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HOUSE BILL 1724

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Boldt and Dunn

Read first time 02/06/97. Referred to Committee on Government Administration.

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; 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))~~ a city or town to annex  
9 unincorporated territory ((pursuant to)) contiguous to the city or town  
10 in which no registered voter lives, using the procedure specified under  
11 RCW 35.13.130((, 35.13.140, 35.13.150, 35.13.160 and)) through  
12 35.13.170 ((shall be commenced)), may commence as provided in this  
13 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 find that no registered  
19 voter lives within the area proposed to be annexed. The written notice

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

12 The legislative body of the city or town shall set a date, not  
13 later than sixty days after the filing of the ~~((request))~~ notice, for  
14 a meeting with the initiating parties to determine: (1) Whether the  
15 city or town will accept, reject, or geographically modify the proposed  
16 annexation((~~7~~)); (2) whether it shall require the simultaneous adoption  
17 of the comprehensive plan, if such a comprehensive plan for the area  
18 proposed to be annexed has been prepared and filed ((for the area to be  
19 annexed as provided for in)) under RCW 35.13.177 and 35.13.178((~~7~~));  
20 and (3) whether it shall require the ((assumption of)) area to assume  
21 all or ((of)) any portion of existing city or town indebtedness ((by  
22 the area to be annexed. If the legislative body requires the  
23 assumption of all or of any portion of indebtedness and/or the adoption  
24 of a comprehensive plan, it shall record this action in its minutes and  
25 the petition for annexation shall be so drawn as to clearly indicate  
26 this fact)). Under no circumstances may an area be annexed to the city  
27 or town under this procedure if one or more registered voters reside in  
28 the area.

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

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

34 A written petition ((for annexation of an)) to annex an  
35 unincorporated area contiguous to a city or town in which no registered  
36 voter lives, that was approved for annexation under RCW 35.13.125, may  
37 be ((made in writing addressed to and)) filed with the legislative body  
38 of the ((municipality to which annexation is desired. Except where all

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

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

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

12 Following the public hearing, the ~~((council or commission shall~~  
13 ~~determine by)) legislative body may adopt an ordinance ((whether~~  
14 ~~annexation shall)) providing for the annexation if it determines the~~  
15 ~~annexation should be made. Subject to boundary restrictions provided~~  
16 ~~under RCW 35.02.170, ((they)) the ordinance may annex all or any~~  
17 ~~portion of the proposed area but may not include ((in the annexation))~~  
18 ~~any property not described in the petition. ((Upon passage of the)) If~~  
19 ~~the legislative body adopts an ordinance to annex all or a portion of~~  
20 ~~the area, it shall file a certified copy ((shall be filed)) of the~~  
21 ~~ordinance with the ((board of county commissioners)) county legislative~~  
22 ~~authority of the county in which the annexed property is located. If~~  
23 ~~a boundary review board exists in the county in which the area proposed~~  
24 ~~to be annexed is located, the legislative body shall also file a notice~~  
25 ~~of the proposed annexation with that boundary review board as provided~~  
26 ~~under RCW 36.93.090. Under no circumstances may an area be annexed to~~  
27 ~~the city or town under this procedure if one or more registered voters~~  
28 ~~reside in the area.~~

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

31 Unless the jurisdiction of the boundary review board has been  
32 invoked, the area described in the ordinance shall become part of the  
33 city or town effective upon the date fixed for the annexation in the  
34 annexation ordinance ((of annexation the area annexed shall become part  
35 of the city or town)). If the boundary review board approves the  
36 annexation as submitted, the area described in the ordinance shall  
37 become part of the city or town effective upon the date fixed for the

1 annexation in an ordinance adopted by the legislative body. If the  
2 boundary review board modifies and approves the annexation, the area so  
3 altered shall become part of the city or town, upon the date fixed for  
4 the modified annexation in a subsequent ordinance adopted by the  
5 legislative body approving the modified annexation.

6 If the annexation petition so provided, all property within the  
7 ((territory hereafter)) area that is annexed shall((, if the annexation  
8 petition so provided,)) be assessed and taxed at the same rate and on  
9 the same basis as the property of such annexing city or town is  
10 assessed and taxed to pay for all or of any portion of the then-  
11 outstanding indebtedness of the city or town to which ((said)) the area  
12 is annexed, which indebtedness was approved by ((the)) city or town  
13 voters, contracted, or incurred prior to, or existing at, the date of  
14 annexation. If the annexation petition so provided, all property in  
15 the annexed area shall be subject to and a part of the comprehensive  
16 plan as prepared and filed as provided for in RCW 35.13.177 and  
17 35.13.178.

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

20 (1) Proceedings for ((initiating annexation of)) a code city to  
21 annex unincorporated territory contiguous to ((a charter code city or  
22 noncharter)) the code city in which no registered voter resides may be  
23 commenced by the filing of a petition ((of)) with the legislative body  
24 of the code city that is signed by property owners ((of the territory  
25 proposed to be annexed, in the following manner)) as provided in this  
26 section. This method of annexation shall be alternative to other  
27 methods provided in this chapter.

28 (2) Prior to ((the circulation of a)) circulating an annexation  
29 petition ((for annexation)), the initiating party or parties((, who  
30 shall be)) shall file a written notice with the legislative body of the  
31 code city indicating their interest in annexing property to the city.  
32 The written notice must be signed by the owners of real property in the  
33 area proposed to be annexed comprising not less than ten percent ((in  
34 value, according to)) of the total assessed valuation ((for general  
35 taxation of the property for which annexation is sought, shall notify  
36 the legislative body of the code city in writing of their intention to  
37 commence annexation proceedings)) of all real property in the area  
38 proposed to be annexed. If the area proposed to be annexed only

1 includes tax exempt property, including property owned by a school  
2 district, the owners of the tax exempt property may file the written  
3 notice with the legislative body.

4 The legislative body of the code city shall set a date, not later  
5 than sixty days after the filing of the ~~((request))~~ notice, for a  
6 meeting with the initiating parties to determine: (a) Whether the code  
7 city will accept, reject, or geographically modify the proposed  
8 annexation~~((7))~~; (b) whether it shall require the simultaneous adoption  
9 of a proposed zoning regulation, if such a proposal has been prepared  
10 and filed for the area proposed to be annexed as provided for in RCW  
11 35A.14.330 and 35A.14.340~~((7))~~; and (c) whether it shall require the  
12 ~~((assumption of))~~ area to assume all or ~~((of))~~ any portion of existing  
13 city indebtedness ~~((by the area to be annexed. If the legislative body~~  
14 requires the assumption of all or of any portion of indebtedness and/or  
15 the adoption of a proposed zoning regulation, it shall record this  
16 action in its minutes and the petition for annexation shall be so drawn  
17 as to clearly indicate these facts)). Under no circumstances may an  
18 area be annexed to a code city under this procedure if one or more  
19 registered voters reside in the area.

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

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

37 However, a petition ~~((for annexation of))~~ to annex an area  
38 ~~((having))~~, with boundaries that are at least eighty percent ~~((of the~~  
39 boundaries of such area)) contiguous with a portion of the boundaries

1 of the code city(~~(, not including that portion of the boundary of the~~  
2 ~~area proposed to be annexed that is coterminous with a portion of the~~  
3 ~~boundary between two counties in this state,)~~) need only be signed by  
4 ((only)) the owner or owners of real property located within the area  
5 proposed to be annexed comprising not less than fifty percent ((in  
6 value according to the assessed valuation for general taxation)) of all  
7 the real property ((for which the annexation is petitioned)) in that  
8 area. Any portion of the boundary of such an area that is coterminous  
9 with the boundaries of two counties in this state shall not be included  
10 in determining whether at least eighty percent of the boundaries of the  
11 area proposed to be annexed are contiguous with a portion of the code  
12 city's boundaries.

13 ((Such)) The annexation petition shall ((set forth a description of  
14 the property according to)) describe the property proposed to be  
15 annexed using government legal subdivisions or legal plats and shall be  
16 accompanied by a map ((which outlines)) outlining the boundaries of the  
17 property ((sought)) proposed to be annexed. If the legislative body  
18 has required ((the assumption of)) all or any portion of city  
19 indebtedness to be assumed by the area proposed to be annexed or the  
20 adoption of a proposed zoning regulation for the area to be annexed,  
21 these facts((, together with a quotation of the minute entry of such  
22 requirement, or requirements,)) shall also be set forth in the  
23 annexation petition.

24 **Sec. 7.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are each  
25 amended to read as follows:

26 Whenever such a petition for annexation is filed with the  
27 legislative body of a code city(~~(, which petition))~~ that meets the  
28 requirements ~~((herein))~~ specified under RCW 35A.14.120, and is  
29 sufficient according to the rules set forth in RCW 35A.01.040, the  
30 legislative body may ~~((entertain the same, fix a date for))~~ consider  
31 the proposed annexation by holding a public hearing ((thereon and  
32 cause)) on the proposal. Notice of the public hearing ((to)) shall be  
33 published in one or more issues of a newspaper of general circulation  
34 in the code city((. The notice)) and shall also be posted in three  
35 public places within the ((territory proposed for annexation, and))  
36 area proposed to be annexed. Notices shall specify the date, time, and  
37 place of the public hearing and invite interested persons to appear and

1 voice approval or disapproval of the annexation. The expense of  
2 publication and posting shall be borne by the signers of the petition.

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

5 Following the public hearing, ~~((if))~~ the legislative body may adopt  
6 an ordinance providing for the annexation if it determines ~~((to~~  
7 effect)) the annexation~~((, they shall do so by ordinance))~~ should be  
8 made. Subject to boundary restrictions provided under RCW 35.02.170,  
9 the ordinance may annex all or any portion of the proposed area, but  
10 may not include ~~((in the annexation))~~ any property not described in the  
11 petition. ~~((Upon passage of the annexation))~~ If the legislative body  
12 adopts an ordinance to annex all or a portion of the area, it shall  
13 file a certified copy ~~((shall be filed))~~ of the ordinance with the  
14 ~~((board of county commissioners))~~ county legislative authority of the  
15 county in which the annexed property is located. If a boundary review  
16 board exists in the county in which the area proposed to be annexed is  
17 located, the legislative body shall also file a notice of the proposed  
18 annexation with that boundary review board as provided under RCW  
19 36.93.090.

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

22 Unless the jurisdiction of the boundary review board has been  
23 invoked, the area described in the ordinance shall become part of the  
24 code city effective upon the date fixed for the annexation in the  
25 annexation ordinance ~~((of annexation the area annexed shall become part~~  
26 of the city)). If the boundary review board approves the annexation as  
27 submitted, the area described in the ordinance shall become part of the  
28 code city effective upon the date fixed for the annexation in an  
29 ordinance adopted by the legislative body. If the boundary review  
30 board modifies and approves the annexation, the area so altered shall  
31 become part of the code city upon the date fixed for the modified  
32 annexation in a subsequent ordinance adopted by the legislative body  
33 approving the modified annexation. Under no circumstances may an area  
34 be annexed to a code city under this procedure if one or more  
35 registered voters reside in the area.

36 If the annexation petition so provided, all property within the  
37 ~~((territory hereafter))~~ area that is annexed shall ~~((, if the annexation~~

1 ~~petition so provided,~~) be assessed and taxed at the same rate and on  
2 the same basis as the property of such annexing code city is assessed  
3 and taxed to pay for the portion of any then-outstanding indebtedness  
4 of the code city to which (~~said~~) the area is annexed, which  
5 indebtedness (~~has been~~) was approved by (~~the~~) code city voters,  
6 contracted for, or incurred prior to, or existing at, the date of  
7 annexation (~~and that the city has required to be assumed~~). If the  
8 annexation petition so provided, all property in the annexed area shall  
9 be subject to and a part of the proposed zoning regulation as prepared  
10 and filed as provided for in RCW 35A.14.330 and 35A.14.340.

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

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