



CITY OF CARNATION

REGULAR MEETING OF THE CARNATION CITY COUNCIL

PROPOSED AGENDA

City Council:

- Jim Berger,
Mayor
- Fred Bereswill,
Deputy Mayor
- Lee Grumman
- Kim Lisk
- Dustin Green

City Staff:

- Phil Messina,
City Manager
- Tim Woolett,
City Planner
- Mary Madole,
City Clerk
- Zach Lell,
City Attorney

DATE: **SEPTEMBER 20, 2016** TIME: **7:00 PM**

LOCATION: **CARNATION CITY HALL**
COUNCIL CHAMBERS, 4621 TOLT AVENUE

CALL TO ORDER: Mayor Jim Berger

PLEDGE OF ALLEGIANCE: Mayor Jim Berger

ROLL CALL: City Clerk Mary Madole

APPROVAL OF AGENDA: Mayor Jim Berger

CONSENT AGENDA:

- A. Approval of Minutes – Regular Meeting – September 6, 2016.
- B. Approval of Claims Check Vouchers numbered 32824 – 32850 in the amount of \$116,565.38.
(Claims vouchers and invoices to be reviewed by Mayor Berger)

REPORTS & REQUESTS: Mayor, City Council, & Council Committees.

STAFF & AFFILIATE REPORTS: City Manager, Department Heads, Other.

CITIZEN COMMENTS & REQUESTS: This portion of the meeting is open to receive public comment on meeting agenda items or other issues of note or concern.

ADDITIONAL BUSINESS & DISCUSSION ITEMS:

- 1. Proposed amendments to Title 6 CMC Animals: Chapters 6.08 Livestock and Fowl, and 6.10 Household Pets and Small Domestic Animals.
- 2. Potential annexation, methods and process.
- 3. Review of upcoming City Council meeting agenda items.
- 4. Other.

ADJOURNMENT.



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Carnation City Council Agenda Process Guidelines

Call to Order	Carnation City Council meetings begin at 7:00 PM on the first and third Tuesdays of each month. Meetings are held in the Council Chambers at Carnation City Hall, 4621 Tolt Avenue.
Approval of Agenda	Councilmembers may move or change items on the agenda to allow for additional consideration or to accommodate attendees. The Council may also add and take action on other items not listed on the Proposed Agenda, or remove items from the agenda.
Consent Agenda	The Consent Agenda consists of items which have previously been discussed by the Council, matters which are based on information delivered to the Council by administration that can be reviewed by a Councilmember without further explanation, or items which are so routine or non-technical in nature that passage is likely.
Citizen's Comments & Requests	<p>The public is provided an opportunity to give comment to the Council on the City's annual budget, meeting agenda items, or other issues of note or concern.</p> <p>To address the Council, please write your name on the sign-in sheet and indicate the subject of your comments. Indicate if you would prefer to make your remarks during a particular agenda item. Please wait for the Chair to recognize you; then approach the podium, state your name, legal address, and the nature of the matter you wish to bring before the Council. Members of the public will generally be limited to a maximum of three minutes for their comments. Neither the Council nor staff should be expected to respond during the meeting to citizen requests except in an emergency. In general, most service requests or concerns will not be discussed during the meeting, but referred to staff for review and/or action. Requests for action or information should be submitted in writing to the City Clerk. Forms are available in the front office at City Hall.</p>
Public Hearings	Public Hearings are held to receive public comment on important matters before the Council. Please use the sign-up sheet(s) at the agenda table if you wish to speak. You are welcome to offer your comments verbally or in writing after being recognized by the Mayor; please approach the podium and provide your name and address for the record. After all persons have spoken, the hearing is closed to public comment, and the Council will proceed with deliberation and decision-making.
Executive Sessions	Executive Sessions may be held by the Council to discuss matters where confidentiality is required for the public interest, including issues of national security, property acquisition, contract bid negotiations, certain personnel issues, and lawsuits. An Executive Session is the only type of Council meeting permitted by law to be closed to the public. Executive Sessions are governed by RCW 42.30.110.

CITY OF CARNATION

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
September 6, 2016**

CALL TO ORDER: The regular meeting of the Carnation City Council was called to order at 7:00 PM by Mayor Jim Berger in the Council Chambers at Carnation City Hall.

PLEDGE OF ALLEGIANCE: Led by Deputy Mayor Fred Bereswill.

ROLL CALL: Mayor Jim Berger, Deputy Mayor Fred Bereswill, Councilmember Dustin Green, Councilmember Lee Grumman, City Manager Phil Messina, City Planner Tim Woolett, City Clerk Mary Madole, and citizens present. Councilmember Kim Lisk was absent and excused.

APPROVAL OF AGENDA: MOTION BY COUNCILMEMBER GRUMMAN AND SECOND BY DEPUTY MAYOR BERESWILL TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY (4-0).

CONSENT AGENDA: MOTION BY COUNCILMEMBER GRUMMAN AND SECOND BY COUNCILMEMBER GREEN TO ADOPT THE CONSENT AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY (4-0), THE FOLLOWING ITEMS WERE APPROVED:

- Minutes of the Regular City Council Meeting – August 16, 2016.
- Claims Check Vouchers numbered 32788 – 32823 in the amount of \$77,574.23.
- August 2016 Payroll Direct Deposits and Checks numbered 13674 – 13690 in the amount of \$87,025.57.
- **AB16-25 – Proclamation.** Designating September 2016 as Recovery Month.

STAFF REPORTS: City Manager Messina reported that construction on the East Rutherford Street Improvement Project will begin on September 8, and the East Entwistle Street Overlay Project started earlier in the day. He attended the CERT earthquake training exercise at City Hall on August 27, and CERT will also be assisting the City with an earthquake preparedness event in October. The plans showing 30% design of the Tolt Avenue CBD Improvement Project have been received and are available for review.

CITIZEN COMMENTS & REQUESTS: Shane Fortney, Fortwest LLC, 22013 NE 143rd Street – Woodinville, is the developer of Tolt Crossing and has also been working on a short plat at Myrtle & McKinley. He has entered into a contract for development of the Falkenberg property that is in the City's UGA off East Entwistle, and is interested in annexation of that property and the neighboring parcels. He inquired if the City is interested in a new annexation, since there hasn't been one for nearly 20 years. Mayor Berger directed staff to include the topic as a discussion item on the next meeting agenda.

Pat Grady, 5604 322nd Avenue NE, said that Saturday, September 10, is National Day of Service and there are several projects planned in town.

PUBLIC HEARING: WATER USE EFFICIENCY GOALS. Mayor Berger asked if all persons who wished to be heard during the public hearing had signed-in to speak, introduced the hearing subject, opened the public hearing at 7:16 PM, and referred to the Rules of Order which were posted at the sign-in sheet and speakers' rostrum. City Manager Messina delivered the staff report and described the amount of water system leakage over the last few years. The City's Water Use Efficiency goal in the 2015 Comprehensive Water System Plan is to reduce water usage by 1% per year per equivalent residential unit for the next six years, and maintain a three-year average distribution system leakage of less than 10%. Mayor Berger called for public comment at 7:20 PM. No speakers had signed in to speak. Mayor Berger called for persons who wished to speak during the public hearing. No speakers came forward. Mayor Berger closed the public hearing at 7:21

CITY OF CARNATION

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
September 6, 2016**

PM.

AGENDA BILLS:

**AB16-26 –
RESOLUTION 407.
ADOPTING A
GREENHOUSE GAS
EMISSION
REDUCTION POLICY.** Mayor Berger read the text of the proposed resolution by title. MOTION BY DEPUTY MAYOR BERESWILL AND SECOND BY COUNCILMEMBER GRUMMAN TO APPROVE A RESOLUTION ADOPTING GREENHOUSE GAS EMISSION REDUCTION POLICIES FOR THE CITY OF CARNATION. Discussion took place. Councilmember Grumman would like to see a citizens advisory group formed to identify ways that the policies could be accomplished and made more substantive. Mayor Berger expressed objection to some of the broad, politically subjective statements made in the recitals to the resolution, though he does not have particular objections to the policies themselves in Exhibit A. MOTION PASSED (3-1), MAYOR BERGER VOTED NAY. Resolution No. 407 assigned.

**AB16-27 –
RESOLUTION 408.
PORT OF SEATTLE
ECONOMIC
DEVELOPMENT
PARTNERSHIP
PROGRAM GRANT.** Mayor Berger read the text of the proposed resolution by title. MOTION BY DEPUTY MAYOR BERESWILL AND SECOND BY COUNCILMEMBER GRUMMAN TO APPROVE A RESOLUTION EXPRESSING SUPPORT FOR THE CITY'S GRANT APPLICATION TO THE PORT OF SEATTLE ECONOMIC DEVELOPMENT PARTNERSHIP PROGRAM. MOTION PASSED (4-0), Resolution No. 408 assigned.

**ADDITIONAL
BUSINESS &
DISCUSSION ITEMS:** The Councilmembers briefly reviewed and discussed the items on the upcoming business list.

ADJOURNMENT: There being no further business before the City Council, the meeting adjourned by common consent at 8:02 PM.

SIGNATURES: Approved at the regular meeting of the Carnation City Council on September 20, 2016.

MAYOR, JIM BERGER

CITY CLERK, MARY MADOLE

**CITY OF CARNATION
CLAIMS VOUCHER
CERTIFICATION AND APPROVAL**

We, the undersigned members of the Carnation City Council, do hereby attest that claims check numbers **32824** through **32850**, in the amount of **\$116,565.38**, have been approved for payment by motion of the Carnation City Council at a regular meeting this 20th day of September, 2016.

<u>FUND#</u>	<u>FUND NAME</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
001	GENERAL	ACCOUNTS PAYABLE	\$ 45,082.12
101	STREET	Sep-16	\$ 5,774.52
106	CEMETERY		\$ 106.73
107	EQUIPMENT REPLACEMENT		\$ -
108	PARK DEVELOPMENT		\$ 1,519.81
109	TRAFFIC IMPACT FEE		\$ -
201	LTGO BOND REDEMPTION FUND		\$ -
301	CAPITAL IMPROVEMENT		\$ 5,120.90
401	WATERWORKS OPERATING		\$ 58,335.33
402	WATER CAPITAL REPLACEMENT		\$ 151.98
404	WATER BOND REDEMPTION		\$ -
406	LANDFILL ASSURANCE		\$ 313.99
407	SEWER DEBT SERVICE		\$ 160.00
408	SEWER CAPITAL PROJECTS		\$ -
633	TRUST		\$ -
TOTAL CLAIMS			\$ 116,565.38

Fred Bereswill, Deputy Mayor
Finance & Operations Committee

Invoices, Register & Voucher Review by:

Jim Berger, Mayor

____/____/____
Date

Kim Lisk, Councilmember
Finance & Operations Committee

Pursuant to CMC 3.12.030, the blanket voucher is to be signed by at least two members of the council committee after council approval.



Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
Airgas - Norpac, Inc	32825			2016 - August - Aug Claims Approved in Sep	
		9939012387			
			401-000-534-80-31-02	Operating Supplies: Chlorine	\$5.97
		Total 9939012387			\$5.97
	Total 32825				\$5.97
Total Airgas - Norpac, Inc					\$5.97
Alpine Products Inc.	32826			2016 - August - Aug Claims Approved in Sep	
		TM-161398			
			101-000-542-30-31-00	Operating Supplies	\$272.00
		Total TM-161398			\$272.00
	Total 32826				\$272.00
Total Alpine Products Inc.					\$272.00
AM TEST, INC	32827			2016 - August - Aug Claims Approved in Sep	
		94384			
			401-000-534-60-41-03	Water Testing	\$100.00
		Total 94384			\$100.00
	Total 32827				\$100.00
Total AM TEST, INC					\$100.00
AQSEPTENCE GROUP INC	32828			2016 - August - Aug Claims Approved in Sep	
		90079396/80067347			
			401-000-535-80-31-00	Operation Supplies	\$524.18
		Total 90079396/80067347			\$524.18
	Total 32828				\$524.18
Total AQSEPTENCE GROUP INC					\$524.18
Bank of America	32824			2016 - September - Sep 20 Claims	
		2495...081916			
			001-000-518-10-31-00	Office/Operating Supplies	\$4.30
			001-000-518-10-31-00	Office/Operating Supplies	\$8.40
			001-000-518-10-35-00	Small Tools & Equipment	\$15.18
			001-000-518-10-41-04	Computer Network Support	\$12.72
			001-000-518-10-41-04	Computer Network Support	\$48.37
			001-000-518-10-48-00	City Hall R&M	\$5.45
			001-000-518-10-48-00	City Hall R&M	\$5.99

Vendor	Number	Reference	Account Number	Description	Amount
			001-000-518-10-48-00	City Hall R&M	\$43.68
			001-000-518-20-48-00	Property Mgmt R&M ~ City Hall	\$15.18
			001-000-558-50-31-00	Office/Operating Supplies	\$3.15
			001-000-558-50-31-00	Office/Operating Supplies	\$1.62
			001-000-558-50-41-04	Computer Network Support	\$18.14
			001-000-558-50-41-04	Computer Network Support	\$4.77
			001-000-558-50-48-00	City Hall R&M	\$16.38
			001-000-558-50-48-00	City Hall R&M	\$2.04
			001-000-558-50-48-00	City Hall R&M	\$2.25
			001-000-576-80-31-00	Operating Supplies	\$8.94
			001-000-576-80-31-00	Operating Supplies	\$10.83
			001-000-576-80-31-00	Operating Supplies	\$2.20
			001-000-576-80-35-00	Small Tools & Equipment	\$13.10
			001-000-576-80-35-00	Small Tools & Equipment	\$5.69
			001-000-576-80-48-01	Repairs/Maintenance-Equipment	\$22.21
			001-000-576-80-48-01	Repairs/Maintenance-Equipment	\$42.01
			001-000-576-80-48-01	Repairs/Maintenance-Equipment	\$254.50
			101-000-518-10-48-01	City Hall R&M	\$12.74
			101-000-518-10-48-01	City Hall R&M	\$1.59
			101-000-518-10-48-01	City Hall R&M	\$1.75
			101-000-542-30-31-00	Operating Supplies	\$8.94
			101-000-542-30-31-00	Operating Supplies	\$21.85
			101-000-542-30-31-00	Operating Supplies	\$10.83
			101-000-542-30-31-00	Operating Supplies	\$14.11
			101-000-542-30-31-00	Operating Supplies	\$7.93
			101-000-542-30-31-00	Operating Supplies	\$19.48
			101-000-542-30-31-00	Operating Supplies	\$109.19
			101-000-542-30-31-00	Operating Supplies	\$4.77
			101-000-542-30-31-00	Operating Supplies	\$141.71
			101-000-542-30-35-00	Small Tools & Equipment	\$5.69
			101-000-542-30-35-00	Small Tools & Equipment	\$13.10
			101-000-542-30-35-01	Equipment-Personal Safety	\$9.77
			101-000-542-90-48-01	Vehicle Repair & Maintenance	\$22.21
			101-000-542-90-48-01	Vehicle Repair & Maintenance	\$42.01
			101-000-542-90-48-01	Vehicle Repair & Maintenance	\$254.50
			101-000-543-10-41-04	Computer Network Support	\$3.71
			101-000-543-10-41-04	Computer Network Support	\$14.11
			101-000-543-30-31-00	Office/Operating Supplies	\$2.45
			101-000-543-30-31-00	Office/Operating Supplies	\$1.62
			108-000-594-76-63-01	Hockert Park Improvements	\$26.00
			401-000-518-30-48-01	City Hall R & M	\$109.19
			401-000-518-30-48-01	City Hall R & M	\$13.63
			401-000-518-30-48-01	City Hall R & M	\$14.97
			401-000-534-80-31-00	Operating Supplies	\$11.01

Vendor	Number	Reference	Account Number	Description	Amount
			401-000-534-80-31-00	Operating Supplies	\$29.27
			401-000-534-80-31-00	Operating Supplies	\$8.94
			401-000-534-80-31-00	Operating Supplies	\$10.83
			401-000-534-80-34-01	R&M Supplies	\$39.07
			401-000-534-80-34-01	R&M Supplies	\$31.86
			401-000-534-80-35-00	Small Tools & Equipment	\$13.10
			401-000-534-80-35-00	Small Tools & Equipment	\$5.69
			401-000-534-80-35-00	Small Tools & Equipment	\$900.25
			401-000-534-80-35-01	Personal Safety Equipment	\$4.89
			401-000-535-80-31-00	Operation Supplies	\$10.83
			401-000-535-80-31-00	Operation Supplies	\$37.45
			401-000-535-80-31-00	Operation Supplies	\$11.01
			401-000-535-80-31-00	Operation Supplies	\$26.81
			401-000-535-80-35-00	Small Tools & Equipment	\$5.69
			401-000-535-80-35-01	Personal Safety Equipment	\$4.89
			401-000-538-10-31-00	Office/Operating Supplies	\$10.79
			401-000-538-10-31-00	Office/Operating Supplies	\$20.99
			401-000-538-10-41-06	Computer Network Support	\$31.79
			401-000-538-10-41-06	Computer Network Support	\$120.94
			401-000-538-10-42-02	Communications: Telephone	\$14.99
		Total 2495...	081916		\$2,806.04
	Total 32824				\$2,806.04
Total Bank of America					\$2,806.04
Carnation Market					\$2,806.04
	32829				
				2016 - August - Aug Claims Approved in Sep	
		14478 Credit			
			Credit		
			001-000-518-10-31-00	Office/Operating Supplies	(\$17.98)
		Total 14478 Credit			(\$17.98)
		32031			
			001-000-518-10-31-00	Office/Operating Supplies	\$5.49
		Total 32031			\$5.49
		40069			
			001-000-518-10-31-00	Office/Operating Supplies	\$25.27
		Total 40069			\$25.27
	Total 32829				\$12.78
Total Carnation Market					\$12.78
Chicago Title Insurance Company					
	32830				
				2016 - August - Aug Claims Approved in Sep	
		212507-99037 Reconveyance			
			407-213-592-35-80-05	PWTF Loan Reconveyance Fee	\$160.00
		Total 212507-99037 Reconveyance			\$160.00
	Total 32830				\$160.00
Total Chicago Title Insurance Company					\$160.00

Vendor	Number	Reference	Account Number	Description	Amount
Costco Wholesale					
	32831			2016 - August - Aug Claims Approved in Sep	
		October 2016 Renewal			
			001-000-518-90-49-00	Miscellaneous Dues & Fees	\$26.40
			001-000-558-50-49-02	Dues/Memberships	\$9.90
			101-000-543-30-49-01	Dues	\$7.70
			401-000-534-80-49-00	Miscellaneous Dues/Fees	\$33.00
			401-000-535-80-49-00	Miscellaneous Dues/Fees	\$33.00
		Total October 2016 Renewal			\$110.00
	Total 32831				\$110.00
Total Costco Wholesale					
GC Systems, Inc					
	32832			2016 - August - Aug Claims Approved in Sep	
		4493			
			401-000-534-80-48-03	Emergency Water System Repairs	\$651.60
		Total 4493			\$651.60
	Total 32832				\$651.60
Total GC Systems, Inc					
HD Supply Waterworks, LTD					
	32833			2016 - August - Aug Claims Approved in Sep	
		G088505			
				BrookTree Meters	
			401-000-534-80-31-01	Materials/Supplies:New Service	\$4,668.72
		Total G088505			\$4,668.72
	Total 32833				\$4,668.72
Total HD Supply Waterworks, LTD					
Jeff Neely & Tiffany Copeland					
	32834			2016 - August - Aug Claims Approved in Sep	
		0394003 Refund			
				Final Utility Bill Overpayment	
			406-000-518-90-49-01	Refund Utility Overpayment	\$206.42
		Total 0394003 Refund			\$206.42
	Total 32834				\$206.42
Total Jeff Neely & Tiffany Copeland					
KC Finance - INET Billing					
	32835			2016 - August - Aug Claims Approved in Sep	
		11004944			
				August Services	
			001-000-518-10-42-04	Communications: I-NET,Wan,Web	\$33.75
			001-000-558-50-42-04	Communications: INET/Web	\$33.75
			001-406-521-20-42-04	Communications/INET	\$108.75

Vendor	Number	Reference	Account Number	Description	Amount
			401-000-538-10-42-04	Communications: INET/Web	\$198.75
		Total 11004944			\$375.00
	Total 32835				\$375.00
Total KC Finance - INET Billing					\$375.00
KC Finance - Radio Comm Services					
	32836			2016 - August - Aug Claims Approved in Sep	
		11421			
			August Services		
			001-000-525-60-49-00	Emergency Radio Service Fee	\$30.14
			101-000-525-60-49-00	Emergency Radio Service Fee	\$30.14
			401-000-525-60-49-00	Emergency Radio Service Fee	\$60.27
		Total 11421			\$120.55
	Total 32836				\$120.55
Total KC Finance - Radio Comm Services					\$120.55
KC Finance - Sewer Facility Ops					
	32837			2016 - August - Aug Claims Approved in Sep	
		30014419			
			401-000-535-60-51-01	KC Facility Operating Costs	\$41,063.31
		Total 30014419			\$41,063.31
	Total 32837				\$41,063.31
Total KC Finance - Sewer Facility Ops					\$41,063.31
King County Sheriff's Office ~ Contracted Services					
	32838			2016 - August - Aug Claims Approved in Sep	
		16-0775			
			August Services		
			001-406-521-10-51-14	Police Contracted Services ~ King County	\$37,117.67
		Total 16-0775			\$37,117.67
	Total 32838				\$37,117.67
Total King County Sheriff's Office ~ Contracted Services					\$37,117.67
LOCHNER, INC					
	32839			2016 - August - Aug Claims Approved in Sep	
		4			
			E Rutherford Design		
			301-254-595-30-00-00	E Rutherford Reconstruction	\$5,119.80
		Total 4			\$5,119.80
		OC-0005			
			Memorial Park Structure & STIP		
			101-000-544-40-51-00	Prof Svc: STIP	\$2,154.10
			108-000-594-76-61-01	Memorial Park Improvements	\$1,493.81
		Total OC-0005			\$3,647.91

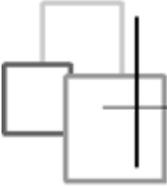
Vendor	Number	Reference	Account Number	Description	Amount
		WO1-004			
			Rehabitat NW		
			001-000-558-60-41-07	Prof Svc: Proj Spec Engineering	\$433.58
		Total WO1-004			\$433.58
		WO2-004			
			BrookTree Estates		
			001-000-558-60-41-07	Prof Svc: Proj Spec Engineering	\$1,138.82
		Total WO2-004			\$1,138.82
		WO8-002			
			NCC Coy Short Plat		
			001-000-558-60-41-07	Prof Svc: Proj Spec Engineering	\$325.19
		Total WO8-002			\$325.19
	Total 32839				\$10,665.30
Total LOCHNER, INC					\$10,665.30
Lynn Moberly	32840				
				2016 - August - Aug Claims Approved in Sep	
		August, 2016			
			001-406-515-30-41-02	Legal/Prosecutor	\$1,200.00
		Total August, 2016			\$1,200.00
	Total 32840				\$1,200.00
Total Lynn Moberly					\$1,200.00
Mike Minaglia	32841				
				2016 - August - Aug Claims Approved in Sep	
		0694000 Sewer Claim			
			Valve Pit Failure		
			401-000-514-78-49-35	Sewer Damage Claim	\$380.64
		Total 0694000 Sewer Claim			\$380.64
	Total 32841				\$380.64
Total Mike Minaglia					\$380.64
Ogden Murphy Wallace PLLC	32842				
				2016 - August - Aug Claims Approved in Sep	
		729009			
			001-000-515-30-41-02	Legal Fees - City Attorney	\$367.45
			001-000-515-30-41-03	Legal Fees - General Planning	\$107.50
			001-000-515-30-41-04	Legal Fees - Cost Recovery	\$220.00
		Total 729009			\$694.95
	Total 32842				\$694.95
Total Ogden Murphy Wallace PLLC					\$694.95
Puget Sound Energy	32843				
				2016 - August - Aug Claims Approved in Sep	
		200000861142/ 0916			
			City Hall ~ Natural Gas		
			001-000-518-10-47-03	Utilities: Natural Gas	\$9.78
			001-000-558-50-47-03	Utilities: Natural Gas	\$3.67

Vendor	Number	Reference	Account Number	Description	Amount
			101-000-543-50-47-03	Utilities - Natural Gas	\$2.85
			401-000-538-10-47-03	Utilities: Natural Gas	\$24.43
		Total 200000861142/ 0916			\$40.73
		200002595284/ 0916			
			Hockert Park		
			001-000-576-80-47-02	Utilites: Electric	\$15.82
		Total 200002595284/ 0916			\$15.82
		200007438688/ 0916			
			Community Shelter		
			001-000-576-80-47-02	Utilites: Electric	\$12.24
		Total 200007438688/ 0916			\$12.24
		200007451764/ 0916			
			2400 344th Avenue NE		
			401-000-534-80-47-02	Utilities - Electric	\$81.74
		Total 200007451764/ 0916			\$81.74
		200009375045/ 0916			
			Vac Station		
			401-000-535-80-47-02	Utilities: Electric	\$1,984.30
		Total 200009375045/ 0916			\$1,984.30
		200009375466/ 0916			
			Sewer Odor Monitor		
			401-000-535-80-47-02	Utilities: Electric	\$10.84
		Total 200009375466/ 0916			\$10.84
		200011379118/ 0916			
			Memorial Park		
			001-000-576-80-47-02	Utilites: Electric	\$12.46
		Total 200011379118/ 0916			\$12.46
		200012230070/ 0916			
			Entwistle & Milwaukee		
			401-000-534-80-47-02	Utilities - Electric	\$181.23
		Total 200012230070/ 0916			\$181.23
		200013067232/ 0916			
			Tolt River Rd & 331st Avenue NE		
			001-000-576-80-47-02	Utilites: Electric	\$3.82
			101-000-543-50-47-02	Shop Utilities - Electric	\$8.28
			401-000-538-10-47-03	Utilities: Natural Gas	\$51.59
		Total 200013067232/ 0916			\$63.69
		200014375857/ 0916			
			Cith Hall ~ Electric		
			001-000-518-10-47-02	Utilites: Electric	\$60.90
			001-000-558-50-47-02	Utilites: Electric	\$22.84
			101-000-543-50-47-02	Shop Utilities - Electric	\$17.76
			401-000-538-10-47-02	Utilities: Electric	\$152.23
		Total 200014375857/ 0916			\$253.73

Vendor	Number	Reference	Account Number	Description	Amount
		200017060134/ 0916			
		Tolt Commons			
			001-000-576-80-47-02	Utilites: Electric	\$19.27
		Total 200017060134/ 0916			\$19.27
		300000001241/ 0916			
		Citywide Street Lights			
			101-000-542-63-47-00	Street Lighting	\$1,347.02
		Total 300000001241/ 0916			\$1,347.02
	Total 32843				\$4,023.07
Total Puget Sound Energy					\$4,023.07
Sound Publishing, Inc					
32844					
				2016 - August - Aug Claims Approved in Sep	
		PN# 1675860			
			402-000-534-20-41-01	Prof Svc-Water Comp Plan	\$151.98
		Total PN# 1675860			\$151.98
		PN# 1680201			
			001-000-511-30-41-01	Legal Notices: Proj Specific	\$123.51
		Total PN# 1680201			\$123.51
	Total 32844				\$275.49
Total Sound Publishing, Inc					\$275.49
State Auditor's Office					
32845					
				2016 - August - Aug Claims Approved in Sep	
		L116314			
		2015 Audit			
			001-000-514-23-51-00	State Audit	\$1,917.11
			001-000-558-50-51-01	State Audit	\$958.55
			101-000-514-23-51-00	State Audit	\$1,171.56
			106-000-514-23-51-00	State Audit	\$106.51
			401-000-514-23-51-00	State Audit	\$6,390.35
			406-000-514-23-51-00	State Audit	\$106.51
		Total L116314			\$10,650.59
	Total 32845				\$10,650.59
Total State Auditor's Office					\$10,650.59
Trevor Hankinson					
32846					
				2016 - August - Aug Claims Approved in Sep	
		8.16.16 Ace Hardware Reimbursement			
			101-000-542-30-35-01	Equipment-Personal Safety	\$11.39
		Total 8.16.16 Ace Hardware Reimbursement			\$11.39
	Total 32846				\$11.39
Total Trevor Hankinson					\$11.39

Vendor	Number	Reference	Account Number	Description	Amount
US Bank ~ Safekeeping	32847			2016 - August - Aug Claims Approved in Sep	
		August 2016 Services			
		Cust # 386000171			
		001-000-514-20-41-03		Bond Maintenance Fees	\$3.83
		101-000-514-20-41-02		Bond Maintenance Fees	\$0.26
		106-000-514-20-41-02		Bond Maintenance Fees	\$0.22
		301-000-514-20-41-02		Bond Maintenance Fees	\$1.10
		401-000-514-20-41-34		Bond Fees ~ Water	\$1.43
		401-000-514-20-41-35		Bond Fees ~ Sewer	\$14.10
		406-000-514-20-41-02		Bond Maintenance Fees	\$1.06
		Total August 2016 Services			\$22.00
	Total 32847				\$22.00
Total US Bank ~ Safekeeping					\$22.00
Utilities Underground	32848			2016 - August - Aug Claims Approved in Sep	
		6080117			
		401-000-534-60-41-05		Utility Locates	\$30.96
		401-000-535-60-41-05		Utility Locates	\$30.96
		Total 6080117			\$61.92
	Total 32848				\$61.92
Total Utilities Underground					\$61.92
Verizon Wireless	32849			2016 - August - Aug Claims Approved in Sep	
		9771512911			
		001-000-518-10-42-03		Communications: Cellular	\$7.74
		101-000-543-30-42-03		Communications/Cellular Phone	\$20.12
		401-000-538-10-42-03		Communications: Cellular Phone	\$126.94
		Total 9771512911			\$154.80
		9771512912			
		001-000-518-10-42-03		Communications: Cellular	\$2.80
		101-000-543-30-42-03		Communications/Cellular Phone	\$7.28
		401-000-538-10-42-03		Communications: Cellular Phone	\$45.91
		Total 9771512912			\$55.99
	Total 32849				\$210.79
Total Verizon Wireless					\$210.79
Vision Municipal Solutions,LLC	32850			2016 - August - Aug Claims Approved in Sep	
		09-4767			
		T.Niemela Conference Registration			
		001-000-514-20-49-01		Training/Tuition	\$87.50

Vendor	Number	Reference	Account Number	Description	Amount
			001-000-558-50-49-01	Training	\$87.50
		Total 09-4767			\$175.00
	Total 32850				\$175.00
Total Vision Municipal Solutions,LLC					\$175.00
Grand Total		Vendor Count	27		\$116,565.38



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2016 - September - Sep 20 Claims, 2016 - August - Aug Claims Approved in Sep
Starting Create Date: 9/15/2016
Ending Create Date: 9/17/2016

Fund Number	Description	Amount
001	General Fund	\$45,082.12
101	Street Fund	\$5,774.52
106	Cemetery Fund	\$106.73
108	Park Development Fund	\$1,519.81
301	Capital Improvement Fund	\$5,120.90
401	Water & Sewer Utility Fund	\$58,335.33
402	Water Capital Replacement Fund	\$151.98
406	Landfill Financial Assurance	\$313.99
407	Sewer Debt Service	\$160.00
	Count: 9	\$116,565.38



CARNATION CITY COUNCIL DISCUSSION ITEM

Subject: Proposed amendments to Title 6 CMC Animals
Origin: Phil Messina, City Manager
Date Submitted: 09/16/2016
Agenda Date: 09/20/2016

The need to amend the City's animal code came up in recent months due to the presence of roosters in town. Our current code discusses chickens in two separate chapters, with slightly different regulations in each chapter. Our first step was to remove chicken regulations from the chapter on Household Pets and Small Domestic Animals, so that chickens are regulated entirely from the chapter on Livestock and Fowl. Staff is proposing the following additional revisions to our animal codes:

Proposed revisions to Chapter 6.08 Livestock and Fowl:

- *6.08.010 Definitions.* Revised to eliminate cows, pigs, goats, and fowl that are not chicken hens; reduced the number of hens that constitutes an "Animal Unit" from ten (10) to four (4); also added definitions for beekeeping.
- *6.08.020 Prohibitions.* Expanded to prohibit cows, pigs, goats, and fowl that are not chicken hens; and added an exception to allow the temporary use of goats for vegetation management on large parcels.
- *6.08.030 through 6.08.090 pertaining to Impounding.* Stricken entirely since Impounding is covered by Title 11 King County Code, which we've adopted by reference in Chapter 6.04.
- *6.08.100 Where permitted and Limitations.* Revised to separate livestock from fowl, and add regulations about where and how fowl may be kept. The revisions as proposed will allow four (4) hens on any lot in the city, but after that a lot will need to be nearly an acre in order to have more hens. Also added some basic beekeeping regulations.
- *6.08.120 Variances and Appeals.* Unnecessary so stricken entirely.

- *6.08.130 Violation – Penalties.* Increased the amount of the fines to be more current.

Proposed revisions to Chapter 6.10 Household Pets & Small Domestic Animals:

- *6.10.010 Definitions.* Revised to eliminate chickens/fowl; and added definitions for tethering.
- *6.10.030 through 6.10.060 pertaining to Impounding.* Stricken entirely since Impounding is covered by Title 11 King County Code, which we've adopted by reference in Chapter 6.04.
- *6.10.080 Household Pets – Number – Shelter – Confinement.* Revised to add regulations about where household pets may be sheltered.
- *6.10.100 Small Domestic Animals – Limitations – Confinement.* Added regulation about where small and how domestic animals may be kept.
- *6.10.110 Enclosure Standards.* Expanded to specify that animals must be provided with some shelter and have access to water.
- *6.10.115 Unlawful Tethering.* This is a new section that staff is proposing, to regulate how and when animals may be tethered as a method of containment.
- *6.10.120 Variances and Appeals.* Unnecessary so stricken entirely.
- *6.10.130 Violation – Penalties.* Increased the amount of the fines to be more current.

Attachments:

Draft revisions to Chapter 6.08 CMC Livestock and Fowl (*tracked changes & clean copies*)

Draft revisions to Chapter 6.10 CMC Household Pets and Small Domestic Animals (*tracked changes & clean copies*)

Chapter 6.08 LIVESTOCK, ~~AND~~ FOWL, AND BEEKEEPING

Chapter 6.08 LIVESTOCK, ~~AND~~ FOWL, AND BEEKEEPING

Sections:

6.08.010 Definitions.

6.08.020 Prohibitions.

~~6.08.030 Impounding.~~

~~6.08.040 Public nuisance—Impounding.~~

~~6.08.050 Where impounded—Identifying animal.~~

~~6.08.060 Notice of impounding—Publication—Copy to owner.~~

~~6.08.070 Impounding fees.~~

~~6.08.080 Sale of animal.~~

~~6.08.090 Proceeds of sale to owner.~~

6.08.100 Where permitted ~~and~~—Limitations — Confinement.

6.08.110 Accumulation of Manure or Refuse.

~~6.08.120 Variances and appeals.~~

6.08.130 Violation—Penalties.

6.08.140 Nonconforming Uses.

6.08.010 Definitions.

The following definitions shall be specific to this chapter:

- (1) "Livestock" means domesticated farm animals generally kept for personal use or profit, such as horses, mules, donkeys, ponies, ~~oxen, cattle,~~ llamas, goats, and sheep, ~~mink, swine and any other animal similar in nature and size.~~ Bovine, swine, and goats are not included.; ~~Provided, that male goats shall be neutered.~~
- (2) "Fowl" means domesticated female birds of the species Gallus gallus domesticus, commonly known as chickens, generally kept for the production and personal consumption of eggs. ~~use or commercial sale, such as chickens, turkeys, ducks, geese, swans, quail, pheasants, and any other bird similar in nature and size.~~ Turkeys, ducks, geese, peacocks, swans, ostriches, and emus are not included.
- (3) "Animal Control Agency" shall include any employee, agency, or society which the City employs, ~~or contracts,~~ or appoints to serve as an Animal Control Officer.
- (4) "Animal Unit." An "animal unit" shall consist of one adult horse, or mule, ~~bovine or pig;~~ two small livestock such as donkeys, ponies, ~~;~~ ~~four small livestock such as sheep, goats, llamas, or miniature horses or feeder calves up to one year of age;~~ five mink or similar animal; ~~five large fowl such as turkeys, geese, or swans,~~ or ten four small fowl such as chickens ~~or ducks.~~
- (5) "Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species Apis mellifera.

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Chapter 6.08 LIVESTOCK, ~~AND FOWL~~, AND BEEKEEPING

(6) "Hive" means a manufactured receptacle or container prepared for the use of bees, that includes movable frames, combs, and substances deposited into the hive by bees.

(Ord. 508 § 1, 1995)

6.08.020 Prohibitions.

A. It shall be unlawful to keep, harbor, or maintain bovine, swine, and goats. Provided, that the city manager, in his or her discretion, may allow the temporary keeping of goats on parcels of five acres or more for the purpose of vegetation management.

B. It shall be unlawful to keep, harbor, or maintain male domestic fowl, including but not limited to male chickens commonly referred to as roosters or cocks.

C. It shall be unlawful to keep, harbor, or maintain wild or domestic turkeys, ducks, peacocks, peahens, geese, swans, ostriches, and emus.

D. It shall be unlawful for the owner of livestock or fowl of any age to permit the same to run at large within the city limits during any hour of the day or night.

(Ord. 508 § 1, 1995)

~~6.08.030 Impounding.~~

~~Livestock that are found running at large within city limits may be taken up by the Animal Control Officer. It shall be the duty of the officer to receive any animals so delivered or to take up any animals running at large and to thereafter impound the same in an animal shelter or enclosure. Such animals shall be provided with proper care, feed and water while so confined.~~

~~(Ord. 508 § 1, 1995)~~

~~6.08.040 Public nuisance—Impounding.~~

~~Livestock so found running at large or trespassing in violation of chapter 16.24 RCW as now or hereafter amended shall be declared a public nuisance and shall be impounded by the Animal Control Officer.~~

~~(Ord. 508 § 1, 1995)~~

~~6.08.050 Where impounded—Identifying animal.~~

~~When livestock of any kind is seized, the Animal Control Officer shall cause the same to be transported to and impounded at the nearest public livestock market licensed under Chapter 16.65 RCW or at such place as approved by the Animal Control Agency.~~

~~(Ord. 508 § 1, 1995)~~

Chapter 6.08 LIVESTOCK, ~~AND FOWL~~, AND BEEKEEPING

~~6.08.060 Notice of impounding—Publication—Copy to owner.~~

~~A notice of impounding shall be published once in a newspaper published in the official newspaper of the city. The notice shall state the following:~~

- ~~(1) A description of the animal, including any brand, tattoo or other identifying characteristics;~~
- ~~(2) Information pertaining to when and where the animal was found;~~
- ~~(3) The place where the animal is impounded; and~~
- ~~(4) A statement declaring that if the animal is not claimed, it will be sold at a public livestock market sale.~~

~~(Ord. 508 § 1, 1995)~~

~~6.08.070 Impounding fees.~~

~~The redemption fee for each animal impounded shall be \$25.00 and shall be paid to the Animal Control Agency. In addition to the redemption fee, the redeemer shall pay a boarding charge of \$5.00 per day for each day, including the first and last days, that the animal is retained by the Animal Control Agency, plus a transportation fee of an amount not to exceed \$100.00.~~

~~(Ord. 508 § 1, 1995)~~

~~6.08.080 Sale of animal.~~

~~In case the owner of the animal so impounded shall fail or neglect to claim the same within ten (10) days from the date of publication of the notice, the Animal Control Officer shall determine the time and place for a public auction where such animals are to be sold. The proceeds from the auction shall be used to pay for the impounding fees, the costs of feeding and caring for the animal and the costs of advertising and selling the same. The balance of the proceeds, if any, shall be paid into the City Treasury. If the owner of the impounded animal pays the impounding fee and all other expenses incident to the impounding of the animal before it is sold, he/she shall be entitled to redeem the animal.~~

~~(Ord. 508 § 1, 1995)~~

~~6.08.090 Proceeds of sale to owner.~~

~~If the owner or owners of any animal sold under the provisions of this chapter shall make satisfactory proof of his ownership at any time within one year from the date of such sale, he/she shall be entitled to receive the net proceeds from the sale that were deposited with the animal control agency.~~

~~(Ord. 508 § 1, 1995)~~

6.08.100 Where permitted ~~and~~ Limitations – Confinement.

A. Enclosures and shelters.

1. Livestock shall be kept within an enclosure adequately built and maintained to prevent escape. Livestock shall be reasonably sheltered. Structures, which provide confinement, shelter, and feeding areas for such animals, shall be located not less than fifty (50) feet away from any adjoining

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Chapter 6.08 LIVESTOCK, ~~AND FOWL~~, AND BEEKEEPING

property line, and not less than one hundred (100) feet from any residential dwelling unit on adjoining property.

2. Fowl shall be kept within an enclosure adequately built and maintained to prevent escape. Fowl shall be reasonably sheltered. Structures, which provide confinement, shelter, and feeding areas for fowl, shall be located not less than ten (10) feet away from any structure that includes a residential dwelling unit on adjoining property.

B. Limitations and Number.

1. ~~Except as permitted~~ Livestock may be kept in the ~~Residential-Agricultural (R-A)~~ Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts. ~~;~~ The minimum land area required to maintain any kind of livestock ~~or fowl~~ shall be one acre. Thereafter, up to one livestock animal unit, as defined herein, may be maintained per acre, or portion thereof.
2. Except as permitted in the Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts, up to four domestic fowl may be kept on any lot. Thereafter, up to one additional fowl animal unit, as defined herein, may be maintained per additional twenty (20) thousand square feet of lot area over twenty (20) thousand square feet.

C. Beekeeping.

1. Beekeeping is permitted when registered with the State Department of Agriculture.
2. No more than four hives, each with only one swarm, are allowed on lots of not less than ten (10) thousand square feet. Thereafter, an additional hive is allowed per additional two thousand five hundred (2,500) square feet of lot area.
3. Hives shall not be located within twenty-five feet of any lot lines.

(Ord. 508 § 1, 1995)

6.08.110 Accumulation of Manure or Refuse.

Except for active farms in a ~~Residential-Agriculture~~ Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts, no person, firm or corporation shall permit the accumulation of manure or other refuse from livestock or fowl on real property owned or occupied by such person or firm, or corporation within the city limits to remain on such real property for a period longer than one week.

(Ord. 508 § 1, 1995)

~~**6.08.120 Variances and appeals.**~~

- ~~A. The Planning Commission may grant variances from the provisions of this ordinance, including variations from the number of permitted animals, and appeals of administrative decisions.~~
- ~~B. Variance Criteria. The Planning Commission, in granting any variance, shall, in its motion, state the findings and conclusions upon which it relied and shall make its decision upon the following criteria:
 - ~~1. The variance is in harmony with the intent and purposes of this chapter and with other relevant City ordinances;~~
 - ~~2. The variance, if granted, will not result in damage to adjoining properties, nor an unreasonable amount of noise or smell, and will not otherwise be materially detrimental to the public welfare;~~
 - ~~3. The variance is appropriate, given the size, shape, topography or location of property upon which the animals are to be housed;~~~~

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Chapter 6.08 LIVESTOCK, ~~AND FOWL~~, AND BEEKEEPING

~~C. Conditional Approval. Conditions may be imposed upon the granting of any variance. Unless otherwise specified, the granting of a variance shall also be subject to all conditions set forth in the application.~~

~~D. Appeals. The decision of the Planning Commission on applications for a variance shall be final and conclusive unless within ten calendar days of the date of the mailing of the final written decision the applicant or a party adversely affected by the decision files an appeal to the City Council. The filing of such appeal within such time limit shall stay the effective date of the decision of such Planning Commission until such time as final action on the appeal has been made by the City Council.~~

~~(Ord. 508 § 1, 1995)~~

6.08.130 Violation—Penalties.

Any person violating any provision of this chapter shall be guilty of a civil infraction punishable by a fine of not more than \$~~25~~100.00 for the first offense, plus costs and assessments, and not more than \$~~50~~200.00 for a second or subsequent offense, plus costs and assessments. A violation of this chapter shall be a bail forfeitable offense of \$~~25~~100.00 for a First violation and \$~~50~~200.00 for a second or subsequent violation. Persons charged with an infraction under this section shall have the same rights to a hearing with the same procedures and standards of proof as persons charged with traffic infractions. A person failing to respond to a notice issued under this section or failing to pay a fine levied thereunder shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and imprisonment for a term not to exceed ninety days.

(Ord. 508 § 1, 1995)

6.08.140 Nonconforming Uses.

The number, use and sheltering of all animals legally established prior to the effective date of this chapter that do not conform with the regulations provided herein shall be allowed to remain as legal nonconforming uses; Provided, That there shall be no expansion of a nonconforming use.

(Ord. 508 § 1, 1995)

Chapter 6.08 LIVESTOCK, FOWL, AND BEEKEEPING

Chapter 6.08 LIVESTOCK, FOWL, AND BEEKEEPING

Sections:

6.08.010 Definitions.

6.08.020 Prohibitions.

6.08.100 Where permitted – Limitations – Confinement.

6.08.110 Accumulation of Manure or Refuse.

6.08.130 Violation—Penalties.

6.08.140 Nonconforming Uses.

6.08.010 Definitions.

The following definitions shall be specific to this chapter:

- (1) "Livestock" means domesticated farm animals generally kept for personal use, such as horses, mules, donkeys, ponies, llamas, and sheep. Bovine, swine, and goats are not included.
- (2) "Fowl" means domesticated female birds of the species *Gallus gallus domesticus*, commonly known as chickens, generally kept for the production and personal consumption of eggs. Turkeys, ducks, geese, peacocks, swans, ostriches, and emus are not included.
- (3) "Animal Control Agency" shall include any employee, agency, or society which the City employs, contracts, or appoints to serve as an Animal Control Officer.
- (4) "Animal Unit." An "animal unit" shall consist of one adult horse or mule; two small livestock such as donkeys, ponies, sheep, llamas, or miniature horses; or four small fowl such as chickens.
- (5) "Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis mellifera*.
- (6) "Hive" means a manufactured receptacle or container prepared for the use of bees, that includes movable frames, combs, and substances deposited into the hive by bees.

(Ord. 508 § 1, 1995)

6.08.020 Prohibitions.

A. It shall be unlawful to keep, harbor, or maintain bovine, swine, and goats. Provided, that the city manager, in his or her discretion, may allow the temporary keeping of goats on parcels of five acres or more for the purpose of vegetation management.

B. It shall be unlawful to keep, harbor, or maintain male domestic fowl, including but not limited to male chickens commonly referred to as roosters or cocks.

C. It shall be unlawful to keep, harbor, or maintain wild or domestic turkeys, ducks, peacocks, peahens, geese, swans, ostriches, and emus.

D. It shall be unlawful for the owner of livestock or fowl of any age to permit the same to run at large within the city limits during any hour of the day or night.

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Chapter 6.08 LIVESTOCK, FOWL, AND BEEKEEPING

(Ord. 508 § 1, 1995)

6.08.100 Where permitted – Limitations – Confinement.

A. Enclosures and shelters.

1. Livestock shall be kept within an enclosure adequately built and maintained to prevent escape. Livestock shall be reasonably sheltered. Structures, which provide confinement, shelter, and feeding areas for such animals, shall be located not less than fifty (50) feet away from any adjoining property line, and not less than one hundred (100) feet from any residential dwelling unit on adjoining property.
2. Fowl shall be kept within an enclosure adequately built and maintained to prevent escape. Fowl shall be reasonably sheltered. Structures, which provide confinement, shelter, and feeding areas for fowl, shall be located not less than ten (10) feet away from any structure that includes a residential dwelling unit on adjoining property.

B. Limitations and Number.

1. Livestock may be kept in the Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts. The minimum land area required to maintain any kind of livestock shall be one acre. Thereafter, up to one livestock animal unit, as defined herein, may be maintained per acre, or portion thereof.
2. Except as permitted in the Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts, up to four domestic fowl may be kept on any lot. Thereafter, up to one additional fowl animal unit, as defined herein, may be maintained per additional twenty (20) thousand square feet of lot area over twenty (20) thousand square feet.

C. Beekeeping.

1. Beekeeping is permitted when registered with the State Department of Agriculture.
2. No more than four hives, each with only one swarm, are allowed on lots of not less than ten (10) thousand square feet. Thereafter, an additional hive is allowed per additional two thousand five hundred (2,500) square feet of lot area.
3. Hives shall not be located within twenty-five feet of any lot lines.

(Ord. 508 § 1, 1995)

6.08.110 Accumulation of Manure or Refuse.

Except for active farms in a Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts, no person, firm or corporation shall permit the accumulation of manure or other refuse from livestock or fowl on real property owned or occupied by such person or firm, or corporation within the city limits to remain on such real property for a period longer than one week.

(Ord. 508 § 1, 1995)

6.08.130 Violation—Penalties.

Any person violating any provision of this chapter shall be guilty of a civil infraction punishable by a fine of not more than \$100.00 for the first offense, plus costs and assessments, and not more than \$200.00 for a second or subsequent offense, plus costs and assessments. A violation of this chapter shall be a bail

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Chapter 6.08 LIVESTOCK, FOWL, AND BEEKEEPING

forfeitable offense of \$100.00 for a First violation and \$200.00 for a second or subsequent violation. Persons charged with an infraction under this section shall have the same rights to a hearing with the same procedures and standards of proof as persons charged with traffic infractions. A person failing to respond to a notice issued under this section or failing to pay a fine levied thereunder shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and imprisonment for a term not to exceed ninety days.

(Ord. 508 § 1, 1995)

6.08.140 Nonconforming Uses.

The number, use and sheltering of all animals legally established prior to the effective date of this chapter that do not conform with the regulations provided herein shall be allowed to remain as legal nonconforming uses; Provided, That there shall be no expansion of a nonconforming use.

(Ord. 508 § 1, 1995)

Chapter 6.10 HOUSEHOLD PETS AND SMALL DOMESTIC ANIMALS

Sections:

6.10.010 Definitions.

6.10.020 Unlawful for household pets and/or small domestic animals to run at large.

~~6.10.030 Impounding.~~

~~6.10.040 Notice of impounding.~~

~~6.10.050 Duty of animal control agency.~~

~~6.10.060 Interference with impounding—Penalty.~~

6.10.070 Animals injured or killed on the street.

6.10.080 Household pets—Number allowed—Shelter—Confinement of dangerous dog.

6.10.090 Exotic animals.

6.10.100 Small domestic animals—Limitations—Confinement.

6.10.110 Enclosure Standards.

6.10.115 Unlawful tethering.

~~6.10.120 Variances and appeals.~~

~~6.10.130 Violation—Penalties.~~

6.10.140 Nonconforming uses.

6.10.010 Definitions.

The following definitions shall be specific to this chapter:

1. "Household pets" means small domesticated animals or fish kept for pleasure rather than utility. Pets include animals such as dogs, cats, spayed or neutered pot-bellied pigs, hamsters, hedgehogs, pygmy goats, nonvenomous snakes, fish and birds such as parakeets, canaries, parrots and other related non-fowl birds.
2. "Exotic animals" shall include venomous species of snakes capable of inflicting serious physical harm or death to human beings; non-human primates and prosimians; bears; non-domesticated species of felines; non-domesticated species of canines and their hybrids, including wolf and coyote hybrids; crocodilia, including alligators, crocodiles, caiman, and gavials.
3. "Small domestic animals" (mammals and ~~fowl~~outdoor birds) shall include small ~~mammals and fowl~~animals such as rabbits, ~~ducks, quail, geese, swans, chickens,~~ pigeons and other similar animals kept as pets or for personal use, but not for commercial sale. Chickens, turkeys, ducks, geese, peacocks, swans, ostriches, and emus are not included.
4. "Animal Control Agency" shall include any employee, agency, or society which the City engages, ~~or~~employs, contracts, or appoints to serve as an Animal Control Officer.
5. "Tether" means:
 1. To restrain an animal by tying or securing the animal to any object or structure; and

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2. A device, including but not limited to a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

(Ord. 509 § 1, 1995)

6.10.020 Unlawful for household pets and/or small domestic animals to run at large.

It shall be unlawful for the owners of household pets and/or small domestic animals of any kind to allow the same to run at large within the corporate limits of the city during any hour of the day or night or to be ~~tied or staked~~ tethered in such a manner so as to allow such animals to trespass or encroach upon adjacent properties or the streets, sidewalks, or property of the city.

(Ord. 509 § 3, 1995)

~~6.10.030 Impounding.~~

~~Household pets and/or small domestic animals that are found running at large within city limits may be taken up by the Animal Control Officer. It shall be the duty of the officer to receive any animals so delivered or to take up any animals running at large and to thereafter impound the same in an animal shelter or enclosure. Such animals shall be provided with proper care, feed and water while so confined.~~

~~(Ord. 509 § 3, 1995)~~

~~6.10.040 Notice of impounding.~~

~~The officer impounding any such animal shall give immediate notice of the impoundment by posting a notice, which describes the animal, in a conspicuous place at the Animal Control Agency and by contacting the owner if the animal is licensed.~~

~~(Ord. 509 § 4, 1995)~~

~~6.10.050 Duty of animal control agency.~~

~~Until the impounded animal is released, sold or destroyed as provided herein, the Animal Control Officer or other person in charge of the Animal Control Agency shall be responsible for securely keeping and properly caring for all animals that are delivered to the agency. The Animal Control Officer shall register the name of the person delivering an animal to the agency, the date and the hour of its receipt and a description of such animal. In addition, the officer shall keep a correct record of all releases or adoptions of impounded animals.~~

~~(Ord. 509 § 5, 1995)~~

~~6.10.060 Interference with impounding—Penalty.~~

~~A person who performs any of the following activities shall, upon conviction thereof, be found guilty of a misdemeanor, the fine for which shall not exceed five hundred dollars (\$500):~~

- ~~1. the wilful prevention or hindrance of the impoundment of any animal found running at large within the city, contrary to the provisions of this chapter;~~

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- ~~2. the use of force to remove any animal from the Animal Control Agency without the permission of such agency or of the person in charge of the same or without payment of all lawful charges against such animal;~~
- ~~3. the wilful resistance or obstruction of the Animal Control Officer.~~

~~(Ord. 509 § 6, 1995)~~

6.10.070 Animals injured or killed on the street.

Animals injured or killed in the street shall be considered as running at large; the Animal Control Officer shall remove all such animals and, at his discretion, take those licensed animals needing medical attention to the Animal Control Agency or other appropriate treatment center. The owner of any such animal shall be responsible for all expenses incurred in the treatment or the impoundment of such animal. All reasonable efforts shall be made to notify the owner or custodian of any such animal prior to the treatment or impoundment thereof. Injured animals may be destroyed humanely, if it is determined by the Animal Control Officer or veterinarian that the animal has sustained critical injuries, that the suffering is extreme, and/or that the prognosis for recovery is poor.

(Ord. 509 § 7, 1995)

6.10.080 Household pets—Number allowed—Shelter—Confinement of dangerous dog.

- A. Limitation. Each dwelling unit and the accompanying lot or common area is limited to a total of six (6) household pets, only one (1) of which may be a pot-bellied pig, only four (4) of which may be dogs, and only four (4) of which may be cats, plus one unweaned litter produced by any of the pets: provided, that this limitation shall not apply to gerbils, hamsters, fish, birds defined as household pets, and nonvenomous snakes.
- B. Shelter. Household pets shall be sheltered in the dwelling unit or in ~~a structure~~ an enclosure located in the side or rear yard of the accompanying lot. Enclosures for shelter of household pets shall be located a minimum of ten (10) feet away from any structure that includes a dwelling unit on an adjacent lot.
- C. Confinement of Dogs Declared To Be a Nuisance. Whenever a dog has been declared a nuisance or a dangerous dog, the owner or custodian of said dog may be ordered to maintain said dog in an appropriately fenced yard, or take other such other measures deemed appropriate by the Animal Control Officer to prevent said animal from straying onto adjacent property or public right-of-ways.

(Ord. 509 § 8, 1995)

6.10.090 Exotic animals.

- A. The possession or maintenance of an exotic animal by private citizens as pets is prohibited unless the owner possessed or maintained the exotic animal on or before the effective date of this act, and agrees to promptly act to satisfy the licensing requirements contained in Chapter 11.28 King County Code and such rules and regulations as the animal control authority may adopt regarding the maintenance of such animals.
- B. This prohibition shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter which is owned, operated or maintained by any city, county, state or Federal government, including but not limited to public zoos, museums, laboratories or research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or

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private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals.

- C. Breeding, or allowing the reproduction of exotic animals is prohibited, provided that this prohibition shall not apply to any governmental facility nor to private or commercial activities as provided above.

(Ord. 509 § 9, 1995)

6.10.100 Small domestic animals—Limitations—Confinement.

- A. Limitations. In any zoning district permitting residential uses, no more than four (4) small domestic animals as defined herein shall be permitted on lots less than one-half (½) acre in area. Thereafter, not more than ~~five-four~~ (54) such additional animals per acre shall be permitted. Exception: this limitation shall not apply to ~~agricultural lots or~~ parcels in excess of five (5) acres in ~~a the Residential-Agricultural (R-A)~~ Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts.
- B. Confinement. Suitable measures shall be maintained to prevent animals from straying onto adjacent property or public right-of-ways. Small domestic animals shall be reasonably sheltered in an enclosure located in the side or rear yard of the accompanying lot. Structures, which provide confinement and shelter for small domestic animals, shall be located a minimum of ten (10) feet away from any dwelling unit on an adjacent lot.

(Ord. 509 § 10, 1995)

6.10.110 Enclosure Standards.

All houses, pens, structures, or enclosures where ~~chickens, turkeys, geese, ducks, pigeons or other domestic fowl or rabbits~~ household pets or small domestic animals are kept shall be kept in accordance with applicable Health codes and State statutes. Enclosures shall have four sides and a top to adequately shelter the animal from the elements. The animal must have access to clean water while in the enclosure. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel. No organic materials furnishing food for flies shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered receptacles and disposed of in a manner approved by the Animal Control Officer.

(Ord. 509 § 11, 1995)

6.10.115 Unlawful tethering.

- A. Any animal that is restrained by a tether must be restrained in compliance with this section.
- B. If chain is used for tethering, it must have links of five-sixteenths of an inch or smaller.
- C. The use of chains or choke chains as collars is prohibited. This subsection does not apply to choke chains used for training purposes when a person is present at all times and actively engaged in training the animal.
- D. Any tether must be connected to a collar or harness on a swivel or in a manner that prevents the tether from tangling.
- E. The tether may be connected to the animal only by a buckle-type or snap-on collar or a body harness made of nylon or leather. Any collar or harness must fit the animal properly.

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- F. Any tether must be at least ten feet in length, and the animal must have access to clean water and adequate shelter while tethered. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel.
- G. If there are multiple animals tethered, each animal must be on a separate tether and not secured to the same fixed point.
- H. It is a violation:
 - 1. To tether any animal in such a manner as to permit the animal to leave the owner's property;
 - 2. To tether any animal in such a manner that allows the animal to be within ten feet of any public right-of-way;
 - 3. To tether any animal in such a manner that the animal can become entangled with any obstruction or any other tethered animal or be able to partially or totally jump over any fence;
 - 4. To tether any animal in a manner that prevents it from lying, sitting, and standing comfortably, and without the restraint becoming taut;
 - 5. To tether any animal that is sick, injured, or in distress, in the advanced stages of pregnancy, or under six months of age;
 - 6. To tether any animal during any severe weather advisories, warnings, or emergencies that have been issued or declared by the national weather service for the location at which the animal is tethered, unless the animal is provided with natural or manmade shelter that is adequate to keep it safe, dry, and protected under such conditions;
 - 7. To tether any animal in a manner that results in the animal being left in unsafe or unsanitary conditions, or that forces the animal to stand, sit, or lie down in its own excrement or urine; or otherwise endangers the health or safety of the animal.
 - 8. To tether any animal between the hours of 11:00 PM and 5:00 AM.

~~6.10.120 Variances and appeals.~~

- ~~A. The Planning Commission may grant variances from the provisions of this ordinance, including variations from the number of permitted animals, and appeals of administrative decisions.~~
- ~~B. Variance Criteria. The Planning Commission, in granting any variance, shall, in its motion, state the findings and conclusions upon which it relied and shall make its decision upon the following criteria:
 - 1. ~~The variance is in harmony with the intent and purposes of this chapter and with other relevant City ordinances;~~
 - 2. ~~The variance, if granted, will not result in damage to adjoining properties, nor an unreasonable amount of noise or smell, and will not otherwise be materially detrimental to the public welfare;~~
 - 3. ~~The variance is appropriate, given the size, shape, topography or location of property upon which the animals are to be housed;~~~~
- ~~C. Conditional Approval. Conditions may be imposed upon the granting of any variance. Unless otherwise specified, the granting of a variance shall also be subject to all conditions set forth in the application.~~
- ~~D. Appeals. The decision of the Planning Commission on applications for a variance shall be final and conclusive unless within ten calendar days of the date of the mailing of the final written decision the applicant or a party adversely affected by the decision files an appeal to the City Council. The filing of such appeal within such time limit shall stay the effective date of the decision of such Planning Commission until such time as final action on the appeal has been made by the City Council.~~

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Chapter 6.10 HOUSEHOLD PETS AND SMALL DOMESTIC ANIMALS

~~(Ord. 509 § 12, 1995)~~

6.1210.130 Violation—Penalties.

Any person violating any provision of this chapter shall be guilty of a civil infraction punishable by a fine of not more than \$~~25~~100.00 for the first offense, plus costs and assessments, and not more than \$~~50~~200.00 for a second or subsequent offense, plus costs and assessments. A violation of this chapter shall be a bail forfeitable offense of \$~~25~~100.00 for a First violation and \$~~50~~200.00 for a second or subsequent violation. Persons charged with an infraction under this section shall have the same rights to a hearing with the same procedures and standards of proof as persons charged with traffic infractions. A person failing to respond to a notice issued under this section or failing to pay a fine levied thereunder shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and imprisonment for a term not to exceed ninety days.

(Ord. 509 § 13, 1995)

6.10.140 Nonconforming uses.

The number, use and sheltering of all animals legally established prior to the effective date of this chapter that do not conform with the regulations provided herein shall be allowed to remain as legal nonconforming uses; Provided, that there shall be no expansion of a nonconforming use.

(Ord. 509 § 14, 1995)

Chapter 6.10 HOUSEHOLD PETS AND SMALL DOMESTIC ANIMALS

Sections:

- 6.10.010 Definitions.
- 6.10.020 Unlawful for household pets and/or small domestic animals to run at large.
- 6.10.070 Animals injured or killed on the street.
- 6.10.080 Household pets—Number allowed—Shelter—Confinement of dangerous dog.
- 6.10.090 Exotic animals.
- 6.10.100 Small domestic animals—Limitations—Confinement.
- 6.10.110 Enclosure Standards.
- 6.10.115 Unlawful tethering.
- 6.10.130 Violation—Penalties.
- 6.10.140 Nonconforming uses.

6.10.010 Definitions.

The following definitions shall be specific to this chapter:

1. "Household pets" means small domesticated animals or fish kept for pleasure rather than utility. Pets include animals such as dogs, cats, spayed or neutered pot-bellied pigs, hamsters, hedgehogs, pygmy goats, nonvenomous snakes, fish and birds such as parakeets, canaries, parrots and other related non-fowl birds.
2. "Exotic animals" shall include venomous species of snakes capable of inflicting serious physical harm or death to human beings; non-human primates and prosimians; bears; non-domesticated species of felines; non-domesticated species of canines and their hybrids, including wolf and coyote hybrids; crocodilia, including alligators, crocodiles, caiman, and gavials.
3. "Small domestic animals" (mammals and outdoor birds) shall include small animals such as rabbits, pigeons and other similar animals kept as pets or for personal use, but not for commercial sale. Chickens, turkeys, ducks, geese, peacocks, swans, ostriches, and emus are not included.
4. "Animal Control Agency" shall include any employee, agency, or society which the City engages, employs, contracts, or appoints to serve as an Animal Control Officer.
5. "Tether" means:
 1. To restrain an animal by tying or securing the animal to any object or structure; and
 2. A device, including but not limited to a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

(Ord. 509 § 1, 1995)

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Chapter 6.10 HOUSEHOLD PETS AND SMALL DOMESTIC ANIMALS

6.10.020 Unlawful for household pets and/or small domestic animals to run at large.

It shall be unlawful for the owners of household pets and/or small domestic animals of any kind to allow the same to run at large within the corporate limits of the city during any hour of the day or night or to be tethered in such a manner so as to allow such animals to trespass or encroach upon adjacent properties or the streets, sidewalks, or property of the city.

(Ord. 509 § 3, 1995)

6.10.070 Animals injured or killed on the street.

Animals injured or killed in the street shall be considered as running at large; the Animal Control Officer shall remove all such animals and, at his discretion, take those licensed animals needing medical attention to the Animal Control Agency or other appropriate treatment center. The owner of any such animal shall be responsible for all expenses incurred in the treatment or the impoundment of such animal. All reasonable efforts shall be made to notify the owner or custodian of any such animal prior to the treatment or impoundment thereof. Injured animals may be destroyed humanely, if it is determined by the Animal Control Officer or veterinarian that the animal has sustained critical injuries, that the suffering is extreme, and/or that the prognosis for recovery is poor.

(Ord. 509 § 7, 1995)

6.10.080 Household pets—Number allowed—Shelter—Confinement of dangerous dog.

- A. Limitation. Each dwelling unit and the accompanying lot or common area is limited to a total of six (6) household pets, only one (1) of which may be a pot-bellied pig, only four (4) of which may be dogs, and only four (4) of which may be cats, plus one unweaned litter produced by any of the pets: provided, that this limitation shall not apply to gerbils, hamsters, fish, birds defined as household pets, and nonvenomous snakes.
- B. Shelter. Household pets shall be sheltered in the dwelling unit or in an enclosure located in the side or rear yard of the accompanying lot. Enclosures for shelter of household pets shall be located a minimum of ten (10) feet away from any structure that includes a dwelling unit on an adjacent lot.
- C. Confinement of Dogs Declared To Be a Nuisance. Whenever a dog has been declared a nuisance or a dangerous dog, the owner or custodian of said dog may be ordered to maintain said dog in an appropriately fenced yard, or take other such other measures deemed appropriate by the Animal Control Officer to prevent said animal from straying onto adjacent property or public right-of-ways.

(Ord. 509 § 8, 1995)

6.10.090 Exotic animals.

- A. The possession or maintenance of an exotic animal by private citizens as pets is prohibited unless the owner possessed or maintained the exotic animal on or before the effective date of this act, and agrees to promptly act to satisfy the licensing requirements contained in Chapter 11.28 King County Code and such rules and regulations as the animal control authority may adopt regarding the maintenance of such animals.
- B. This prohibition shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter which is owned, operated or maintained by any city, county, state or Federal government, including but not limited to public zoos, museums, laboratories or research facilities maintained by

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scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals.

- C. Breeding, or allowing the reproduction of exotic animals is prohibited, provided that this prohibition shall not apply to any governmental facility nor to private or commercial activities as provided above.

(Ord. 509 § 9, 1995)

6.10.100 Small domestic animals—Limitations—Confinement.

- A. **Limitations.** In any zoning district permitting residential uses, no more than four (4) small domestic animals as defined herein shall be permitted on lots less than one-half ($\frac{1}{2}$) acre in area. Thereafter, not more than four (4) such additional animals per acre shall be permitted. Exception: this limitation shall not apply to parcels in excess of five (5) acres in the Horticultural Commercial (HC) and Agri-Tourism & Industries (AGI) zoning districts.
- B. **Confinement.** Suitable measures shall be maintained to prevent animals from straying onto adjacent property or public right-of-ways. Small domestic animals shall be reasonably sheltered in an enclosure located in the side or rear yard of the accompanying lot. Structures, which provide confinement and shelter for small domestic animals, shall be located a minimum of ten (10) feet away from any dwelling unit on an adjacent lot.

(Ord. 509 § 10, 1995)

6.10.110 Enclosure Standards.

All houses, pens, structures, or enclosures where household pets or small domestic animals are kept shall be kept in accordance with applicable Health codes and State statutes. Enclosures shall have four sides and a top to adequately shelter the animal from the elements. The animal must have access to clean water while in the enclosure. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel. No organic materials furnishing food for flies shall be allowed to accumulate on the premises. All manure and other refuse must be kept in tightly covered receptacles and disposed of in a manner approved by the Animal Control Officer.

(Ord. 509 § 11, 1995)

6.10.115 Unlawful tethering.

- A. Any animal that is restrained by a tether must be restrained in compliance with this section.
- B. If chain is used for tethering, it must have links of five-sixteenths of an inch or smaller.
- C. The use of chains or choke chains as collars is prohibited. This subsection does not apply to choke chains used for training purposes when a person is present at all times and actively engaged in training the animal.
- D. Any tether must be connected to a collar or harness on a swivel or in a manner that prevents the tether from tangling.
- E. The tether may be connected to the animal only by a buckle-type or snap-on collar or a body harness made of nylon or leather. Any collar or harness must fit the animal properly.

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- F. Any tether must be at least ten feet in length, and the animal must have access to clean water and adequate shelter while tethered. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel.
- G. If there are multiple animals tethered, each animal must be on a separate tether and not secured to the same fixed point.
- H. It is a violation:
 - 1. To tether any animal in such a manner as to permit the animal to leave the owner's property;
 - 2. To tether any animal in such a manner that allows the animal to be within ten feet of any public right-of-way;
 - 3. To tether any animal in such a manner that the animal can become entangled with any obstruction or any other tethered animal or be able to partially or totally jump over any fence;
 - 4. To tether any animal in a manner that prevents it from lying, sitting, and standing comfortably, and without the restraint becoming taut;
 - 5. To tether any animal that is sick, injured, or in distress, in the advanced stages of pregnancy, or under six months of age;
 - 6. To tether any animal during any severe weather advisories, warnings, or emergencies that have been issued or declared by the national weather service for the location at which the animal is tethered, unless the animal is provided with natural or manmade shelter that is adequate to keep it safe, dry, and protected under such conditions;
 - 7. To tether any animal in a manner that results in the animal being left in unsafe or unsanitary conditions, or that forces the animal to stand, sit, or lie down in its own excrement or urine; or otherwise endangers the health or safety of the animal.
 - 8. To tether any animal between the hours of 11:00 PM and 5:00 AM.

6.10.130 Violation—Penalties.

Any person violating any provision of this chapter shall be guilty of a civil infraction punishable by a fine of not more than \$100.00 for the first offense, plus costs and assessments, and not more than \$200.00 for a second or subsequent offense, plus costs and assessments. A violation of this chapter shall be a bail forfeitable offense of \$100.00 for a First violation and \$200.00 for a second or subsequent violation. Persons charged with an infraction under this section shall have the same rights to a hearing with the same procedures and standards of proof as persons charged with traffic infractions. A person failing to respond to a notice issued under this section or failing to pay a fine levied thereunder shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and imprisonment for a term not to exceed ninety days.

(Ord. 509 § 13, 1995)

6.10.140 Nonconforming uses.

The number, use and sheltering of all animals legally established prior to the effective date of this chapter that do not conform with the regulations provided herein shall be allowed to remain as legal nonconforming uses; Provided, that there shall be no expansion of a nonconforming use.

(Ord. 509 § 14, 1995)



CARNATION CITY COUNCIL DISCUSSION ITEM

Subject: Potential Annexation, Methods, and Process
Origin: Phil Messina, City Manager
Date Submitted: 09/16/2016
Agenda Date: 09/20/2016

At the meeting on September 6, the Council heard from Mr. Shane Fortney with Fortwest Development about the potential annexation of the eight (8) parcels that are in the City's UGA on East Entwistle Street (see attached map). Mr. Fortney is interested in developing the parcel labeled as #1 on the map.

Process:

The MRSC Annexation Handbook, Chapter 7, describes the methods that can be used for annexation in code cities. The most common method of annexation is the 60% Petition Method, which is discussed beginning on the page numbered 74 in the MRSC publication. The City's last annexation process back in 1999 took approximately 11 months from when the petition was received to when the Council adopted the approving ordinance.

Other considerations:

Of the eight parcels in the UGA in that area, only one is currently connected to the water system, and of course none are connected to the sewer system. The municipal code requires connection to both the water and sewer systems, so this is an issue that will need to be discussed and could potentially be the subject of a pre-annexation agreement to establish a timeline to utility connection compliance.

For example, when the parcel that has now been developed into The Estates was annexed, a pre-annexation agreement was reached to allow the former property owners to continue their agricultural use, keep their private well, and delay the requirement for connection to the City's water system for 10-years or until development, whichever came first. Otherwise, the municipal code would have

prohibited the agricultural use and required utility hookup upon annexation. The utility hookups are the issue that will incur new costs to the owners of the parcels in that potential annexation area, and will most likely be the issue of greatest concern to them.

Mr. Fortney is seeking a preliminary indication from the Council as to whether the City will be amenable to a petition for annexation, before he begins the the formal, rather complicated process. The City had expressed support for the addition of these parcels to the City's UGA during the 2008 Update to the King County Comprehensive Plan.

Attachments:

MRSC Annexation Handbook Chapter 7, "Methods of Annexation in Code Cities"
Map showing the parcels being discussed for potential annexation
Comparison of property tax rates for outside and inside city limits, and outline of city utility connection requirements costs

ANNEXATION

by Washington Cities and Towns

Annexation by Washington Cities and Towns

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7. Methods of Annexation in Code Cities

Seven methods of annexation are available to code cities. The 60 percent petition method is, by far, the most common. As discussed earlier, cities have found the election method, whether initiated by resolution or by petition, to be extremely cumbersome. Because of this and the expense of conducting an election, annexation elections are infrequent. Statutes authorizing annexations for municipal purposes are much more straightforward, but they apply only when a legitimate municipal reason for the annexation can be demonstrated. Statutes authorizing the annexation of federal areas are of even more limited application.

Note that in counties subject to the Growth Management Act, annexation may only occur with an urban growth area. RCW [35A.14.005](#).

7.1 Election Method, Initiated by 10 Percent Petition

Code Cities

The annexation of contiguous,³⁵ unincorporated territory may be initiated by a petition signed by voters living in the area to be annexed. (Important Note: If a county road separates a city from territory it proposes to annex, the road must also be annexed or the territory will not be contiguous. Noncontiguous property cannot be legally annexed, except when it is annexed for municipal purposes, as discussed later in this chapter.)

A. Contents of Petition (RCW [35A.14.020](#))

The petition must:

1. Comply with the technical rules for petitions in RCW [35A.01.040](#);
2. Call for an election to vote upon the annexation;
3. Describe the boundaries of the area proposed to be annexed;
4. State the number of voters residing in that area as nearly as possible; and
5. State any provisions relating to the assumption of debt by the owners of property of the area proposed to be annexed, the simultaneous adoption of a proposed zoning regulation for the area to be annexed, or the creation of a community municipal corporation.

The petition must be signed by qualified electors resident in the area proposed for annexation equal to 10 percent of the votes cast at the last state general election in that area. (A qualified elector is a per-

³⁵The statutes do not define the term “contiguous.” Resort to the common, dictionary definition is therefore necessary. *Webster’s New World Dictionary*, 3rd. College Edition (1988), defines contiguous as meaning “in physical contact; touching along all or most of one side” or “near, next, or adjacent.” In the legal context of annexations, however, actual contact or touching is necessary; near is not sufficient. AGO 49-51 [No. 202](#) (January 23, 1950). The contact must nevertheless be significant; contact only at a common corner does not make property contiguous.

son 18 years of age or over, a citizen of the United States, and a resident for at least 30 days. A qualified elector need not actually have registered to vote. AGLO 1974 No. 55.)

B. Contents of Petition - Optional (RCW 35A.14.025)

The petition *may* also provide for the simultaneous creation of a community municipal corporation and for the election of community council members pursuant to RCW 35.14.010 - .060, or for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. If the petition provides for the creation of a new community municipal corporation, it must also describe the boundaries of the proposed service area, state the number of voters residing in that area as nearly as possible, and ask for the election of community council members by the qualified voters residing in the service area. See [Section 5.4](#) on community municipal corporations.

C. Approval By City Council

1. Filing of Petition and Determination of Sufficiency (RCW 35A.01.040, 35A.14.020)

After filing of the petition with the appropriate city official, it must be transmitted within three working days to the county auditor for a determination of sufficiency. RCW 35A.01.040. If there are sufficient valid signatures, the county auditor certifies the sufficiency of the petition to the city council. The council must pass a resolution within 60 days notifying the petitioners of its approval or rejection either by mail or by publishing a notice once a week for at least two weeks in one or more newspapers of general circulation in the city and in one or more newspapers of general circulation within the area proposed to be annexed. Council approval is a condition precedent to further proceedings on the petition. A formal public hearing is optional.

2. Additional Conditions to Annexation (RCW 35A.14.020)

The city council, in approving the annexation, may also require that any or all of these provisions be submitted to the electorate of the territory to be annexed:

- a. Whether property in the area proposed for annexation will be assessed and taxed at the same rate and on the same basis as is property in the annexing city and will be required to assume all or any portion of existing city indebtedness.
- b. Whether the city will require the simultaneous adoption of a proposed zoning regulation, if one has been approved and filed as provided in RCW 35A.14.330 and .340.

These questions, relating to the assumption of indebtedness and the adoption of zoning, may be submitted to the voters either separately or as a single proposition.

D. Petition Filed with County Legislative Authority and Applicable Review Board (RCW 35A.14.030, 35A.14.220); Notice, Where Applicable, to Fire District and Library District (RCW 35A.14.801)

After city council approval, the petition is to be filed with the legislative authority of the county in which the territory is located, along with a statement of the provisions on assumption of debt and/or the simultaneous adoption of a proposed zoning regulation. A copy of the petition and statement, if any, is also to be filed with the boundary review board, if one has been established, or otherwise with the county annexation review board for code cities, unless the annexation is exempt from review. An annexation of less than 50 acres or less than \$2 million in assessed valuation is not subject to review, except in counties with a boundary review board. (An area of less than ten acres and less than \$2

million in assessed valuation need not be reviewed by the boundary review board if the chair of the board states in writing that review is not necessary. See RCW [36.93.110](#).)

Cities in counties that have a boundary review board and that propose to annex territory of a fire district and/or library district must provide notice to such district(s) of the proposed annexation simultaneously when notice of the proposed annexation is provided to the boundary review board. RCW [35A.14.801](#).

See [Chapter 8](#) for a detailed description of review boards and their procedures.

E. Limitations on Consideration of Conflicting Petitions and Resolutions

After the city council has adopted a resolution proposing the annexation of territory, no territory included in the proposed annexation may be annexed by another city unless: (1) the boundary review board or annexation review board modifies the annexation proposal and removes the territory; (2) the boundary review board or annexation review board rejects the annexation; or (3) the city council or the voters, as the case may be, reject the proposed annexation. RCW [35A.14.231](#).

If a city incorporation has been proposed by the filing of a petition with the county auditor under RCW [35.02.020](#), an existing city may still annex territory included within the proposed incorporation if, within 90 days of that filing, a resolution proposing the annexation of that territory is adopted. Territory that is ultimately annexed to a city will be withdrawn from the incorporation proposal. RCW [35.02.155](#).

If an annexation is proposed by resolution more than 90 days after the filing of an incorporation petition that includes territory proposed for annexation, the annexation must “be held in abeyance” and may not occur unless: (1) the boundary review board modifies the proposed incorporation to remove the territory proposed for annexation; (2) the boundary review board rejects the proposed incorporation and the proposed city has a population of less than 7,500; or (3) the voters reject the proposed incorporation. RCW [35.02.155](#).

F. Decision of Review Board (RCW [35A.14.050](#))

The review board, whether a boundary review board or county annexation review board, has the following options with respect to an annexation proposal:

1. Approve the proposal as submitted;
2. Modify the boundaries of the proposal and approve as modified (there are different limitations on boundary modification, depending upon the review board; see [Chapter 8](#)); or
3. Disapprove the proposal.

If the review board disapproves the proposed annexation, no further action may be taken on the proposal and no other proposal for annexation of the same or substantially the same territory (as determined by the board) may be initiated or considered for 12 months.

G. Decision Filed with County Legislative Authority (RCW [35A.14.050](#))

Upon review board approval (with or without modifications), the city council must indicate to the county auditor its preference for a special election date for submitting the proposal to the voters of the territory proposed to be annexed. The city council must indicate that preference at its next regular meeting, if that meeting is to be held within 30 days of its receipt of the review board decision, or at

a special meeting to be held within that 30-day period. The county legislative authority must set the election date on the date indicated by the city.

H. Election on Annexation

1. 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 preference is indicated.

Special election dates available under RCW 29A.04.330 are:

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

2. Conduct of Election (RCW 35.29.151)

The election must comply with general election law (Title 29A RCW).

3. Voters' Pamphlet (RCW 29A.32.210 - .280)

A code city 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 city 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 city planning to authorize publication of a voters' pamphlet should consult with their county auditor or elections office regarding preparation of the pamphlet.

4. Cost of Election (RCW 35A.14.020)

The city is responsible for the election costs.

5. Notice of Election (RCW 35A.14.070, RCW 35A.14.025)

- a. 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
- b. 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.
- c. The notice of election must:
 - i. Describe the boundaries of the proposed annexation (as may have been modified by the review board);
 - ii. State the purpose of the election (as in the petition);
 - iii. 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 city requires to be assumed.

- iv. The notice must, in compliance with general election law, also contain the ballot title of measures to be voted upon at the election, the day and hours during which the polls will be open, and the address of each polling place. RCW 35A.29.151, RCW 29A.52.350.

I. Canvass of Election Returns (RCW 35A.14.080)

1. Duties of County Canvassing Board³⁶ (RCW 35A.14.080)

On the Monday after the annexation election, the county canvassing board must:

³⁶RCW 29A.04.013 defines “canvassing” as follows: “Canvassing” means the process of examining ballots or groups of ballots, subtotals, and cumulative totals in order to determine the official returns of and prepare the certification for a primary or general election and includes the tabulation of any votes for that primary or election that were not tabulated at the precinct or in a counting center on the day of the primary or election.

- a. Canvass the returns; and
 - b. Submit a “statement of canvass” to the county legislative authority.
2. Minimum Vote Required for Approval of Annexation (RCW 35A.14.080, 35A.14.085)
- a. 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.
 - b. 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.
 - c. 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 city council may adopt a resolution accepting the annexation, but without the assumption of indebtedness, if the combined proposition is approved by a simple majority.

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

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

1. Enter in its minutes a finding to that effect;
2. Transmit and file a certified copy of its minutes to the city clerk; and
3. Transmit to the city clerk a certified abstract of the vote, showing:
 - a. The number who voted at the election;
 - b. The number of votes cast for and against the proposition; and
 - c. 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 ten days after the election.)

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

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

L. 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). The relevant statute, 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 city's property tax levy can be effective in the newly annexed area and with respect to receipt of state-shared revenues, sales tax, and, if applicable, sales tax equalization payments. See [Section 4.4](#).

M. Notice of Annexation

1. Notice to State (RCW 35A.14.700)

The city 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. See [Section 4.4 A](#). Certificate forms and additional information are available from that office:

Office of Financial Management
Forecasting Division
PO Box 43113
Olympia, WA 98504-3113
Telephone: (360) 902-0597

OFM requires submission of the following documents for the annexation certification process: (1) the signed annexation certificate, in triplicate (certificate form obtained from OFM); (2) three copies of the annexation ordinance containing the legal description of the area annexed; (3) three maps of the annexed area, conforming with OFM map requirements; and (4) the original (hand-written) Special Population Census Sheets used to enumerate the population and housing of the annexed area. OFM will send specific instructions upon request. The certificate is to be signed by the mayor and attested by the clerk. Filing of the certificate and the supporting documents is essential for a city to receive credit for increased population. This is important for the allocation and distribution of state funds to cities. See [Section 4.4 A](#).

The resident population of the newly annexed area, as of the effective date of the annexation, is to be determined by or under the direction of the mayor in accordance with OFM policies. OFM requires that the city conduct an annexation census within 30 days of the effective date of the annexation, but the actual enumeration should not begin until the effective date unless pre-approved by OFM. Contact the Forecasting Division at OFM for information on the annexation census.

Upon certification of the annexation, OFM forwards in the next quarterly filing revised population information to each state official or department responsible for making allocations or payments to cities and towns. However, if the revised certificate is forwarded 30 days or less prior to the commencement of the next calendar quarter, then the population of the newly annexed area is not considered until the following calendar quarter. When an annexation is processed by OFM depends upon when it receives the annexation documentation. State-allocated revenues based on population are not backdated.

2. 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 city 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 city annexes territory within a fire district and/or library district (and the city 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 city those utility taxes collected 60 days or more after receipt of the notice.

Cities 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 city's "resolution" approving the annexation. (The statute, RCW [35A.14.801](#), uses the term "resolution," but the city 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.

3. Other Notice

For information regarding the notice that should be given to the county, the Department of Revenue, and city departments, see discussion in [Section 6.1 O](#).

7.2 Election Method, Initiated by Resolution

Code Cities

The annexation of contiguous, unincorporated territory may also be initiated by city council resolution. After the annexation is properly initiated by resolution, the election procedures under this method are identical to those used in the election method initiated by the 10 percent petition.

A. Legislative Determination (RCW [35A.14.015](#))

Initially, the city council must determine that the best interests and general welfare of the city would be served by the annexation.

B. Contents of Resolution

1. Mandatory Provisions (RCW [35A.14.015](#))

The resolution must:

- a. Call for an election to be held to submit the annexation proposal to the voters in the territory proposed to be annexed;
- b. Describe the boundaries of the area to be annexed;
- c. State the number of voters in the area to be annexed as nearly as possible; and
- d. State that the city will pay the cost of the election.

A formal public hearing is optional.

2. Optional Provisions (RCW [35A.14.015](#))

The city council should also decide whether any of the following optional provisions will be

included in the resolution:

- a. Requiring the voters in the area to vote on the assumption of all or any portion of existing city indebtedness.
- b. Requiring the simultaneous adoption of proposed zoning regulations, prepared under RCW 35A.14.340, upon approval of the annexation.
- c. simultaneous inclusion of the area in a named existing community municipal corporation upon annexation. This proposition must be submitted to the voters as part of the annexation proposition, not separately. RCW 35.13.015.
- d. If there is no existing community municipal corporation, a community municipal corporation may be created simultaneously upon annexation, if the resolution calls for its creation and the election of community council members as provided in chapter 35.14 RCW. RCW 35A.14.025. (See Section 5.4.) This proposition may be submitted to the voters as part of the annexation proposition, or separately.

C. Filing of Resolution with County Legislative Authority and Applicable Review Board (RCW 35A.14.015); Notice, where applicable, to Fire District and Library District (RCW 35A.14.801)

A certified copy of the resolution is to be filed with:

1. The legislative authority of the county in which the proposed annexation is located; and
2. The boundary review board if one has been established; or
3. If a boundary review board has not been established, with the county annexation review board for code cities, unless the annexation is not subject to review under RCW 35A.14.220 (i.e. less than 50 acres or less than \$2 million in assessed valuation). RCW 35A.14.015.

Cities in counties that have a boundary review board and that propose to annex territory of a fire district and/or library district must provide notice (i.e., copy of the resolution) to such district(s) of the proposed annexation simultaneously when a certified copy of the resolution is provided to the boundary review board. RCW 35A.14.801.

D. Limitations on Consideration of Conflicting Petitions and Resolutions (RCW 35A.14.231, 35.02.155)

See Section 7.1 E.

E. Decision of Review Board (RCW 35A.14.050)

The review board, whether a boundary review board or county annexation review board, has the following options with respect to an annexation proposal:

1. Approve the proposal as submitted;
2. Modify the boundaries of the proposal and approve as modified (there are different limitations on boundary modification, depending upon the review board; see Chapter 8); or

3. Disapprove the proposal.

If the review board disapproves the proposal, no further action may be taken on the proposal and no other proposal for annexation of the same or substantially the same territory (as determined by the board) may be initiated or considered for 12 months.

F. Decisions Filed with County Legislative Authority (RCW 35A.14.050)

Upon review board approval (with or without modification), the city council must indicate to the county auditor its preference for a special election date for submitting the proposal (with any modifications made by the review board) to the voters of the territory proposed to be annexed. The city council must indicate that preference at its next regular meeting, if that meeting is to be held within 30 days of its receipt of the review board decision, or at a special meeting to be held within that 30-day period. The county legislative authority must set the election date on the date indicated by the city.

G. Election, Canvass of Vote, Effective Date, Notice, Etc.

For information on the election process, canvassing of the vote, effective date of annexation, and the required notice, see discussion in Sections 7.1 H-M.

7.3 The Sixty Percent Petition Annexation Method

Code Cities

The most frequently used method of annexing unincorporated territory is by petition of the owners of at least 60 percent of the property value in the area, computed according to the assessed valuation of the property for general taxation purposes.

A. Initiation of the 60 Percent Petition Annexation (RCW 35A.14.120)

Prior to circulating a petition for annexation, the initiating party or parties (the owners of property representing not less than 10 percent of the assessed value of the property for which annexation is sought) must give written notice to the city council of their intention to commence annexation proceedings.

B. Meeting with Initiators on the Annexation Proposal (RCW 35A.14.120)

The city council is to set a date (not later than 60 days after the filing of the notice) for a meeting with the initiating parties to determine:

1. Whether the city will accept, reject, or geographically modify the proposed annexation;
2. Whether it will require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed (as provided for in RCW 35A.14.330, and RCW 35A.14.340); and
3. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

If the legislative body requires the adoption of a proposed zoning regulation and/or the assumption of all or any portion of indebtedness as conditions to annexation, it is to record this action in its minutes. Council acceptance is a condition precedent to circulation of the petition. There is no appeal from the council decision.

C. Contents of Petition (RCW 35A.14.120)

If the city council accepts the initial annexation proposal, the petition may be drafted and circulated.³⁷ The petition must:

1. Describe the property according to government legal subdivisions or legal plats.
2. Be accompanied by a map that outlines the boundaries of the property sought to be annexed.
3. If the council has required the assumption of all or any portion of city indebtedness and/or the adoption of a proposed zoning regulation for the area to be annexed, set forth these facts clearly, together with a quotation of the minute entry of that requirement.
4. Be signed by the owners of not less than 60 percent of the assessed value³⁸ of the property for which annexation is petitioned. "Owners" eligible to sign are defined in RCW 35A.01.040(9)(a) through (e).³⁹
5. Comply with the rules for petitions in RCW 35A.01.040. RCW 35A.14.130.

D. Filing of Petition; Determination of Sufficiency

1. The petition is to be filed with the city council. RCW 35A.14.120. Although there is no time limit specified in the annexation statutes as to when a petition need be filed with the council after it has begun circulating for signatures, the signatures on a petition are valid only if signed no later than six months prior to the filing date. Any signatures older than six months are to be stricken from the petition by the officer certifying petition sufficiency. RCW 35A.01.040(8).
2. The petition must be certified as sufficient (i.e., as having valid signatures representing the required 60 percent of property value). Within three working days of the filing of the petition, the officer with whom the petition is filed must transmit the petition to the county assessor, who makes the determination of the sufficiency of the petition. The county officer whose duty it is to determine petition sufficiency must file with the officer receiving the petition for filing a certificate stating the date the determination of sufficiency was begun. The officer determining petition sufficiency must do so "with reasonable promptness." RCW 35A.01.040(4).

E. Hearing on Petition (RCW 35A.14.130)

When a legally sufficient petition is filed, the city council may consider it⁴⁰ and:

1. Fix a date for a public hearing, and
2. Provide notice specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation. The notice is to be:

³⁷The discretionary decision to "accept" the annexation proposal does not commit the city council to ultimately approving the annexation. This decision only means that the council will allow the annexation proposal to proceed through the petition process.

³⁸If the petition is for an area with at least 80 percent of its boundaries contiguous to the code city, excluding any portion of the boundary that is coterminous with a portion of the boundary between two counties, the petition need only be signed by the owners representing not less than 50 percent of the assessed value of the property for which annexation is sought.

³⁹Although the statute refers to subsections "(a)-(d)", it is assumed that reference was intended to be made to subsections "(a)-(e)".

⁴⁰The city council is not required to consider the petition and hold a public hearing.

- a. Published in one or more issues of a newspaper of general circulation in the city; and
- b. Posted in three public places within the territory proposed for annexation.

There are no statutory requirements concerning the actual hearing, other than to give proponents and opponents an opportunity to speak.

F. Limitation on Consideration of Conflicting Petitions and Resolutions (RCW 35A.14.231, 35.02.155)

After an annexation petition has been filed with the city proposing the annexation of territory, no territory included in the proposed annexation may be annexed by another city or town unless: (1) the boundary review board or annexation review board modifies the annexation proposal and removes the territory; (2) the boundary review board or annexation review board rejects the annexation; or (3) the city council or the voters, as the case may be, reject the proposed annexation. RCW 35A.14.231. This rule does not prevent a city, after an annexation petition has been filed with it, from considering a different annexation proposal embracing some of the same territory.

If a city incorporation has been proposed by the filing of a petition with the county auditor under RCW 35.02.020, an existing city may still annex territory included within the proposed incorporation if, within 90 days of that filing, a petition proposing the annexation of that territory is filed. Territory that is ultimately annexed to a city will be withdrawn from the incorporation proposal. RCW 35.02.155. If an annexation is proposed by petition more than 90 days after the filing of an incorporation petition that includes territory proposed for annexation, the annexation must “be held in abeyance” and may not occur unless: (1) the boundary review board modifies the proposed incorporation to remove the territory proposed for annexation; (2) the boundary review board rejects the proposed incorporation and the proposed city has a population of less than 7500; or (3) the voters reject the proposed incorporation. RCW 35.02.155.

G. Decision (RCW 35A.14.140)

1. Cities in Counties Without Boundary Review Boards

Following the hearing (though not necessarily immediately), the city council decides whether to approve the annexation. If it decides to approve, it must enact an ordinance to annex the territory. RCW 35A.14.140. It may annex all or any portion of the area proposed for annexation, but may not include any property not described in the annexation petition. *Id.* The county annexation review board does not review annexations under the 60 percent petition method. RCW 35A.14.220.

2. Cities in Counties Having Boundary Review Boards

Since a code city in a county with a boundary review board may not annex territory without prior board approval (unless the board determines, for certain proposals, that review is not necessary, or the board’s jurisdiction is not invoked),⁴¹ an annexation ordinance passed following a hearing but before board review cannot yet be effective. Consequently, cities in counties requiring action by a boundary review board, when they have not previously received review board approval, often first pass a motion or resolution of intent to annex. After review board approval, the formal ordinance is adopted.

3. Conflict between RCW 35A.14.140 and Boundary Review Board Statutes

⁴¹See Section 8.2.

An area where the boundary review board statutes and the annexation statutes present a conflict concerns the ability of the city council, under RCW 35A.14.140, to pass an ordinance annexing “all or any portion of the proposed area” but not “any property not described in the petition.” Under RCW 36.93.150(2), the boundary review board may add or delete territory from a proposed annexation (as long as the amount of territory added does not exceed 100 percent of the original proposal and as long as the board holds a separate public hearing on the increase), and, under RCW 36.93.155, a city may not approve an annexation other than that which receives board approval. Thus, if the board adds territory to that included in the petition, one statute says a city may not annex property not included in the petition, and another says that the city must annex, if at all, all the territory that the board approved for annexation, which, in this circumstance, would be more than was included in the petition. MRSC is not aware of a city having confronted this type of situation, but it could occur.

However, a 2006 state supreme court decision and a 2012 legislative response to that decision appear to have resolved this conflict. In *Interlake Sporting Ass’n v. State Boundary Rev. Bd.*, 158 Wn.2d 545 (2006), the court held that a boundary review board does not have authority under RCW 36.93.150 to add territory to an annexation; to do so would violate RCW 35A.14.140. The 2012 amendment to RCW 36.93.150(2) was, according to that legislation’s bill report, in response to the Interlake Sporting Ass’n decision, and it authorized the boundary review board to add territory to an annexation as long as the amount of territory added does not exceed 100 percent of the original proposal. Although the legislature did not also amend RCW 35A.14.140 to authorize city councils to approve annexations that increase the territory in the petition in cases where the boundary review board has increased the territory under RCW 36.93.150(2), it must have intended that a board’s authority under RCW 36.93.150(2) trumps the restriction in RCW 35A.14.140; otherwise, the 2012 amendment to RCW 36.93.150(2) would have been of no real effect.

H. Review⁴²

1. Boundary Review Board (RCW 36.93.090, 100)

If a boundary review board has been established within the county, the annexation initiators must file a “notice of intention” with the board within 180 days of when the annexation is proposed. If the proposal is to annex territory of a fire district and/or library district, the city must provide notice to such district(s) of the proposed annexation simultaneously when notice of the proposed annexation is provided to the boundary review board.

The board may assume jurisdiction over the annexation if, within 45 days of filing the notice of intention, a request for review is made by:

- a. The city to which the annexation is proposed, the county within which the annexation is proposed, or any other affected governmental unit; or
- b. Petition of registered voters or property owners.

If jurisdiction is not invoked within 45 days, the proposed annexation is deemed approved.

The board must act within 120 days of the review request, unless the board and the annexation initiators agree to an extension. If no decision is made within 120 days and no extension is granted, the proposal is deemed approved.

⁴²See Chapter 8.

2. County Annexation Review Board for Code Cities (RCW [35A.14.220](#))
The county annexation review board for code cities does not review annexations under the 60 percent petition method.

I. Effective Date of Annexation (RCW [35A.14.150](#))

The annexation, together with any provision relating to application of a proposed zoning regulation, is effective on the date fixed in the ordinance. The relevant statute, RCW [35A.14.150](#), 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 city's property tax levy can be effective in the newly annexed area and with respect to receipt of state-shared revenues, sales tax, and, if applicable, sales tax equalization payments. See [Section 4.4](#).

J. Notice of Annexation (RCW [35A.14.150](#), RCW [35A.14.801](#), RCW [84.09.030](#))

For information on the notice that should be given following completion of the annexation process, see discussion in [Section 7.1 M](#).

7.4 Alternative Petition Annexation Method

Code Cities

In response to the state supreme court declaring the 60 percent petition method unconstitutional, the 2003 legislature enacted a new petition method designed to address what the court determined were constitutional defects in the old petition method. Annexation petitions under this new method are to be signed both by property owners and by voters. Subsequently, the state supreme court reversed its earlier decision and determined the 60 percent petition method to be constitutional. So, cities now have a second, alternative petition method for annexing territory.

A. Initiation/Notice of Intention (RCW [35A.14.420](#))

An annexation under this method is initiated by written notice to the city council of an "intention to commence annexation proceedings" signed by owners of not less than 10 percent of the acreage of this area.

Note that, under RCW [28A.335.110](#), school district property can be annexed only if it constitutes the entire area proposed for annexation. Consequently, annexation of school district property can be initiated only by a school district.

B. Meeting with Initiators/Initial Decision by City Council (RCW [35A.14.420](#))

The city council must set a date for a meeting with the initiating parties, which may occur no later than 60 days after the filing of notice of intention, to determine whether the council will:

1. Accept the annexation as proposed;
2. Geographically modify the proposed annexation (and accept the proposed annexation as modified); or
3. Reject the annexation.

The decision of the council whether to "accept" the proposed annexation is entirely within the council's discretion. By accepting a proposed annexation, the council is not committing itself to ultimately annexing the territory proposed when a sufficient petition is presented to it. The decision to accept

merely allows the annexation to go forward procedurally. If the council rejects the proposed annexation, the initiating parties have no right of appeal.

If the council accepts the annexation, it must also decide:

1. Whether it will require the simultaneous adoption of a proposed zoning regulation, and
2. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

If the council decides to require either or both of the above, that decision must be reflected in the meeting minutes.

C. Petition Requirements (RCW 35A.14.420)

If the city council accepts the initial annexation proposal, the initiating parties may draft and circulate a petition for signatures. The petition for annexation must:

1. Be in writing and be addressed to the city council;
2. Contain a legal description of the property;
3. Be accompanied by a drawing that outlines the boundaries of the area proposed for annexation;
4. If the city council is requiring the assumption of all or any portion of city or town indebtedness and/or the adoption of a comprehensive plan or proposed zoning regulation for the area to be annexed, state those facts, along with a quotation from the meeting minutes where the council imposed such requirements;
5. Be signed by:
 - a. Owners of a majority of the acreage of the area proposed for annexation; and
 - b. A majority of the registered voters residing in the area proposed for annexation; but, if there are no residents in the area proposed for annexation or no registered voters, by the owners of a majority of the acreage of the area. (For school district property, the petition is to be signed by the district board of directors.)
6. Comply with the rules for petitions in RCW 35A.01.040; and
7. Be filed with the city council.

D. Filing of Petition, Hearing on Petition, etc.

The rest of the procedures for this alternative petition method are identical to those for the 60 percent petition method in Sections 7.3 D-J. However, there are different statutory citations for: notice of hearing (RCW 35A.14.430); ordinance providing for annexation (RCW 35A.14.440); and effective date of annexation (RCW 35A.14.450).

7.5 Annexation for Municipal Purposes

Code Cities

A code city may, by majority vote of the council, annex territory outside its limits for any municipal purpose, if the territory is owned by the city. This may be done regardless of whether the territory is contiguous or noncontiguous.

Review by the boundary review board or by the county annexation review board for code cities is not necessary *if* the property being annexed for municipal purpose is contiguous to the city. RCW [35A.14.220](#) and RCW [36.93.090](#).

For information on the notice that should be given once the territory is annexed, see discussion in [Section 7.1 M](#).

7.6 Annexation of Federally Owned Areas

Code Cities

A code city may annex any contiguous, unincorporated area within four miles of its corporate limits by either (1) an ordinance acknowledging an agreement with the federal government to annex federal government land or (2) an ordinance accepting a gift, grant, or lease from the U.S. government of the right to occupy, control, improve, or sublet it for commercial, manufacturing, or industrial purposes. RCW [35A.14.310](#).

A. Annexations pursuant to a gift, grant or lease

1. The Annexation Ordinance (RCW [35A.14.320](#))

When annexing such territory, a city may in its annexation ordinance:

- a. Include such tidelands and shorelands as may be necessary or convenient for the use of the gift, grant, or lease, and
- b. Accept the terms and conditions attached to the gift, grant, or lease.

2. Authority Over Annexed Territory (RCW [35A.14.320](#))

The city may:

- a. Survey, subdivide, and plat the property into lots, blocks, or tracts and lay out, reserve for public use, and improve streets, roads, alleys, slips, and other public places;
- b. Grant or sublet any lot, block, or tract for commercial, manufacturing, or industrial purposes and reserve, receive, and collect rents; and
- c. Expend rents received from the property to make and maintain public improvements in the area, and transfer any surplus remaining at the end of any fiscal year to the city current expense fund.

C. Review

When a boundary review board has been established in the county, a notice of intent to annex must be filed with it. See procedures outlined in [Chapter 8.2](#). Review by the county annexation review board for code cities is not required in counties without a boundary review board. RCW [35A.14.220](#).

D. Notice of Annexation

For information on the notice that should be given once the area is annexed, see discussion in [Section 7.1 M](#).

7.7 Annexation of Unincorporated Islands

Code Cities

The annexation statutes provide for an abbreviated procedure to annex unincorporated islands or pockets of property within a city. 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, or (2) of any size containing residential property owners and having at least 80 percent of the boundaries contiguous to a code city if the area is within the same county and urban growth area designated under RCW [36.70A.110](#), and the city is required to plan under the Growth Management Act, the city council may initiate annexation proceedings by resolution. However, annexation by this method is potentially subject to a referendum election within the unincorporated territory.

A. Contents of Resolution (RCW [35A.14.295](#))

A resolution for annexation of an unincorporated island must:

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

B. 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 city 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 city and in the area proposed for annexation.

C. 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.

D. Adoption of Annexation Ordinance (RCW [35A.14.297](#))

After the hearing, the city 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.

E. Notice of Annexation (RCW [35A.14.297](#))

Notice of the proposed effective date of 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 city 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.

F. Review

1. 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. (See [Section 8.2.](#)) Boundary review board

clearance is necessary before the annexation may be effective.

2. County Annexation Review Board for Code Cities
Review by the county annexation review board for code cities is not necessary in counties without a boundary review board. RCW 35A.14.220.

G. Referendum (RCW 35A.14.297, RCW 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 ten 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 city council, the question of annexation is to be submitted to the voters.

H. Election

1. Date of Election (RCW 35A.14.299, RCW 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. See Section 7.1 H for special election dates.
2. Conduct of Election (RCW 35A.29.151)
The election is to be held in compliance with general election law.
3. Notice of Election (RCW 35A.14.299, RCW 35A.14.070)
 - a. 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
 - b. 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 ten nor less than three days prior to the election.
 - c. The notice of election must:
 - i. Describe the boundaries of the area proposed to be annexed,
 - ii. State the purpose of the election as stated in the resolution,
 - iii. 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 _

- iv. Also contain the ballot title of measures to be voted upon at the election, the day and hours during which the polls will be open, and the address of each polling place in each precinct. RCW 35A.29.140.

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

If clearance 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.

J. Notice of Annexation

For information on the notice that should be given, see discussion in Section 7.1 M. See also, RCW 35A.14.700.

7.8 Alternative Unincorporated Island-Interlocal Method of Annexation Code Cities

The 2003 legislature created an alternative method of annexing islands of unincorporated territory through the use of interlocal agreements. However, this “island-interlocal” method of annexation is only available to cities and towns located in counties that are subject to the “buildable lands” review and evaluation program (RCW 36.70A.215) under the Growth Management Act (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 and requires the proposed annexation area to have at least 80 percent of its boundaries contiguous to a single city (see 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 or to more than one city. 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).

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

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

After a resolution is adopted, the county and city 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 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 contiguous to the unincorporated island, as described in C below.

B. 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 must each hold a public hearing, which may be a joint hearing.

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

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

1. the county initiated the annexation process by resolution, as above; and
2. the affected city rejected the proposed annexation or declined to enter into an agreement; or
3. 180 days have passed since the county adopted the resolution and no agreement has been reached and neither the county or the city 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 may annex territory that is within another city's urban growth area or within an "urban service area" or "potential annexation area" (authorized by RCW 36.70A.110) designated for another city. Some counties have previously designated such areas within urban growth areas that border more than one city. 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 city (i.e., not the annexing city under this alternate process) or if it lies within another city'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 for annexation to that city, the city 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 remains to be seen.

Also, under this alternate process, a county may reach agreement with more than one city to annex the same unincorporated island, thereby throwing to the voters in that territory the choice of which city, 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 and, for those voters wanting to annex, the choice of which city to annex to. If a majority of voters choose annexation, the area will be annexed to the city 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. See Section 7.1 H. The county bears the cost of this election.

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

The county and city 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).

E. 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 city legislative bodies providing for the annexation of the unincorporated island, the city council adopts an ordinance annexing the territory as described in the agreement.

The ordinance may provide:

1. that the property owners in the annexed area will assume their share of the city's outstanding indebtedness, and/or
2. 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.

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

The city 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 shall include a statement of the requirements.

For information on the notice that should be given to the county and to the state once an annexation has been approved, see discussion set out in [Section 7.1 M](#).

G. 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](#). See [Section 8.2](#).

H. 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 city 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.

I. Notice of Annexation

For information on the notice that should be given to the county and to the state regarding an annexation, see discussion in [Section 7.1 M](#).

7.9 Interlocal Agreement Annexation of Area Served by Fire District(s) Code Cities

This is a new method of annexation adopted by the 2009 legislature that may be employed where a city is proposing to annex territory within one or more fire protection districts. RCW [35A.14.480](#).

A. Notice to fire district and to county

The city 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 city's interest in entering into an interlocal agreement negotiation process.

B. Response to notice

1. The county and district(s) have 45 days to respond in either the affirmative or negative.
2. A negative response must state the reasons the party does not wish to participate in an interlocal agreement negotiation.
3. A failure to respond within the 45-day period is deemed an affirmative response and the interlocal agreement negotiation process can proceed.
4. *The interlocal agreement process may not proceed if any negative responses are received within the 45-day period.*

C. Interlocal Agreement

The agreement must:

1. 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. (Note that an ordinance is not required for proposing an annexation under any other method or for setting the date for a public hearing on an annexation proposal by another method or in other contexts for setting a public hearing date. However, since the legislature, for whatever reason, chose to use the term "ordinance," an ordinance should be used here.)
2. Include the following:
 - a. A statement of the goals of the agreement. Those goals must include, but are not limited to:
 - i. The transfer of revenues and assets between the fire district(s) and the city;
 - ii. A consideration and discussion of the impact to the level of service of annexation on the unincorporated area, and an agreement that the impact on the ability of fire protection and emergency medical services within the incorporated area must not be negatively impacted at least through the budget cycle in which the annexation occurs;
 - iii. A discussion with the fire district(s) regarding the division of assets and its impact to citizens inside and outside the newly-annexed area;
 - iv. Community involvement, including an agreed upon schedule of public meetings in the area proposed for annexation;
 - v. Revenue sharing, if any;

- vi. Debt distribution;
 - vii. Capital facilities obligations of the parties;
 - viii. An overall schedule or plan on the timing of any annexations covered under the agreement; and
 - ix. A description of which of the city’s development regulations will apply in the area.
- b. The subject areas and policies and procedures the parties agree to undertake in annexations. These may include, but are not limited to:
- i. Roads and traffic impact mitigation;
 - ii. Surface and storm water management;
 - iii. Coordination and timing of comprehensive plan and development regulation updates;
 - iv. Outstanding bonds and special or improvement district assessments;
 - v. Distribution of debt and revenue sharing for annexation proposals, code enforcement, and inspection services;
 - vi. Financial and administrative services; and
 - vii. Consultation with other service providers, including water-sewer districts, if applicable.
 - viii. A term of at least five years, which may be extended by agreement of all the parties.

D. Notice to Boundary Review Board

If the boundaries of the territory proposed for annexation are agreed to by all parties, a notice of intention must be filed with the boundary review board, if one exists in the county. If the fire district, county, and city reach agreement on the enumerated goals, the jurisdiction of the board may not be invoked. If the city and county, but not the fire district, reach agreement on the goals, the annexation can proceed as discussed below, but the jurisdiction of the boundary review board review can now be invoked.

E. Ordinance/Referendum

If the fire protection district, city, and county reach agreement on the enumerated goals, or if only the city and the county reach such agreement, the annexation can proceed. The city council approves the annexation by ordinance, but the ordinance is subject to referendum for 45 days after its passage, as follows:

1. The petition must be signed by qualified electors representing not less than 10 percent of the number of votes cast in the last general state election in the area to be annexed. (An “elector” is not the same as a registered voter, but rather is a person who is qualified to be a voter - 18 years of age or older, a U.S. citizen, and a resident of the jurisdiction for at least 30 days.)
2. If a timely and sufficient petition is filed, the question of annexation must be submitted to the voters of the area in a general election if one is to be held within 90 days or at a special elec-

tion under RCW [29A.04.330](#).

3. Notice of the election must be given as provided in RCW [35.13.080](#).
4. The annexation is approved unless a majority of those voting on the proposition are in opposition to annexation.
5. If no referendum petition is filed with the 45-day period, the area becomes annexed on the effective date stated in the annexation ordinance.

However, if the fire protection district, city, and county all reach agreement on the enumerated goals, and the annexation was initiated by the city sending notice to the fire protection district and county representatives prior to July 28, 2013, the annexation is not subject to referendum.

F. Notice of Annexation

For information on the notice that should be given once an annexation has been approved, see discussion set out in [Section 7.1 M](#).

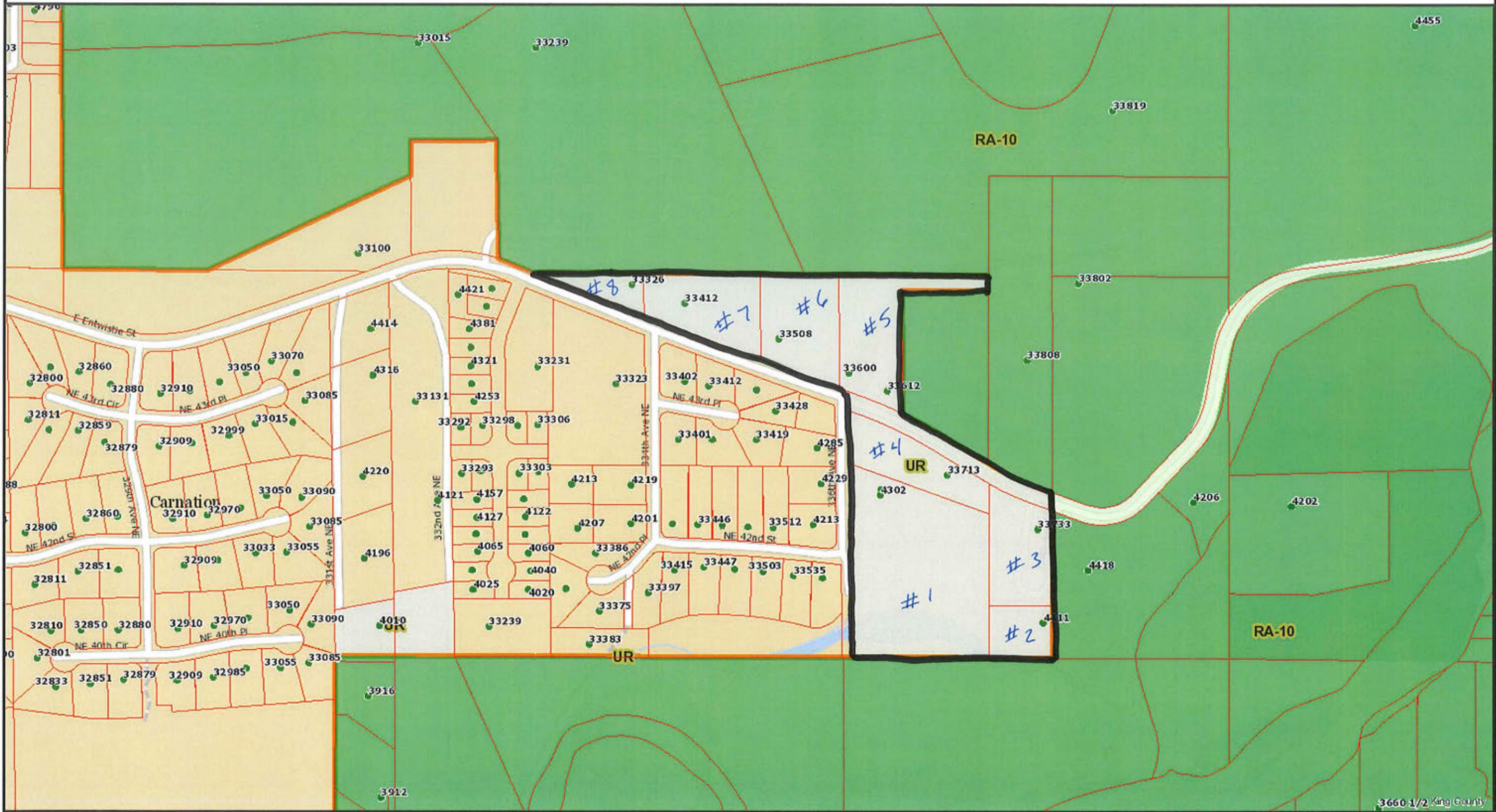
7.10 Boundary Line Adjustments

Code Cities

Legislation adopted in 1989 provides a process whereby a code city's boundaries may be adjusted to include (or exclude) area located within a public street, or where one parcel is located both within and without the city's limits. See RCW [35.13.300](#) - [.340](#). The process for such adjustments applicable to code cities is the same as that applicable to other cities and towns and is discussed in [Section 6.6](#).

For information on the notice that should be given to the county and to the state regarding an annexation/boundary line adjustment, see discussion in [Section 7.1 M](#).

King County iMap



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Date: 9/13/2016

Notes:



	<u>Address</u>	<u>Owner</u>	<u>Parcel #</u>	<u>Property Size</u>		<u>Assessed Value</u>		<u>Committed</u>	
1	4304 336 th Ave NE 98014	Douglas & Kathy Falkenberg	152507-9027	273556	30%	\$	286,000.00	11%	yes
2	4411 338th Ave NE 98014	Frederick & Carole O'Brien	152507-9037	39160	4%	\$	257,000.00	10%	no discussion
3	33733 NE 45th St 98014	Michael & Diane Brittain	152507-9026	80150	9%	\$	326,000.00	13%	no discussion
4	33713 NE 45th St 98014	Tracy & Laura Bailey	152507-9051	84942	9%	\$	392,000.00	16%	no
5	33600 NE 45th St 98014	Michael Frank	152507-9023	251500	27%	\$	259,000.00	10%	maybe
6	33508 NE 45th St 98014	Dennis & Connie Bergquist	152507-9025	91911	10%	\$	400,000.00	16%	maybe
7	33412 NE 45th St 98014	Dennis Berquist	152507-9047	64033	7%	\$	205,000.00	8%	maybe
8	33326 NE 45th St 98014	Dennis & Kristi Bergquist	152507-9029	29582	3%	\$	387,000.00	15%	maybe
				914834		\$	2,512,000.00		

2016 Property Tax Mil Rates

	Outside city limits	Inside city limits
Fire	\$ 1.06828	\$ 1.06828
Hospital	\$ 0.46257	\$ 0.46257
Library	\$ 0.47714	\$ 0.47714
EMA	\$ 0.28235	\$ 0.28235
Flood	\$ 0.12980	\$ 0.12980
State School Fund	\$ 2.16898	\$ 2.16898
County	\$ 1.48027	\$ 1.48027
School (RSD)	\$ 4.33489	\$ 4.33489
Road	\$ 2.25000	\$ -
City	\$ -	\$ 1.29961
Port	\$ 0.16954	\$ 0.16954
2016 Mil Rate	\$ 12.82382	\$ 11.87343

Example 2016 Tax Bill on \$400K Home:

\$ 5,129.53 \$ 4,749.37

Other annexation considerations for discussion:

1.) **Water service.** Of the eight parcels in the UGA on East Entwistle, only one is currently connected to the water system. Section 13.05.010(F) CMC states:

"All properties within the city limits, including properties served by septic systems, shall be connected to the city water system and sewer system. Provided, that residential customers using Group B wells within the city limits as of the effective date of the ordinance codified in this title shall not be required to connect to the water system. ..."

\$ 3,300 2016 Water GFC
 \$ 1,000 2016 Water Meter & Connection Fee

2.) **Sewer service** is required in city limits, both by Section 13.05.010(F) (stated above) and by Chapter 13.45 CMC. Subsections 13.45.020(C) & (C)(1) further state:

"Failure to connect to the sewer system as required by this section shall, without prejudice to any other remedy or penalty, subject the property owner to monthly charges as follows:

- 1. The property owner shall pay the monthly sewer rate applicable to the property, including the portion payable to the city and by the city to King County.*
- 2. Failure to timely remit payment of the monthly sewer rate as required in this subsection shall subject the property owner to the penalties set forth in Chapter 13.96 CMC. "*

2016 King Co.

Capacity Charge \$ 10,566 \$ 6,431 2016 Sewer GFC

(can be paid at \$58.70/mo for 15 years)



Carnation City Council

Upcoming Agenda Items

This list is intended to be used for planning purposes only. Agenda items and dates may change.

MEETING DATE: 10/4/2016 Firm Date?**AGENDA BILLS**

- ORDINANCE Adoption of amendments to Title 6 CMC "Animals". *City Manager*
- RESOLUTION Approving a revised Interlocal Agreement with the Association of Washington Cities (AWC) Risk Management Service Agency (RMSA) and its Members. *City Manager*

OTHER BUSINESS

- DISCUSSION Continued discussion about potential annexation. *City Manager*

PUBLIC FORUM

- DISCUSSION Community Forum: 2017 Budget Priorities, review of Proposed Preliminary Line Item Budget. *City Manager*

MEETING DATE: 10/18/2016 Firm Date?**OTHER BUSINESS**

- DISCUSSION Continued review of 2017 Proposed Preliminary Line Item Budget. *City Manager*

PRESENTATION

- DISCUSSION Water/Sewer Utility Rate Study Preliminary Report. *City Manager*

MEETING DATE: 11/1/2016 Firm Date?**AGENDA BILLS**

- MOTION Accepting the Q3-2016 Financial Report. *Finance & Operations*
- RESOLUTION Adopting the 2015 Comprehensive Water System Plan for Agency Review. *City Manager*

PUBLIC HEARING

- DISCUSSION 2017 Preliminary Budget and Revenue Sources. (send notice to paper 10/13) *City Manager*

MEETING DATE: 11/15/2016 Firm Date?**AGENDA BILLS**

- ORDINANCE Adoption of 2017 Property Tax Levy. *City Manager*

PUBLIC HEARING

- DISCUSSION Final Hearing on 2017 Budget. (send notice to paper by 10/27) *City Manager*

MEETING DATE: 12/6/2016 Firm Date?**AGENDA BILLS**

- ORDINANCE Adoption of 2017 Budget. *City Manager*

MEETING DATE: 12/20/2016 Firm Date?

Meeting cancelled. (tentative, unless there is urgent business)
