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SENATE BILL 6696

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State of Washington

54th Legislature

1996 Regular Session

By Senators Fairley, Haugen, Winsley, Sheldon and McCaslin

Read first time 01/24/96. Referred to Committee on Government Operations.

1 AN ACT Relating to property owner notification regarding pending  
2 annexations of territory by direct petition method; and amending RCW  
3 35.13.125, 35.13.130, and 35A.14.120.

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, the initiating party or parties who, except as  
11 provided in RCW 28A.335.110, shall be either not less than ten percent  
12 of the residents of the area to be annexed or the owners of not less  
13 than ten percent in value, according to the assessed valuation for  
14 general taxation of the property for which annexation is petitioned,  
15 shall notify the legislative body of the city or town in writing of  
16 their intention to commence annexation proceedings. The legislative  
17 body shall set a date, not later than sixty days after the filing of  
18 the request, for a meeting with the initiating parties to determine  
19 whether the city or town will accept, reject, or geographically modify

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

12 If the legislative body allows the circulation of the petition, the  
13 legislative body shall cause notice to be given by mail, within ten  
14 working days after acceptance of proposed annexation is given, to the  
15 owners or reputed owners of all lots, tracts, and parcels of land or  
16 other property within the area to be annexed, as shown on the rolls of  
17 the county assessor, directed to the address thereon shown.

18 The notice shall include information on the circulation of the  
19 petition and the area to be annexed and shall include the following  
20 caution:

21 "Caution: The petition to be circulated is for the direct  
22 annexation of the described property. If sufficient signatures  
23 are obtained, the annexation may occur without a vote of the  
24 residents."

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

27 A petition for annexation of an area contiguous to a city or town  
28 may be made in writing addressed to and filed with the legislative body  
29 of the municipality to which annexation is desired. Except where all  
30 the property sought to be annexed is property of a school district, and  
31 the school directors thereof file the petition for annexation as in RCW  
32 28A.335.110 authorized, the petition must be signed by the owners of  
33 not less than seventy-five percent in value according to the assessed  
34 valuation for general taxation of the property for which annexation is  
35 petitioned: PROVIDED, That in cities and towns with populations  
36 greater than one hundred sixty thousand located east of the Cascade  
37 mountains, the owner of tax exempt property may sign an annexation

1 petition and have the tax exempt property annexed into the city or  
2 town, but the value of the tax exempt property shall not be used in  
3 calculating the sufficiency of the required property owner signatures  
4 unless only tax exempt property is proposed to be annexed into the city  
5 or town. The petition shall set forth a description of the property  
6 according to government legal subdivisions or legal plats which is in  
7 compliance with RCW 35.02.170, and shall be accompanied by a plat which  
8 outlines the boundaries of the property sought to be annexed.

9 The petition shall contain the following caution displayed  
10 conspicuously:

11 "Caution: This is a petition for the direct annexation of the  
12 described property. If sufficient signatures are obtained, the  
13 annexation may occur without a vote of the residents."

14 If the legislative body has required the assumption of all or of  
15 any portion of city or town indebtedness by the area annexed, and/or  
16 the adoption of a comprehensive plan for the area to be annexed, these  
17 facts, together with a quotation of the minute entry of such  
18 requirement or requirements shall be set forth in the petition.

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

21 Proceedings for initiating annexation of unincorporated territory  
22 to a charter code city or noncharter code city may be commenced by the  
23 filing of a petition of property owners of the territory proposed to be  
24 annexed, in the following manner. This method of annexation shall be  
25 alternative to other methods provided in this chapter. Prior to the  
26 circulation of a petition for annexation, the initiating party or  
27 parties, who shall be the owners of not less than ten percent in value,  
28 according to the assessed valuation for general taxation of the  
29 property for which annexation is sought, shall notify the legislative  
30 body of the code city in writing of their intention to commence  
31 annexation proceedings. The legislative body shall set a date, not  
32 later than sixty days after the filing of the request, for a meeting  
33 with the initiating parties to determine whether the code city will  
34 accept, reject, or geographically modify the proposed annexation,  
35 whether it (~~shall~~) will require the simultaneous adoption of a  
36 proposed zoning regulation, if such a proposal has been prepared and

1 filed for the area to be annexed as provided for in RCW 35A.14.330 and  
2 35A.14.340, and whether it (~~shall~~) will require the assumption of all  
3 or of any portion of existing city indebtedness by the area to be  
4 annexed. If the legislative body requires the assumption of all or of  
5 any portion of indebtedness and/or the adoption of a proposed zoning  
6 regulation, it shall record this action in its minutes and the petition  
7 for annexation shall be so drawn as to clearly indicate these facts.  
8 Approval by the legislative body shall be a condition precedent to  
9 circulation of the petition. There shall be no appeal from the  
10 decision of the legislative body.

11 If the legislative body allows the circulation of the petition, the  
12 legislative body shall cause notice to be given by mail, within ten  
13 working days after acceptance of proposed annexation is given, to the  
14 owners or reputed owners of all lots, tracts, and parcels of land or  
15 other property within the area to be annexed, as shown on the rolls of  
16 the county assessor, directed to the address thereon shown.

17 The notice shall include information on the circulation of the  
18 petition and the area to be annexed and shall include the following  
19 caution:

20 "Caution: The petition to be circulated is for the direct  
21 annexation of the described property. If sufficient signatures  
22 are obtained, the annexation may occur without a vote of the  
23 residents."

24 A petition for annexation of an area contiguous to a code city may  
25 be filed with the legislative body of the municipality to which  
26 annexation is desired. It must be signed by the owners, as defined by  
27 RCW 35A.01.040(9) (a) through (d), of not less than sixty percent in  
28 value, according to the assessed valuation for general taxation of the  
29 property for which annexation is petitioned: PROVIDED, That a petition  
30 for annexation of such an area having at least eighty percent of the  
31 boundaries of (~~such~~) the area contiguous with a portion of the  
32 boundaries of the code city, not including that portion of the boundary  
33 of the area proposed to be annexed that is coterminous with a portion  
34 of the boundary between two counties in this state, need be signed by  
35 only the owners of not less than fifty percent in value according to  
36 the assessed valuation for general taxation of the property for which  
37 the annexation is petitioned. Such petition shall set forth a

1 description of the property according to government legal subdivisions  
2 or legal plats and shall be accompanied by a map which outlines the  
3 boundaries of the property sought to be annexed.

4 The petition shall contain the following caution displayed  
5 conspicuously:

6 "Caution: This is a petition for the direct annexation of the  
7 described property. If sufficient signatures are obtained, the  
8 annexation may occur without a vote of the residents."

9 If the legislative body has required the assumption of all or any  
10 portion of city indebtedness by the area annexed or the adoption of a  
11 proposed zoning regulation, these facts, together with a quotation of  
12 the minute entry of such requirement, or requirements, shall also be  
13 set forth in the petition.

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