
SENATE BILL 6521

State of Washington

59th Legislature

2006 Regular Session

By Senators Benton, Berkey, Mulliken and Stevens

Read first time 01/13/2006. Referred to Committee on Government Operations & Elections.

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

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

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

14 Following the public hearing, the (~~council or commission shall~~
15 ~~determine by~~) legislative body may adopt an ordinance (~~whether~~
16 ~~annexation shall be made~~) providing for the annexation of a proposed
17 area. Subject to boundary restrictions provided under RCW 35.02.170,
18 (~~they~~) the ordinance may annex all or any portion of the proposed
19 area but may not include (~~in the annexation~~) any property not
20 described in the petition. (~~Upon passage of the~~) If the legislative
21 body adopts an ordinance to annex all or a portion of the area, it
22 shall file a certified copy (~~shall be filed~~) with the (~~board of~~
23 ~~county commissioners~~) legislative authority of the county in which the
24 annexed property is located. If a boundary review board exists in the
25 county in which the area proposed to be annexed is located, the
26 legislative body shall file a notice of the proposed annexation with
27 that boundary review board as provided 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 a valid petition for a ballot proposition provided for
31 in section 6 of this act has been submitted or the jurisdiction of the
32 boundary review board has been invoked, the area described in the
33 ordinance shall become part of the city or town effective upon the date
34 fixed for the annexation in the annexation ordinance (~~of annexation~~
35 ~~the area annexed shall become part of the city or town~~)).

1 (2) If the boundary review board approves the annexation as
2 submitted and no valid petition for a ballot proposition, provided for
3 in section 6 of this act, has been submitted, the area described in the
4 ordinance shall become part of the city or town effective upon the date
5 fixed for the annexation in an ordinance adopted by the legislative
6 body.

7 (3) If the boundary review board modifies and approves the
8 annexation, the altered area shall become part of the city or town,
9 upon the date fixed for the modified annexation in a subsequent
10 ordinance adopted by the legislative body approving the modified
11 annexation if no registered voter resides in the area, unless a valid
12 petition for a ballot proposition, provided for in section 6 of this
13 act, has been submitted.

14 (4) If the annexation occurs and the annexation petition provides
15 so, all property within the ((territory hereafter)) area that is
16 annexed shall((, if the annexation petition so provided,)) be assessed
17 and taxed at the same rate and on the same basis as the property of
18 such annexing city or town is assessed and taxed to pay for ((all or
19 of)) any portion of the then-outstanding indebtedness of the city or
20 town to which ((said)) the area is annexed, which indebtedness was
21 approved by ((the)) city or town voters, contracted, or incurred prior
22 to, or existing at, the date of annexation. If the annexation petition
23 so provided, all property in the annexed area shall be subject to and
24 a part of the comprehensive plan as prepared and filed as provided for
25 in RCW 35.13.177 and 35.13.178.

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

28 (1) A notice of the proposed annexation shall be published in a
29 newspaper of general circulation in the area proposed to be annexed.
30 The notice shall be published after all procedural steps have been
31 taken to annex the property, as described under RCW 35.13.150 and
32 35.13.160 or 35A.14.140 and 35A.14.150, and shall describe the area
33 proposed to be annexed and the process under this section how voters
34 residing in the area proposed to be annexed may file a petition
35 subjecting the annexation to voter approval.

36 (2) A ballot proposition authorizing an annexation of the area
37 under subsection (1) of this section shall be submitted to voters

1 residing in the area for their approval or rejection if a petition
2 calling for the submission of such a ballot proposition is filed with
3 the legislative body of the city or town. The petition must be signed
4 by at least ten percent of the registered voters residing in the area
5 to be annexed and must be filed within forty-five days after the
6 publication of the notice under subsection (1) of this section.

7 The legislative body shall immediately transfer the petition to the
8 county auditor of the county in which a majority of the area to be
9 annexed is located. Within ten days of receiving the petition, the
10 county auditor shall certify the petition if it contains sufficient
11 valid signatures. If the auditor certifies that the petition contains
12 sufficient valid signatures, a ballot proposition authorizing the
13 annexation shall be submitted to the voters residing in the area
14 proposed for annexation at a special election called for that purpose
15 at the next special election date specified under RCW 29A.04.330,
16 occurring at least forty-five days after the petition is certified as
17 containing sufficient valid signatures.

18 If the legislative body of the city or town requires that any
19 portion of the city or town's indebtedness be assumed by the property
20 proposed to be annexed, the legislative body shall specify whether a
21 single ballot proposition authorizing both the annexation and
22 assumption of indebtedness, or separate ballot propositions authorizing
23 the annexation and assumption of indebtedness, shall be submitted to
24 the voters for their approval or rejection. The annexation is
25 authorized if the ballot proposition that only provides for the
26 annexation of the area is approved by a simple majority vote. However,
27 the assumption of indebtedness or both the annexation and assumption of
28 indebtedness is authorized if the ballot proposition providing for the
29 assumption of indebtedness, or both the annexation and assumption of
30 indebtedness, is approved by at least sixty percent of the voters
31 voting on the petition and the total number of voters voting on the
32 proposition equals at least forty percent of the number of voters in
33 the area who voted at the last preceding general election.

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

36 (1) Proceedings for ((initiating annexation of)) a code city to
37 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))~~. This method of annexation ~~((shall be))~~ is an
5 alternative to other methods provided in this chapter.

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

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

35 Approval by the legislative body shall be a condition precedent to
36 circulation of the annexation petition. There shall be no appeal from
37 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, approved for annexation
3 under subsection (2) of this section, may be filed with the legislative
4 body of the ~~((municipality))~~ code city to which annexation is desired.
5 ~~((It))~~ The petition must be signed by the owner or owners, as defined
6 by RCW 35A.01.040(9) (a) through (d), of ~~((not less than))~~ real
7 property located within the area proposed to be annexed comprising at
8 least 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 ~~((not less than))~~ real property located
22 within the area proposed to be annexed comprising at least fifty
23 percent ~~((in value according to the assessed valuation for general~~
24 ~~taxation))~~ of all the real property ~~((for which the annexation is~~
25 ~~petitioned))~~ in that area. Any portion of the boundary of such an area
26 that is coterminous with the boundaries of two counties in this state
27 shall not be included in determining whether at least eighty percent of
28 the boundaries of the area proposed to be annexed are contiguous with
29 a portion of the code 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
33 ~~((shall))~~ be accompanied by a map ~~((which outlines))~~ outlining the
34 boundaries of the property ~~((sought))~~ proposed to be annexed. If the
35 legislative body has required ~~((the assumption of all or))~~ any portion
36 of city indebtedness to be assumed by the area proposed to be annexed
37 or the adoption of a proposed zoning regulation for the area to be

1 ~~annexed, these facts((, together with a quotation of the minute entry~~
2 ~~of such requirement, or requirements,))~~ shall also be set forth in the
3 annexation petition.

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

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

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

23 Following the public hearing, (~~(if))~~ the legislative body may adopt
24 an ordinance providing for the annexation if it determines (~~(to~~
25 ~~effect))~~ the annexation(~~(, they shall do so by ordinance))~~ should be
26 made. Subject to boundary restrictions under RCW 35.02.170, the
27 ordinance may annex (~~(all or))~~ any portion of the proposed area (~~(but~~
28 ~~may not include in the annexation any property not))~~ described in the
29 petition. (~~(Upon passage of the annexation))~~ If the legislative body
30 adopts an ordinance to annex all or a portion of the area, it shall
31 file a certified copy (~~(shall be filed))~~ of the ordinance with the
32 (~~(board of county commissioners))~~ county legislative authority of the
33 county in which the annexed property is located. If a boundary review
34 board exists in the county in which the area proposed to be annexed is
35 located, the legislative body shall also file a notice of the proposed
36 annexation with that boundary review board under RCW 36.93.090.

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

3 (1) Unless a valid petition for a ballot proposition provided for
4 in section 6 of this act has been submitted or the jurisdiction of the
5 boundary review board has been invoked, the area described in the
6 ordinance shall become part of the code city effective upon the date
7 fixed for the annexation in the annexation ordinance ((of annexation
8 the area annexed shall become part of the city)).

9 (2) If the boundary review board approves the annexation as
10 submitted and a valid petition for a ballot proposition provided for in
11 section 6 of this act has not been submitted, the area described in the
12 ordinance shall become part of the code city effective upon the date
13 fixed for the annexation in an ordinance adopted by the legislative
14 body.

15 (3) If the boundary review board modifies and approves the
16 annexation, the altered area shall become part of the code city upon
17 the date fixed for the modified annexation in a subsequent ordinance
18 adopted by the legislative body approving the modified annexation if no
19 registered voter resides in the area, unless a valid petition for a
20 ballot proposition provided for in section 6 of this act has been
21 submitted.

22 (4) If the annexation occurs and the annexation petition provides
23 so, all property within the ((territory hereafter)) area that is
24 annexed shall((, if the annexation petition so provided,)) be assessed
25 and taxed at the same rate and on the same basis as the property of
26 such annexing code city is assessed and taxed to pay for the portion of
27 any then-outstanding indebtedness of the code city to which ((said))
28 the area is annexed, which indebtedness ((has been)) was approved by
29 ((the)) code city voters, contracted for, or incurred prior to, or
30 existing at, the date of annexation ((and that the city has required to
31 be assumed)). If the annexation petition provides so ((provided)), all
32 property in the annexed area shall be subject to and a part of the
33 proposed zoning regulation as prepared and filed ((as provided for in))
34 under RCW 35A.14.330 and 35A.14.340.

35 NEW SECTION. **Sec. 11.** RCW 28A.335.110 (Real property--Annexation

1 to city or town) and 1971 c 69 s 3 are each repealed.

--- END ---