

OVERVIEW OF ANNEXATION METHODS

Washington State Association of
Boundary Review Boards Conference

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[Annexation by Washington Cities and Towns](#)

Outline



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ELECTION METHOD

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



Option One: Initiated by Petition of Qualified Electors

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



- A. Annexation of contiguous, unincorporated territory
- B. Initiated by Petition calling for Election signed by qualified electors living in the area to be annexed equal in number to:
 1. For First and Second Class Cities and Towns (FSCCT) - 20% of votes cast in last general election
 2. For Code Cities - 10% of votes cast in last general election

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



3. Mandatory contents of Petition
4. FSCCT only – First submitted to and reviewed by Prosecuting Attorney for certification of petition*
5. Filed with City Council and transmitted to County Auditor

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



6. County Auditor to determine sufficiency of the petition, i.e. validity of the signatures *RCW 35.21.005; RCW 35A.01.040*
7. Approval by City Council - 60 days to pass resolution to approve or reject proposed annexation and notify petitioners of its action; Formal public hearing is optional

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



Option Two: Initiated by City Council Resolution

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



C. Alternative: Initiated by City Council Resolution calling for Election

1. Council must determine that the best interests and general welfare of the City would be served by annexation
2. Formal public hearing is optional

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



D. Optional additional questions to put to voters included in petition/resolution:

1. Whether annexed area will be assessed and taxed at same rate and required to assume all or portion of City's existing indebtedness
2. Whether the City will require simultaneous adoption of comprehensive plan for annexed area, if prepared
3. Whether Community Municipal Corporation will be created and council members elected *RCW 35.14.010-.060*

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



- E. City-Approved Petition/Resolution filed with County governing body
 1. **Notice to Boundary Review Board (BRB) if applicable (petition for review can be deemed “not necessary” if less than ten acres and \$2Million assessed value);** or
 2. Notice to ad hoc annexation review board for FSCCT or County Annexation Review Board for Code Cities; and
 3. Notice to library/fire districts *RCW 35.13.270; RCW 35A.14.1801*

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



F. If approved by Boundary Review Board/Ad hoc/County Annexation Review Board, then:

1. FSCCT: Board approval filed with *County* which must approve petition/resolution calling for election if complies with legal requirements
 - a. If initiated by petition, *County* must first conduct a public hearing
 - b. If initiated by City resolution, no hearing is required
2. Code: applicable *review board* conducts public hearing and makes determination

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



**Annexation Petition/Resolution Goes to
Voters**

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



G. Election on Annexation

1. On statutory dates for special elections
RCW 29A.04.330
2. Cost borne by annexing City
3. Only qualified registered voters residing within the annex area may vote *RCW 35.13.070*
4. Notice of election posted and published

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



5. Minimum vote required

- a. For or against annexation, adoption of comprehensive plan, and/or creation of community municipal corporation – **simple majority of votes cast**
- b. For or against assumption of existing indebtedness – **60% of those voting in the area proposed for annexation**, if the number of persons voting is at least 40% of the total number of votes cast in the area at the last general election
- c. For or against annex/indebtedness combined ballot – same as b; however if approved by more than 50% but less than 60%, City may still adopt resolution accepting annexation without assumption of debt

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



If Annexation Approved by Voters...

Election Method

RCW 35.13.015-.110; RCW 35A.14.015-.100



- H. Results certified by County auditor
- I. City adopts annexation-related ordinances
- J. Effective date of annexation is fixed by ordinance
- K. City provides Notice of Annexation to affected agencies, including utilities and DOR for sales and use taxes



DIRECT PETITION METHOD

Direct Petition Method – Owners of 60% Property Value

RCW 35.13.015-.110; RCW 35A.14.015-.100



- A. Most frequent method; no election or referendum
- B. Annexation of contiguous, unincorporated territory
- C. Initiated by Notice of Intent to City Council, signed by:
 1. Not less than 10% of residents of annexation area (FSCCT only); OR
 2. Owners of not less than 10% of the assessed value of the property to be annexed; OR
 3. Board of Directors of school district (only for district-owned property) *RCW 28A.335.110*

Direct Petition Method – Owners of 60% Property Value

RCW 35.13.015-.110; RCW 35A.14.015-.100



D. City Council to hold meeting with Initiators within 60 days of Notice of Intent. Council to decide:

1. Whether to accept, reject, or modify (discretionary, non-binding, purely procedural decision)
2. Whether to require simultaneous comprehensive plan amendment/zoning regulation
3. Whether to require assumption of indebtedness

E. If Council accepts, Initiators to draft and circulate Petition calling for Annexation

Must be signed by owners of not less than 60% of the assessed value of the property to be annexed

Direct Petition Method – Owners of 60% Property Value

RCW 35.13.015-.110; RCW 35A.14.015-.100



- F. Petition filed with City which transmits it to County Auditor for sufficiency determination, i.e. validity of the signatures
RCW 35.21.005; RCW 35A.01.040
- G. Then the City *may* hold a hearing to consider the petition but is not required to.
- H. City Council approves annexation by adopting ordinance.
In Counties with BRB, City subject to BRB review before adopting annexation ordinance.
 - 1. In Counties without BRB, Code Cities not required to go before the County Annexation Review Board *RCW 35A.14.220*; But FSCCT technically are required to go to ad hoc review *RCW 35.13.171*
- I. Effective date of Annexation Ordinance and Notice of Annexation same as Election Method



ALTERNATIVE DIRECT PETITION METHOD

Alternative Direct Petition Method

RCW 35.13.410; RCW 35A.14.420



- A. Legislature created Alternative Method in 2003 after the Supreme Court declared the 60% assessed value method unconstitutional. The Supreme Court eventually reversed itself, so both direct petition processes are still available.

- B. For the most part, the process requirements are the same as the 60% petition method

- C. Exception. Petition must be signed by:
 - 1. Owners of a majority of the acreage to be annexed; AND
 - 2. A majority of the registered voters residing in the area proposed for annexation. If there are no residents or no registered voters in the area to be annexed, then just owners of a majority of the acreage to be annexed.



ANNEXATION FOR MUNICIPAL PURPOSES

Annexation for Municipal Purpose

RCW 35.13.180; RCW 35A.14.300



- A. Only process that allows for both contiguous AND noncontiguous annexation
- B. Technically, RCW 35.13.180 only applies to Second Class Cities and Towns, but First Class Cities probably may use this process under the omnibus grant of powers under RCW 35.22.570
- C. Code: Only property owned by the City; for “any municipal purpose”
- D. FSCCT: Property owned by the City OR all owners give written consent; for “park, cemetery, or other municipal purposes”

Annexation for Municipal Purpose

RCW 35.13.180; RCW 35A.14.300



E. Adopt annexation ordinance by a majority vote of council

F. Review by County BRB possible only if noncontiguous. In non-BRB Counties, ad hoc review not required for FSCCT at all, but County annexation review board review for Code Cities if noncontiguous.

G. Upon adoption, same notice requirements as other methods.



ANNEXATION OF FEDERALLY- OWNED AREAS

Annexation of Federally-Owned Areas

RCW 35.13.185-.210; RCW 35A.14.310-.320



A. Annexation of contiguous, unincorporated territory

1. For Code Cities and Second Class Cities and Towns, territory must be within four miles of existing boundary.
2. No such limitation for First Class Cities

B. Annexation is accomplished via ordinance to accept a “gift” from the federal government of the right to occupy and control the territory

1. For Second Class Cities and Towns the “right” is limited to using the territory for commercial, manufacturing, or industrial purposes
2. Code Cities may also enter into an annexation agreement with federal government without such limitations, otherwise the same “right” use limitations apply
3. No such limitation for First Class Cities

Annexation of Federally-Owned Areas

RCW 35.13.185-.210; RCW 35A.14.310-.320



- C. **In Counties with BRB, a notice of intent to annex must be filed, subject to potential review.** No annexation board review in Counties without BRBs.
- D. In Code Cities, the **County can block annexation** if it timely adopts a resolution finding that the proposed annexation will have an adverse fiscal impact on the County or road district
- E. Upon adoption, same notice requirements as other methods.



ANNEXATION OF UNINCORPORATED ISLANDS

Annexation of Unincorporated Islands

RCW 35.13.182-.1822; RCW 35A.14.295-.299



- A. Annexation of contiguous, unincorporated territory
- B. Abbreviated process that only requires resolution of intent to annex, public hearing, and adoption of annexation ordinance; but is subject to potential referendum election

Annexation of Unincorporated Islands

RCW 35.13.182-.1822; RCW 35A.14.295-.299



C. For FSCCT:

1. Only available if planning under the Growth Management Act, Ch. 36.70A RCW, as of June 30, 1994; and
2. “Island” is less than 100 acres with at least 80% of its boundaries contiguous to City; or
3. “Island” is of any size with at least 80% of its boundaries contiguous to City if the area existed before June 30, 1994

D. For Code Cities, available if:

1. “Island” is less than 175 acres with 100% of its boundaries contiguous to City (true “donut hole”); or
2. “Island” is of any size, contains residential property owners, at least 80% of its boundaries contiguous to City, territory is within same County and within urban growth boundary, and City plans under the GMA

Annexation of Unincorporated Islands

RCW 35.13.182-.1822; RCW 35A.14.295-.299



- E. In Counties with BRB, a notice of intent to annex must be filed and is subject to review.** No annexation board review in Counties without BRBs.
- F. Effective date of annexation ordinance must be at least 45 days after adoption to allow time for filing of petition calling for a referendum on annexation
- G. Upon effective date of annexation, same notice requirements as other methods.



ALTERNATIVE UNINCORPORATED ISLANDS – INTERLOCAL AGREEMENT METHOD

Alternative Unincorporated Islands Interlocal Agreement Method

RCW 35.13.470-.480; RCW 35A.14.460-.470



- A. Annexation of contiguous, unincorporated territory
- B. Available only to Cities located in Counties subject to “buildable lands” review under GMA.** Currently only Clark, King, Kitsap, Pierce, Snohomish, and Thurston Counties. Still subject to potential referendum election.
- C. “Island” must be within urban growth boundary of annexing City with **at least 60%** of its boundaries contiguous to the annexing City or one or more Cities or Towns.

Alternative Unincorporated Islands Interlocal Agreement Method

RCW 35.13.470-.480; RCW 35A.14.460-.470



- D. Process initiated by City or County adopting resolution to “commence negotiations,” which starts 180-day negotiation period to reach agreement. Negotiation period may be extended by either party.
- E. Before executing agreement, each party must hold a public hearing. Then City may execute the agreement and adopt annexation ordinance, subject to potential petition calling for referendum on annexation.
- F. **In Counties with BRB, a notice of intent to annex must be filed and subject to review.** No annexation board review in Counties without BRBs.

Alternative Unincorporated Islands Interlocal Agreement Method

RCW 35.13.470-.480; RCW 35A.14.460-.470



- G. If County initiated negotiations and no agreement is reached, County may initiate negotiations with another contiguous City – even if the territory is in the urban service area or potential annexation area of the original City.
- H. County may also reach agreement with more than one City to annex the same territory, calling for an election for the voters to decide whether and into which City to be annexed. Follows same process as resolution-initiated election method, except election costs are borne by the County.
- I. Upon effective date of annexation, same notice requirements as other methods.



ANNEXATION OF FIRE DISTRICT – INTERLOCAL AGREEMENT METHOD

Annexation of Fire District Interlocal Agreement Method *RCW 35.13.238; RCW 35A.14.480*



- A. Annexation of contiguous, unincorporated territory within one or more fire districts

- B. Process initiated by annexing City by sending notice to County and fire district of interest in entering into interlocal agreement
 - 1. Parties have 4 days to respond to invitation and failure to respond is deemed affirmative
 - 2. Negative response stops the process

- C. If parties proceed to negotiation, statute describes mandatory terms or “goals” to negotiate

Annexation of Fire District Interlocal Agreement Method *RCW 35.13.238; RCW 35A.14.480*



- D. Unlike in the Alternative Unincorporated “Island” Interlocal agreement process, there is no statutory time period for negotiating terms.
- E. City, County, and Fire district must reach agreement on territory for annexation, but only City and County have to agree on all the mandatory “goals.”
- F. In Counties with BRB, a notice of intent to annex must be filed. If County and City reach agreement on the “goals,” but fire district does not, BRB jurisdiction may be invoked. No annexation board review is required in Counties without BRBs.**

Annexation of Fire District Interlocal Agreement Method *RCW 35.13.238; RCW 35A.14.480*



- G. City must conduct public hearing before adopting annexation ordinance, subject to potential petition calling for referendum on annexation
- H. Effective date of annexation ordinance must be at least 45 days after adoption to allow time for filing of petition calling for a referendum on annexation
- I. Upon effective date of annexation, same notice requirements as other methods

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