
HOUSE BILL 2799

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Sheldon and Hansen

Read first time 01/24/94. Referred to Committee on Local Government.

1 AN ACT Relating to preannexation agreements; amending RCW
2 36.93.150; and adding a new section to chapter 35.21 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
5 to read as follows:

6 Preannexation agreements, covenants, or petitions are illegal and
7 unenforceable when a property owner agrees to support the annexation of
8 his or her property to a city or town at a later date, or grants the
9 power of attorney to the city or town or an official of the city or
10 town to sign a petition authorizing annexation to the city or town, as
11 a condition of providing utility service to the property.

12 **Sec. 2.** RCW 36.93.150 and 1990 c 273 s 1 are each amended to read
13 as follows:

14 The board, upon review of any proposed action, shall take such of
15 the following actions as it deems necessary to best carry out the
16 intent of this chapter:

17 (1) Approval of the proposal as submitted;

1 (2) Subject to RCW 35.02.170, modification of the proposal by
2 adjusting boundaries to add or delete territory: PROVIDED, That any
3 proposal for annexation by the board shall be subject to RCW 35.21.010
4 and shall not add additional territory, the amount of which is greater
5 than that included in the original proposal: PROVIDED FURTHER, ((That
6 ~~such modifications shall not interfere with the authority of a city,
7 town, or special purpose district to require or not require~~
8 ~~preannexation agreements, covenants, or petitions: AND PROVIDED~~
9 ~~FURTHER,~~) That a board shall not modify the proposed incorporation of
10 a city with an estimated population of seven thousand five hundred or
11 more by removing territory from the proposal, or adding territory to
12 the proposal, that constitutes ten percent or more of the total area
13 included within the proposal before the board, but shall not reduce the
14 territory in such a manner as to reduce the population below seven
15 thousand five hundred;

16 (3) Determination of a division of assets and liabilities between
17 two or more governmental units where relevant;

18 (4) Determination whether, or the extent to which, functions of a
19 special purpose district are to be assumed by an incorporated city or
20 town, metropolitan municipal corporation, or another existing special
21 purpose district; or

22 (5) Disapproval of the proposal except that the board shall not
23 have jurisdiction: (a) To disapprove the dissolution or
24 disincorporation of a special purpose district which is not providing
25 services but shall have jurisdiction over the determination of a
26 division of the assets and liabilities of a dissolved or
27 disincorporated special purpose district; (b) over the division of
28 assets and liabilities of a special purpose district that is dissolved
29 or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove
30 the incorporation of a city with an estimated population of seven
31 thousand five hundred or more, but the board may recommend against the
32 proposed incorporation of a city with such an estimated population.

33 Unless the board shall disapprove a proposal, it shall be presented
34 under the appropriate statute for approval of a public body and, if
35 required, a vote of the people. A proposal that has been modified
36 shall be presented under the appropriate statute for approval of a
37 public body and if required, a vote of the people. If a proposal,
38 other than that for a city, town, or special purpose district
39 annexation, after modification does not contain enough signatures of

1 persons within the modified area, as are required by law, then the
2 initiating party, parties or governmental unit has thirty days after
3 the modification decision to secure enough signatures to satisfy the
4 legal requirement. If the signatures cannot be secured then the
5 proposal may be submitted to a vote of the people, as required by law.

6 The addition or deletion of property by the board shall not
7 invalidate a petition which had previously satisfied the sufficiency of
8 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
9 after due proceedings held, disapproves a proposed action, such
10 proposed action shall be unavailable, the proposing agency shall be
11 without power to initiate the same or substantially the same as
12 determined by the board, and any succeeding acts intended to or tending
13 to effectuate that action shall be void, but such action may be
14 reinitiated after a period of twelve months from date of disapproval
15 and shall again be subject to the same consideration.

16 The board shall not modify or deny a proposed action unless there
17 is evidence on the record to support a conclusion that the action is
18 inconsistent with one or more of the objectives under RCW 36.93.180.
19 Every such determination to modify or deny a proposed action shall be
20 made in writing pursuant to a motion, and shall be supported by
21 appropriate written findings and conclusions, based on the record.

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