
HOUSE BILL 1738

State of Washington 56th Legislature 1999 Regular Session

By Representatives Boldt and Mielke

Read first time 02/03/1999. Referred to Committee on Local Government.

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; adding a new section to chapter 35.13 RCW;
5 and repealing RCW 28A.335.110.

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

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

9 Proceedings for ~~((the annexation of))~~ a city or town to annex
10 unincorporated territory ((pursuant to)) contiguous to the city or
11 town, using the procedure specified under RCW 35.13.130((, 35.13.140,
12 35.13.150, 35.13.160 and)) through 35.13.170 ((shall be commenced)),
13 may commence as provided in this 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 indicating whether any
19 registered voter lives within the area proposed to be annexed. The

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

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

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

32 A written petition (~~((for annexation of an))~~) to annex an
33 unincorporated area contiguous to a city or town that was approved for
34 annexation under RCW 35.13.125, may be (~~((made in writing addressed to~~
35 ~~and))~~) filed with the legislative body of the (~~((municipality to which~~
36 ~~annexation is desired. Except where all the property sought to be~~
37 ~~annexed is property of a school district, and the school directors~~
38 ~~thereof file the petition for annexation as in RCW 28A.335.110~~

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

16 The annexation petition shall ~~((set forth a description of))~~
17 describe the property ((according to)) proposed to be annexed using
18 government legal subdivisions or legal plats ((which is in compliance
19 with RCW 35.02.170,) and shall be accompanied by a ~~((plat which~~
20 outlines)) map outlining the boundaries of the property sought to be
21 annexed. If the legislative body has required ((the assumption of))
22 all or ((of)) any portion of city or town indebtedness to be assumed by
23 the area proposed to be annexed, ((and/or)) or the adoption of a
24 comprehensive plan for the area to be annexed, these facts((, together
25 with a quotation of the minute entry of such requirement or
26 requirements)) shall be set forth in the annexation petition.

27 **Sec. 3.** RCW 35.13.140 and 1965 c 7 s 35.13.140 are each amended to
28 read as follows:

29 Whenever such a petition for annexation is filed with the
30 legislative body of the city or town ((council, or commission in those
31 cities having a commission form of government, which)) that meets the
32 requirements ((herein)) specified((, of which fact satisfactory proof
33 may be required by the council or commission)) under RCW 35.13.125 and
34 35.13.130, and is sufficient according to the rules set forth in RCW
35 35.21.005, the ((council or commission)) legislative body may
36 ((entertain the same, fix a date for)) consider the proposed annexation
37 by holding a public hearing ((thereon and cause)) on the proposal.
38 Notice of the public hearing ((to)) shall be published in one or more

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

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

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

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

27 (1) Unless the jurisdiction of the boundary review board has been
28 invoked, the area described in the ordinance shall become part of the
29 city or town effective upon the date fixed for the annexation in the
30 annexation ordinance ((of annexation the area annexed shall become part
31 of the city or town)). However, if the area proposed to be annexed has
32 a population of at least two percent of the city's or town's population
33 prior to the annexation or fifty persons, whichever is greater, the
34 city or town shall publish a notice of the proposed annexation and
35 proposed annexation is subject to potential voter approval, as provided
36 under section 6 of this act.

1 (2) If the boundary review board approves the annexation as
2 submitted, the area described in the ordinance shall become part of the
3 city or town effective upon the date fixed for the annexation in an
4 ordinance adopted by the legislative body. However, if the area
5 proposed to be annexed has a population of at least two percent of the
6 city's or town's population prior to the annexation or fifty persons,
7 whichever is greater, the city or town shall publish a notice of the
8 proposed annexation and proposed annexation is subject to potential
9 voter approval, as provided under section 6 of this act.

10 If the boundary review board modifies and approves the annexation,
11 the area so altered shall become part of the city or town, upon the
12 date fixed for the modified annexation in a subsequent ordinance
13 adopted by the legislative body approving the modified annexation if no
14 registered voter resides in the area. However, if the area proposed to
15 be annexed has a population of at least two percent of the city's or
16 town's population prior to the annexation or fifty persons, whichever
17 is greater, the city or town shall publish a notice of the proposed
18 annexation and proposed annexation is subject to potential voter
19 approval, as provided under section 6 of this act.

20 (3) If the annexation occurs and the annexation petition so
21 provided, all property within the ((territory hereafter)) area that is
22 annexed shall(, ~~if the annexation petition so provided,~~) be assessed
23 and taxed at the same rate and on the same basis as the property of
24 such annexing city or town is assessed and taxed to pay for all or of
25 any portion of the then-outstanding indebtedness of the city or town to
26 which ((said)) the area is annexed, which indebtedness was approved by
27 ((the)) city or town voters, contracted, or incurred prior to, or
28 existing at, the date of annexation. If the annexation petition so
29 provided, all property in the annexed area shall be subject to and a
30 part of the comprehensive plan as prepared and filed as provided for in
31 RCW 35.13.177 and 35.13.178.

32 NEW SECTION. Sec. 6. A new section is added to chapter 35.13 RCW
33 to read as follows:

34 (1) A notice of the proposed annexation shall be published in a
35 newspaper of general circulation in the area proposed to be annexed if
36 the area proposed to be annexed under the direct property owner
37 petition method of annexation has a population of at least two percent
38 of the city's or town's population prior to the annexation or fifty

1 persons, whichever is greater. The notice shall be published after all
2 procedural steps have been taken to annex the property, as described
3 under RCW 35.13.160 or 35A.14.150, and shall describe the area proposed
4 to be annexed and describe the process under this section how voters
5 residing in the area proposed to be annexed may file a petition
6 subjecting the annexation to voter approval.

7 (2) A ballot proposition authorizing an annexation of the area
8 described under subsection (1) of this section shall be submitted to
9 voters residing in the area for their approval or rejection if a
10 petition calling for the submission of such a ballot proposition is
11 filed with the legislative body of the city or town. The petition must
12 be signed by at least ten percent of the registered voters residing in
13 the area to be annexed and must be filed within forty-five days after
14 the publication of the notice under subsection (1) of this section.

15 The legislative body shall immediately transfer the petition to the
16 county auditor of the county in which all or the major portion of the
17 area to be annexed is located. Within ten days of receiving the
18 petition, the county auditor shall review the petition and certify if
19 the petition contains sufficient valid signatures. If the auditor
20 certifies that the petition contains sufficient valid signatures, a
21 ballot proposition authorizing the annexation shall be submitted to the
22 voters residing in the area proposed for annexation at a special
23 election called for that purpose at the next special election date
24 specified under RCW 29.13.020 occurring at least forty-five days after
25 the petition is certified as having sufficient valid signatures.

26 If the legislative body of the city or town requires that all or a
27 portion of the city or town's indebtedness be assumed by the property
28 proposed to be annexed, the legislative body shall specify whether a
29 single ballot proposition authorizing both the annexation and
30 assumption of indebtedness, or separate ballot propositions authorizing
31 the annexation and assumption of indebtedness, shall be submitted to
32 the voters for their approval or rejection. The annexation is
33 authorized if the ballot proposition that only provides for the
34 annexation of the area is approved by a simple majority vote of voters
35 voting on the proposition. However, the assumption of indebtedness or
36 both the annexation and assumption of indebtedness is authorized if the
37 ballot proposition providing for the assumption of indebtedness, or
38 both the annexation and assumption of indebtedness, is approved by at
39 least sixty percent of the voters voting on the petition and the total

1 number of voters voting on the proposition is equal to at least forty
2 percent of the number of voters in the area who voted at the last
3 preceding general election.

4 **Sec. 7.** RCW 35A.14.120 and 1989 c 351 s 6 are each amended to read
5 as follows:

6 (1) Proceedings for ((initiating annexation of)) a code city to
7 annex unincorporated territory contiguous to ((a charter code city or
8 noncharter)) the code city may be commenced by the filing of a petition
9 ((of)) with the legislative body of the code city that is signed by
10 property owners ((of the territory proposed to be annexed, in the
11 following manner)) as provided in this section. This method of
12 annexation shall be alternative to other methods provided in this
13 chapter.

14 (2) Prior to ((the circulation of a)) circulating an annexation
15 petition ((for annexation)), the initiating party or parties((, who
16 shall be)) shall file a written notice with the legislative body of the
17 code city indicating their interest in annexing property to the city
18 and indicating whether any registered voter resides in the area. The
19 written notice must be signed by the owners of real property in the
20 area proposed to be annexed comprising not less than ten percent ((in
21 value, according to)) of the total assessed valuation ((for general
22 taxation of the property for which annexation is sought, shall notify
23 the legislative body of the code city in writing of their intention to
24 commence annexation proceedings)) of all real property in the area
25 proposed to be annexed. If the area proposed to be annexed only
26 includes tax exempt property, including property owned by a school
27 district, the owners of the tax exempt property may file the written
28 notice with the legislative body.

29 The legislative body of the code city shall set a date, not later
30 than sixty days after the filing of the ((request)) notice, for a
31 meeting with the initiating parties to determine: (a) Whether the code
32 city will accept, reject, or geographically modify the proposed
33 annexation((,)); (b) whether it shall require the simultaneous adoption
34 of a proposed zoning regulation, if such a proposal has been prepared
35 and filed for the area proposed to be annexed as provided for in RCW
36 35A.14.330 and 35A.14.340((,)); and (c) whether it shall require the
37 ((assumption of)) area to assume all or ((of)) any portion of existing
38 city indebtedness ((by the area to be annexed. If the legislative body

1 requires the assumption of all or of any portion of indebtedness and/or
2 the adoption of a proposed zoning regulation, it shall record this
3 action in its minutes and the petition for annexation shall be so drawn
4 as to clearly indicate these facts)).

5 Approval by the legislative body shall be a condition precedent to
6 circulation of the annexation petition. There shall be no appeal from
7 the decision of the legislative body.

8 (3) A written petition ((for annexation of)) to annex an
9 unincorporated area contiguous to a code city, that was approved for
10 annexation under subsection (2) of this section, may be filed with the
11 legislative body of the ((municipality)) code city to which annexation
12 is desired. ((It)) The petition must be signed by the owner or owners,
13 as defined by RCW 35A.01.040(9) (a) through (d), of real property
14 located within the area proposed to be annexed comprising not less than
15 sixty percent ((in value, according to)) of the total assessed
16 valuation ((for general taxation of the property for which annexation
17 is petitioned: PROVIDED, That)) of all real property in the area
18 proposed to be annexed. If the area proposed to be annexed only
19 includes tax exempt property, including property owned by a school
20 district, the owner or owners of the tax exempt property may sign the
21 annexation petition.

22 However, a petition ((for annexation of)) to annex an area
23 ((having)), with boundaries that are at least eighty percent ((of the
24 boundaries of such area)) contiguous with a portion of the boundaries
25 of the code city((, not including that portion of the boundary of the
26 area proposed to be annexed that is coterminous with a portion of the
27 boundary between two counties in this state,)) need only be signed by
28 ((only)) the owner or owners of real property located within the area
29 proposed to be annexed comprising not less than fifty percent ((in
30 value according to the assessed valuation for general taxation)) of all
31 the real property ((for which the annexation is petitioned)) in that
32 area. Any portion of the boundary of such an area that is coterminous
33 with the boundaries of two counties in this state shall not be included
34 in determining whether at least eighty percent of the boundaries of the
35 area proposed to be annexed are contiguous with a portion of the code
36 city's boundaries.

37 ((Such)) The annexation petition shall ((set forth a description of
38 the property according to)) describe the property proposed to be
39 annexed using government legal subdivisions or legal plats and shall be

1 accompanied by a map (~~((which outlines))~~) outlining the boundaries of the
2 property (~~((sought))~~) proposed to be annexed. If the legislative body
3 has required (~~((the assumption of))~~) all or any portion of city
4 indebtedness to be assumed by the area proposed to be annexed or the
5 adoption of a proposed zoning regulation for the area to be annexed,
6 these facts(~~((, together with a quotation of the minute entry of such~~
7 ~~requirement, or requirements,))~~) shall also be set forth in the
8 annexation petition.

9 **Sec. 8.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are each
10 amended to read as follows:

11 Whenever such a petition for annexation is filed with the
12 legislative body of a code city(~~((, which petition))~~) that meets the
13 requirements (~~((herein))~~) specified under RCW 35A.14.120, and is
14 sufficient according to the rules set forth in RCW 35A.01.040, the
15 legislative body may (~~((entertain the same, fix a date for))~~) consider
16 the proposed annexation by holding a public hearing (~~((thereon and~~
17 ~~cause))~~) on the proposal. Notice of the public hearing (~~((to))~~) shall be
18 published in one or more issues of a newspaper of general circulation
19 in the code city(~~((The notice))~~) and shall also be posted in three
20 public places within the (~~((territory proposed for annexation, and))~~)
21 area proposed to be annexed. Notices shall specify the date, time, and
22 place of the public hearing and invite interested persons to appear and
23 voice approval or disapproval of the annexation. The expense of
24 publication and posting shall be borne by the signers of the petition.

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

27 Following the public hearing, (~~((if))~~) the legislative body may adopt
28 an ordinance providing for the annexation if it determines (~~((to~~
29 ~~effect))~~) the annexation(~~((, they shall do so by ordinance))~~) should be
30 made. Subject to boundary restrictions provided under RCW 35.02.170,
31 the ordinance may annex all or any portion of the proposed area, but
32 may not include (~~((in the annexation))~~) any property not described in the
33 petition. (~~((Upon passage of the annexation))~~) If the legislative body
34 adopts an ordinance to annex all or a portion of the area, it shall
35 file a certified copy (~~((shall be filed))~~) of the ordinance with the
36 (~~((board of county commissioners))~~) county legislative authority of the
37 county in which the annexed property is located. If a boundary review

1 board exists in the county in which the area proposed to be annexed is
2 located, the legislative body shall also file a notice of the proposed
3 annexation with that boundary review board as provided under RCW
4 36.93.090.

5 **Sec. 10.** RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended
6 to read as follows:

7 (1) Unless the jurisdiction of the boundary review board has been
8 invoked, the area described in the ordinance shall become part of the
9 code city effective upon the date fixed for the annexation in the
10 annexation ordinance ((of annexation the area annexed shall become part
11 of the city)). However, if the area proposed to be annexed has a
12 population of at least two percent of the city's or town's population
13 prior to the annexation or fifty persons, whichever is greater, the
14 city shall publish a notice of the proposed annexation and proposed
15 annexation is subject to potential voter approval, as provided under
16 section 6 of this act.

17 (2) If the boundary review board approves the annexation as
18 submitted, the area described in the ordinance shall become part of the
19 code city effective upon the date fixed for the annexation in an
20 ordinance adopted by the legislative body. However, if the area
21 proposed to be annexed has a population of at least two percent of the
22 city's or town's population prior to the annexation or fifty persons,
23 whichever is greater, the city shall publish a notice of the proposed
24 annexation and proposed annexation is subject to potential voter
25 approval, as provided under section 6 of this act.

26 If the boundary review board modifies and approves the annexation,
27 the area so altered shall become part of the code city upon the date
28 fixed for the modified annexation in a subsequent ordinance adopted by
29 the legislative body approving the modified annexation if no registered
30 voter resides in the area. However, if the area proposed to be annexed
31 has a population of at least two percent of the city's or town's
32 population prior to the annexation or fifty persons, whichever is
33 greater, the city shall publish a notice of the proposed annexation and
34 proposed annexation is subject to potential voter approval, as provided
35 under section 6 of this act.

36 (3) If the annexation occurs and the annexation petition so
37 provided, all property within the ((territory hereafter)) area that is
38 annexed shall((, if the annexation petition so provided,)) be assessed

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

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

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