

HOW TO ANNEX TO A CITY

An overview of the annexation process

Under the State's Growth Management Act:

- A City may only annex areas contiguous to its borders.
- Only territory within the urban growth area may be annexed by a City. Rural areas cannot be annexed.
- If territory is claimed by one city as part of its potential annexation area, that territory may not be annexed by a different city.

Annexation Methods

In Washington State there are five methods of annexation. They are summarized below:

- 1) Election Method Annexation:** Residents can file a petition (in prescribed format, signed by not less than 10 percent¹ of the voters in the area to be annexed who voted in the last general election) with the city asking for an annexation election. The city need not agree to hold the election. Alternately, the city council may initiate the process by adopting a resolution calling for the annexation by election. The Boundary Review Board ("BRB", see description below) then reviews the annexation proposal and may either expand or contract the area to be annexed based on certain criteria. The city may then accept the revised annexation proposal, or reject it entirely. If the city chooses to proceed, it then forwards a resolution to the County Council requesting that the matter be placed on the ballot. The County Council then adopts an ordinance setting the date for an election on the question of annexation. Only registered voters within the proposed annexation area may cast ballots in the election. The annexation is approved if supported by a simple majority of those voting. See companion handout entitled "Election Method of Annexation" for more detailed description of this method.
- 2) Direct Petition Method Annexation ("60% petition"):**² Annexation is initiated by filing two separate petitions with the city. The first petition is signed by owners of property representing not less than 10% of the assessed value of the property in the area proposed to be annexed. This filing notifies the city of the residents' intent to commence annexation proceedings. The city council then accepts, rejects, or geographically modifies the proposed annexation. A second petition must then be signed by the owners of properties representing not less than 60% of the assessed valuation of the area proposed to be annexed (i.e., not all property owners must sign/agree). The city council holds a public hearing and rejects or accepts the petition. If accepted, the petition is submitted to the BRB. The BRB may expand or contract the area to be annexed based on certain criteria. The city may then accept the revised petition, or reject it entirely. Annexation is finalized by the adoption of an ordinance by the city council. This is the most common method of annexation in King County.
- 3) 50/50 Direct Petition Method:** In this method, annexation is initiated by securing signatures of both landowners and registered voters. The community initiators (owners of not less than 10% of the land area *or* not less than 10% of the area's *residents*) must

¹ The 10% requirement is applicable in Code Cities (most cities are code cities); in other types of cities and towns, the petition threshold is 20%.

² This paragraph describes requirements for annexation to Code Cities; non-code city requirements differ.

notify the city council of their intention to commence annexation. The city sets a meeting with the initiating parties to determine whether the city will accept, reject or modify the proposed annexation. A second petition, in form approved by the city, is then prepared and must be signed by at least 50% of the *registered voters* in the area **and** the owners of at least 50% of the *acreage* of the area. Following submittal of the petition, the city holds a public hearing and then decides whether to annex (it may reject the annexation, despite having a valid petition).

- 4) **Annexation of Small Unincorporated Islands Method:** This method is only applicable to areas less than 100 acres in size where at least 80% of the area boundaries are contiguous to the city or town. A public hearing must be held, after which the city passes an ordinance to annex. The annexation is subject to resident referendum (i.e., can be overturned) if a petition signed by a number of residents of the area equal to at least 10% of the area residents voting in the last general election is filed with the city within 45 days of the date the city ordinance is adopted. If such a petition is filed, an election on the issue is held and the annexation must be approved by not less than 50% of those persons in the area voting on the matter.
- 5) **Annexation by Interlocal Agreement Method:** This relatively new method of annexation (2003 legislature) allows for annexation to occur based on an *agreement between that city and the County*—but the agreement (and thus the annexation) can be overturned by residents of the proposed annexation area. This method may only be used to annex areas bordered at least 60% by one or more cities. Following a public hearing(s) and approval of the annexation agreement by the city and County, the city council adopts an ordinance annexing the territory. The ordinance must set an annexation effective date at least 45 days following the date the ordinance is adopted. If, during that 45 day period, a petition is filed with the city signed by not less than 15% of the registered voters of the area, then an election on the question must be held at which at least a simple majority of those persons voting on the matter approve the annexation.

The Role of the Boundary Review Board

The Washington State Boundary Review Board for King County (BRB) is responsible for reviewing all city and special district (water, sewer, fire) annexations in the county. It evaluates annexation proposals for consistency with state and local laws. The BRB also provides direct assistance to residents on annexation questions, such as how to file a petition or challenge an annexation proposal. The BRB also provides information to those seeking to create new cities through incorporation. The King County BRB may be reached at 206-296-6800 or <http://metrokc.gov/annexations>.

Boundary Review Board Evaluation of each annexation proposal: *Under all annexation methods described above (excluding the “interlocal agreement” method), there is a point at which the annexation proposal is submitted to the BRB. After ensuring the proposal is technically complete, the BRB circulates a notice of intent (“NOI”) and staff analysis of that document to other affected governments such as King County, adjacent cities, and water and sewer providers. Affected parties (including the applicant, citizens via a petition, affected jurisdictions, or the County Council) may “invoke jurisdiction” of the BRB, asking it to formally approve, reject, or modify an annexation proposal. A public hearing is held at which the BRB takes testimony from all interested parties. The BRB then issues an opinion approving, rejecting, or modifying the proposed annexation. The BRB decision may be appealed to King County Superior Court.*