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HOUSE BILL 1023

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Delvin, Sump, Alexander, Buck and Armstrong

Read first time 01/11/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to annexations by cities and towns; amending RCW  
2 35.13.125, 35.13.130, 35.13.140, 35.13.150, 35.13.160, 35A.14.120,  
3 35A.14.130, 35A.14.140, and 35A.14.150; adding a new section to chapter  
4 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing  
5 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 ~~((be either not less~~  
17 ~~than ten percent of the residents of the area to be annexed or))~~ file  
18 a written notice with the legislative body of the city or town  
19 indicating their interest in annexing property to the city or town and

1 indicating whether any registered voter lives within the area proposed  
2 to be annexed. The written notice must be 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 file the written notice with the legislative body. The legislative  
12 body of the city or town shall set a date and hold a meeting with the  
13 initiating party or parties, not later than sixty days after the filing  
14 of the ((request)) notice, for a meeting with the initiating parties to  
15 determine whether the city or town will: (1) Accept, reject, or  
16 geographically modify the proposed annexation((, whether it shall));  
17 (2) require the simultaneous adoption of the comprehensive plan, if  
18 such a comprehensive plan for the area proposed to be annexed has been  
19 prepared and filed ((for the area to be annexed as provided for in))  
20 under RCW 35.13.177 and 35.13.178((,))i and ((whether it shall)) (3)  
21 require the ((assumption of)) area to assume all or ((of)) any portion  
22 of existing city or town indebtedness ((by the area to be annexed. If  
23 the legislative body requires the assumption of all or of any portion  
24 of indebtedness and/or the adoption of a comprehensive plan, it shall  
25 record this action in its minutes and the petition for annexation shall  
26 be so drawn as to clearly indicate 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)) An annexation petition ((for annexation of)) to annex an  
33 unincorporated area contiguous to a city or town for which approval was  
34 made under RCW 35.13.125 may be ((made in writing addressed to and))  
35 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))~~ under the direct property owner  
30 petition method of annexation is filed with the legislative body of the  
31 city or town ((council, or commission in those cities having a  
32 commission form of government, which)) that meets the requirements  
33 ((herein)) specified((, of which fact satisfactory proof may be  
34 required by the council or commission)) under RCW 35.13.125 and  
35 35.13.130, and is sufficient according to the rules set forth in RCW  
36 35.21.005, the ((council or commission)) legislative body may  
37 ((entertain the same, fix a date for)) consider the proposed annexation  
38 by holding a public hearing ((thereon and cause)) on the proposal.

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

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

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

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

28 (1) Unless the jurisdiction of the boundary review board has been  
29 invoked, the area described in the ordinance shall become part of the  
30 city or town effective upon the date fixed for the annexation in the  
31 annexation ordinance ((of annexation the area annexed shall become part  
32 of the city or town)). However, if one or more registered voters  
33 reside in the area proposed to be annexed, the city or town shall  
34 publish a notice of the proposed annexation and proposed annexation is  
35 subject to potential voter approval, as provided under section 6 of  
36 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 if no registered voter  
5 resides in the area proposed to be annexed. However, if one or more  
6 registered voters reside in the area proposed to be annexed, the city  
7 or town shall publish a notice of the proposed annexation and proposed  
8 annexation is subject to potential voter approval, as provided under  
9 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 city or town  
15 adopts a subsequent ordinance approving the modified annexation and one  
16 or more registered voters reside in the area, the city or town shall  
17 publish a notice of the proposed annexation and proposed annexation is  
18 subject to potential voter approval, as provided under section 6 of  
19 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) Notice of the proposed annexation under the direct property  
35 owner petition method of annexation shall be made after all the  
36 procedural steps have been taken under RCW 35.13.160, if one or more  
37 registered voters reside in the area proposed to be annexed, by both  
38 publishing the notice in a newspaper of general circulation in the area

1 proposed to be annexed and mailing the notice to each registered voter  
2 residing in the area proposed to be annexed. The notice shall describe  
3 the area proposed to be annexed and the process under this section how  
4 voters residing in the area proposed to be annexed may file a petition  
5 subjecting the annexation to voter approval or rejection.

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

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

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

1 percent of the number of voters in the area who voted at the last  
2 preceding general election.

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

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

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

28 The legislative body of the code city shall set a date and hold a  
29 meeting with the initiating party or parties, not later than sixty days  
30 after the filing of the ~~((request))~~ notice, for a meeting with the  
31 initiating parties to determine whether the code city will: (a)  
32 Accept, reject, or geographically modify and accept the proposed  
33 annexation~~((, whether it shall))~~; (b) 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/or ~~((whether it shall))~~ (c) require  
37 the ~~((assumption of))~~ area to assume all or ~~((of))~~ any portion of  
38 existing city indebtedness ~~((by the area to be annexed. If the~~

1 legislative body requires the assumption of all or of any portion of  
2 indebtedness and/or the adoption of a proposed zoning regulation, it  
3 shall record this action in its minutes and the petition for annexation  
4 shall be so drawn 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. ((A))

8 (3) An annexation petition ((for annexation of)) to annex an  
9 unincorporated area contiguous to a code city, for which approval was  
10 made 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. ((Such))

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



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

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

10 Whenever such a petition (~~((for))~~) under the direct property owner  
11 petition method of annexation is filed with the legislative body of a  
12 code city (~~((, which petition))~~) that meets the requirements (~~((herein))~~)  
13 specified under RCW 35A.14.120, and is sufficient according to the  
14 rules set forth in RCW 35A.01.040, the legislative body may (~~((entertain~~  
15 ~~the same, fix a date for))~~) consider the proposed annexation by holding  
16 a public hearing (~~((thereon and cause))~~) on the proposal. Notice of the  
17 public hearing (~~((to))~~) shall be published in one or more issues of a  
18 newspaper of general circulation in the code city (~~((The notice))~~) and  
19 shall also be posted in three public places within the (~~((territory))~~)  
20 area proposed (~~((for annexation, and))~~) to be annexed. Notices shall  
21 specify the date, time, and place of the public hearing and invite  
22 interested persons to appear and voice approval or disapproval of the  
23 annexation. The expense of publication and posting shall be borne by  
24 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))~~) that the annexation (~~((, they shall do so by ordinance))~~) should  
30 be made. Subject to boundary restrictions provided under RCW  
31 35.02.170, the ordinance may annex all or any portion of the proposed  
32 area, but may not include (~~((in the annexation))~~) any property not  
33 described in the annexation petition. (~~((Upon passage of the~~  
34 ~~annexation))~~) If the legislative body adopts an ordinance to annex all  
35 or a portion of the area, it shall file a certified copy (~~((shall be~~  
36 ~~filed))~~) of the ordinance with the (~~((board of))~~) county (~~((commissioners))~~)  
37 legislative authority of the county in which the annexed property is

1 located. If a boundary review board exists in the county in which the  
2 area proposed to be annexed is located, the legislative body shall also  
3 file a notice of the proposed annexation with that boundary review  
4 board as provided under RCW 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)) if no registered voter resides in the area. However, if  
12 one or more registered voters reside in the area proposed to be  
13 annexed, the city shall publish a notice of the proposed annexation and  
14 proposed annexation is subject to potential voter approval under  
15 section 11 of this act.

16 (2) If the boundary review board approves the annexation as  
17 submitted, the area described in the ordinance shall become part of the  
18 code city effective upon the date fixed for the annexation in an  
19 ordinance adopted by the legislative body if no registered voter  
20 resides in the area. However, if one or more registered voters reside  
21 in the area proposed to be annexed, the city shall publish a notice of  
22 the proposed annexation and proposed annexation is subject to potential  
23 voter approval under section 11 of this act.

24 If the boundary review board modifies and approves the annexation,  
25 the area so altered shall become part of the code city upon the date  
26 fixed for the modified annexation in a subsequent ordinance adopted by  
27 the legislative body approving the modified annexation if no registered  
28 voter resides in the area. However, if the city adopts a subsequent  
29 ordinance approving the modified annexation and one or more registered  
30 voters reside in the area, the city shall publish a notice of the  
31 proposed annexation and proposed annexation is subject to potential  
32 voter approval under section 11 of this act.

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

1 the area is annexed, which indebtedness (~~((has been))~~) was approved by  
2 (~~((the))~~) code city voters, contracted for, or incurred prior to, or  
3 existing at, the date of annexation (~~((and that the city has required to~~  
4 ~~be assumed))~~). If the annexation petition so provided, all property in  
5 the annexed area shall be subject to and a part of the proposed zoning  
6 regulation as prepared and filed as provided for in RCW 35A.14.330 and  
7 35A.14.340.

8 NEW SECTION. **Sec. 11.** A new section is added to chapter 35A.14  
9 RCW to read as follows:

10 (1) Notice of a proposed annexation under the direct property owner  
11 petition method of annexation shall be made after all the procedural  
12 steps have been taken under RCW 35A.14.150, if one or more registered  
13 voters resides in the area proposed to be annexed, by both publishing  
14 the notice in a newspaper of general circulation in the area proposed  
15 to be annexed and mailing the notice to each registered voter residing  
16 in the area proposed to be annexed. The notice shall describe the area  
17 proposed to be annexed and the process under this section how voters  
18 residing in the area proposed to be annexed may file a petition  
19 subjecting the annexation to voter approval or rejection.

20 (2) A petition may be filed with the legislative body of the code  
21 city calling for a ballot proposition authorizing an annexation of the  
22 area to be submitted to voters residing in the area for their approval  
23 or rejection. The petition must be signed by at least ten percent of  
24 the registered voters residing in the area proposed to be annexed and  
25 must be filed within forty-five days after the publication of the  
26 notice under subsection (1) of this section.

27 The legislative body shall immediately transfer the petition to the  
28 county auditor of the county in which all or the major portion of the  
29 area to be annexed is located. Within ten days of receiving the  
30 petition, the county auditor shall review the petition and certify if  
31 the petition contains sufficient valid signatures. If the auditor  
32 certifies that the petition contains sufficient valid signatures, a  
33 ballot proposition authorizing the annexation shall be submitted to the  
34 voters residing in the area proposed for annexation at a special  
35 election called for that purpose at the next special election date  
36 specified under RCW 29.13.020 occurring at least sixty days after the  
37 petition is certified as having sufficient valid signatures. However,

1 the legislative body of the city may adopt a resolution withdrawing its  
2 support of the annexation and terminating the proposed annexation.

3 A ballot proposition or propositions authorizing the annexation,  
4 adoption of the proposed zoning regulation, or authorizing the  
5 assumption of all or a portion of the city's indebtedness are subject  
6 to the provisions of this chapter relating to these matters under the  
7 election method of annexation.

8 NEW SECTION. **Sec. 12.** RCW 28A.335.110 (Real property--Annexation  
9 to city or town) and 1971 c 69 s 3 are each repealed.

--- END ---