
HOUSE BILL 1568

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Dunshee, Brough and Cothorn

Read first time 02/01/93. Referred to Committee on Local Government.

1 AN ACT Relating to city and town annexations; amending RCW
2 35.13.125, 35.13.130, 35.13.140, 35.13.165, 35A.14.120, and 35A.14.130;
3 and adding a new section to chapter 35A.14 RCW.

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

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

7 Proceedings for the annexation of territory pursuant to RCW
8 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be
9 commenced as provided in this section. Prior to the circulation of a
10 petition for annexation of unincorporated territory contiguous to a
11 city or town, the initiating party or parties who, except as provided
12 in RCW 28A.335.110, shall be either not less than ten percent of the
13 residents of the area to be annexed or the owners of not less than ten
14 percent in value, according to the assessed valuation for general
15 taxation of the property for which annexation is petitioned, shall
16 notify the legislative body of the city or town in writing of their
17 intention to commence annexation proceedings.

18 The legislative body shall set a date, not later than sixty days
19 after the filing of the request nor earlier than forty-five days after

1 the filing of the request, for a ((meeting with the initiating
2 parties)) public hearing as provided in RCW 35.13.140 to determine
3 whether the city or town will accept, reject, or geographically modify
4 and accept the proposed annexation, whether it shall require the
5 simultaneous adoption of the comprehensive plan if ((such)) the plan
6 has been prepared and filed for the area to be annexed as provided for
7 in RCW 35.13.177 and 35.13.178, and whether it shall require the
8 assumption of all or of ((any)) a portion of existing city or town
9 indebtedness by the area to be annexed. If the legislative body
10 requires the assumption of either all or of ((any)) a portion of
11 indebtedness ((and/or)) or the adoption of a comprehensive plan, or
12 both, it shall record this action in its minutes and the petition for
13 annexation shall be so drawn as to clearly indicate this fact.

14 There shall be no appeal from the decision of the legislative body,
15 except as provided in RCW 35.13.165.

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

18 A petition for annexation of an unincorporated area contiguous to
19 a city or town may be made in writing addressed to and filed with the
20 legislative body of the municipality to which annexation is desired.
21 Except where all the property sought to be annexed is property of a
22 school district, and the school directors thereof file the petition for
23 annexation as in RCW 28A.335.110 authorized, the petition must be
24 signed by the owners of not less than ((seventy-five)) sixty percent in
25 value according to the assessed valuation for general taxation of the
26 property for which annexation is petitioned((:—PROVIDED, That in
27 ~~cities and towns with populations greater than one hundred sixty~~
28 ~~thousand located east of the Cascade mountains,~~)). The owner of tax
29 exempt property may sign an annexation petition and have the tax exempt
30 property annexed into the city or town, but the value of the tax exempt
31 property shall not be used in calculating the sufficiency of the
32 required property owner signatures unless only tax exempt property is
33 proposed to be annexed into the city or town. The petition shall set
34 forth a description of the property according to government legal
35 subdivisions or legal plats which is in compliance with RCW 35.02.170,
36 and shall be accompanied by a plat which outlines the boundaries of the
37 property sought to be annexed. If the legislative body has required
38 the assumption of all or of ((any)) a portion of city or town

1 indebtedness by the area annexed, (~~and/or~~) or the adoption of a
2 comprehensive plan for the area to be annexed, or both, these facts,
3 together with a quotation of the minute entry of (~~such~~) the
4 requirement or requirements shall be set forth in the petition.

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

7 Whenever a petition for annexation is filed with the city or town
8 council, or commission in those cities having a commission form of
9 government, which meets the requirements herein specified, of which
10 fact satisfactory proof may be required by the council or commission,
11 the council or commission may entertain the same, fix a date for a
12 public hearing thereon and cause notice of the public hearing to be
13 published in one issue of a newspaper of general circulation in the
14 city or town. The notice shall also be posted in three public places
15 within the territory proposed for annexation, and shall specify the
16 time and place of hearing and invite interested persons to appear and
17 voice approval or disapproval of the annexation.

18 The expense of publication and posting of the notice shall be borne
19 by the signers of the petition.

20 **Sec. 4.** RCW 35.13.165 and 1989 c 351 s 7 are each amended to read
21 as follows:

22 At (~~any~~) a time before the date is set for an annexation election
23 under RCW 35.13.060 or 35.13.174, or a public hearing under RCW
24 35.13.140, all further proceedings to annex shall be terminated upon
25 the filing of verified declarations of termination signed by:

26 (1) Owners of real property consisting of at least sixty percent of
27 the assessed valuation in the area proposed to be annexed; (~~or~~)

28 (2) (~~Sixty percent~~) A simple majority of the owners of real
29 property in the area proposed to be annexed; or

30 (3) A simple majority of the voters residing in the area proposed
31 to be annexed.

32 As used in this subsection, the term "owner" shall include
33 individuals and corporate owners. In determining who is a real
34 property owner for purposes of this section, all owners of a single
35 parcel shall be considered as one owner. No owner may be entitled to
36 sign more than one declaration of termination.

1 Following the termination of (~~such~~) the proceedings, no other
2 petition for annexation affecting (~~any~~) a portion of the same
3 property may be considered by (~~any government body~~) a city or town
4 for a period of five years from the date of filing.

5 (~~The provisions of this section shall apply only to cities with a~~
6 ~~population greater than four hundred thousand.~~)

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

9 Proceedings for initiating annexation of unincorporated territory
10 contiguous to a charter code city or noncharter code city may be
11 commenced by the filing of a petition of property owners of the
12 territory proposed to be annexed, in the following manner. This method
13 of annexation shall be alternative to other methods provided in this
14 chapter. Prior to the circulation of a petition for annexation, the
15 initiating party or parties, who shall be the owners of not less than
16 ten percent in value, according to the assessed valuation for general
17 taxation of the property for which annexation is sought, shall notify
18 the legislative body of the code city in writing of their intention to
19 commence annexation proceedings.

20 The legislative body shall set a date, not later than sixty days
21 after the filing of the request and not earlier than forty-five days
22 after the filing of the request, for a (~~meeting with the initiating~~
23 ~~parties~~) public hearing as provided in RCW 35A.14.140 to determine
24 whether the code city will accept, reject, or geographically modify and
25 accept the proposed annexation, whether it shall require the
26 simultaneous adoption of a proposed zoning regulation, if such a
27 proposal has been prepared and filed for the area to be annexed as
28 provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall
29 require the assumption of all or of (~~any~~) a portion of existing city
30 indebtedness by the area to be annexed. If the legislative body
31 requires the assumption of either all or (~~of any~~) a portion of
32 indebtedness (~~and/or~~) or the adoption of a proposed zoning
33 regulation, or both, it shall record this action in its minutes and the
34 petition for annexation shall be so drawn as to clearly indicate these
35 facts. Approval by the legislative body shall be a condition precedent
36 to circulation of the petition.

37 There shall be no appeal from the decision of the legislative body,
38 except as provided under section 7 of this act.

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

23 **Sec. 6.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are each
24 amended to read as follows:

25 Whenever such a petition for annexation is filed with the
26 legislative body of a code city, which petition meets the requirements
27 herein specified and is sufficient according to the rules set forth in
28 RCW 35A.01.040, the legislative body may entertain the same, fix a date
29 for a public hearing thereon and cause notice of the public hearing to
30 be published in one or more issues of a newspaper of general
31 circulation in the city. The notice shall also be posted in three
32 public places within the territory proposed for annexation, and shall
33 specify the time and place of hearing and invite interested persons to
34 appear and voice approval or disapproval of the annexation.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.14 RCW
36 to read as follows:

1 At a time before the date is set for an annexation election under
2 RCW 35A.14.060 or a public hearing under RCW 35A.14.130, all further
3 proceedings to annex shall be terminated upon the filing of verified
4 declarations of termination signed by:

5 (1) Owners of real property consisting of at least sixty percent of
6 the assessed valuation in the area proposed to be annexed;

7 (2) A simple majority of the owners of real property in the area
8 proposed to be annexed; or

9 (3) A simple majority of the voters residing in the area proposed
10 to be annexed.

11 As used in this subsection, the term "owner" shall include
12 individuals and corporate owners. In determining who is a real
13 property owner for purposes of this section, all owners of a single
14 parcel shall be considered as one owner. No owner may be entitled to
15 sign more than one declaration of termination.

16 Following the termination of the proceedings, no other petition for
17 annexation affecting a portion of the same property may be considered
18 by a city or town for a period of five years from the date of filing.

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