

Petition Annexation Process for Code and Non -Code Cities

RCW 35.13.125 -160 is the state law which describes the process for the petition method of annexation for non-code cities and RCW 35A.14.120 -150 is the state law which describes the process for the petition method of annexation for code cities. This process is outlined below including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) The owners of not less than ten percent of the assessed value of the land area shall notify the City Council in writing of their intention to commence annexation proceedings.
- 2) The City Council shall set a date not later than sixty days after the request is filed to meet with the initiating parties to determine:
 - whether the code city will accept, reject, or geographically modify the proposed annexation;
 - whether it shall require simultaneous adoption of a proposed zoning code; and
 - whether it shall require the assumption of all or any portion of city Indebtedness by the area to be annexed.
- 3) A petition is then circulated containing:
 - the legal description and map of the area to be annexed;
 - whether the city will require simultaneous adoption of a proposed zoning code; and
 - whether it will require the assumption of all or any portion of city indebtedness by the area to be annexed.
- 4) The petition must be signed by owners of sixty percent of the assessed value of the proposed annexation area and submitted to the County Assessor for certification. The Assessor will issue a Certificate of Sufficiency.
- 5) The City Council then fixes a date for a public hearing, publishes a hearing notice in a newspaper, and posts three notices in the proposed annexation area.
- 6) If required, the City prepares an environmental checklist on proposed comprehensive plan amendments and zoning and issues a Threshold Determination. Copies are sent to the Department of Ecology and affected agencies.
- 7) After receiving comments on the environmental checklist, the City Council holds the public hearing and signs an "Intent to Annex" resolution determining that they will accept the area for annexation.
- 8) A Notice of Intention is then filed with the Boundary Review Board. An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets and functions, or deny the proposal (this action must be approved within 120 days following the invoking of jurisdiction). If there is no hearing before the Boundary Review Board and the Notice of Intention is complete, the Notice of Intention is approved by operation of law after the 45-day period elapses.

9) The Boundary Review Board then sends to the City, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.

10) The City then adopts an ordinance officially annexing the area (including any modifications that the Boundary Review Board has made).

11) This Final Ordinance and the recording fee are sent to the Boundary Review Board Office.

12) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.

13) The Boundary Review Board then notifies the various county departments and affected agencies of the changed boundaries.

LAND OWNER/VOTER PETITION ANNEXATION PROCESS

RCW 35A.14 and 35.13 are the state Laws that describe the process for the revised petition method of annexation for cities. This process is outlined below, including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) The owners of not less than ten percent of the acreage OR not less than ten percent of the residents of the area (non-code cities) to be annexed shall notify the City Council in writing of their intention to commence annexation proceedings.
- 2) The City Council shall set a date not later than sixty days after the request is filed to meet with the initiating parties to determine:
 - whether the city will accept, reject, or geographically modify the proposed annexation;
 - whether it shall require simultaneous adoption of a proposed zoning code; and
 - whether it shall require the assumption of all or any portion of city indebtedness by the area to be annexed.
- 3) A petition is then circulated containing:
 - the legal description and map of the area to be annexed;
 - whether the city will require simultaneous adoption of the comprehensive plan (non. code city) or a proposed zoning regulation (code city), and
 - whether it will require the assumption of all or any portion of city indebtedness by the area to be annexed.
- 4) The petition must be signed by:
 - owners of the majority of the acreage AND
 - a majority of the registered voters of the proposed annexation area.
 - If no residents exist within the proposed annexation area, the petition must be signed by the owners of the majority of the acreage.
- 5) The petition containing the signatures of property owners must be submitted to the County Assessor for certification. The Assessor will issue a Certificate of Sufficiency. RCW 35A.01.040 (9).
- 6) The petition containing the signatures of registered voters must be submitted to the County Auditor for certification. The Auditor will issue a Certificate of Sufficiency. RCW 35A.01.040 (9).
- 7) The City Council then fixes a date for a public hearing, publishes a hearing notice in a newspaper, and posts three notices in the proposed annexation area.

- 8) If required, the City prepares an environmental checklist on proposed comprehensive plan amendments and zoning and issues a Threshold Determination. Copies are sent to the Department of Ecology and affected agencies.
- 9) The City Council holds the public hearing and signs an "Intent to Annex" resolution determining that it will accept the area for annexation.
- 10) A Notice of Intention is then filed with the Boundary Review Board. An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets and functions, or deny the proposal (this action must be approved within 120 days following the invoking of jurisdiction). If there is no hearing before the Boundary Review Board and the Notice of Intention is complete, the Notice of Intention is approved by operation of law after the 45-day period elapses.
- 11) The Boundary Review Board then sends to the City, either *its* written Hearing Decision or a Certification of the Expiration of the 45-Day Period.
- 12) The City then adopts an ordinance officially annexing the area (including any modifications that the Boundary Review Board has made).
- 13) This Final Ordinance is then recorded by the annexing district in the County Auditor's Office.
- 14) The Boundary Review Board Planner will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.
- 15) The Boundary Review Board then changes official maps and notifies the various county departments and affected agencies of the changed boundaries.

ANNEXATION ELECTION PROCESS FOR CODE CITIES
Initiation by City Council

RCW 35A.14.015 -.110 is the state law which describes the process for the election method of annexation for code cities. This process is outlined below, including the SEPA (RCW 43.21) and Boundary Review Board (RCW 36.93) steps.

- 1) The City Council adopts a resolution calling for an election to be submitted to the voters that states:
 - Boundaries of the area to be annexed;
 - Number of registered voters in the area; and
 - That the city will pay for such election.
- 2) The City Council may also include in the resolution:
 - a statement that it will require simultaneous adoption of a proposed zoning code; and
 - a statement that it will submit to the voters a proposition for the assumption of all or any portion of city indebtedness by the area to be annexed.
- 3) The City Council files with the Board of County Commissioners a certified copy of the resolution.
- 4) A Notice of Intention including the resolution is then filed with the Boundary Review Board. An affected entity or voters/property owners by petition may within 45 days request review by the Boundary Review Board. If no request for review by the Boundary Review Board is filed within the 45-day period and the Notice of Intention is complete, the proposed annexation is deemed approved by the Board by operation of law.
- 5) If a request for review is filed within the 45-day period, the Boundary Review Board must hold a hearing on the proposal and make a decision within 120 days of the filing of the request for review. The Board and the person(s) who filed the Notice of Intention may agree to an extension of the 120-day period. After the hearing, the Board may do any of the following: approve the proposal; modify the boundaries; or deny the proposal.
- 6) The Boundary Review Board then sends to the City either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.
- 7) If the proposal is approved or modified and approved by the Boundary Review Board, the City must within 30 days of receiving the Boundary Review Board decision, notify the County Auditor of Its preference for a special election date that is 60 days or more after the notification.
- 8) The Board of County Commissioners must call the special election at the date requested by the City.
- 9) If the Boundary Review Board disapproves the annexation, no further action may be taken and no proposal for annexation of the same territory may be initiated for twelve months.

- 10) Notice of the election is to include:
 - the boundaries as approved or modified by the Boundary Review Board,
 - the objects of the election, the wording of the ballot, and
 - other requirements of the general election laws (time, date, place, etc.)

- 11) The Notice of Election must be posted for at least two weeks in four public places in the annexation area and published in a newspaper of general circulation in the area at least once a week for two weeks prior to the election.

- 12) If the majority of votes cast are in favor of the annexation (and zoning code, if applicable), the annexation is deemed approved. If the issue of bonded indebtedness is also included as a separate proposition, that proposition must be approved by 60 percent of the voters with a minimum number of votes not less than forty percent of those from the last general election. If the annexation is approved by a majority of the voters but the indebtedness proposition is not approved, the City Council may refuse to annex the property. If the indebtedness proposition is combined with annexation proposition, the combined measure must also be approved by 60 percent of the voters with a minimum number of votes not less than forty percent of those from the last general election. However, if the combined proposition receives only a simple majority vote, the City Council may accept the annexation without the assumption of indebtedness.

- 13) If the annexation is approved, the Board of County Commissioners enters a finding of the results in its minutes, and transmits a certified copy of its minutes and a certified abstract of the vote to the City Clerk.

- 14) The City Clerk transmits the documents to the City Council for its adoption of an ordinance annexing the territory (and adopting the zoning code and assuming indebtedness, if applicable).

- 15) This Ordinance is then taken to the County Auditor's Office for recording by the city.

- 16) The Boundary Review Board Director will verify that the legal description is the same as approved or modified by the Boundary Review Board and will record one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.

- 17) Within 30 days of the effective date of the annexation, the city must submit an annexation certificate and supporting documents to the state Office of Financial Management. To begin receiving sales tax at the beginning of next quarterly period (the first days of January, April, July, or October), city must notify the state Department of Revenue of the boundary change at least 75 days before the beginning of the quarterly period.

ELECTION ANNEXATION PROCESS FOR CODE CITIES

Initiation by Voters

RCW 35A.14.020 - .110 is the state law which describes the process for the election method of annexation for code cities. This process is outlined below, including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

1. A petition is submitted to the County Auditor with a copy to the City Council which Includes:
 - A call to vote on the annexation
 - The boundaries of the area to be annexed;
 - The number of registered voters in the annexation area; and
 - The signatures of registered voters living in the annexation area not less in number than ten percent of the votes cast at the last general election in the area to be annexed;
2. The County Auditor certifies the sufficiency of the petition to the City Council.
3. If the petition is sufficient, the City Council shall, within 60 days, notify the petitioners of its acceptance or rejection of the annexation.
4. The City Council may also determine:
 - Whether it shall require simultaneous adoption of a proposed zoning code; and
 - Whether it shall require the assumption of all or any portion of city Indebtedness by the area to be annexed.
5. The City Council files the petition with the Board of County Commissioners along with a statement, if applicable, regarding the provisions for assumption of debt and adoption of zoning.
6. A Notice of Intention including the resolution is then filed with the Boundary Review Board. An affected entity or voters/property owners by petition may within 45 days request review by the Boundary Review Board. If no request for review by the Boundary Review Board is filed within the 45-day period and the Notice of Intention is complete, the proposed annexation is deemed approved by the Board, by operation of law.
7. If a request for review is filed within the 45-day period, the Boundary Review Board must hold a hearing on the proposal and make a decision within 120 days of the filing of the request for review. The Board and the person(s) who filed the Notice of Intention may agree to an extension of the 120-day period. After the hearing, the Board may do any of the following: approve the proposal; modify the boundaries; or deny the proposal.
8. The Boundary Review Board then sends to the City either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.
9. If the proposal is approved or modified and approved by the Boundary Review Board, the City must within 30 days of receiving the Boundary Review Board decision, notify the County Auditor of its preference for a special election date that is 60 days or more after the notification.
10. The Board of County Commissioners must call the special election at the date requested by the City.

11. If the Boundary Review Board disapproves the annexation, no further action may be taken and no proposal for annexation of the same territory may be initiated for twelve months.
12. Notice of the election is to include:
 - Boundaries as approved or modified by the Boundary Review Board;
 - Objects of the election; Wording of the ballot; and
 - Other requirements of the general election laws (time, date, place, etc.)
13. The Notice of Election must be posted for at least two weeks in four public places in the annexation area and published in a newspaper of general circulation in the area at least once a week for two weeks prior to the election.
14. If the majority of votes cast are in favor of the annexation (and zoning code, if applicable), the annexation is deemed approved. If the issue of bonded indebtedness is also included as a separate proposition, that proposition must be approved by 60 percent of the voters with a minimum number of votes not less than forty percent of those from the last general election. If the annexation is approved by a majority of the voters but the indebtedness proposition is not approved, the City Council may refuse to annex the property. If the indebtedness proposition is combined with annexation proposition the combined measure must also be approved by 60 percent of the voters with a minimum number of votes not less than forty percent of those from the last general election. However, if the combined proposition receives only a simple majority vote, the City Council may accept the annexation without the assumption of indebtedness.
15. If the annexation is approved, the Board of County Commissioners enters a finding of the results in its minutes, and transmits a certified copy of its minutes and a certified abstract of the vote to the City Clerk.
16. The City Clerk transmits the documents to the City Council for its adoption of an ordinance annexing the territory (and adopting the zoning code and assuming indebtedness, if applicable).
17. This City Ordinance is then taken, by the City to the County Auditor's Office for recording.
18. The Boundary Review Board Director will verify that the legal description is the same as approved or modified by the Boundary Review Board and will record one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.
19. The Boundary Review Board then notifies the various county departments and affected agencies of the changed boundaries.
20. Within 30 days of the effective date of the annexation, the city must submit an annexation certificate and supporting documents to the state Office of Financial Management. To begin receiving sales tax at the beginning of next quarterly period (the first days of January, April, July, or October), city must notify the state Department of Revenue of the boundary change at least 75 days before the beginning of the quarterly period.

ISLAND ANNEXATION PROCESS FOR CODE AND NON-CODE CITIES

RCW 35.13.182 - 35.13.1822 is the state law which describes the resolution process for the annexation of unincorporated islands by first, second, third, and fourth class municipalities. RCW 35A.14.295 - 35A.14.299 is the state law which describes the resolution process for the annexation of unincorporated islands by code cities. This process is outlined below, including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

In order to annex an unincorporated "island" by resolution, the territory must:

1. contain residential property,
2. be within the same county, and
3. be within the same urban growth area.

In addition, the unincorporated "island" must either:

1. Contain less than 175 acres and have all of the boundaries contiguous to the city or town OR
2. Be of any size and have at least 80 percent of the boundaries contiguous to the city or town containing residential property owners. The area must be in the same county and in the same urban growth area.

- 1) The City or Town Council passes a Resolution to annex the unincorporated "island", as defined above, to the city or town. The Resolution is to include a description of the boundaries, the number of voters residing in the area, and set a date for a public hearing on the matter.
- 2) The City or Town Council publishes the Resolution at least once a week for two weeks in newspapers of general circulation within the city or town and within the area to be annexed.
- 3) If required, the City or Town Council prepares an environmental checklist on proposed comprehensive plan amendments and zoning and issues a Threshold Determination. Copies are sent to the Department of Ecology and affected agencies.
- 4) After receiving comments on the environmental checklist, the City or Town Council holds the public hearing allowing affected residents or property owners to be heard.
- 5) A Notice of Intention is then filed with the Boundary Review Board. An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets and functions, or deny the proposal. If there is no hearing before the Boundary Review Board and the notice of Intention is complete, the Notice of Intention is approved after the 45-day period elapses by operation of law.
- 6) The Boundary Review Board then sends to the City or Town, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.
- 7) The City or Town then adopts an ordinance officially annexing the area (including any modifications that the Boundary Review Board has made).

- 8) The effective date of the annexation ordinance cannot be less than 45 days from its passage.
- 9) The City or Town publishes a notice of the annexation ordinance and its effective date together with a description of the area at least once a week for two weeks in newspapers of general circulation within the city or town and within the area to be annexed.
- 10) An election on the annexation can be held if during the 45-day period before the annexation ordinance is in effect, registered voters numbering ten percent of the votes cast in the last general statewide election in the proposed annexation area, file a referendum petition with the City or Town Council.
- 11) If the majority of voters approve the annexation or if a referendum petition is not filed in a timely and sufficient manner, the area annexed becomes a part of the city or town.
- 12) The Annexation Ordinance and a recording fee are sent to the Boundary Review Board Office.
- 13) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the County Auditor and file two copies with the County Assessor and one with the Board of County Commissioners.
- 14) The Boundary Review Board then notifies the *various* county departments and affected agencies of the changed boundaries.

ISLAND-INTERLOCAL AGREEMENT ANNEXATION PROCESS
FOR BUILDABLE LANDS COUNTIES

RCW 35.13.470 and 35A.14.470 are the state laws which describes the island Inter-local Agreement form of annexation for King, Kitsap, Pierce, Snohomish, and Thurston counties. This process is outlined below, including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

In order to initiate an annexation by adopting a resolution to commence negotiation for an inter-local agreement between the City or Town and the County, the territory must:

1. Be within the city or town urban growth area AND
2. Have at least sixty percent of the boundaries contiguous to the annexing city or town or one or more cities and towns.

In addition, the unincorporated "island" must either:

1. contain less than 100 acres and have at least 80 percent of the boundaries contiguous to the city or town OR
2. be of any size and have at least 80 percent of the boundaries contiguous to the city or town IF the "island" existed before June 30, 1994.

1) The City, Town, or County legislative body passes a Resolution to commence negotiation for an inter-local agreement between the City or Town and the County. The Resolution Is to include a description of the boundaries and a date for a public hearing on the matter by each legislative body either separately or jointly.

2) Each legislative body holding a public hearing, separately or jointly, publishes the Agreement at least once a week for two weeks in newspapers of general circulation with the area to be annexed.

3) If required, the lead legislative body prepares an environmental checklist on proposed comprehensive plan amendments and zoning and issues a Threshold Determination. Copies are sent to the Department of Ecology and affected agencies.

4) After receiving comments on the environmental checklist, each legislative body, either separately or jointly, holds the public hearing allowing affected residents or property owners to be heard.

5) A Notice of Intention is then filed with the Boundary Review Board. An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, or deny the proposal. If there is no hearing before the Boundary Review Board and the Notice of Intention is complete, the Notice of Intention is approved after the 45-day period elapses by operation of law.

6) The Boundary Review Board then sends to each legislative body, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.

- 7) Each legislative body then adopts and executes the Agreement and adopts an ordinance officially annexing the area (including any modifications that the Boundary Review Board has made).
- 8) The effective date of the annexation ordinance cannot be less than 45 days from its passage.
- 9) The City or Town publishes a notice of the annexation ordinance and its effective date together with a description of the area at least once a week for two weeks in newspapers of general circulation within the city or town and within the area to be annexed.
- 10) An election on the annexation can be held if during the 45-day period before the annexation ordinance is in effect, registered voters numbering ten percent of the votes cast in the last general statewide election in the proposed annexation area, file a referendum petition with the City or Town Council,
- 11) If the majority of voters approve the annexation or If a referendum petition is not filed in a timely and sufficient manner, the area annexed becomes a part of the city or town.
- 12) The Annexation Ordinance and recording fee are sent to the Boundary Review Board Office.
- 13) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the County Auditor and file two copies with the County Assessor and one with the Board of County Commissioners.
- 14) The Boundary Review Board then notifies the various county departments and affected agencies of the changed boundaries.

INTERLOCAL AGREEMENT ANNEXATION PROCESS FOR CITIES

RCW 35.13.238 is the state law which describes the process for the inter-local agreement method for non-code cities and RCW 35A.14.480 is the state law which describes the process for the inter-local agreement method for code cities when annexing an area served by a fire protection district. This process is outlined below including the role of the Boundary Review Board (RCW 36.93).

- 1) The City proposing the annexation sends a notice to the fire district and the County stating the City's interest in negotiating an inter-local agreement for the annexation.
- 2) The Fire District and the County have forty-five days to respond that they will or will not participate in negotiating an inter-local agreement for the annexation.
- 3) A negative response from either the County or the Fire District within forty-five days must include the reasons for not participating. The Inter-local Agreement Process may not proceed if there are any negative responses.
- 4) No response within forty-five days is deemed an affirmative response.
- 5) The inter-local agreement for the annexation must include:
 - A. A description of the boundaries of the annexation area;
 - B. A statement of goals of the agreement including but not limited to:
 - a. The transfer of revenue between the fire district and the city;
 - b. The impact to the level of service for fire protection and emergency management;
 - c. Division of assets and the impact to citizens;
 - d. Schedule of public meetings in the proposed annexation area;
 - e. Revenue sharing, if any;
 - f. Debt distribution;
 - g. Capital facility obligations of the city, county and fire district;
 - h. Timing of the annexations covered by the inter-local agreement; and
 - i. Description of the application and enforcement of the city's development regulations in the annexation area.
 - C. A discussion of the policies and procedures for annexations including, but not limited to, the following subject areas:
 - a. Roads and traffic impact mitigation;
 - b. Surface and storm water management;
 - c. Coordination and timing of comprehensive plan and development regulation updates;
 - d. Outstanding bonds and special or improvement district assessments;
 - e. Annexation procedures;
 - f. Distribution of debt and revenue sharing for annexation proposals, code enforcement, and inspection services;
 - g. Financial and administrative services; and
 - h. Consultation with other service providers, including water-sewer districts, if applicable.
 - D. A term of at least five years, which may be extended by mutual agreement of the city, county, and fire protection district.

- 6) With the adoption of the agreement by the City, County, and Fire District, a Notice of Intention is filed with the Boundary Review Board and the jurisdiction of the Board cannot be invoked. The Notice of Intention is approved after the 45-day review period elapses by operation of law. The Boundary Review Board then sends to the City a Certification of the Expiration of the 45 Day Period.
- 7) The City can proceed with its annexation ordinance which will include the description of the boundaries of the annexation area as stated in the inter-local agreement and set a date for a public hearing in the matter. The City adopts its annexation ordinance officially annexing the area.
- 8) If the Fire District does not agree with the terms of the inter-local agreement, the process may continue with the City and County. Under this process NO Notice of Intention is filed with the Boundary Review Board.
- 9) In addition, if a Fire District is not a party to the inter-local, a forty-five day period begins upon adoption of the inter-local agreement by the City and County in which a petition for referendum may be circulated. The referendum petition must include the signatures of ten percent of the voters from the last general election in the annexation area. With sufficient signatures, an election is held. The annexation must be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition to the annexation.

After the expiration of the forty-fifth day from, but excluding, the date of passage of the annexation ordinance, if a timely and sufficient referendum petition has not been filed, the area annexed becomes a part of the code city upon the date fixed in the ordinance of annexation.

- 10) The City can proceed with its annexation ordinance which will include the description of the boundaries of the annexation area as stated in the inter-local agreement and set a date for a public hearing in the matter. The City then adopts an ordinance officially annexing the area.

Annexation by Inter-local Agreement for Code Cities
RCW 35A.14.460

I. The territory to be annexed must meet the following criteria:

1. Be within the code city urban growth area; and
2. The boundaries must be a least 60% contiguous to the annexing code city or one or more cities or towns.

II. Process:

1. Legislative body of the county or code city may initiate annexation Process by adopting a resolution (1) commencing negotiations for an inter-local agreement (ILA).
2. Parties negotiate ILA which must contain a description of the territory to be annexed. (2)
3. A public hearing must be held by each legislative body, separately or jointly, before the ILA is executed. Each legislative body holding a public hearing must, separately or jointly, publish the ILA at least once a week for two weeks before the date of the hearing. Publication must be in a newspaper of general circulation within the proposed annexation area.
4. ILA is adopted and executed by both parties.
5. City legislative body adopts ordinance providing for annexation. The ordinance should specify the effective date of annexation, which may not be fewer than 45 days after adoption of the ordinance.
6. At least once a week for two weeks subsequent to the passage of the ordinance, the city must publish notice of the proposed effective date of the annexation and a description of the annexation area in one of more newspaper of general circulation within the city and in one of more newspaper of general circulation in the annexation area. If the annexation ordinance provides for assumption of indebtedness or adoption of proposed zoning regulation, the notice must include a statement of the requirements.
7. Annexation is effective on date fixed in the ordinance.

(1) For King County, this would require an ordinance

(2) While the statutory requirements of the ILA are minimal, of course other pertinent matters may be included in the ILA as well and the ILA should comply with any requirement of the Inter-local Cooperation Act. See RCW 39.34

INCORPORATION PROCESS FOR CITIES OVER 7,500 POPULATION

The statutes guiding new incorporation proceedings in the State of Washington are described in the Revised Code of Washington (RCW) 35 and 35A. The role of the Boundary Review Boards in the incorporation process is outlined in RCW 36.93. The necessary legal steps for the incorporation of a new city under 35A.02 for a non-charter code city with a population over 7,500 in the State of Washington are outlined below:

STEP 1: The person proposing the incorporation shall file a notice with the county legislative authority, a one hundred dollar filing fee, and an affidavit stating that he or she is a registered voter residing in the proposed city; The notice shall include:

1. The type of city proposed.
2. The form of government proposed.
3. Legal description of the proposed boundaries.
4. Proposed name of the new city.
5. Estimated population of the new city.
6. Official request for incorporation.

STEP 2: The County legislative authority shall promptly notify the Boundary Review Board.

STEP 3: The Boundary Review Board shall hold a public meeting in the proposed incorporation area within 30 days of notification by the County to allow persons both favoring and opposing the incorporation an opportunity to state their views.

STEP 4: Within one working day after the public meeting, the County Auditor shall provide an identification number for the incorporation proposal. This is to be included on the petition to be circulated by the proponent. The boundaries and other matters on the petition may be different from those originally filed with the County legislative authority.

STEP 5: A petition for incorporation is submitted to the County Auditor for validation within 180 days of the public meeting. The number of signatures on the petition must be at least ten percent of voters registered within the proposed incorporation area. The petition must include:

1. The type of city proposed.
2. The form of government proposed.
3. Legal description of the proposed boundaries.
4. Proposed name of the new city.
5. Estimated population of the new city.
6. Official request for incorporation.

STEP 6: The County Auditor notifies the County legislative authority that the number of signatures on the petition is sufficient.

STEP 7: A Notice of Intention for incorporation is submitted to the Boundary Review Board, declared sufficient, and filed. The jurisdiction of the Boundary Review Board is a/so invoked.

STEP 8: The Boundary Review Board distributes the Notice of Intention to affected governmental agencies for their review. The Board commissions a study of the incorporation proposal at this time.

STEP 9: The Boundary Review Board holds one or more public hearings on the proposal, reviews the factors and objectives required by state law and consistency with the Growth Management Act, and then decides to approve the proposal, modify It by increasing or decreasing the land area, or recommend against the proposal. The Board then files its written decision. There is an appeal period of thirty days following the filing of the written decision.

STEP 10: The Board shall, if necessary, determine the division of assets and liabilities between two or more governmental units and determine whether, or the extent to which, functions of a special purpose district are to be assumed by the newly incorporated city, an adjacent city or another special purpose district.

STEP 11: The County legislative authority sets the incorporation proposal for the next regularly *scheduled* general election at least sixty days from when the Boundary Review Board's written decision is filed, to be voted on by registered voters in the proposed incorporation area.

STEP 12: If the new city is approved by a majority of voters within its proposed jurisdiction, the new city has between 180 and 360 days to Incorporate. At least 60 days after the election on incorporation a primary election for city officials will be held. Candidates may file for office 30 to 45 days prior to this primary election. If more than sixty percent of the votes are against incorporation, another election for incorporation of any portion of the area cannot be held for three years.

STEP 13: The final election of city officials is to be held at least thirty days after the certification of the results of the primary election.

STEP 14: An interim period exists between the time the new city officials are elected and qualified and the official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions, enter into contracts and agreements, issue tax or revenue anticipation notes or warrants, submit ballot propositions to the voters to authorize taxes or annexation by a fire protection district or library district. However, these cannot become effective until on or after the official date of incorporation. The new city may acquire needed facilities, supplies, equipment, insurance and staff as if they were in existence.

STEP 15: After the transition period of 180 to 360 days elapses, the new city officially incorporates.

INCORPORATION PROCESS FOR CITIES OVER 7,500 POPULATION

The statutes guiding new incorporation proceedings in the State of Washington are described in the Revised Code of Washington (RCW) 35 and 35A. The role of the Boundary Review Boards in the incorporation process is outlined in RCW 36.93. The necessary legal steps for the incorporation of a new city under 35A.02 for a non-charter code city with a population over 7,500 in the State of Washington are outlined below:

STEP 1: The person proposing the incorporation shall file a notice with the county legislative authority, a one hundred dollar filing fee, and an affidavit stating that he or she is a registered voter residing in the proposed city: The notice shall include:

1. The type of city proposed.
2. The form of government proposed.
3. Legal description of the proposed boundaries.
4. Proposed name of the new city.
5. Estimated population of the new city.
6. Official request for incorporation.

STEP 2: The County legislative authority shall promptly notify the Boundary Review Board.

STEP 3: The Boundary Review Board shall hold a public meeting in the proposed incorporation area within 30 days of notification by the County to allow persons both favoring and opposing the incorporation an opportunity to state their views.

STEP 4: Within one working day after the public meeting, the County Auditor shall provide an identification number for the incorporation proposal. This is to be included on the petition to be circulated by the proponent. The boundaries and other matters on the petition may be different from those originally filed with the County legislative authority.

STEP 5: A petition for incorporation is submitted to the County Auditor for validation within 180 days of the public meeting. The number of signatures on the petition must be at least ten percent of voters registered within the proposed incorporation area. The petition must include:

1. The type of city proposed.
2. The form of government proposed.
3. Legal description of the proposed boundaries.
4. Proposed name of the new city.
5. Estimated population of the new city.
6. Official request for incorporation.

STEP 6: The County Auditor notifies the County legislative authority that the number of signatures on the petition is sufficient.

STEP 7: A Notice of Intention for incorporation is submitted to the Boundary Review Board, declared sufficient, and filed. The jurisdiction of the Boundary Review Board is also invoked.

STEP 8: The Boundary Review Board distributes the Notice of Intention to affected governmental agencies for their review. The Board commissions a study of the incorporation proposal at this time.

STEP 9: The Boundary Review Board holds one or more public hearings on the proposal, reviews the factors and objectives required by state law and consistency with the Growth Management Act, and then decides to approve the proposal, modify it by increasing or decreasing the land area, or recommend against the proposal. The Board then files its written decision. There is an appeal period of thirty days following the filing of the written decision.

STEP 10: The Board shall, if necessary, determine the division of assets and liabilities between two or more governmental units and determine whether, or the extent to which, functions of a special purpose district are to be assumed by the newly incorporated city, an adjacent city or another special purpose district.

STEP 11: The County legislative authority sets the incorporation proposal for the next regularly scheduled general election at least sixty days from when the Boundary Review Board's written decision is filed, to be voted on by registered voters in the proposed incorporation area.

STEP 12: If the new city is approved by a majority of voters within its proposed jurisdiction, the new city has between 180 and 360 days to incorporate. At least 60 days after the election on incorporation a primary election for city officials will be held. Candidates may file for office 30 to 45 days prior to this primary election. If more than sixty percent of the votes are against incorporation, another election for incorporation of any portion of the area cannot be held for three years.

STEP 13: The final election of city officials is to be held at least thirty days after the certification of the results of the primary election.

STEP 14: An interim period exists between the time the new city officials are elected and qualified and the official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions, enter into contracts and agreements, issue tax or revenue anticipation notes or warrants, submit ballot propositions to the voters to authorize taxes or annexation by a fire protection district or library district. However, these cannot become effective until on or after the official date of Incorporation. The new city may acquire needed facilities, supplies, equipment, insurance and staff as if they were in existence.

STEP 15: After the transition period of 180 to 360 days elapses, the new city officially incorporates.

Annexation Process for Fire Districts

RCW 52.04.031- .051 is the Washington State Law which describes the process for the petition method of annexation for fire districts. This process is outlined below for fire districts in (YOUR) County including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) A petition is filed with the Board of Fire Commissioners containing:
 - signatures of owners of not less than sixty percent of the land area,
 - a legal description and map outlining the boundaries of the property to be annexed,
 - the financial obligation, if any, to be assumed by the area to be annexed.

- 2) If the Board of Fire Commissioners accepts the petition, it then fixes a date for a public hearing, publishes a hearing notice in a newspaper, and posts three notices in the proposed annexation area.

- 3) At this time, the SEPA requirements for an Environmental Checklist and a Threshold Determination can be completed and sent to the Department of Ecology and affected agencies by the Fire District. There is a fourteen-day comment period.

- 4) The Board of Fire Commissioners holds the public hearing, accepts testimony, closes the public hearing and then determines whether to accept the area for annexation and any financial obligation the area will assume. An Intent to Annex Resolution can be signed by the Board of Fire Commissioners.

- 5) A Notice of Intention is then filed with the Boundary Review Board. An agency with a concern about the annexation has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets and functions, or deny the proposal. If there is no hearing before the Boundary Review Board, and the Notice of Intention is complete, the Notice of Intention is approved by operation of law after the 45-day period elapses.

- 5) The Boundary Review Board then sends to the Fire District, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.

- 6) The Board of Fire Commissioners then adopts a final resolution officially annexing the area (including any modifications that the Boundary Review Board has made).

- 7) This Final Resolution and a recording fee are sent to the Boundary Review Board Office.

- 8) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.

- 9) The Boundary Review Board then changes official maps and notifies the various county Departments

PARTIAL MERGER PROCESS FOR FIRE DISTRICTS

The transferring of property from one fire protection district to another for purposes of better fire protection is considered a "partial Merger" (RCW 52.06.090). The fire district gaining the territory is the merger district; the fire district losing the territory is the merging district as defined in RCW 52.6.010.

RCW 52.06 is the Washington State law which describes the process for a fire district to merge with another adjacent fire district. This process is outlined below for fire districts in (YOUR) County including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) There are two ways to initiate the partial merger process according to RCW 52.06.090:
 - A petition to merge, signed by the majority of the commissioners of the merging district, is filed with the commissioners of the merger district;
OR
 - A petition signed by not less than fifteen percent of the registered voters residing in the area to be merged is filed with the commissioners of the merging districts. According to the (YOUR) County Elections Department, If there are no registered voters in an area, an election cannot be held and therefore, property owners can sign the petition.
- 2) The commissioners of the merging district approve or deny the registered voters/property owners petition if the second method of petition is used,
- 3) With either method, the petition is presented to the commissioners of the merger district.
- 4) At this time, the SEPA requirements for an Environmental Checklist and a Threshold Determination can be completed and sent to the Department of Ecology and affected agencies by the merger district. There is a fourteen-day comment period.
- 5) After review of the SEPA comments, the commissioners of the merger district can approve or deny the petition.
- 6) In the event, that either board of fire commissioners does not approve the petition, the proposal may NOT be approved and will not be considered by the Boundary Review Board.
- 7) If both Fire Districts approve the petition a Notice of Intention is filed with the Boundary Review Board. An agency with a concern about the proposal has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets/functions or deny the petition. If the Notice of Intention is complete and there is no hearing before the Boundary Review Board, the Notice of Intention is approved by operation of law after the 45-day period elapses.

8) The Boundary Review Board then sends to the merger Fire District, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.

9) The matter is then set for an election unless sixty percent of the registered voters/property owners have signed the petition.

10) If approved in an election or if over sixty percent of the registered voters/property owners sign the petition, the Board of Fire Commissioners for the merger district adopts a final resolution officially including the area (including any modifications that the Boundary Review Board has made).

11) This Final Resolution and the recording fee are sent to the Boundary Review Board Office.

12) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.

13) The Assessor's Office then changes official maps and notifies the various county departments and affected agencies of the changed boundaries.

Annexation of New Cities to Fire Districts

RCW 52.04.161 is the Washington State Law which describes the process for the annexation of new cities to one or more fire districts. This process is outlined below for fire districts in (YOUR) County including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps. Upon incorporation, the new city is deemed to be annexed to the fire districts and can remain a part of the fire districts for up to two years. After that period, the following steps must be taken to continue the annexation:

- 1) The legislative authority of a city or town adopts an ordinance stating:
 - An intent to join the fire district and
 - Finding that the public interest is served.

- 2) If the Boards of Fire Commissioners of each district concur with the annexation, the SEPA requirements for an Environmental Checklist and a Threshold Determination are completed and sent to the Department of Ecology and affected agencies by the Fire District. There is a fourteen-day comment period.

- 3) A Notice of Intention is then filed with the Boundary Review Board. An agency with a concern about the annexation has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets and functions, or deny the proposal. If there is no hearing before the Boundary Review Board and the Notice of Intention is complete, the Notice of Intention is approved after the 45-day period elapses by operation of law.

- 4) The Boundary Review Board then sends to the Fire District, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period and forwards to the Board of County Commissioners the matter to be set for the next election not less than forty-five days from the final decision of the Boundary Review Board.

- 5) If approved by voters, the Boards of Fire Commissioners submit the documentation and a recording fee to the Boundary Review Board Office.

- 6) The Boundary Review Board Director verifies that the legal description is the same as approved by the Boundary Review Board and records one copy with the (YOUR) County Auditor and file two copies with the (YOUR) County Assessor and one with the (YOUR) County Board of Commissioners.

- 7) The County Assessor then changes official maps and notifies the various county departments and affected agencies of the changed boundaries.

Annexation of Adjacent Cities of Less than 100,000 to Fire Districts

RCW 52.04.061 is the Washington State Law which describes the process for the annexation of adjacent cities and towns to a fire district. This process is outlined below for fire districts in (YOUR) County including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) The legislative authority of a city or town adopts an ordinance stating:
 - An intent to join the fire district and
 - Finding that the public interest is served.

- 2) If the Board of Fire Commissioners of the district concurs with the annexation, the SEPA requirements for an Environmental Checklist and a Threshold Determination are completed and sent to the Department of Ecology and affected agencies by the Fire District. There is a fourteen-day comment period.

- 3) A Notice of Intention is then filed with the Boundary Review Board. An agency with a concern about the annexation has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify, divide assets and functions, or deny the proposal. If the Notice of Intention is complete and there is no hearing before the Boundary Review Board, the Notice of Intention is approved after the 45-day period elapses by operation of law.

- 4) The Boundary Review Board then sends to the Fire District, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.

- S) The Fire District adopts a Resolution requesting an election on the matter of the Board of County Commissioners. The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board.

- 6) The County Commissioners adopt a Resolution calling for a special election to be held in the city or town and In the fire district at the next regularly scheduled election date not less than 4S days from the Fire District's Resolution requesting the election.

- 7) The County Auditor sends to all parties including the Boundary Review Board the ballot results.

- 8) If approved by voters, the Boundary Review Board Director transmits official maps, records one copy with the County Auditor and files two copies with the County Assessor and one with the County Board of Commissioners, and notifies the various county departments and affected agencies of the changed boundaries.

Water-Sewer District Annexation

RCW 57.24.070 is the Washington State Law which describes the process for the petition method of annexation for water-sewer districts. This process is outlined below for water-sewer districts in (YOUR) County including the SEPA (RCW 43.21Cj) and Boundary Review Board (RCW 36.93) steps.

- 1) A petition is filed with the Board of Directors of the Water-Sewer District containing:
 - signatures of owners of not less than sixty percent of the land area, and
 - a legal description and plat outlining the boundaries of the property to be annexed.
- 2) If the Board of Directors accepts the petition, it then fixes a date for a public hearing, publishes a hearing notice in a newspaper, and posts three notices in the proposed annexation area.
- 3) The Board of Directors or staff of the Water-Sewer District prepare an environmental checklist and issue a Determination of Non-significance. Copies are sent to the Department of Ecology and affected agencies.
- 4) After receiving comments on the environmental checklist, the Board of Directors holds the public hearing, accepts testimony, closes the public hearing and then determines whether to accept the area for annexation. An Intent to Annex resolution is signed by the Board of Directors.
- 5) A Notice of Intention is then filed with the Boundary Review Board. A copy is sent to the County Commissioners for review. The County Commissioners through its designee, (YOUR) County Long Range Planning, then send to the Boundary Review Board a report of its approval or disapproval with its findings.
- 6) An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify and approve or deny the petition. If the Notice of Intention is complete and there is no hearing before the Boundary Review Board, the Notice of Intention is approved by operation of law after the 45-day period elapses.
- 7) The Boundary Review Board then sends to the Water-Sewer District, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period or the Waiver of the 45-Day Period.
- 8) The Board of Directors then adopts a resolution officially annexing the area (including any modifications that the Boundary Review Board has made).
- 9) This Final Resolution and the County Auditor recording fee are sent to the Boundary Review Board Office.
- 10) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the County Auditor and file two copies with the County Assessor and one with the County Board of Commissioners.
- 11) The Boundary Review Board then transmits the resolution with a legal description and map of the changed boundaries to the various county departments and affected agencies.

Formation Process for Water-Sewer Districts

RCW 57.04 is the Washington State Law which describes the process for the formation of water-sewer districts. This process is outlined below for water-sewer districts in (YOUR) County including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) A petition is filed with the County Auditor containing:
 - reasons for the creation of the district;
 - boundaries of the district;
 - conducive to public health, convenience, and welfare and benefit property;
 - name of the district;
 - property tax levy assessment, if any;
 - signatures of ten percent of the registered voters.
- 2) The County Auditor will verify the signatures on the petition within ten days and transmit it and a Certificate of Sufficiency to the Board of County Commissioners.
- 3) The Board of County Commissioners publishes once a week for at least two weeks in newspapers of general circulation in the proposed district a) notice of the receipt of the petition, b) the time of the meeting, and c) boundaries of the proposed district.
- 4) The Board of County Commissioners prepares an environmental checklist and issues a Determination of Non-significance. Copies are sent to the Department of Ecology and affected agencies.
- 5) After receiving comments on the environmental checklist, the Board of County Commissioners holds a public hearing, accepts testimony, closes the public hearing, and then determines whether to the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the district. The findings of the public hearing are forwarded to the Boundary Review Board.
- 6) A Notice of Intention is filed with the Boundary Review Board. A copy is sent to the County Commissioners and all affected agencies for review.
- 7) An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify and approve, or deny the petition. If the Notice of Intention is complete and there is no hearing before the Boundary Review Board, the Notice of Intention is approved by operation of law after the 45-day period elapses.
- 8) If the Board of County Commissioners disapproves the proposal or if an affected agency requests review, a public hearing before the Boundary Review Board is held. The Boundary Review Board advertises and conducts a public hearing and files its written decision within 120 days of the request.
- 9) The Boundary Review Board then sends to the Board of County Commissioners, either its Written Hearing Decision or a Certification of the Expiration of the 45-Day Period

10) If not denied by the Boundary Review Board, the Board of County Commissioners adopts a resolution calling for a special election falling more than 45 days after the resolution is presented.

11) The Board of County Commissioners publishes notice of the election for four successive weeks in a newspaper of general circulation in the proposed district and posts notice in ten places for ten days stating a) the hours that the polls are open, b) the boundaries of the district, and c) the object of the election.

12) If a single-year excess levy is to be proposed, a separate ballot measure is also presented to the voters.

13) The election is conducted and within ten days a canvass of the returns is made. If a majority of those voting approve the formation of the district, the district becomes a municipal corporation and the name of the district is set as the one proposed on the petition.

14) A copy of the canvass of returns is transmitted to the Boundary Review Board office and, if approved, that office sends the election results with a legal description and map of the new boundaries to the county departments and affected agencies.

15) Expenses incurred by the County for the formation of the district may be required to be repaid to the County, if permitted by law, if the district is formed.

Irrigation District Annexation

RCW 87.03.560 Is the Washington State Law which describes the process for the petition method of annexation for irrigation districts This process is outlined below for irrigation districts in (YOUR) County Including the SEPA (RCW 43.21C) and Boundary Review Board (RCW 36.93) steps.

- 1) A petition is filed with the Board of Directors of the Irrigation District containing:
 - signatures of owners of not less than fifty percent of the land area, and
 - a legal description and plat outlining the boundaries of the property to be annexed.
- 2) The Secretary of the Irrigation District fixes a date for a public hearing, publishes a notice for the annexation and hearing in a newspaper for three consecutive weeks.
- 3) The Irrigation District Board of Directors prepares an environmental checklist and issues a Determination of Non-significance. Copies are sent to the Department of Ecology and affected agencies.
- 4) After receiving comments on the environmental checklist, the Board of Directors holds the public hearing, accepts testimony, closes the public hearing and then determines whether to accept the area for annexation and any financial obligation the area will assume. An Intent to Annex resolution is signed by the Board of Directors.
- 5) A Notice of Intention is then filed with the Boundary Review Board. An affected entity has 45 days to request a public hearing before the Boundary Review Board. If there is a hearing, the Boundary Review Board may approve, modify and approve or deny the petition. If the Notice of Intention is complete and there is no hearing before the Boundary Review Board, the Notice of Intention is approved by operation of law after the 45-day period elapses.
- 6) The Boundary Review Board then sends to the Irrigation District, either its written Hearing Decision or a Certification of the Expiration of the 45-Day Period.
- 7) The Irrigation District Board of Directors then adopts a final order officially annexing the area (including any modifications that the Boundary Review Board has made).
- 8) This Final Order and a recording fee are sent to the Boundary Review Board Office.
- 9) The Boundary Review Board Director will verify that the legal description is the same as approved by the Boundary Review Board and will record one copy with the County Auditor and file two copies with the County Assessor and one with the County Board of Commissioners.
- 10) The Boundary Review Board then notifies the various county departments and affected agencies of the changed boundaries.

