

# SENATE BILL REPORT

## SB 5409

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As Reported By Senate Committee On:  
Land Use & Planning, February 17, 2003

**Title:** An act relating to providing a new direct petition annexation method.

**Brief Description:** Providing for direct petition annexations.

**Sponsors:** Senators Mulliken, T. Sheldon, Roach, Fairley, Schmidt, Kline, Swecker, Reardon, Deccio, Doumit, McCaslin, Parlette, Esser, Rasmussen and Shin.

**Brief History:**

**Committee Activity:** Land Use & Planning: 1/30/03, 2/17/03 [DPS].

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** That Substitute Senate Bill No. 5409 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

**Staff:** Jennifer Arnold (786-7471)

**Background:** Under the current law, a requirement of the direct petition method for the annexation of territory is that the petition be signed by owners of at least 75 percent in value, according to the assessed valuation for general taxation, of the property to be annexed. This requirement was found to be unconstitutional by the Washington State Supreme Court on March 14, 2002, in *Grant County Fire Protection District No.5 v. City of Moses Lake*. As a result, the court invalidated the direct petition method for annexation for code cities and for non-code cities on the grounds that the direct petition method violated the privilege and immunities clause of the Washington State Constitution. Specifically, the court held that "if the Legislature grants people the power to petition for annexation, it must do so on an equal basis to all other similarly situated parties." Thus, the petition method, as it exists under current law, was found unconstitutional in that it "grants owners of highly valued property a privilege not afforded to other similarly situated parties."

Prior to the court's decision, the majority of annexations in Washington State were conducted using the direct petition method. After the court's decision, the election method of annexation is still valid. The election method, however, does not provide a means for the annexation of uninhabited territories.

**Summary of Substitute Bill:** The direct petition method of annexation is reviewed in recognition of the recent Washington State Supreme Court decision. To annex contiguous inhabited territory, a petition must be signed by: (1) owners of a majority of the acreage in the area to be annexed, and (2) a majority of registered voters in the area to be annexed. To annex contiguous uninhabited territory, a petition must be signed by owners of a majority of the acreage in the area to be annexed.

If property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient for the petition.

The direct petition method remains an alternative method and does not supersede any other method of annexation.

An official plat is not required to accompany a petition; a "drawing" of the boundaries of the area to be annexed is sufficient.

**Substitute Bill Compared to Original Bill:** There is no longer a requirement that an official plat accompany a petition; rather, a "drawing" of the boundaries of an area to be annexed is sufficient. It is clarified that for the annexation of inhabited land, the registered voters must in fact be residing in the area to be annexed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** This bill would provide a constitutional means of annexation that supports the Growth Management Act principles, maintains the character of rural areas and at the same time provides for growth and the extension of services for greater urban economic development. Further, it is important to give property owners a voice in the annexation process.

**Testimony Against:** County fire districts would prefer an amendment that repealed the transfer of assets in annexations.

**Testified:** PRO: Kristen Gwin, AWB; Dave Williams, Chuck Mosher, Gary McClean, AWC; Genesee Adkins, 1000 Friends of WA; Ryan Spiller, WA Fire Commissioners Association.