HOUSE BILL 1873

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State of Washington   **55th Legislature**   **1997 Regular Session**

By Representatives Boldt, Dunn and Mulliken

Read first time 02/12/97.   Referred to Committee on Government Administration.

1   AN ACT Relating to city and town annexations under the direct
2 property owner petition method of annexation; amending RCW 35.13.125,
3 35.13.130, 35.13.140, 35.13.150, 35.13.160, 35A.14.120, 35A.14.130,
4 35A.14.140, and 35A.14.150; and repealing RCW 28A.335.110.

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

6   **Sec. 1.** RCW 35.13.125 and 1990 c 33 s 565 are each amended to read
7 as follows:
8   Proceedings for ((the annexation of)) a city or town to annex
9 unincorporated territory ((pursuant to)) contiguous to the city or
10 town, using the procedure specified under RCW 35.13.130((, 35.13.140,
11 35.13.150, 35.13.160 and)) through 35.13.170 ((shall be commenced)),
12 may commence as provided in this section.
13   Prior to ((the circulation of a)) circulating an annexation
14 petition ((for annexation)), the initiating party or parties ((who,
15 except as provided in RCW 28A.335.110,)) shall file a written notice
16 with the legislative body of the city or town indicating their interest
17 in annexing property to the city or town and indicating whether any
18 registered voter lives within the area proposed to be annexed. The
19 written notice must be ((either not less than ten percent of the

residents of the area to be annexed or)) signed by the owners of real
property in the area proposed to be annexed comprising not less than
ten percent ((in value, according to)) of the total assessed valuation
((for general taxation of the property for which annexation is
petitioned, shall notify the legislative body of the city or town in
writing of their intention to commence annexation proceedings)) of all
real property in the area proposed to be annexed. If the area proposed
to be annexed only includes tax exempt property, including property
owned by a school district, the owners of the tax exempt property may
sign and file the written notice with the legislative body.

The legislative body of the city or town shall set a date, not
later than sixty days after the filing of the ((request)) notice, for
a meeting with the initiating parties to determine: (1) Whether the
city or town will accept, reject, or geographically modify the proposed
annexation((,)); (2) whether it shall require the simultaneous adoption
of the comprehensive plan, if such a comprehensive plan for the area
proposed to be annexed has been prepared and filed ((for the area to be
annexed as provided for in)) under RCW 35.13.177 and 35.13.178((,));
and (3) whether it shall require the ((assumption of)) area to assume
all or ((of)) any portion of existing city or town indebtedness ((by
the area to be annexed. If the legislative body requires the
assumption of all or of any portion of indebtedness and/or the adoption
of a comprehensive plan, it shall record this action in its minutes and
the petition for annexation shall be so drawn as to clearly indicate
this fact)).

Approval by the legislative body shall be a condition precedent to
circulation of the annexation petition. There shall be no appeal from
the decision of the legislative body.

Sec. 2. RCW 35.13.130 and 1990 c 33 s 566 are each amended to read
as follows:

A written petition ((for annexation of an)) to annex an
unincorporated area contiguous to a city or town that was approved for
annexation under RCW 35.13.125, may be ((made in writing addressed to
and)) filed with the legislative body of the ((municipality to which
annexation is desired. Except where all the property sought to be
annexed is property of a school district, and the school directors
thereof file the petition for annexation as in RCW 28A.335.110
authorized,)) city or town to which annexation is desired. The

1 petition must be signed by the <u>owner or</u> owners of <u>real property located</u>
2 <u>within the area proposed to be annexed comprising</u> not less than
3 seventy-five percent ((<s>in value according to</s>)) <u>of</u> the <u>total</u> assessed
4 valuation ((<s>for general taxation of the property for which annexation</s>
5 <s>is petitioned: PROVIDED, That in cities and towns with populations</s>
6 <s>greater than one hundred sixty thousand located east of the Cascade</s>
7 <s>mountains,</s>)) <u>of all real property in the area proposed to be annexed.</u>
8 <u>If the area proposed to be annexed only includes tax exempt property,</u>
9 <u>including property owned by a school district,</u> the owner <u>or owners</u> of
10 <u>the</u> tax exempt property may sign ((<s>an</s>)) <u>the</u> annexation petition ((<s>and</s>
11 <s>have the tax exempt property annexed into the city or town, but the</s>
12 <s>value of the tax exempt property shall not be used in calculating the</s>
13 <s>sufficiency of the required property owner signatures unless only tax</s>
14 <s>exempt property is proposed to be annexed into the city or town</s>)).
15 The <u>annexation</u> petition shall ((<s>set forth a description of</s>))
16 <u>describe</u> the property ((<s>according to</s>)) <u>proposed to be annexed using</u>
17 government legal subdivisions or legal plats ((<s>which is in compliance</s>
18 <s>with RCW 35.02.170,</s>)) and shall be accompanied by a ((<s>plat which</s>
19 <s>outlines</s>)) <u>map outlining</u> the boundaries of the property sought to be
20 annexed. If the legislative body has required ((<s>the assumption of</s>))
21 all or ((<s>of</s>)) any portion of city or town indebtedness <u>to be assumed</u> by
22 the area <u>proposed to be</u> annexed, ((<s>and/or</s>)) <u>or</u> the adoption of a
23 comprehensive plan for the area to be annexed, these facts((<s>, together</s>
24 <s>with a quotation of the minute entry of such requirement or</s>
25 <s>requirements</s>)) shall be set forth in the <u>annexation</u> petition.

26   **Sec. 3.** RCW 35.13.140 and 1965 c 7 s 35.13.140 are each amended to
27 read as follows:
28   Whenever <u>such</u> a petition for annexation is filed with <u>the</u>
29 <u>legislative body of</u> the city or town ((<s>council, or commission in those</s>
30 <s>cities having a commission form of government, which</s>)) <u>that</u> meets the
31 requirements ((<s>herein</s>)) specified((<s>, of which fact satisfactory proof</s>
32 <s>may be required by the council or commission</s>)) <u>under RCW 35.13.125 and</u>
33 <u>35.13.130, and is sufficient according to the rules set forth in RCW</u>
34 <u>35.21.005,</u> the ((<s>council or commission</s>)) <u>legislative body</u> may
35 ((<s>entertain the same, fix a date for</s>)) <u>consider the proposed annexation</u>
36 <u>by holding</u> a public hearing ((<s>thereon and cause</s>)) <u>on the proposal.</u>
37 Notice of the <u>public</u> hearing ((<s>to</s>)) <u>shall</u> be published in one <u>or more</u>
38 issue<u>s</u> of a newspaper of general circulation in the city or town((<s>.</s>

1 ~~The notice~~)) and shall also be posted in three public places within the
2 ((~~territory proposed for annexation, and~~)) area proposed to be annexed.
3 Notices shall specify the date, time, and place of the public hearing
4 and invite interested persons to appear and voice approval or
5 disapproval of the annexation. The expense of publication and posting
6 of the notice shall be borne by the signers of the petition.

7   **Sec. 4.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each
8 amended to read as follows:
9   Following the public hearing, the ((~~council or commission shall~~
10 ~~determine by~~)) legislative body may adopt an ordinance ((~~whether~~
11 ~~annexation shall~~)) providing for the annexation if it determines the
12 annexation should be made. Subject to boundary restrictions provided
13 under RCW 35.02.170, ((~~they~~)) the ordinance may annex all or any
14 portion of the proposed area but may not include ((~~in the annexation~~))
15 any property not described in the petition. ((~~Upon passage of the~~)) If
16 the legislative body adopts an ordinance to annex all or a portion of
17 the area, it shall file a certified copy ((~~shall be filed~~)) of the
18 ordinance with the ((~~board of county commissioners~~)) county legislative
19 authority of the county in which the annexed property is located. If
20 a boundary review board exists in the county in which the area proposed
21 to be annexed is located, the legislative body shall also file a notice
22 of the proposed annexation with that boundary review board as provided
23 under RCW 36.93.090.

24   **Sec. 5.** RCW 35.13.160 and 1973 1st ex.s. c 164 s 13 are each
25 amended to read as follows:
26   (1) Unless the jurisdiction of the boundary review board has been
27 invoked, the area described in the ordinance shall become part of the
28 city or town effective upon the date fixed for the annexation in the
29 annexation ordinance ((~~of annexation the area annexed shall become part~~
30 ~~of the city or town~~)) if no registered voter resides in the area, but
31 in all other instances the city or town legislative body shall call a
32 special election and submit a ballot proposition authorizing the
33 annexation to voters residing in the area. If the ballot proposition
34 is approved by a simple majority vote of voters voting on the
35 proposition, the area shall become part of the city or town at a date
36 specified by the city or town legislative body.

1   (2) If the boundary review board approves the annexation as
2 submitted, the area described in the ordinance shall become part of the
3 city or town effective upon the date fixed for the annexation in an
4 ordinance adopted by the legislative body if no registered voter
5 resides in the area, but in all other instances the city or town
6 legislative body shall call a special election and submit a ballot
7 proposition authorizing the annexation to the voters residing in the
8 area. If the ballot proposition is approved by a simple majority vote
9 of voters voting on the proposition, the area shall become part of the
10 city or town at the date specified by the city or town legislative
11 body.
12   If the boundary review board modifies and approves the annexation,
13 the area so altered shall become part of the city or town, upon the
14 date fixed for the modified annexation in a subsequent ordinance
15 adopted by the legislative body approving the modified annexation if no
16 registered voter resides in the area. However in all other instances
17 the annexation shall not occur unless voters residing in the area
18 approve a ballot proposition authorizing the annexation that has been
19 submitted at a special election called by the legislative body. If
20 voters approve the ballot proposition, the area shall become part of
21 the city or town at the date specified by the city or town legislative
22 body.
23   (3) If the annexation petition so provided, all property within the
24 ((territory hereafter)) area that is annexed shall((, if the annexation
25 petition so provided,)) be assessed and taxed at the same rate and on
26 the same basis as the property of such annexing city or town is
27 assessed and taxed to pay for all or of any portion of the then-
28 outstanding indebtedness of the city or town to which ((said)) the area
29 is annexed, which indebtedness was approved by ((the)) city or town
30 voters, contracted, or incurred prior to, or existing at, the date of
31 annexation. If the annexation petition so provided, all property in
32 the annexed area shall be subject to and a part of the comprehensive
33 plan as prepared and filed as provided for in RCW 35.13.177 and
34 35.13.178.

35   **Sec. 6.** RCW 35A.14.120 and 1989 c 351 s 6 are each amended to read
36 as follows:
37   (1) Proceedings for ((initiating annexation of)) a code city to
38 annex unincorporated territory contiguous to ((a charter code city or

1 noncharter)) the code city may be commenced by the filing of a petition
2 ((of)) with the legislative body of the code city that is signed by
3 property owners ((of the territory proposed to be annexed, in the
4 following manner)) as provided in this section. This method of
5 annexation shall be alternative to other methods provided in this
6 chapter.

7   (2) Prior to ((the circulation of a)) circulating an annexation
8 petition ((for annexation)), the initiating party or parties((, who
9 shall be)) shall file a written notice with the legislative body of the
10 code city indicating their interest in annexing property to the city
11 and indicating whether any registered voter resides in the area. The
12 written notice must be signed by the owners of real property in the
13 area proposed to be annexed comprising not less than ten percent ((in
14 value, according to)) of the total assessed valuation ((for general
15 taxation of the property for which annexation is sought, shall notify
16 the legislative body of the code city in writing of their intention to
17 commence annexation proceedings)) of all real property in the area
18 proposed to be annexed. If the area proposed to be annexed only
19 includes tax exempt property, including property owned by a school
20 district, the owners of the tax exempt property may file the written
21 notice with the legislative body.

22   The legislative body of the code city shall set a date, not later
23 than sixty days after the filing of the ((request)) notice, for a
24 meeting with the initiating parties to determine: (a) Whether the code
25 city will accept, reject, or geographically modify the proposed
26 annexation((,)); (b) whether it shall require the simultaneous adoption
27 of a proposed zoning regulation, if such a proposal has been prepared
28 and filed for the area proposed to be annexed as provided for in RCW
29 35A.14.330 and 35A.14.340((,)); and (c) whether it shall require the
30 ((assumption of)) area to assume all or ((of)) any portion of existing
31 city indebtedness ((by the area to be annexed. If the legislative body
32 requires the assumption of all or of any portion of indebtedness and/or
33 the adoption of a proposed zoning regulation, it shall record this
34 action in its minutes and the petition for annexation shall be so drawn
35 as to clearly indicate these facts)).

36   Approval by the legislative body shall be a condition precedent to
37 circulation of the annexation petition. There shall be no appeal from
38 the decision of the legislative body.

1   (3) A written petition ((for annexation of)) to annex an
2 unincorporated area contiguous to a code city, that was approved for
3 annexation under subsection (2) of this section, may be filed with the
4 legislative body of the ((municipality)) code city to which annexation
5 is desired. ((It)) The petition must be signed by the owner or owners,
6 as defined by RCW 35A.01.040(9) (a) through (d), of real property
7 located within the area proposed to be annexed comprising not less than
8 sixty percent ((in value, according to)) of the total assessed
9 valuation ((for general taxation of the property for which annexation
10 is petitioned: PROVIDED, That)) of all real property in the area
11 proposed to be annexed. If the area proposed to be annexed only
12 includes tax exempt property, including property owned by a school
13 district, the owner or owners of the tax exempt property may sign the
14 annexation petition.
15   However, a petition ((for annexation of)) to annex an area
16 ((having)), with boundaries that are at least eighty percent ((of the
17 boundaries of such area)) contiguous with a portion of the boundaries
18 of the code city((, not including that portion of the boundary of the
19 area proposed to be annexed that is coterminous with a portion of the
20 boundary between two counties in this state,)) need only be signed by
21 ((only)) the owner or owners of real property located within the area
22 proposed to be annexed comprising not less than fifty percent ((in
23 value according to the assessed valuation for general taxation)) of all
24 the real property ((for which the annexation is petitioned)) in that
25 area. Any portion of the boundary of such an area that is coterminous
26 with the boundaries of two counties in this state shall not be included
27 in determining whether at least eighty percent of the boundaries of the
28 area proposed to be annexed are contiguous with a portion of the code
29 city's boundaries.
30   ((Such)) The annexation petition shall ((set forth a description of
31 the property according to)) describe the property proposed to be
32 annexed using government legal subdivisions or legal plats and shall be
33 accompanied by a map ((which outlines)) outlining the boundaries of the
34 property ((sought)) proposed to be annexed. If the legislative body
35 has required ((the assumption of)) all or any portion of city
36 indebtedness to be assumed by the area proposed to be annexed or the
37 adoption of a proposed zoning regulation for the area to be annexed,
38 these facts((, together with a quotation of the minute entry of such

1 requirement, or requirements,)) shall also be set forth in the
2 annexation petition.

3   **Sec. 7.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are each
4 amended to read as follows:
5   Whenever such a petition for annexation is filed with the
6 legislative body of a code city((, which petition)) that meets the
7 requirements ((herein)) specified under RCW 35A.14.120, and is
8 sufficient according to the rules set forth in RCW 35A.01.040, the
9 legislative body may ((entertain the same, fix a date for)) consider
10 the proposed annexation by holding a public hearing ((thereon and
11 cause)) on the proposal. Notice of the public hearing ((to)) shall be
12 published in one or more issues of a newspaper of general circulation
13 in the code city((. The notice)) and shall also be posted in three
14 public places within the ((territory proposed for annexation, and))
15 area proposed to be annexed. Notices shall specify the date, time, and
16 place of the public hearing and invite interested persons to appear and
17 voice approval or disapproval of the annexation. The expense of
18 publication and posting shall be borne by the signers of the petition.

19   **Sec. 8.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to
20 read as follows:
21   Following the public hearing, ((if)) the legislative body may adopt
22 an ordinance providing for the annexation if it determines ((to
23 effect)) the annexation((, they shall do so by ordinance)) should be
24 made. Subject to boundary restrictions provided under RCW 35.02.170,
25 the ordinance may annex all or any portion of the proposed area, but
26 may not include ((in the annexation)) any property not described in the
27 petition. ((Upon passage of the annexation)) If the legislative body
28 adopts an ordinance to annex all or a portion of the area, it shall
29 file a certified copy ((shall be filed)) of the ordinance with the
30 ((board of county commissioners)) county legislative authority of the
31 county in which the annexed property is located. If a boundary review
32 board exists in the county in which the area proposed to be annexed is
33 located, the legislative body shall also file a notice of the proposed
34 annexation with that boundary review board as provided under RCW
35 36.93.090.

1   **Sec. 9.** RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended
2   to read as follows:
3   (1) Unless the jurisdiction of the boundary review board has been
4   invoked, the area described in the ordinance shall become part of the
5   code city effective upon the date fixed for the annexation in the
6   annexation ordinance ((of annexation the area annexed shall become part
7   of the city)) if no registered voter resides in the area, but in all
8   other instances the code city legislative body shall call a special
9   election and submit a ballot proposition authorizing the annexation to
10   the voters residing in the area. If the ballot proposition is approved
11   by a simple majority vote of voters voting on the proposition, the area
12   shall become part of the code city at the date specified by the code
13   city legislative body.
14   (2) If the boundary review board approves the annexation as
15   submitted, the area described in the ordinance shall become part of the
16   code city effective upon the date fixed for the annexation in an
17   ordinance adopted by the legislative body if no registered voter
18   resides in the area, but in all other instances the code city
19   legislative body shall call a special election and submit a ballot
20   proposition authorizing the annexation to voters residing in the area.
21   If the ballot proposition is approved by a simple majority vote of
22   voters voting on the proposition, the area shall become part of the
23   code city at a date specified by the code city legislative body.
24   If the boundary review board modifies and approves the annexation,
25   the area so altered shall become part of the code city upon the date
26   fixed for the modified annexation in a subsequent ordinance adopted by
27   the legislative body approving the modified annexation if no registered
28   voter resides in the area. However in all other instances the
29   annexation shall not occur unless voters residing in the area approve
30   a ballot proposition authorizing the annexation that has been submitted
31   at a special election called by the code city legislative body. If
32   voters approve the ballot proposition, the area shall become part of
33   the code city at the date specified by the code city legislative body.
34   (3) If the annexation petition so provided, all property within the
35   ((territory hereafter)) area that is annexed shall((, if the annexation
36   petition so provided,)) be assessed and taxed at the same rate and on
37   the same basis as the property of such annexing code city is assessed
38   and taxed to pay for the portion of any then-outstanding indebtedness
39   of the code city to which ((said)) the area is annexed, which

1 indebtedness ((has been)) was approved by ((the)) code city voters,
2 contracted for, or incurred prior to, or existing at, the date of
3 annexation ((and that the city has required to be assumed)). If the
4 annexation petition so provided, all property in the annexed area shall
5 be subject to and a part of the proposed zoning regulation as prepared
6 and filed as provided for in RCW 35A.14.330 and 35A.14.340.

7   NEW SECTION. **Sec. 10.** RCW 28A.335.110 and 1971 c 69 s 3 are each
8 repealed.

--- **END** ---