(1), 35A.14.470(1)(c))

The process is begun by the legislative body of a qualifying town or county (see above) adopting a resolution “commencing negotiations” for an interlocal agreement with the county or a city/town, as the case may be, for annexation of territory described in the agreement that is within the town’s UGA and that has at least 60 percent of its boundaries contiguous to the annexing city/town or the annexing city/town and one or more other cities.

After a resolution is adopted, the county and city/town are to negotiate and try to reach an agreement regarding the annexation. RCW 35A.14.470(1)(c) establishes a 180-day negotiation period, which begins with the date of the passage of the county resolution. The legislative body for either the county or city/town may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension. If the 180-day negotiation period expires, the county may initiate an annexation process with another city/town contiguous to the unincorporated island, as described in the section below, Alternate Procedure if County and City/Town Do Not Reach Agreement.

Agreement/Hearing (RCW 35A.14.460(3))

Before executing the agreement, which must describe the boundaries of the territory to be annexed, the legislative bodies of the county and city/town must each hold a public hearing, which may be a joint hearing.

Alternate Procedure, if County and Town Do Not Reach Agreement (RCW 35A.14.470)

The county may initiate the annexation process with another city/town, or more than one city/town, that has boundaries contiguous to the unincorporated island if:

- The county initiated the annexation process by resolution, as above; and
- The affected town rejected the proposed annexation or declined to enter into an agreement; or
- 180 days have passed since the county adopted the resolution and no agreement has been reached and neither the county or the town have, after a public hearing, passed a resolution extending the negotiation period.

The process then goes on exactly as in the original process above, although in this case it is only the county that, by resolution, can initiate the process.

Under this alternate process, a city/town may annex territory that is within another city's/town's urban growth area or within an "urban service area" or "potential annexation area" (authorized by RCW 36.70A.110) designated for another town. (Some counties have previously designated such areas within urban growth areas that border more than one city/town.) If the territory proposed for annexation under this alternate process has been designated as part of an "urban service area" or "potential annexation area" for a specific town (i.e., not the annexing city/town under this alternate process) or if it lies within another city's/town's urban growth area, or if the urban growth area territory proposed for annexation has been designated in a written agreement between the county and a specific city/town for annexation to that city/town, the city/town that the county negotiates with under this alternate process may still annex that territory as long as that designation receives "full consideration" before the process is initiated (RCW 35A.14.460(2)). What exactly may be necessary to satisfy this "full consideration" requirement is unclear.

Also, under this alternate process, a county may reach agreement with more than one city/town for annexing the same unincorporated island, thereby throwing to the voters in that territory the choice of which city/town, if any, to annex to. The ballot for this election is to provide voters with the choice of whether or not to annex to a city/town and, for those voters wanting to annex, the choice of which city/town to annex to. If a majority of voters choose annexation, the area will be annexed to the city/town receiving the most votes among those voting in favor of annexation. The rules governing this election are otherwise those for an annexation by the election method. The county bears the cost of this election.

Election on Annexation

- **Date of Election** (RCW 35A.14.050, 29A.04.330). The special election on the proposed annexation must occur on one of the dates provided under RCW 29A.04.330 that is 60 or more days after the council's preference is indicated to the county auditor. Special election dates available under RCW 29A.04.330 are:
 - The second Tuesday in February;
 - The fourth Tuesday in April;
 - The day of the primary election; or
 - The first Tuesday after the first Monday in November.
- **Conduct of Election** (RCW 35A.29.151). The election must comply with general election law (Title 29A RCW).
- **Voters' Pamphlet** (RCW 29A.32.210 - 280). A code town may, at least 90 days before any primary or general election or at least 40 days before any special election, adopt an ordinance authorizing the publication and distribution of a local voters' pamphlet to provide information on ballot measures, such as an annexation election (RCW 29A.32.210). At least 45 days before the publication of the pamphlet, the town must, for each ballot measure, formally appoint a committee to prepare arguments in favor of the measure and a committee to prepare arguments against the measure (RCW 29A.32.280). See RCW 29A.32.210 - 280 for the rules regarding voter pamphlets. A town planning to authorize publication of a voters' pamphlet should consult with their county auditor or elections office regarding preparation of the pamphlet.
- **Notice of Election** (RCW 35A.14.070, 35A.14.025)
 - The notice must be posted for at least two weeks prior to the election date in four public places within the area proposed to be annexed, and
 - It must be published at least once a week for two weeks prior to the election in one or more newspapers of general circulation within the territory proposed to be annexed. One publication must also be from three to ten days prior to the election.

– The notice of election must:

- Describe the boundaries of the proposed annexation (as may have been modified by the review board);
- State the purpose of the election (as in the petition);
- Require voters to cast ballots containing, as the case may be, words equivalent to:

For annexation Against annexation; or

For annexation and adoption of proposed zoning regulation Against annexation and adoption of proposed zoning regulation; or

For creation of a community municipal corporation Against creation of a community municipal corporation; or

For annexation and creation of community municipal corporation Against annexation and creation of community municipal corporation; or

For inclusion in [a named existing community municipal corporation

Against inclusion in [a named existing community municipal corporation]; or

For annexation and inclusion in [a named existing community municipal corporation]

Against annexation and inclusion in [a named existing community municipal corporation]

If the creation of a community municipal corporation is included in the resolution or petition, the ballot language in the notice must provide for voting on candidates for positions on the community council.

If assumption of all or a portion of indebtedness is proposed, the notice and ballot must contain an appropriate, separate proposition for or against the assumption of the portion of indebtedness that the town requires to be assumed.

- The notice of the election must be in compliance with the requirements of RCW 29A.52.355.

Canvass of Election Returns (RCW 35A.14.080)

• **Duties of County Canvassing Board** (RCW 35A.14.080). (See definition of “canvassing in RCW 29A.04.013.) On the Monday after the annexation election, the county canvassing board must:

– Canvass the returns; and

– Submit a “statement of canvass” to the county legislative authority.

• **Minimum Vote Required for Approval of Annexation** (RCW 35A.14.080, 35A.14.085):

– The proposition for or against annexation, or for or against adoption of the proposed zoning regulation, or for or against creation of a community municipal corporation (or any combination of these, as the case may be) may be approved by majority vote.

– A proposition for or against the assumption of all or any portion of indebtedness is approved by a 60 percent majority of those voting on the proposition, and the number of persons voting is not less than 40 percent of the total number of votes cast in the area at the last preceding general election.

– The annexation proposition may be submitted on the same ballot as the question to authorize an assumption of indebtedness. If the measures are combined, the annexation and assumption are

approved only if the proposition is approved by a 60 percent majority of the voters voting and the turnout represents at least 40 percent of the total number of votes cast in the area at the last preceding general election. However, the town council may adopt a resolution accepting the annexation, but without the assumption of indebtedness, if the combined proposition is approved by a simple majority.

Duty of County Legislative Authority (RCW 35A.14.080)

If the voters approve any of the propositions, the county legislative authority must:

- Enter in its minutes a finding to that effect;
- Transmit and file a certified copy of its minutes to the town clerk; and
- Transmit to the town clerk a certified abstract of the vote, showing:
 - The number who voted at the election;
 - The number of votes cast for and against the proposition; and
 - A statement of the number of votes cast in the area at the last preceding general election (if a proposition for assumption of indebtedness was voted on).

If a proposition for the creation of a community municipal corporation was submitted and approved, the abstract must include the number of votes cast for the candidates for community council positions. (Certificates of election are to be issued to the successful candidates. They are to assume office within 10 days after the election.)

Duty of Town Upon Receipt of Abstract of Vote (RCW 35A.14.090)

The town clerk must transmit the certified copy of the finding of the county legislative authority to the town council at its next regular meeting or as soon thereafter as practicable.

The town council must then adopt ordinances providing for annexation, the adoption of the proposed zoning regulation, the assumption of indebtedness, and/or creation of a community municipal corporation, as is appropriate. If the voters rejected a proposition on assumption of indebtedness, the council may refuse to annex the territory.

Effective Date of Annexation (RCW 35A.14.100)

The annexation and any propositions relating to zoning and assumption of indebtedness are effective on the date fixed in the annexation ordinance(s). RCW 35A.14.100 does not specify any date by which the annexation must be made effective. Note, however, that there are important timing issues as to when an annexation occurs with respect to when the town's property tax levy can be effective in the newly annexed area and with respect to receipt of state-shared revenues (see Financial Impacts).

Public Notice of Agreement/Hearing (RCW 35A.14.460(3))

The county and town must, either separately or jointly, publish the text of the agreement at least once a week for two weeks before the date of the hearing(s) in one or more newspapers of general circulation in the area proposed for annexation. Presumably, these publications should also provide notice of the public hearing(s).

Ordinance Providing for Annexation/Effective Date (RCW 35A.14.460(4))

Following the public hearing(s) and adoption of the agreement between the county and town legislative bodies providing for the annexation of the unincorporated island, the town council adopts an ordinance annexing the territory as described in the agreement.

The ordinance may provide:

- That the property owners in the annexed area will assume their share of the town's outstanding indebtedness, and/or
- That a specific proposed zoning regulation is adopted for the area.

The ordinance must set the date that the annexation is effective, but that date must be 45 days or more following the date of ordinance adoption to accommodate a referendum procedure. The annexation will become effective upon that date, unless a sufficient referendum petition is filed under the procedure described below.

Notice of Annexation (RCW 35A.14.460(4))

The town council must publish notice of the effective date of the annexation at least once a week for two weeks after passage of the ordinance in one or more newspapers of general circulation in the area to be annexed.

If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of the requirements.

- **Notice to State (OFM Certification)** (RCW 35A.14.700). The town must submit an annexation certificate and additional supporting documents to the state Office of Financial Management (OFM) within 30 days of the effective date of annexation specified in the annexation ordinance. See OFM's webpages on Certification of Annexations: Procedures and Annexation and municipal boundary changes.

OFM files the approved annexation certificates on a quarterly basis. Filing dates are the last working days of November, February, May, and August. Annexations are not approved and filed until all of OFM's requirements are met. Revenues may be lost as a result of problems in the certification process, because revenue distributions are not backdated.

- **Special Notice to County Treasurer and Assessor, Light and Power and Gas Distribution Businesses, and, Where Applicable, to Fire District and Library District** (RCW 35A.14.801).

At least 60 days before the effective date of the annexation, the town is required by RCW 35A.14.801 to notify the county treasurer and assessor and light and power and gas distribution businesses of the annexation. The notice must be by certified mail or electronic means and must include a list of annexed parcel numbers and street addresses.

If the town annexes territory within a fire district and/or library district (and the town has not been annexed to such districts), it is required to provide the same notification to such district or districts. The county treasurer is required to remit only those road taxes and, where applicable, fire district and library district taxes collected 60 or more days after receipt of the notification. Light and power businesses and gas distribution businesses are only required to remit to the town those utility taxes collected 60 days or more after receipt of the notice.

Towns in counties that do not have a boundary review board and that annex territory of a fire district or library district must provide notice to such district(s) of the town's "resolution" approving the annexation. (The statute, RCW 35A.14.801, uses the term "resolution," but the town action approving an annexation is in the form of an ordinance, so the notice should be of the ordinance approving the annexation.) The notice must be by certified mail within seven days of the resolution (i.e., ordinance) approving the annexation, and it must include a description of the annexed area.

- **Other Notice.** For information regarding the notice that should be given to the county, the Department of Revenue, and town departments.

Notice to Department of Revenue. Sales tax changes may take effect only on January 1, April 1, or July 1. The term "sales tax changes," for purposes of this legislation, includes changes resulting from annexation (RCW 82.14.055(4)). Local governments must provide notice to the Department of Revenue (DOR) at least 75 days before the change takes place. RCW 82.14.055 does not specify what the "notice" to DOR must consist of, but a

copy of the annexation ordinance would likely be necessary. DOR suggests e-mail notification followed-up by a mailed paper copy.

Boundary Review Board Review

A notice of intent to annex must be filed with the boundary review board, if one has been established in the county and has not been disbanded pursuant to RCW 36.93.230.

Referendum Procedure (RCW 35A.14.470(5))

The annexation ordinance is subject to a referendum election if, within 45 days of adoption of the ordinance, a sufficient referendum petition is filed with the town council. A referendum petition is sufficient if it is signed by registered voters representing not less than 15 percent of the number of votes cast at the last state general election in the area to be annexed. If a sufficient petition is filed, an election on the annexation is to be held at a general election if it is within 90 days of the filing of the petition or at a special election that is 45 to 90 days after filing of the petition. The election is held only within the area subject to annexation and is decided by majority vote.

INTERLOCAL AGREEMENT METHOD

In March 2020, the state legislature passed SB 5522, amending Chapter 35A.14 RCW to create a new method of annexation for code cities/towns. The new method is available starting June 11, 2020.

Under the new method, a code city/town may annex unincorporated territory pursuant to an interlocal agreement between the city/town and county, subject to the following requirements.

Notice of Annexation to Impacted Special Purpose Districts/City/Town

- The town must provide written notice to the governing authorities of the following impacted special purpose districts and adjacent city/town (if applicable):
 - Fire protection districts, regional fire protection service authorities, water-sewer districts, and transportation benefit districts within the proposed annexation area;
 - Any city/town adjacent to the proposed annexation area where the sole access or majority of egress and ingress of the area is served by the transportation network of the impacted city/town.
- The impacted districts or town will have 30 days from the date of such notice to notify the code town whether it would like to be a party to the interlocal agreement with the town and county. If timely notice is provided, the notifying district(s) and/or town must be included as a party to the agreement.
- Any impacted district or town may disagree with the annexation, in which case, the annexation may not proceed using this new method.

Public Hearing

- A public hearing must be held by each legislative body, either jointly or separately, before an interlocal agreement is executed.
- Notice of availability of the agreement must be published at least once a week for four weeks prior to the hearing on the town and county website (if available), and in a newspaper of general circulation within both the code city/town and the territory proposed for annexation. The notice must also indicate if the annexation would provide for assumption of indebtedness or adoption of proposed zoning regulations.

Interlocal Agreement

- The boundaries and effective date of the annexation are decided jointly and set forth in the interlocal agreement.
- The date of the public hearing must be set forth in the interlocal agreement.
- The interlocal agreement must ensure that for a period of five years after the annexation, any residentially-zoned parcels retain their residential zoning, and the area's minimum gross residential density must not be reduced below the density allowed prior to annexation.
- An interlocal agreement may be amended to add additional territory.

Annexation Ordinance

- After the public hearing, the town must adopt an ordinance to effect the annexation. An annexation agreement may include phased annexation of territory. If it does, an ordinance must be adopted at each phase of annexation.
- A certified copy of the annexation ordinance must be filed with the board of county commissioners of the county in which the annexed property is located.

INTERLOCAL AGREEMENT ANNEXATION OF AREA SERVED BY FIRE DISTRICT(S)

This method of annexation may be employed where a town is proposing to annex territory within one or more fire protection districts (RCW 35A.14.480).

Notice to Fire District and to County

The town council may initiate an annexation by this method by sending notice to the fire protection district representative (or representatives if more than one fire district is included within the proposed annexation area) and county representative stating the town's interest in entering into an interlocal agreement negotiation process.

Response to Notice

- The county and district(s) have 45 days to respond in either the affirmative or negative.
- A negative response must state the reasons the party does not wish to participate in an interlocal agreement negotiation.
- A failure to respond within the 45-day period is deemed an affirmative response and the interlocal agreement negotiation process can proceed.

The interlocal agreement process may not proceed if any negative responses are received within the 45-day period.

Interlocal Agreement

The agreement must:

- Describe the boundaries of the territory proposed for annexation and must be consistent with the boundaries identified in an ordinance describing the boundaries of the territory proposed for annexation and setting a date for a public hearing on the ordinance.
- Include the following:
 - A statement of the goals of the agreement. Those goals must include, but are not limited to: