
HOUSE BILL 2605

State of Washington 59th Legislature 2006 Regular Session

By Representative Curtis

Read first time 01/11/2006. Referred to Committee on Local Government.

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; adding a new section to chapter 35.13 RCW;
5 and repealing RCW 28A.335.110.

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

7 **Sec. 1.** RCW 35.13.125 and 1990 c 33 s 565 are each amended to read
8 as follows:

9 Proceedings for ~~((the annexation of))~~ a city or town to annex
10 unincorporated territory ~~((pursuant to))~~ contiguous to the city or
11 town, using the procedure specified under RCW 35.13.130 ~~((, 35.13.140,~~
12 ~~35.13.150, 35.13.160 and))~~ through 35.13.170 ~~((shall be commenced))~~,
13 may commence as provided in this section.

14 Prior to ~~((the circulation of a))~~ circulating an annexation
15 petition ~~((for annexation)),~~ the initiating party or parties ~~((who,~~
16 ~~except as provided in RCW 28A.335.110,))~~ shall file a written notice
17 with the legislative body of the city or town indicating their interest
18 in annexing property to the city or town and indicating whether any
19 registered voter lives within the area proposed to be annexed. The

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

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

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

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

32 A written petition (~~for annexation of an~~) to annex an
33 unincorporated area contiguous to a city or town that was approved for
34 annexation under RCW 35.13.125 may be (~~made in writing addressed to~~
35 ~~and~~) filed with the legislative body of the (~~municipality to which~~
36 ~~annexation is desired. Except where all the property sought to be~~
37 ~~annexed is property of a school district, and the school directors~~

1 ~~thereof file the petition for annexation as in RCW 28A.335.110~~
2 ~~authorized,~~) city or town to which annexation is desired. The
3 petition must be signed by the owner or owners of ~~((not less than))~~
4 real property located within the area proposed to be annexed comprising
5 at least seventy-five percent ~~((in value according to))~~ of the total
6 assessed valuation ~~((for general taxation of the property for which~~
7 ~~annexation is petitioned: PROVIDED, That in cities and towns with~~
8 ~~populations greater than one hundred sixty thousand located east of the~~
9 ~~Cascade mountains,~~) of all real property in the area proposed to be
10 annexed. If the area proposed to be annexed only includes tax exempt
11 property, including property owned by a school district, the owner or
12 owners of the tax exempt property may sign ~~((an))~~ the annexation
13 petition ~~((and have the tax exempt property annexed into the city or~~
14 ~~town, but the value of the tax exempt property shall not be used in~~
15 ~~calculating the sufficiency of the required property owner signatures~~
16 ~~unless only tax exempt property is proposed to be annexed into the city~~
17 ~~or town)).~~

18 The annexation petition shall ~~((set forth a description of))~~
19 describe the property ~~((according to))~~ proposed to be annexed using
20 government legal subdivisions or legal plats ~~((which is in compliance~~
21 ~~with RCW 35.02.170,~~) and shall be accompanied by a ~~((plat which~~
22 ~~outlines))~~ map outlining the boundaries of the property sought to be
23 annexed. If the legislative body has required ~~((the assumption of))~~
24 all or ~~((of))~~ any portion of city or town indebtedness to be assumed by
25 the area proposed to be annexed, ~~((and/or))~~ or the adoption of a
26 comprehensive plan for the area to be annexed, these facts~~((, together~~
27 ~~with a quotation of the minute entry of such requirement or~~
28 ~~requirements))~~ shall be set forth in the annexation petition.

29 **Sec. 3.** RCW 35.13.140 and 1965 c 7 s 35.13.140 are each amended to
30 read as follows:

31 Whenever such a petition for annexation is filed with the
32 legislative body of the city or town ~~((council, or commission in those~~
33 ~~cities having a commission form of government, which))~~ that meets the
34 requirements ~~((herein))~~ specified~~((, of which fact satisfactory proof~~
35 ~~may be required by the council or commission))~~ under RCW 35.13.125 and
36 35.13.130, and is sufficient according to the rules set forth in RCW
37 35.21.005, the ~~((council or commission))~~ legislative body may

1 (~~entertain the same, fix a date for~~) consider the proposed annexation
2 by holding a public hearing (~~thereon and cause~~) on the proposal.
3 Notice of the public hearing (~~to~~) shall be published in one or more
4 issues of a newspaper of general circulation in the city or town (~~-~~
5 ~~The notice shall also~~) and be posted in three public places within the
6 (~~territory proposed for annexation, and~~) area proposed to be annexed.
7 Notices shall specify the date, time, and place of the public hearing
8 and invite interested persons to appear and voice approval or
9 disapproval of the annexation. The expense of publication and posting
10 of the notice shall be borne by the signers of the petition.

11 **Sec. 4.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each
12 amended to read as follows:

13 Following the public hearing, the (~~council or commission shall~~
14 ~~determine by~~) legislative body may adopt an ordinance (~~whether~~
15 ~~annexation shall~~) providing for the annexation if it determines the
16 annexation should be made. Subject to boundary restrictions provided
17 under RCW 35.02.170, (they) the ordinance may annex all or any
18 portion of the proposed area but may not include (in the annexation)
19 any property not described in the petition. (Upon passage of the) If
20 the legislative body adopts an ordinance to annex all or a portion of
21 the area, it shall file a certified copy (shall be filed) of the
22 ordinance with the (board of county commissioners) legislative
23 authority of the county in which the annexed property is located. If
24 a boundary review board exists in the county in which the area proposed
25 to be annexed is located, the legislative body shall file a notice of
26 the proposed annexation with that boundary review board as provided
27 under RCW 36.93.090.

28 **Sec. 5.** RCW 35.13.160 and 1973 1st ex.s. c 164 s 13 are each
29 amended to read as follows:

30 (1) Unless the jurisdiction of the boundary review board has been
31 invoked, the area described in the ordinance shall become part of the
32 city or town effective upon the date fixed for the annexation in the
33 annexation ordinance (of annexation the area annexed shall become part
34 of the city or town)). However, if the area proposed to be annexed has
35 a population of at least two percent of the city's or town's population
36 prior to the annexation or fifty persons, whichever is greater, the

1 city or town shall publish a notice of the proposed annexation and the
2 proposed annexation is subject to potential voter approval under
3 section 6 of this act.

4 (2) If the boundary review board approves the annexation as
5 submitted, the area described in the ordinance shall become part of the
6 city or town effective upon the date fixed for the annexation in an
7 ordinance adopted by the legislative body. However, if the area
8 proposed to be annexed has a population of at least two percent of the
9 city's or town's population prior to the annexation or fifty persons,
10 whichever is greater, the city or town shall publish a notice of the
11 proposed annexation and the proposed annexation is subject to potential
12 voter approval under section 6 of this act.

13 If the boundary review board modifies and approves the annexation,
14 the altered area shall become part of the city or town, upon the date
15 fixed for the modified annexation in a subsequent ordinance adopted by
16 the legislative body approving the modified annexation if no registered
17 voter resides in the area. However, if the area proposed to be annexed
18 has a population of at least two percent of the city's or town's
19 population prior to the annexation or fifty persons, whichever is
20 greater, the city or town shall publish a notice of the proposed
21 annexation and the proposed annexation is subject to potential voter
22 approval under section 6 of this act.

23 (3) If the annexation occurs and the annexation petition so
24 provides, all property within the ((territory hereafter)) area that is
25 annexed shall((, if the annexation petition so provided,)) be assessed
26 and taxed at the same rate and on the same basis as the property of
27 such annexing city or town is assessed and taxed to pay for ((all or
28 of)) any portion of the then-outstanding indebtedness of the city or
29 town to which ((said)) the area is annexed, which indebtedness was
30 approved by ((the)) city or town voters, contracted, or incurred prior
31 to, or existing at, the date of annexation. If the annexation petition
32 so provided, all property in the annexed area shall be subject to and
33 a part of the comprehensive plan as prepared and filed as provided for
34 in RCW 35.13.177 and 35.13.178.

35 NEW SECTION. Sec. 6. A new section is added to chapter 35.13 RCW
36 to read as follows:

37 (1) A notice of the proposed annexation shall be published in a

1 newspaper of general circulation in the area proposed to be annexed if
2 the area proposed to be annexed under the direct property owner
3 petition method of annexation has a population of at least two percent
4 of the city's or town's population prior to the annexation or fifty
5 persons, whichever is greater. The notice shall be published after all
6 procedural steps have been taken to annex the property, as described
7 under RCW 35.13.160 or 35A.14.150, and shall describe the area proposed
8 to be annexed and describe the process under this section how voters
9 residing in the area proposed to be annexed may file a petition
10 subjecting the annexation to voter approval.

11 (2) A ballot proposition authorizing an annexation of the area
12 described under subsection (1) of this section shall be submitted to
13 voters residing in the area for their approval or rejection if a
14 petition calling for the submission of such a ballot proposition is
15 filed with the legislative body of the city or town. The petition must
16 be signed by at least ten percent of the registered voters residing in
17 the area to be annexed and must be filed within forty-five days after
18 the publication of the notice under subsection (1) of this section.

19 The legislative body shall immediately transfer the petition to the
20 county auditor of the county in which a majority of the area to be
21 annexed is located. Within ten days of receiving the petition, the
22 county auditor shall review and certify the petition if it contains
23 sufficient valid signatures. If the auditor certifies that the
24 petition contains sufficient valid signatures, a ballot proposition
25 authorizing the annexation shall be submitted to the voters residing in
26 the area proposed for annexation at a special election called for that
27 purpose at the next special election date specified under RCW
28 29A.04.330 occurring at least forty-five days after the petition is
29 certified as having sufficient valid signatures.

30 If the legislative body of the city or town requires that all or a
31 portion of the city or town's indebtedness be assumed by the property
32 proposed to be annexed, the legislative body shall specify whether a
33 single ballot proposition authorizing both the annexation and
34 assumption of indebtedness, or separate ballot propositions authorizing
35 the annexation and assumption of indebtedness, shall be submitted to
36 the voters for their approval or rejection. The annexation is
37 authorized if the ballot proposition that only provides for the
38 annexation of the area is approved by a simple majority vote of voters

1 voting on the proposition. However, the assumption of indebtedness or
2 both the annexation and assumption of indebtedness is authorized if the
3 ballot proposition providing for the assumption of indebtedness, or
4 both the annexation and assumption of indebtedness, is approved by at
5 least sixty percent of the voters voting on the petition and the total
6 number of voters voting on the proposition equals at least forty
7 percent of the number of voters in the area who voted at the last
8 preceding general election.

9 **Sec. 7.** RCW 35A.14.120 and 1989 c 351 s 6 are each amended to read
10 as follows:

11 (1) Proceedings for ~~((initiating annexation of))~~ a code city to
12 annex unincorporated territory contiguous to ~~((a charter code city or~~
13 noncharter)) the code city may be commenced by the filing of a petition
14 ~~((of))~~ with the legislative body of the code city that is signed by
15 property owners ~~((of the territory proposed to be annexed, in the~~
16 following manner)). This method of annexation ~~((shall be))~~ is an
17 alternative to other methods provided in this chapter.

18 (2) Prior to ~~((the circulation of a))~~ circulating an annexation
19 petition ~~((for annexation))~~, the initiating party or parties ~~((, who~~
20 shall be)) shall file a written notice with the legislative body of the
21 code city indicating their interest in annexing property to the city
22 and indicating whether any registered voter resides in the area. The
23 written notice must be signed by the owners of ~~((not less than))~~ real
24 property in the area proposed to be annexed comprising at least ten
25 percent ~~((in value, according to))~~ of the total assessed valuation
26 ~~((for general taxation of the property for which annexation is sought,~~
27 shall notify the legislative body of the code city in writing of their
28 intention to commence annexation proceedings)) of all real property in
29 the area proposed to be annexed. If the area proposed to be annexed
30 only includes tax exempt property, including property owned by a school
31 district, the owners of the tax exempt property may file the written
32 notice with the legislative body.

33 The legislative body of the code city shall set a date, ~~((not later~~
34 than)) at least sixty days after the filing of the ~~((request))~~ notice,
35 for a meeting with the initiating parties to determine whether the code
36 city: (a) Will accept, reject, or geographically modify the proposed
37 annexation ~~((, whether it))~~; (b) shall require the simultaneous adoption

1 of a proposed zoning regulation, if such a proposal has been prepared
2 and filed for the area proposed to be annexed (~~((as provided for in))~~)
3 under RCW 35A.14.330 and 35A.14.340(~~(7)~~); and (~~((whether it))~~) (c) shall
4 require the (~~((assumption of))~~) area to assume all or (~~((of))~~) any portion
5 of existing city indebtedness (~~((by the area to be annexed. If the~~
6 ~~legislative body requires the assumption of all or of any portion of~~
7 ~~indebtedness and/or the adoption of a proposed zoning regulation, it~~
8 ~~shall record this action in its minutes and the petition for annexation~~
9 ~~shall be so drawn as to clearly indicate these facts))~~).

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

13 (3) A written petition (~~((for annexation of))~~) to annex an
14 unincorporated area contiguous to a code city, approved for annexation
15 under subsection (2) of this section, may be filed with the legislative
16 body of the (~~((municipality))~~) code city to which annexation is desired.
17 (~~((It))~~) The petition must be signed by the owner or owners, as defined
18 by RCW 35A.01.040(9) (a) through (d), of (~~((not less than))~~) real
19 property located within the area proposed to be annexed comprising at
20 least sixty percent (~~((in value, according to))~~) of the total assessed
21 valuation (~~((for general taxation of the property for which annexation~~
22 ~~is petitioned: PROVIDED, That))~~) of all real property in the area
23 proposed to be annexed. If the area proposed to be annexed only
24 includes tax exempt property, including property owned by a school
25 district, the owner or owners of the tax exempt property may sign the
26 annexation petition.

27 However, a petition (~~((for annexation of))~~) to annex an area
28 (~~((having))~~) with boundaries that are at least eighty percent (~~((of the~~
29 ~~boundaries of such area))~~) contiguous with a portion of the boundaries
30 of the code city(~~((, not including that portion of the boundary of the~~
31 ~~area proposed to be annexed that is coterminous with a portion of the~~
32 ~~boundary between two counties in this state,))~~) need only be signed by
33 (~~((only))~~) the owner or owners of (~~((not less than))~~) real property located
34 within the area proposed to be annexed comprising at least fifty
35 percent (~~((in value according to the assessed valuation for general~~
36 ~~taxation))~~) of all the real property (~~((for which the annexation is~~
37 ~~petitioned))~~) in that area. Any portion of the boundary of such an area
38 that is coterminous with the boundaries of two counties in this state

1 shall not be included in determining whether at least eighty percent of
2 the boundaries of the area proposed to be annexed are contiguous with
3 a portion of the code city's boundaries.

4 ~~((Such))~~ The annexation petition shall ~~((set forth a description of~~
5 ~~the property according to))~~ describe the property proposed to be
6 annexed using government legal subdivisions or legal plats and
7 ~~((shall))~~ be accompanied by a map ~~((which outlines))~~ outlining the
8 boundaries of the property ~~((sought))~~ proposed to be annexed. If the
9 legislative body has required ~~((the assumption of all or))~~ any portion
10 of city indebtedness to be assumed by the area proposed to be annexed
11 or the adoption of a proposed zoning regulation for the area to be
12 annexed, these facts ~~((, together with a quotation of the minute entry~~
13 ~~of such requirement, or requirements,))~~ shall also be set forth in the
14 annexation petition.

15 **Sec. 8.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are each
16 amended to read as follows:

17 Whenever such a petition for annexation is filed with the
18 legislative body of a code city ~~((, which petition))~~, meets the
19 requirements ~~((herein specified))~~ under RCW 35A.14.120, and is
20 sufficient according to the rules set forth in RCW 35A.01.040, the
21 legislative body may ~~((entertain the same, fix a date for))~~ consider
22 the proposed annexation by holding a public hearing ~~((thereon and~~
23 ~~cause))~~ on the proposal. Notice of the public hearing ~~((to))~~ shall be
24 published in one or more issues of a newspaper of general circulation
25 in the code city ~~((, The notice shall also))~~ and be posted in three
26 public places within the ~~((territory proposed for annexation, and))~~
27 area proposed to be annexed. Notices shall specify the date, time, and
28 place of the public hearing and invite interested persons to appear and
29 voice approval or disapproval of the annexation. The expense of
30 publication and posting shall be borne by the signers of the petition.

31 **Sec. 9.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to
32 read as follows:

33 Following the public hearing, ~~((if))~~ the legislative body may adopt
34 an ordinance providing for the annexation if it determines ~~((to~~
35 ~~effect))~~ the annexation ~~((, they shall do so by ordinance))~~ should be
36 made. Subject to boundary restrictions provided under RCW 35.02.170,

1 the ordinance may annex (~~all or~~) any portion of the proposed area
2 (~~but may not include in the annexation any property not~~) described in
3 the petition. (~~Upon passage of the annexation~~) If the legislative
4 body adopts an ordinance to annex all or a portion of the area, it
5 shall file a certified copy (~~shall be filed~~) of the ordinance with
6 the (~~board of county commissioners~~) county legislative authority of
7 the county in which the annexed property is located. If a boundary
8 review board exists in the county in which the area proposed to be
9 annexed is located, the legislative body shall also file a notice of
10 the proposed annexation with that boundary review board as provided
11 under RCW 36.93.090.

12 **Sec. 10.** RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended
13 to read as follows:

14 (1) Unless the jurisdiction of the boundary review board has been
15 invoked, the area described in the ordinance shall become part of the
16 code city effective upon the date fixed for the annexation in the
17 annexation ordinance (~~of annexation the area annexed shall become part~~
18 of the city)). However, if the area proposed to be annexed has a
19 population of at least two percent of the city's or town's population
20 prior to the annexation or fifty persons, whichever is greater, the
21 city shall publish a notice of the proposed annexation and the proposed
22 annexation is subject to potential voter approval under section 6 of
23 this act.

24 (2) If the boundary review board approves the annexation as
25 submitted, the area described in the ordinance shall become part of the
26 code city effective upon the date fixed for the annexation in an
27 ordinance adopted by the legislative body. However, if the area
28 proposed to be annexed has a population of at least two percent of the
29 city's or town's population prior to the annexation or fifty persons,
30 whichever is greater, the city shall publish a notice of the proposed
31 annexation and the proposed annexation is subject to potential voter
32 approval under section 6 of this act.

33 If the boundary review board modifies and approves the annexation,
34 the altered area shall become part of the code city upon the date fixed
35 for the modified annexation in a subsequent ordinance adopted by the
36 legislative body approving the modified annexation if no registered
37 voter resides in the area. However, if the area proposed to be annexed

1 has a population of at least two percent of the city's or town's
2 population prior to the annexation or fifty persons, whichever is
3 greater, the city shall publish a notice of the proposed annexation and
4 the proposed annexation is subject to potential voter approval under
5 section 6 of this act.

6 (3) If the annexation occurs and the annexation petition so
7 provides, all property within the ((territory hereafter)) area that is
8 annexed shall((, if the annexation petition so provided,)) be assessed
9 and taxed at the same rate and on the same basis as the property of
10 such annexing code city is assessed and taxed to pay for the portion of
11 any then-outstanding indebtedness of the code city to which ((said))
12 the area is annexed, which indebtedness ((has been)) was approved by
13 ((the)) code city voters, contracted for, or incurred prior to, or
14 existing at, the date of annexation ((and that the city has required to
15 be assumed)). If the annexation petition so ((provided)) provides, all
16 property in the annexed area shall be subject to and a part of the
17 proposed zoning regulation as prepared and filed ((as provided for in))
18 under RCW 35A.14.330 and 35A.14.340.

19 NEW SECTION. Sec. 11. RCW 28A.335.110 (Real property--Annexation
20 to city or town) and 1971 c 69 s 3 are each repealed.

--- END ---