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HOUSE BILL 2074

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Hunter and Springer

Read first time 02/09/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to annexations in counties with more than one  
2 million five hundred thousand residents; amending RCW 35.13.130 and  
3 35A.14.120; adding new sections to chapter 35.13 RCW; adding new  
4 sections to chapter 35A.14 RCW; adding a new section to chapter 35.13A  
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that counties  
8 and cities, the general purpose local governments that are closest to  
9 the people, are charged with providing numerous and diverse services to  
10 their residents. In providing these services, counties and cities must  
11 respond to legislative and citizen directives, and a changing, and  
12 often challenging, financial landscape.

13 (2) The legislature recognizes that population growth and the  
14 enactment and maturation of the growth management act has resulted in  
15 many governance changes throughout the state, as annexations and  
16 incorporations have expanded existing cities and created new  
17 incorporated areas. These actions have been consistent with growth  
18 management act principles that call for growth to be thoughtfully and  
19 deliberately directed to urban areas and areas characterized by urban

1 growth. These actions have also been consistent with pronouncements of  
2 the act specifying that, in general, cities are most appropriate  
3 providers of urban governmental services, the services and facilities  
4 that are historically and typically provided in cities.

5 (3) Recognizing the governance efficiencies that will result from  
6 the annexation of urban and urbanizing areas in the state's largest  
7 counties, the principles of fairness that will take root as rural  
8 residents cease to bear the costs of providing urban governmental  
9 services in unincorporated urban and urbanizing areas, and the  
10 unprecedented financial pressures that local governments face, the  
11 legislature intends to establish new annexation mechanisms and related  
12 fiscal provisions that apply in counties with more than one million  
13 five hundred thousand residents.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW  
15 to read as follows:

16 (1) The legislative body of a city or town in a county planning  
17 under RCW 36.70A.040 that has more than one million five hundred  
18 thousand residents may resolve to annex territory to the city or town  
19 if:

20 (a) The area subject to annexation is within the same county and  
21 urban growth area as the city or town; and

22 (b) At least fifty-one percent of the boundaries of the area  
23 subject to annexation are contiguous to the city or town.

24 (2) The resolution must describe the boundaries of the area to be  
25 annexed, state the number of voters residing in the area as nearly as  
26 may be, and set a date for a public hearing on the resolution for  
27 annexation. Notice of the hearing must be given by publication of the  
28 resolution at least once a week for two weeks before the date of the  
29 hearing in one or more newspapers of general circulation within the  
30 city or town and one or more newspapers of general circulation within  
31 the area to be annexed.

32 (3) For purposes of subsection (1)(b) of this section, territory  
33 bounded by a river, lake, or other body of water is considered  
34 contiguous to a city or town that is also bounded by the same river,  
35 lake, or other body of water. For purposes of determining contiguity  
36 percentages under subsection (1)(b) of this section, the following  
37 shall not be considered: The boundaries of areas proposed for

1 annexation that are coterminous with urban growth area boundaries; and  
2 the boundaries of areas proposed for annexation that are coterminous  
3 with a city or town that is not proposing annexation under this  
4 section.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.13 RCW  
6 to read as follows:

7 The annexation ordinance provided for in section 2 of this act is  
8 subject to referendum for forty-five days after its passage. Upon the  
9 filing of a timely and sufficient referendum petition with the  
10 legislative body, signed by qualified electors in number equal to not  
11 less than fifty percent of the votes cast in the last general state  
12 election in the area to be annexed, the question of annexation must be  
13 submitted to the voters of the area in a general election if one is to  
14 be held within ninety days or at a special election called for that  
15 purpose according to RCW 29A.04.330. Notice of the election must be  
16 given as provided in RCW 35.13.080 and the election must be conducted  
17 as provided in the general election law. The annexation must be deemed  
18 approved by the voters unless two-thirds of the votes cast on the  
19 proposition are in opposition thereto.

20 After the expiration of the forty-fifth day from, but excluding the  
21 date of, passage of the annexation ordinance, if no timely and  
22 sufficient referendum petition has been filed, the area annexed must  
23 become a part of the city or town upon the date fixed in the ordinance  
24 of annexation.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.14 RCW  
26 to read as follows:

27 (1) The legislative body of a code city in a county planning under  
28 RCW 36.70A.040 that has more than one million five hundred thousand  
29 residents may resolve to annex territory to the city if:

30 (a) The area subject to annexation is within the same county and  
31 urban growth area as the city; and

32 (b) At least fifty-one percent of the boundaries of the area  
33 subject to annexation are contiguous to the city.

34 (2) The resolution must describe the boundaries of the area to be  
35 annexed, state the number of voters residing in the area as nearly as  
36 may be, and set a date for a public hearing on the resolution for

1 annexation. Notice of the hearing must be given by publication of the  
2 resolution at least once a week for two weeks before the date of the  
3 hearing in one or more newspapers of general circulation within the  
4 city and one or more newspapers of general circulation within the area  
5 to be annexed.

6 (3) For purposes of subsection (1)(b) of this section, territory  
7 bounded by a river, lake, or other body of water is considered  
8 contiguous to a city that is also bounded by the same river, lake, or  
9 other body of water. For purposes of determining contiguity  
10 percentages under subsection (1)(b) of this section, the following  
11 shall not be considered: The boundaries of areas proposed for  
12 annexation that are coterminous with urban growth area boundaries; and  
13 the boundaries of areas proposed for annexation that are coterminous  
14 with a city or town that is not proposing annexation under this  
15 section.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.14 RCW  
17 to read as follows:

18 The annexation ordinance provided for in section 4 of this act is  
19 subject to referendum for forty-five days after its passage. Upon the  
20 filing of a timely and sufficient referendum petition with the  
21 legislative body, signed by qualified electors in number equal to not  
22 less than fifty percent of the votes cast in the last general state  
23 election in the area to be annexed, the question of annexation must be  
24 submitted to the voters of the area in a general election if one is to  
25 be held within ninety days or at a special election called for that  
26 purpose according to RCW 29A.04.330. Notice of the election must be  
27 given as provided in RCW 35.13.080 and the election must be conducted  
28 as provided in the general election law. The annexation must be deemed  
29 approved by the voters unless two-thirds of the votes cast on the  
30 proposition are in opposition thereto.

31 After the expiration of the forty-fifth day from, but excluding the  
32 date of, passage of the annexation ordinance, if no timely and  
33 sufficient referendum petition has been filed, the area annexed must  
34 become a part of the city or town upon the date fixed in the ordinance  
35 of annexation.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 35.13 RCW  
2 to read as follows:

3        The method of annexation provided for in sections 2 and 3 of this  
4 act is an alternative method and is in addition to other methods of  
5 annexation authorized under this chapter.

6        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 35A.14 RCW  
7 to read as follows:

8        The method of annexation provided for in sections 4 and 5 of this  
9 act is an alternative method and is in addition to other methods of  
10 annexation authorized under this chapter.

11        **Sec. 8.**    RCW 35.13.130 and 1990 c 33 s 566 are each amended to read  
12 as follows:

13        (1) A petition for annexation of an area contiguous to a city or  
14 town may be made in writing addressed to and filed with the legislative  
15 body of the municipality to which annexation is desired. Except where  
16 all the property sought to be annexed is property of a school district,  
17 and the school directors thereof file the petition for annexation as in  
18 RCW 28A.335.110 authorized, or as provided in subsection (4) of this  
19 section, the petition must be signed by the owners of not less than  
20 seventy-five percent in value according to the assessed valuation for  
21 general taxation of the property for which annexation is petitioned:  
22 PROVIDED, That in cities and towns with populations greater than one  
23 hundred sixty thousand located east of the Cascade mountains, the owner  
24 of tax exempt property may sign an annexation petition and have the tax  
25 exempt property annexed into the city or town, but the value of the tax  
26 exempt property shall not be used in calculating the sufficiency of the  
27 required property owner signatures unless only tax exempt property is  
28 proposed to be annexed into the city or town.

29        (2) The petition shall set forth a description of the property  
30 according to government legal subdivisions or legal plats which is in  
31 compliance with RCW 35.02.170, and shall be accompanied by a plat which  
32 outlines the boundaries of the property sought to be annexed.

33        (3) If the legislative body has required the assumption of all or  
34 of any portion of city or town indebtedness by the area annexed, and/or  
35 the adoption of a comprehensive plan for the area to be annexed, these

1 facts, together with a quotation of the minute entry of such  
2 requirement or requirements shall be set forth in the petition.

3 (4) A petition for annexation under this section in a county with  
4 more than one million five hundred thousand residents must be signed by  
5 the owners of not less than fifty-one percent in value, according to  
6 the assessed valuation for general taxation of the property for which  
7 annexation is petitioned.

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

10 (1) Proceedings for initiating annexation of unincorporated  
11 territory to a charter code city or noncharter code city may be  
12 commenced by the filing of a petition of property owners of the  
13 territory proposed to be annexed, in the following manner. This method  
14 of annexation shall be alternative to other methods provided in this  
15 chapter. Prior to the circulation of a petition for annexation, the  
16 initiating party or parties, who shall be the owners of not less than  
17 ten percent in value, according to the assessed valuation for general  
18 taxation of the property for which annexation is sought, shall notify  
19 the legislative body of the code city in writing of their intention to  
20 commence annexation proceedings.

21 (2) The legislative body shall set a date, not later than sixty  
22 days after the filing of the request, for a meeting with the initiating  
23 parties to determine whether the code city will accept, reject, or  
24 geographically modify the proposed annexation, whether it shall require  
25 the simultaneous adoption of a proposed zoning regulation, if such a  
26 proposal has been prepared and filed for the area to be annexed as  
27 provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall  
28 require the assumption of all or of any portion of existing city  
29 indebtedness by the area to be annexed. If the legislative body  
30 requires the assumption of all or of any portion of indebtedness and/or  
31 the adoption of a proposed zoning regulation, it shall record this  
32 action in its minutes and the petition for annexation shall be so drawn  
33 as to clearly indicate these facts. Approval by the legislative body  
34 shall be a condition precedent to circulation of the petition. There  
35 shall be no appeal from the decision of the legislative body.

36 (3) A petition for annexation of an area contiguous to a code city  
37 may be filed with the legislative body of the municipality to which

1 annexation is desired. (~~(1)~~) Except as provided otherwise by this  
2 section, the petition for annexation must be signed by the owners, as  
3 defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty  
4 percent in value, according to the assessed valuation for general  
5 taxation of the property for which annexation is petitioned: PROVIDED,  
6 That a petition for annexation of an area having at least eighty  
7 percent of the boundaries of such area contiguous with a portion of the  
8 boundaries of the code city, not including that portion of the boundary  
9 of the area proposed to be annexed that is coterminous with a portion  
10 of the boundary between two counties in this state, need be signed by  
11 only the owners of not less than fifty percent in value according to  
12 the assessed valuation for general taxation of the property for which  
13 the annexation is petitioned. Such petition shall set forth a  
14 description of the property according to government legal subdivisions  
15 or legal plats and shall be accompanied by a map which outlines the  
16 boundaries of the property sought to be annexed.

17 (4) If the legislative body has required the assumption of all or  
18 any portion of city indebtedness by the area annexed or the adoption of  
19 a proposed zoning regulation, these facts, together with a quotation of  
20 the minute entry of such requirement, or requirements, shall also be  
21 set forth in the petition.

22 (5) A petition for annexation under this section in a county with  
23 more than one million five hundred thousand residents must be signed by  
24 the owners of not less than fifty-one percent in value, according to  
25 the assessed valuation for general taxation of the property for which  
26 annexation is petitioned.

27 NEW SECTION. Sec. 10. A new section is added to chapter 35.13A  
28 RCW to read as follows:

29 Whenever a portion of a district equal to at least fifty-one  
30 percent of the area, or fifty-one percent of the assessed valuation of  
31 the real property lying within such district, is included within the  
32 corporate boundaries of a city located in a county with more than one  
33 million five hundred thousand residents, the city may assume by  
34 ordinance the full and complete management and control of that portion  
35 of the entire district not included within another city, whereupon the

1 provisions of RCW 35.13A.020 shall be operative.

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