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HOUSE BILL 1753

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State of Washington

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By Representatives D. Schmidt, Rust, Reams, L. Thomas, McMorris, Cairnes, Sherstad, Mitchell, Schoesler, Cole, Johnson, Radcliff, Delvin and Dyer

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1 AN ACT Relating to city and town annexations; amending RCW  
2 35.13.125, 35.13.130, 35.13.150, 35.13.160, 35A.14.120, 35A.14.140, and  
3 35A.14.150; adding a new section to chapter 35.13 RCW; adding a new  
4 section to chapter 35A.14 RCW; 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 ~~((territory))~~ an  
9 unincorporated area contiguous to a city or town, pursuant to RCW  
10 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170, shall be  
11 commenced as provided in this section. Prior to the circulation of a  
12 petition for such an annexation, the initiating party or parties,  
13 who(~~(, except as provided in RCW 28A.335.110,)~~) shall be either not  
14 less than ten percent of the residents of the area to be annexed or the  
15 owners of not less than ten percent in value, according to the assessed  
16 valuation for general taxation of the property for which annexation is  
17 ~~((petitioned))~~ sought, shall notify the legislative body of the city or  
18 town in writing of their intention to commence annexation proceedings.  
19 If the area proposed to be annexed includes only tax exempt property,

1 including property owned by a school district, the owners of at least  
2 a majority of the acreage in the area may notify the legislative body  
3 of the city or town of their intention to commence annexation  
4 proceedings.

5 The legislative body shall set a date, not later than sixty days  
6 after the filing of the request, for a meeting with the initiating  
7 parties to determine whether the city or town will accept, reject, or  
8 geographically modify and accept the proposed annexation, whether it  
9 shall require the simultaneous adoption of the comprehensive plan if  
10 ~~((such))~~ the plan has been prepared and filed for the area to be  
11 annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it  
12 shall require the assumption of all or of ~~((any))~~ a portion of existing  
13 city or town indebtedness by the area to be annexed. If the  
14 legislative body requires the assumption of either all or ~~((of any))~~ a  
15 portion of the city or town's existing indebtedness ~~((and/or))~~ or the  
16 adoption of a comprehensive plan, or both, it shall record this action  
17 in its minutes and the petition for annexation shall be so drawn as to  
18 clearly indicate ~~((this))~~ these facts.

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

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

24 (1) A petition for annexation of an unincorporated area contiguous  
25 to a city or town that was approved for annexation under RCW 35.13.125  
26 may be made in writing addressed to and filed with the legislative body  
27 of the ~~((municipality))~~ city or town to which annexation is desired.  
28 ~~((Except where all the property sought to be annexed is property of a~~  
29 ~~school district, and the school directors thereof file the petition for~~  
30 ~~annexation as in RCW 28A.335.110 authorized,))~~ The petition must be  
31 signed by the owners of not less than ~~((seventy-five))~~ sixty percent in  
32 value, according to the assessed valuation for general taxation of the  
33 property for which annexation is petitioned~~((:— PROVIDED, That in~~  
34 ~~cities and towns with populations greater than one hundred sixty~~  
35 ~~thousand located east of the Cascade mountains,))~~ However, a petition  
36 for annexation of an area having at least eighty percent of its  
37 boundaries contiguous with a portion of the boundaries of the city or  
38 town need be signed by only the owners of not less than fifty percent

1 in value according to the assessed valuation for general taxation of  
2 the property for which the annexation is petitioned.

3 If only tax exempt property, including property owned by a school  
4 district, is proposed to be annexed to the city or town, the owner or  
5 owners of tax exempt property may sign an annexation petition ((and  
6 have the tax exempt property annexed into the city or town, but the  
7 value of the tax exempt property shall not be used in calculating the  
8 sufficiency of the required property owner signatures unless only tax  
9 exempt property is proposed to be annexed into the city or town)).

10 ((The)) An annexation petition shall set forth a description of the  
11 property according to government legal subdivisions or legal plats  
12 which is in compliance with RCW 35.02.170, and shall be accompanied by  
13 a ((plat)) map which outlines the boundaries of the property sought to  
14 be annexed. If the legislative body has required the ((assumption of  
15 all or of any)) area proposed to be annexed assume all or a portion of  
16 the city or town's indebtedness ((by the area annexed, and/or)), or the  
17 adoption of a comprehensive plan for the area to be annexed, or both,  
18 these facts, together with a quotation of the minute entry of ((such))  
19 the requirement or requirements shall be set forth in the petition.

20 (2) However, if the population of the area proposed to be annexed  
21 under this section is equal to or greater than the greater of five  
22 percent of the population of the city or town prior to the annexation  
23 or one hundred persons, an annexation under this section is subject to  
24 potential approval by the voters residing in the area proposed to be  
25 annexed, as provided in RCW 35.13.150, 35.13.160, and section 5 of this  
26 act.

27 **Sec. 3.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each  
28 amended to read as follows:

29 Following the hearing, the ((council or commission)) legislative  
30 body shall determine by ordinance whether annexation shall be made.  
31 Subject to RCW 35.02.170, ((they)) the ordinance may annex all or any  
32 portion of the proposed area but may not include in the annexation any  
33 property not described in the petition. Upon passage of the ordinance  
34 a certified copy shall be filed with the ((board of county  
35 commissioners)) county legislative authority of the county in which the  
36 annexed property is located.

37 However, if the area proposed to be annexed has a population equal  
38 to or greater than the greater of either five percent of the city or

1 town's population prior to the annexation or one hundred persons, the  
2 proposed annexation is subject to potential approval by voters residing  
3 in the area proposed to be annexed and a notice of the adoption of the  
4 annexation ordinance shall be published by the city or town in a  
5 newspaper of general circulation in the area to be annexed at least  
6 once each week for two weeks after the adoption of the ordinance, with  
7 the first notice being published within twelve days after the ordinance  
8 was adopted. The notice shall describe the area to be annexed and the  
9 process under section 5 of this act by which a petition may be filed  
10 causing a ballot proposition authorizing the annexation to be submitted  
11 to voters residing in the area to be annexed for their approval or  
12 rejection. If the legislative body requires the assumption of either  
13 all or a portion of the city or town's indebtedness, or the adoption of  
14 a comprehensive plan, or both, the notice shall describe these facts.

15 **Sec. 4.** RCW 35.13.160 and 1973 1st ex.s. c 164 s 13 are each  
16 amended to read as follows:

17 Upon the date fixed in the ordinance of annexation the area annexed  
18 shall become part of the city or town, if the area has a population  
19 less than the greater of either five percent of the population of the  
20 city or town prior to the annexation or one hundred persons.

21 If the area proposed to be annexed has a population equal to or  
22 greater than the greater of either five percent of the population of  
23 the city or town prior to the annexation or one hundred persons, the  
24 area proposed to be annexed shall become part of the city or town at  
25 the date specified in the annexation ordinance, which must be at least  
26 forty-five days after the date of the adoption of the annexation  
27 ordinance, not including the day the ordinance was adopted, unless a  
28 sufficient petition was timely filed, as provided under section 5 of  
29 this act. If a sufficient petition is filed under section 5 of this  
30 act, a ballot proposition authorizing the proposed annexation shall be  
31 submitted to the voters residing in that area for their approval or  
32 rejection. If the annexation is approved by voters, the annexation  
33 shall be effective when the results of the election are certified.

34 All property within the ((territory hereafter)) area that is  
35 annexed shall, if the annexation petition so provided, be assessed and  
36 taxed at the same rate and on the same basis as the property of such  
37 annexing city or town is assessed and taxed to pay for all or of any  
38 portion of the then outstanding indebtedness of the city or town to

1 which said area is annexed, approved by the voters, contracted, or  
2 incurred prior to, or existing at, the date of annexation. If the  
3 annexation petition so provided, all property in the annexed area shall  
4 be subject to and a part of the comprehensive plan as prepared and  
5 filed as provided for in RCW 35.13.177 and 35.13.178.

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

8 A ballot proposition authorizing an annexation of the area, with a  
9 population equal to or greater than the greater of either five percent  
10 of the population of the city or town prior to the annexation or one  
11 hundred persons, that is proposed to be annexed under the direct  
12 property owner petition method of annexation shall be submitted to the  
13 voters residing in the area proposed to be annexed for their approval  
14 or rejection, if a petition calling for the submission of such a ballot  
15 proposition is filed with the legislative body of the city or town.  
16 The petition must be signed by at least ten percent of the registered  
17 voters residing in the area to be annexed and must be filed within  
18 forty-five days after the passage of the annexation ordinance under RCW  
19 35.13.140, not including the day the ordinance was adopted.

20 The legislative body shall immediately transfer the petition to the  
21 county auditor of the county in which all or the major portion of the  
22 area to be annexed is located. Within ten days of receiving the  
23 petition, the county auditor shall review the petition and certify if  
24 the petition contains sufficient valid signatures. If the area  
25 proposed to be annexed is located in more than one county, the auditor  
26 of the county in which the major portion of the area to be annexed is  
27 located shall be the lead auditor who shall immediately transfer a copy  
28 of the petition to the auditor of each other county in which the area  
29 is located. Within ten days after the lead auditor received the  
30 petition, the auditor of each of these other counties shall certify to  
31 the lead auditor the number of registered voters residing in the  
32 portion of the area in that county and the number of valid signatures  
33 on the petition of such registered voters. The lead auditor shall  
34 certify the sufficiency of the petition after receiving this  
35 information.

36 If the auditor certified that the petition contains sufficient  
37 valid signatures, a ballot proposition authorizing the annexation shall  
38 be submitted to the voters residing in the area proposed for annexation

1 at a special election called for that purpose at the next special  
2 election date specified under RCW 29.13.020 occurring at least forty-  
3 five days after the petition is certified as having sufficient valid  
4 signatures.

5 If the legislative body of the city or town requires that all or a  
6 portion of the city or town's indebtedness be assumed by the property  
7 proposed to be annexed, the legislative body shall specify whether a  
8 single ballot proposition authorizing both the annexation and  
9 assumption of indebtedness, or separate ballot propositions authorizing  
10 the annexation and assumption of indebtedness, shall be submitted to  
11 the voters for their approval or rejection. The vote or votes required  
12 to approve a ballot proposition authorizing only the annexation, a  
13 ballot proposition authorizing both the annexation and assumption of  
14 indebtedness, and a ballot proposition authorizing only the assumption  
15 of indebtedness shall be as provided in RCW 35.13.090 and 35.13.095.

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

18 (1) Proceedings for initiating annexation of unincorporated  
19 territory contiguous to a (~~charter code city or noncharter~~) code city  
20 may be commenced by the filing of a petition of property owners of the  
21 territory proposed to be annexed, in the following manner. This method  
22 of annexation shall be alternative to other methods provided in this  
23 chapter.

24 Prior to the circulation of a petition for annexation, the  
25 initiating party or parties, who shall be the owners of not less than  
26 ten percent in value, according to the assessed valuation for general  
27 taxation of the property for which annexation is sought, shall notify  
28 the legislative body of the code city in writing of their intention to  
29 commence annexation proceedings. If the area proposed to be annexed  
30 includes only tax exempt property, including property owned by a school  
31 district, the owners of at least a majority of the acreage in the area  
32 may notify the legislative body of the city of their intention to  
33 commence annexation proceedings.

34 The legislative body shall set a date, not later than sixty days  
35 after the filing of the request, for a meeting with the initiating  
36 parties to determine whether the code city will accept, reject, or  
37 geographically modify and accept the proposed annexation, whether it  
38 shall require the simultaneous adoption of a proposed zoning

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

11 There shall be no appeal from the decision of the legislative body.

12 A petition for annexation of an unincorporated area contiguous to  
13 a code city may be filed with the legislative body of the  
14 ~~((municipality))~~ city to which annexation is desired. ~~((It))~~ The  
15 petition must be signed by the owners, as defined by RCW 35A.01.040(9)  
16 (a) through (d), of not less than sixty percent in value, according to  
17 the assessed valuation for general taxation of the property for which  
18 annexation is petitioned ~~((: PROVIDED, That))~~. However, a petition for  
19 annexation of an area having at least eighty percent of ~~((the))~~ its  
20 boundaries ~~((of such area))~~ contiguous with a portion of the boundaries  
21 of the code city ~~((, not including that portion of the boundary of the~~  
22 ~~area proposed to be annexed that is coterminous with a portion of the~~  
23 ~~boundary between two counties in this state,))~~ need be signed by only  
24 the owners of not less than fifty percent in value according to the  
25 assessed valuation for general taxation of the property for which the  
26 annexation is petitioned. ~~((Such))~~ If only tax exempt property,  
27 including property owned by a school district, is proposed to be  
28 annexed to the code city, the owner or owners of tax exempt property  
29 may sign an annexation petition.

30 An annexation petition shall set forth a description of the  
31 property according to government legal subdivisions or legal plats and  
32 shall be accompanied by a map which outlines the boundaries of the  
33 property sought to be annexed. If the legislative body has required  
34 the assumption of all or ~~((any))~~ a portion of the city's indebtedness  
35 by the area annexed or the adoption of a proposed zoning regulation, or  
36 both, these facts, together with a quotation of the minute entry of  
37 ~~((such))~~ the requirement, or requirements, shall also be set forth in  
38 the petition.

1       (2) However, if the population of the area proposed to be annexed  
2 under this section is equal to or greater than the greater of five  
3 percent of the population of the code city prior to the annexation or  
4 one hundred persons, an annexation under this section is subject to  
5 potential approval by the voters residing in the area proposed to be  
6 annexed, as provided in RCW 35A.14.140, 35A.14.150, and section 9 of  
7 this act.

8       **Sec. 7.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to  
9 read as follows:

10       Following the hearing, if the legislative body determines to effect  
11 the annexation, ~~((they))~~ it shall do so by ordinance. Subject to RCW  
12 35.02.170, the ordinance may annex all or any portion of the proposed  
13 area but may not include in the annexation any property not described  
14 in the petition. Upon passage of the annexation ordinance a certified  
15 copy shall be filed with the ~~((board of county commissioners))~~ county  
16 legislative authority of the county in which the annexed property is  
17 located.

18       However, if the area proposed to be annexed has a population equal  
19 to or greater than the greater of either five percent of the code  
20 city's population prior to the annexation or one hundred persons, the  
21 proposed annexation is subject to a potential approval by voters  
22 residing in the area proposed to be annexed and a notice of the  
23 adoption of the annexation ordinance shall be published by the city in  
24 a newspaper of general circulation in the area to be annexed at least  
25 once each week for two weeks after the adoption of the ordinance, with  
26 the first notice being published within twelve days after the ordinance  
27 was adopted. The notice shall describe the area to be annexed and the  
28 process under section 9 of this act by which a petition may be filed  
29 causing a ballot proposition authorizing the annexation to be submitted  
30 to voters residing in the area to be annexed for their approval or  
31 rejection. If the legislative body requires the assumption of either  
32 all or a portion of the city's indebtedness, or the adoption of a  
33 proposed zoning regulation, or both, the notice shall describe these  
34 facts.

35       **Sec. 8.** RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended  
36 to read as follows:

1       Upon the date fixed in the ordinance of annexation the area annexed  
2 shall become part of the city, if the area has a population less than  
3 the greater of either five percent of the population of the city prior  
4 to the annexation or one hundred persons.

5       If the area proposed to be annexed has a population equal to or  
6 greater than the greater of either five percent of the population of  
7 the city prior to the annexation or one hundred persons, the area  
8 proposed to be annexed shall become part of the city at the date  
9 specified in the annexation ordinance, which must be at least forty-  
10 five days after the date of the adoption of the annexation ordinance,  
11 not including the day the ordinance was adopted, unless a sufficient  
12 petition was timely filed, as provided under section 9 of this act. If  
13 a sufficient petition is filed under section 9 of this act, a ballot  
14 proposition authorizing the proposed annexation shall be submitted to  
15 the voters residing in that area for their approval or rejection. If  
16 the annexation is approved by voters, the annexation shall be effective  
17 when the results of the election are certified.

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

29       NEW SECTION. Sec. 9. A new section is added to chapter 35A.14 RCW  
30 to read as follows:

31       A ballot proposition authorizing the annexation of an area, with a  
32 population equal to or greater than the greater of either five percent  
33 of the population of the city prior to the annexation or one hundred  
34 persons, that is proposed to be annexed under the direct property owner  
35 petition method of annexation shall be submitted to the voters residing  
36 in the area proposed to be annexed for their approval or rejection, if  
37 a petition calling for the submission of such a ballot proposition is  
38 filed with the legislative body of the city. The petition must be

1 signed by at least ten percent of the registered voters residing in the  
2 area to be annexed and must be filed within forty-five days after the  
3 passage of the annexation ordinance under RCW 35A.14.140, not including  
4 the day the ordinance was adopted.

5 The legislative body shall immediately transfer the petition to the  
6 county auditor of the county in which all or the major portion of the  
7 area to be annexed is located. Within ten days of receiving the  
8 petition, the county auditor shall review the petition and certify if  
9 the petition contains sufficient valid signatures. If the area  
10 proposed to be annexed is located in more than one county, the auditor  
11 of the county in which the major portion of the area to be annexed is  
12 located shall be the lead auditor who shall immediately transfer a copy  
13 of the petition to the auditor of each other county in which the area  
14 is located. Within ten days after the lead auditor received the  
15 petition, the auditor of each of these other counties shall certify to  
16 the lead auditor the number of registered voters residing in the  
17 portion of the area in that county and the number of valid signatures  
18 on the petition of such registered voters. The lead auditor shall  
19 certify the sufficiency of the petition after receiving this  
20 information.

21 If the auditor certifies that the petition contains sufficient  
22 valid signatures, a ballot proposition authorizing the annexation shall  
23 be submitted to the voters residing in the area proposed for annexation  
24 at a special election called for that purpose at the next special  
25 election date specified under RCW 29.13.020 occurring at least forty-  
26 five days after the petition is certified as having sufficient valid  
27 signatures.

28 If the legislative body of the code city requires that all or a  
29 portion of the city's indebtedness be assumed by the property proposed  
30 to be annexed, the legislative body shall specify whether a single  
31 ballot proposition authorizing both the annexation and assumption of  
32 indebtedness, or separate ballot propositions authorizing the  
33 annexation and assumption of indebtedness, shall be submitted to the  
34 voters for their approval or rejection. The vote or votes required to  
35 approve a ballot proposition authorizing only the annexation, a ballot  
36 proposition authorizing both the annexation and assumption of  
37 indebtedness, and a ballot proposition authorizing only the assumption  
38 of indebtedness shall be as provided in RCW 35A.14.080 and 35A.14.090.

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

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