
Local Government Committee

HB 2005

Brief Description: Revising requirements for petitions for annexation.

Sponsors: Representatives Moeller, Wallace, Eddy and Fromhold.

Brief Summary of Bill

- Requires petitions for annexation by code cities to be filed with the city clerk for determinations of sufficiency.
- Requires petitions for annexation by cities or towns to be signed by the owners of not less than 60 percent of the assessed value of property for which an annexation is petitioned.
- Requires petitions for annexation of an area having at least 80 percent of its boundaries contiguous with a portion of the city's or town's boundaries to be signed by only the owners of not less than 50 percent in value of the property for which annexation is petitioned.
- Repeals the organization, requirements, and procedures of an annexation review board.

Hearing Date: 2/15/07

Staff: Jessica Nowakowski (786-7291).

Background:

Current law authorizes multiple methods for municipal annexations. While code and non-code cities and towns have separate statutory requirements for governance and operation, the annexation methods employed are generally similar. The available methods include: a resolution/election method, a petition/election method, two direct petition methods, a resolution only method, and an ordinance method.

Direct Petition Method

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Direct petitions for annexation by code and non-code cities may either be signed by owners of a certain percentage of land value or may be based upon the signatures of qualifying property owners and registered voters meeting specified criteria. Regarding direct petition procedures for annexations requiring property owners of a specific percentage of land value, a direct petition is commenced by filing a written notice of initiation to the city or town legislative body. The notice, which indicates an intent to begin the annexation process, must be signed by the owners of at least 10 percent in value of the property for which annexation is sought. In non-code cities and towns, annexation proceedings also may be commenced by approval of at least 10 percent of the residents in the proposed annexation area.

Generally, direct petitions for annexation by code cities must be signed by the owners of at least 60 percent of the land value of the property proposed for annexation. By comparison, direct petitions for annexation by non-code cities generally must be signed by the owners of at least 75 percent of the land value of the property proposed for annexation.

Prior to the circulation of annexation petitions, the legislative body of the city or town is required to meet with the initiating parties and determine, among other issues, whether the city or town will accept, reject, or modify the proposed annexation. There is no appeal from the decision of the legislative body.

Petitions for annexation must provide a description of the property subdivisions or legal plats and outline the boundaries of the property sought. If the legislative body of a city or town is to assume any or all of the annexed territory's indebtedness and/or comprehensive plan, the annexation petition must set forth such requirements.

Following the filing of the required number of signatures with the petitioned city or town, the city or town legislative body must satisfy public hearing and notification requirements. If the city or town legislative body decides to annex any or all of the territory described in the petition, it must do so by adopting an ordinance that also establishes the annexation effective date.

Petition Sufficiency

Rules governing petition sufficiency for code cities, non-code cities, and towns include provisions for petition text, signature authentication, and eligibility criteria. Petitions filed within code and non-code cities must contain valid signatures of qualified registered voters or property owners as specified by applicable statute or ordinance in order to be sufficient. Within three working days after the filing of a petition, the officer with whom the petition is filed must transmit the petition to the county auditor or county assessor. Verification of signatures based upon the ownership of property necessitates additional requirements for the determination of validity. The officer or officers responsible for determining the sufficiency of the petition must do so in writing to the officer with whom the petition was originally filed.

Boundary Review Boards

Boundary review boards (BRBs) are authorized by statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, current law provides that a BRB may be created and established in any other county.

Upon receiving a request for review that satisfies statutory requirements and following an invocation of a board's jurisdiction, a BRB must review and approve, disapprove, or modify

specific proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district within 45 days. If a period of 45 days elapses without the board's jurisdiction being invoked as provided in statute, the proposed action must be deemed approved.

Under Washington law, code and non-code cities not subject to the jurisdiction of a boundary review board for an annexation petition by the resolution/election method, the petition/election method, or the direct petition method for an unincorporated area are required to convene an annexation review board to approve, disapprove, or modify a proposed annexation.

Summary of Bill:

The annexation procedures by cities or towns for unincorporated areas by the direct petition method are modified. The signature requirement for a direct petition from the owners of property constituting at least 75 percent of the assessed valuation in the area proposed to be annexed is reduced to at least 60 percent of the assessed valuation for general taxation of the property reflective of any taxation exempt status.

Petitions for annexation of an area having at least 80 percent of its boundaries contiguous with a portion of the city's or town's boundaries, must be signed by only the owners of not less than 50 percent in value according to the assessed valuation for general taxation of the property for which the annexation is petitioned. The petition must set forth a description of the property according to the legal subdivisions or plats and outline in an accompanying map the boundaries of the property to be annexed.

Petition Sufficiency

Petitions filed within code cities seeking annexation must be transmitted to the city clerk for determinations of sufficiency.

The signature of an officer of a corporation owning land within the area involved is no longer required to be duly authorized to execute deeds or encumbrances on behalf of the corporation or attach a certified excerpt from the bylaws of such corporation showing such authority. Rather, the officer of a corporation within the area must sign on behalf of the corporation under oath in order to be valid.

Boundary Review Boards

Provisions regarding the organization, requirements, and procedures of an annexation review board are repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.