
HOUSE BILL 2886

State of Washington

55th Legislature

1998 Regular Session

By Representative Mulliken

Read first time 01/21/98. Referred to Committee on Government Administration.

1 AN ACT Relating to annexation by direct petition; and amending RCW
2 35.13.125, 35.13.130, and 35A.14.120.

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

4 **Sec. 1.** RCW 35.13.125 and 1990 c 33 s 565 are each amended to read
5 as follows:

6 Proceedings for the annexation of territory pursuant to RCW
7 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be
8 commenced as provided in this section. Prior to the circulation of a
9 petition for annexation, the initiating party or parties who, except as
10 provided in RCW 28A.335.110, shall be ~~((either))~~ not less than ten
11 percent of the ~~((residents))~~ property owners of the area to be annexed
12 ~~((or the owners of not less than ten percent in value, according to the
13 assessed valuation for general taxation of the property for which
14 annexation is petitioned))~~, shall notify the legislative body of the
15 city or town in writing of their intention to commence annexation
16 proceedings. The legislative body shall set a date, not later than
17 sixty days after the filing of the request, for a meeting with the
18 initiating parties to determine whether the city or town will accept,
19 reject, or geographically modify the proposed annexation, whether it

1 shall require the simultaneous adoption of the comprehensive plan if
2 such plan has been prepared and filed for the area to be annexed as
3 provided for in RCW 35.13.177 and 35.13.178, and whether it shall
4 require the assumption of all or of any portion of existing city or
5 town indebtedness by the area to be annexed. If the legislative body
6 requires the assumption of all or of any portion of indebtedness and/or
7 the adoption of a comprehensive plan, it shall record this action in
8 its minutes and the petition for annexation shall be so drawn as to
9 clearly indicate this fact. There shall be no appeal from the decision
10 of the legislative body.

11 **Sec. 2.** 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, the petition must be signed by ~~((the owners~~
19 ~~of))~~ not less than seventy-five percent ~~((in value according to the~~
20 ~~assessed valuation for general taxation))~~ of the property owners of the
21 property for which annexation is petitioned~~((:— PROVIDED, That in~~
22 ~~cities and towns with populations greater than one hundred sixty~~
23 ~~thousand located east of the Cascade mountains, the owner of tax exempt~~
24 ~~property may sign an annexation petition and have the tax exempt~~
25 ~~property annexed into the city or town, but the value of the tax exempt~~
26 ~~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))~~. The petition shall set
29 forth a description of the property according to government legal
30 subdivisions or legal plats which is in compliance with RCW 35.02.170,
31 and shall be accompanied by a plat which outlines the boundaries of the
32 property sought to be annexed. If the legislative body has required
33 the assumption of all or of any portion of city or town indebtedness by
34 the area annexed, and/or the adoption of a comprehensive plan for the
35 area to be annexed, these facts, together with a quotation of the
36 minute entry of such requirement or requirements shall be set forth in
37 the petition.

1 (2) Any development agreement or other agreement by a property
2 owner not to oppose annexation shall have no application and shall be
3 unenforcible as to any annexation initiated under this section and RCW
4 35.13.125.

5 (3) For the purposes of this section and RCW 35.13.125, "property
6 owner" has the meaning given in RCW 35A.01.040(9) (a), (b), (c), and
7 (e); and the signature of each property owner shall have equal weight
8 with regard to the value of the property.

9 **Sec. 3.** RCW 35A.14.120 and 1989 c 351 s 6 are each amended to read
10 as follows:

11 (1) Proceedings for initiating annexation of unincorporated
12 territory to a charter code city or noncharter code city may be
13 commenced by the filing of a petition of property owners of the
14 territory proposed to be annexed, in the following manner. This method
15 of annexation shall be alternative to other methods provided in this
16 chapter. Prior to the circulation of a petition for annexation, the
17 initiating party or parties, who shall be ((the owners of)) not less
18 than ten percent ((in value, according to the assessed valuation for
19 general taxation of the property for which annexation is sought)) of
20 the property owners of the area to be annexed, shall notify the
21 legislative body of the code city in writing of their intention to
22 commence annexation proceedings. The legislative body shall set a
23 date, not later than sixty days after the filing of the request, for a
24 meeting with the initiating parties to determine whether the code city
25 will accept, reject, or geographically modify the proposed annexation,
26 whether it shall require the simultaneous adoption of a proposed zoning
27 regulation, if such a proposal has been prepared and filed for the area
28 to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, and
29 whether it shall require the assumption of all or of any portion of
30 existing city indebtedness by the area to be annexed. If the
31 legislative body requires the assumption of all or of any portion of
32 indebtedness and/or the adoption of a proposed zoning regulation, it
33 shall record this action in its minutes and the petition for annexation
34 shall be so drawn as to clearly indicate these facts. Approval by the
35 legislative body shall be a condition precedent to circulation of the
36 petition. There shall be no appeal from the decision of the
37 legislative body.

1 (2) A petition for annexation of an area contiguous to a code city
2 may be filed with the legislative body of the municipality to which
3 annexation is desired. It must be signed by ~~((the owners, as defined~~
4 ~~by RCW 35A.01.040(9) (a) through (d), of))~~ not less than sixty percent
5 ~~((in value, according to the assessed valuation for general taxation))~~
6 of the property owners of the property for which annexation is
7 petitioned: PROVIDED, That a petition for annexation of an area having
8 at least eighty percent of the boundaries of such area contiguous with
9 a portion of the boundaries of the code city, not including that
10 portion of the boundary of the area proposed to be annexed that is
11 coterminous with a portion of the boundary between two counties in this
12 state, need be signed by only ~~((the owners of))~~ not less than fifty
13 percent ~~((in value according to the assessed valuation for general~~
14 ~~taxation))~~ of the property owners of the property for which the
15 annexation is petitioned. Such petition shall set forth a description
16 of the property according to government legal subdivisions or legal
17 plats and shall be accompanied by a map which outlines the boundaries
18 of the property sought to be annexed. If the legislative body has
19 required the assumption of all or any portion of city indebtedness by
20 the area annexed or the adoption of a proposed zoning regulation, these
21 facts, together with a quotation of the minute entry of such
22 requirement, or requirements, shall also be set forth in the petition.

23 (3) Any development agreement or other agreement by a property
24 owner not to oppose annexation shall have no application and shall be
25 unenforcible as to any annexation initiated under this section.

26 (4) For the purposes of this section, "property owner" has the
27 meaning given in RCW 35A.01.040(9) (a), (b), (c), and (e); and the
28 signature of each property owner shall have equal weight with regard to
29 the value of the property.

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