
HOUSE BILL 1489

State of Washington

54th Legislature

1995 Regular Session

By Representatives Cole and Rust

Read first time 01/27/95. Referred to Committee on Government Operations.

1 AN ACT Relating to city and town annexations; amending RCW
2 35.13.125, 35.13.130, 35.13.150, 35.13.160, 35A.14.120, 35A.14.140, and
3 35A.14.150; adding a new section to chapter 35.13 RCW; adding a new
4 section to chapter 35A.14 RCW; 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 ~~((territory))~~ an
9 unincorporated area contiguous to a city or town, pursuant to RCW
10 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170, shall be
11 commenced as provided in this section. Prior to the circulation of a
12 petition for such an annexation, the initiating party or parties,
13 who(~~(, except as provided in RCW 28A.335.110,)~~) shall be either not
14 less than ten percent of the residents of the area to be annexed or the
15 owners of not less than ten percent in value, according to the assessed
16 valuation for general taxation of the property for which annexation is
17 ~~((petitioned))~~ sought, shall notify the legislative body of the city or
18 town in writing of their intention to commence annexation proceedings.
19 If the area proposed to be annexed includes only tax exempt property,

1 including property owned by a school district, the owners of at least
2 a majority of the acreage in the area may notify the legislative body
3 of the city or town of their intention to commence annexation
4 proceedings.

5 The legislative body shall set a date, not later than sixty days
6 after the filing of the request, for a meeting with the initiating
7 parties to determine whether the city or town will accept, reject, or
8 geographically modify and accept the proposed annexation, whether it
9 shall require the simultaneous adoption of the comprehensive plan if
10 ~~((such))~~ the plan has been prepared and filed for the area to be
11 annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it
12 shall require the assumption of all or of ~~((any))~~ a portion of existing
13 city or town indebtedness by the area to be annexed. If the
14 legislative body requires the assumption of either all or of ~~((any))~~ a
15 portion of the city's or town's existing indebtedness ~~((and/or))~~, or
16 the adoption of a comprehensive plan, or both, it shall record this
17 action in its minutes and the petition for annexation shall be so drawn
18 as to clearly indicate ~~((this))~~ these facts.

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

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

24 A petition for annexation of an unincorporated area contiguous to
25 a city or town that was approved for annexation under RCW 35.13.125 may
26 be made in writing addressed to and filed with the legislative body of
27 the ~~((municipality))~~ city or town to which annexation is desired.
28 ~~((Except where all the property sought to be annexed is property of a~~
29 ~~school district, and the school directors thereof file the petition for~~
30 ~~annexation as in RCW 28A.335.110 authorized,))~~ The petition must be
31 signed by the owners of not less than ~~((seventy-five))~~ sixty percent in
32 value according to the assessed valuation for general taxation of the
33 property for which annexation is petitioned~~((:—PROVIDED, That in~~
34 ~~cities and towns with populations greater than one hundred sixty~~
35 ~~thousand located east of the Cascade mountains))~~. However, a petition
36 for annexation of an area having at least eighty percent of its
37 boundaries contiguous with a portion of the boundaries of the city or
38 town need be signed by only the owners of not less than fifty percent

1 in value according to the assessed valuation for general taxation of
2 the property for which the annexation is petitioned.

3 If only tax exempt property, including property owned by a school
4 district, is proposed to be annexed to the city or town, the owner or
5 owners of tax exempt property may sign an annexation petition ((and
6 have the tax exempt property annexed into the city or town, but the
7 value of the tax exempt property shall not be used in calculating the
8 sufficiency of the required property owner signatures unless only tax
9 exempt property is proposed to be annexed into the city or town.
10 The)).

11 An annexation petition shall set forth a description of the
12 property according to government legal subdivisions or legal plats
13 which is in compliance with RCW 35.02.170, and shall be accompanied by
14 a ((plat)) map which outlines the boundaries of the property sought to
15 be annexed. If the legislative body has required the ((assumption of
16 all or of any)) area proposed to be annexed assume all or a portion of
17 the city or town's indebtedness ((by the area annexed, and/or)), or the
18 adoption of a comprehensive plan for the area to be annexed, or both,
19 these facts, together with a quotation of the minute entry of ((such))
20 the requirement or requirements shall be set forth in the petition.

21 **Sec. 3.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each
22 amended to read as follows:

23 Following the hearing, the ((council or commission)) legislative
24 body shall determine by ordinance whether annexation shall be made.
25 Subject to RCW 35.02.170, ((they)) the ordinance may annex all or any
26 portion of the proposed area but may not include in the annexation any
27 property not described in the petition. Upon passage of the ordinance
28 a certified copy shall be filed with the ((board of county
29 commissioners)) county legislative authority of the county in which the
30 annexed property is located.

31 A notice of the adoption of the annexation ordinance shall be
32 published by the city or town in a newspaper of general circulation in
33 the area to be annexed at least once each week for two weeks after
34 adoption of the ordinance, with the first notice being published within
35 twelve days after the ordinance was adopted. The notice shall describe
36 the area to be annexed and the process under section 5 of this act by
37 which a petition may be filed causing a ballot proposition authorizing
38 the annexation to be submitted to voters residing in the area to be

1 annexed for their approval or rejection. If the legislative body
2 requires the assumption of either all or a portion of the city or
3 town's indebtedness, or the adoption of a comprehensive plan, or both,
4 the notice shall describe these facts.

5 **Sec. 4.** RCW 35.13.160 and 1973 1st ex.s. c 164 s 13 are each
6 amended to read as follows:

7 ~~((Upon the date fixed in the ordinance of annexation))~~ If a timely
8 and sufficient petition is not filed as provided under section 5 of
9 this act, the area ((annexed)) shall become part of the city or town
10 effective at a date specified in the annexation ordinance that is more
11 than forty-five days after the date the annexation ordinance was
12 adopted, not including the day the ordinance was adopted.

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

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.13 RCW
24 to read as follows:

25 A ballot proposition authorizing an annexation of the area proposed
26 to be annexed under the direct property owner petition method of
27 annexation shall be submitted to the voters residing in the area
28 proposed to be annexed for their approval or rejection, if a petition
29 calling for the submission of such a ballot proposition is filed with
30 the legislative body of the city or town. The petition must be signed
31 by at least ten percent of the registered voters residing in the area
32 to be annexed and shall be filed within forty-five days after the
33 passage of the annexation ordinance under RCW 35.13.140, not including
34 the day the ordinance was adopted.

35 The legislative body shall immediately transfer the petition to the
36 county auditor of the county in which all or the major portion of the
37 area to be annexed is located. Within ten days of receiving the

1 petition, the county auditor shall review the petition and certify if
2 the petition contains sufficient valid signatures. If the area
3 proposed to be annexed is located in more than one county, the auditor
4 of the county in which the major portion of the area to be annexed is
5 located shall be the lead auditor who shall immediately transfer a copy
6 of the petition to the auditor of each other county in which the area
7 is located. Within ten days after the lead auditor received the
8 petition, the auditor of each of these other counties shall certify to
9 the lead auditor the number of registered voters residing in the
10 portion of the area in that county and the number of valid signatures
11 on the petition of such registered voters. The lead auditor shall
12 certify the sufficiency of the petition after receiving this
13 information.

14 If the auditor certifies that the petition contains sufficient
15 valid signatures, a ballot proposition authorizing the annexation shall
16 be submitted to the voters residing in the area proposed for annexation
17 at a special election called for that purpose at the next special
18 election date specified under RCW 29.13.020 occurring at least forty-
19 five days after the petition is certified as having sufficient valid
20 signatures.

21 If the legislative body of the city or town requires that all or a
22 portion of the city or town's indebtedness be assumed by the property
23 proposed to be annexed, the legislative body shall specify whether a
24 single ballot proposition authorizing both the annexation and
25 assumption of indebtedness, or separate ballot propositions authorizing
26 the annexation and assumption of indebtedness, shall be submitted to
27 the voters for their approval or rejection. The vote or votes required
28 to approve a ballot proposition authorizing only the annexation, a
29 ballot proposition authorizing both the annexation and assumption of
30 indebtedness, and a ballot proposition authorizing only the assumption
31 of indebtedness shall be as provided in RCW 35.13.090 and 35.13.095.

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

34 Proceedings for initiating annexation of unincorporated territory
35 contiguous to a ((~~charter code city or noncharter~~)) code city may be
36 commenced by the filing of a petition of property owners of the
37 territory proposed to be annexed, in the following manner. This method

1 of annexation shall be alternative to other methods provided in this
2 chapter.

3 Prior to the circulation of a petition for annexation, the
4 initiating party or parties, who shall be the owners of not less than
5 ten percent in value, according to the assessed valuation for general
6 taxation of the property for which annexation is sought, shall notify
7 the legislative body of the code city in writing of their intention to
8 commence annexation proceedings. If the area proposed to be annexed
9 includes only tax exempt property, including property owned by a school
10 district, the owners of at least a majority of the acreage in the area
11 may notify the legislative body of the city or town of their intention
12 to commence annexation proceedings.

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

28 There shall be no appeal from the decision of the legislative body.

29 A petition for annexation of an unincorporated area contiguous to
30 a code city may be filed with the legislative body of the
31 ~~((municipality))~~ city to which annexation is desired. ~~((It))~~ The
32 petition must be signed by the owners, as defined by RCW 35A.01.040(9)
33 (a) through (d), of not less than sixty percent in value, according to
34 the assessed valuation for general taxation of the property for which
35 annexation is petitioned ~~((: PROVIDED, That))~~. However, a petition for
36 annexation of an area having at least eighty percent of ~~((the))~~ its
37 boundaries ~~((of such area))~~ contiguous with a portion of the boundaries
38 of the code city ~~((, not including that portion of the boundary of the~~
39 ~~area proposed to be annexed that is coterminous with a portion of the~~

1 ~~boundary between two counties in this state,~~) need be signed by only
2 the owners of not less than fifty percent in value according to the
3 assessed valuation for general taxation of the property for which the
4 annexation is petitioned. ~~((Such))~~ If only tax exempt property,
5 including property owned by a school district, is proposed to be
6 annexed to the code city, the owner or owners of tax exempt property
7 may sign an annexation petition.

8 An annexation petition shall set forth a description of the
9 property according to government legal subdivisions or legal plats and
10 shall be accompanied by a map which outlines the boundaries of the
11 property sought to be annexed. If the legislative body has required
12 the assumption of all or ~~((any))~~ a portion of the city's indebtedness
13 by the area annexed, or the adoption of a proposed zoning regulation,
14 or both, these facts, together with a quotation of the minute entry of
15 ~~((such))~~ the requirement~~((r))~~ or requirements, shall also be set forth
16 in the petition.

17 **Sec. 7.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to
18 read as follows:

19 Following the hearing, if the legislative body determines to effect
20 the annexation, ~~((they))~~ it shall do so by ordinance. Subject to RCW
21 35.02.170, the ordinance may annex all or any portion of the proposed
22 area but may not include in the annexation any property not described
23 in the petition. Upon passage of the annexation ordinance a certified
24 copy shall be filed with the ~~((board of county commissioners))~~ county
25 legislative authority of the county in which the annexed property is
26 located.

27 A notice of the adoption of the annexation ordinance shall be
28 published by the code city in a newspaper of general circulation in the
29 area to be annexed at least once each week for two weeks after adoption
30 of the ordinance, with the first notice being published within twelve
31 days after the ordinance was adopted. The notice shall describe the
32 area to be annexed and the process under section 9 of this act by which
33 a petition may be filed causing a ballot proposition authorizing the
34 annexation to be submitted to voters residing in the area to be annexed
35 for their approval or rejection. If the legislative body requires the
36 assumption of either all or a portion of the city's indebtedness, or
37 the adoption of a proposed zoning regulation, or both, the notice shall
38 describe these facts.

1 **Sec. 8.** RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended
2 to read as follows:

3 (~~Upon the date fixed in the ordinance of annexation~~) If a timely
4 and sufficient petition is not filed under section 9 of this act, the
5 area ((annexed)) shall become part of the city effective at the date
6 specified in the annexation ordinance that is more than forty-five days
7 after the date the annexation ordinance was adopted, not including the
8 day the ordinance was adopted.

9 All property within the (~~territory hereafter~~) area that is
10 annexed shall, if the annexation petition so provided, be assessed and
11 taxed at the same rate and on the same basis as the property of such
12 annexing code city is assessed and taxed to pay for the portion of any
13 then-outstanding indebtedness of the city to which said area is
14 annexed, which indebtedness has been approved by the voters, contracted
15 for, or incurred prior to, or existing at, the date of annexation and
16 that the city has required to be assumed. If the annexation petition
17 so provided, all property in the annexed area shall be subject to and
18 a part of the proposed zoning regulation as prepared and filed as
19 provided for in RCW 35A.14.330 and 35A.14.340.

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

22 A ballot proposition authorizing the annexation of an area proposed
23 to be annexed under the direct property owner petition method of
24 annexation shall be submitted to the voters residing in the area
25 proposed to be annexed for their approval or rejection, if a petition
26 calling for the submission of such a ballot proposition is filed with
27 the legislative body of the city. The petition must be signed by at
28 least ten percent of the registered voters residing in the area to be
29 annexed and shall be filed within forty-five days after the passage of
30 the annexation ordinance under RCW 35A.14.140, not including the day
31 the ordinance was adopted.

32 The legislative body shall immediately transfer the petition to the
33 county auditor of the county in which all or the major portion of the
34 area to be annexed is located. Within ten days of receiving the
35 petition, the county auditor shall review the petition and certify if
36 the petition contains sufficient valid signatures. If the area
37 proposed to be annexed is located in more than one county, the auditor
38 of the county in which the major portion of the area to be annexed is

1 located shall be the lead auditor and shall immediately transfer a copy
2 of the petition to the auditor of each other county in which the area
3 is located. Within ten days after the lead auditor received the
4 petition, the auditor of each of these other counties shall certify to
5 the lead auditor the number of registered voters residing in the
6 portion of the area in that county and the number of valid signatures
7 on the petition of such registered voters. The lead auditor shall
8 certify the sufficiency of the petition after receiving this
9 information.

10 If the auditor certifies that the petition contains sufficient
11 valid signatures, a ballot proposition authorizing the annexation shall
12 be submitted to the voters residing in the area proposed for annexation
13 at a special election called for that purpose at the next special
14 election date specified under RCW 29.13.020 occurring at least forty-
15 five days after the petition is certified as having sufficient valid
16 signatures.

17 If the legislative body of the code city requires that all or a
18 portion of the city's indebtedness be assumed by the property proposed
19 to be annexed, the legislative body shall specify whether a single
20 ballot proposition authorizing both the annexation and assumption of
21 indebtedness, or separate ballot propositions authorizing the
22 annexation and assumption of indebtedness, shall be submitted to the
23 voters for their approval or rejection. The vote or votes required to
24 approve a ballot proposition authorizing only the annexation, a ballot
25 proposition authorizing both the annexation and assumption of
26 indebtedness, and a ballot proposition authorizing only the assumption
27 of indebtedness shall be as provided in RCW 35A.14.080 and 35A.14.090.

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

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