

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**HOW TO ANNEX TO A CITY**

**2013**

## HOW TO ANNEX TO A CITY

- **Step 1 - Getting Started:** A group of citizens organizes, recruits supporters & begins to survey the community on general community interest in annexation.

*(Time Period: Open)*

- **Step 2 - Defining the Task:** The citizens' Committee contacts the City whose Comprehensive Plan includes this potential annexation area.

*(Time Period: Open)*

- **Step 3 – Gathering Data:** Committee – with County & City - puts together basic information needed: demographics, community interest, service delivery levels & preferences, estimated revenues & operating expenses, etc.

*(Time Period: 3-6 months)*

- **Step 4 – Selecting Preliminary Boundaries:** Committee & City set preliminary annexation boundaries

*(Time Period: 3 months)*

- **Step 5 – Notifying the Community:** City & Committee set a Public Information Meeting. City provides public notice. Topics: governance systems, land use planning, service benefits/costs. Citizens comment.

*(Time Period: Open)*

- **Step 6 – Refining Preliminary Boundaries & Selecting Annexation Method:** Following public meeting, Committee selects annexation boundaries. City will assist.

Options: Election (initiated by 10% petition) or Petition (10% & 60% petition based on land value or acreage) or Petition by 50%/50% of owners and residents. See RCW 35.13 and/or RCW 35A.14

*(Time Period: Open)*

**MORE ABOUT THE OPTIONS**

*(Also see attached “Annexation Process”)*

- **Step 6.a Election Method (initiated by 10% Petition)** Requires initial petition by residents equal to 10% of votes cast at last state general election in area. Petitions call for a future election. (RCW 35.13). King County Assessor’s Office validates petitions to City. City Council approval required for further action. Approved proposal filed with Boundary Review Board (BRB).

*(Time Period: Signatures collected within 180 days; city transfer to auditor within 3 days. Once signatures verified, Council has 60 days to pass a supporting resolution)*

**OR**

- **Step 6.b.1 - 60% Petition Method (Part 1):** Most frequently used method. Community initiates preliminary petition. Preliminary petition (with signatures of owners representing not less than 10% of the value of properties) must be provided to City. Community initiators notify City of intention to commence annexation. (RCW 35A.14)

City Council accepts, rejects or modifies annexation. May require area to adopt Comprehensive Plan & assume portion of indebtedness. Council must permit petition. No appeal from Council decision.

*(Time Period: Council meets within 60 days of notification)*

- **Step 6.b.2 - 60% Petition Method (Part 2):** If Council approves annexation, Community initiates petition. Petition (with signatures of owners representing not less than 60% of the value of properties or acreage) must be provided to City. Assessor validates & notifies. With validated petition, City Council holds public hearing. Council approval required to annex. (RCW 35A.14)

*(Time Period: Signatures valid for 180 days. Assessor must process with “reasonable promptness.” Council hearing as soon as possible)*

**OR**

- **Step 6.c.1 - 50% Petition Method (Part 1):** Community initiates preliminary petition. Preliminary petition (with signatures of owners representing not less than 10% of the value of properties) must be provided to City. Community initiators notify City of intention to commence annexation.

City Council accepts, rejects or modifies annexation. May require area to adopt Comprehensive Plan & assume portion of indebtedness. Council must permit petition. No appeal from Council decision. (RCW 35A.14)

*(Time Period: Council meets within 60 days of notification)*

▪ **Step 6.c.2 - 50%/50% Petition Method (Part 2):** If Council approves annexation, Community initiates petition. Petition (with signatures of not less than 50% of the property owners and not less than 50% of registered representing a majority of the acreage) must be provided to City. Assessor validates & notifies. With validated petition, City Council holds public hearing. Council approval required to annex. (RCW 35A.14)

*(Time Period: Signatures valid for 180 days. Assessor must process with "reasonable promptness." Council hearing as soon as possible*

OR

▪ **Step 6.d.1 – Interlocal Agreement Method (Option 1):** King County and City create an Interlocal Agreement to annex specific properties. Community is notified of commencement of annexation. City Council and County Council accept, reject, or modify Interlocal Agreement. . No appeal from Council decision. (RCW 35A.14.) OR

▪ **Step 6.d.2 – Interlocal Agreement Method (Option 2):** King County, City, and Fire District create an Interlocal Agreement to annex specific properties. Community is notified of commencement of annexation. City Council, County Council, and Fire District accept, reject or modify Interlocal Agreement. . No appeal from Council/District decision. (RCW 35A.14.)

▪ *(Time Period: Council meets upon completion of Interlocal Agreement)*

OR

▪ **Step 6.e Island Area Annexations** This method is available when an area is 80%+ surrounded by incorporated jurisdictions. City Council approves Resolution or Petition. City submits Notice of Intention to Annex (NOI) to BRB including rationale for annexation, legal documents, maps, service data, compliance with state/regional law.

*(Time Period: Signatures collected within 180 days; city transfer to auditor within 3 days. Once signatures verified, Council has 60 days to pass a supporting resolution*

▪ **Step 6.f Annexations by Eminent Domain – Notice to BRB:**

A City that owns a property that is to be used for public purposes may proceed administratively to annex that property. City Council must notify public and adopt an Ordinance defining the Annexation Area. City must notify County and State of change of boundaries.

*(Time Period: Open)*

THEN

▪ **Step 7 – Notice to BRB:** City submits Notice of Intention to Annex (NOI) to BRB including rationale for annexation, legal documents, maps, service data, compliance with state/regional law.

*(Time Period: Immediately after Council action)*

**THEN**

- **Step 8a/8b – BRB Review:** BRB coordinates NOI review by County agencies, other affected agencies, and public. Reviews NOI at a Board meeting. Holds a public hearing if jurisdiction is invoked. Takes action to approve, deny or modify the application.

(Note: For Interlocal Agreement Annexations jurisdiction may not be invoked. Limited opportunities for citizen referenda.)

*(Time Period: 120 day maximum, with possible extensions for public hearing )*

- **Step 9 –Appeals Process:** BRB decision can be appealed. Issues dictate where appeal is to BRB, to Superior Court or to Growth Management Hearings Board.

*(Time Period: 10 days to appeal to BRB; typically 30 days to Superior Court or GMHB)*

**THEN**

- **Step 10 –Annexation Approval Process – With BRB Approval:** City finalizes. Steps based on whether annexation is by petition or election method:

Election: City organizes, provides materials, pays – may/may not include assumption of indebtedness. Majority of voters must favor annexation; generally 60% must favor assuming debt.

*(Time: At least 60 days following BRB decision)*

Direct Petition: City adopts annexation ordinance & setting terms for adoption of Comprehensive Plan & assumption of debt. Area joins city.

*(Time Period: Open – usually 30-60 days)*

**OR**

- **Step 10 –Annexation Approval Process –With BRB Changes:** If the BRB modifies annexation, next actions are based on change – for example if BRB reduces area, & change is acceptable to community, the modified annexation can be submitted to City Council to adopt per previous election or direct petition method.

If BRB makes other changes to area, a new petition and/or election may be required.

*(Time Period: Based on modifications)*

**OR**

- **Step 10 –Annexation Approval Process –With BRB Denial:** If BRB denies annexation, then proposed annexation cannot be resubmitted for 12 months. A new proposal including some properties within the original area (e.g., smaller area, different area) can be submitted sooner.

**THEN**

- **Step 11 – Becoming a Part of the City:** When annexation is completed (e.g., ordinances/resolutions adopted, elections verified), & filed with State, area joins City. The City will conduct a census of the annexed area. The information will become the basis for establishing representation, service levels, revenues and costs.

*(Time Period: Open – generally occurs within 3 months.)*

## ANNEXATION PROCESS

There are five major methods to complete annexations can occur, described briefly below:

- 1) **Election Method Annexation:** The legislative body of a city or town adopts a resolution calling for the annexation of certain territory by election, and files the resolution with the County Council. The County Council then adopts an ordinance setting the date for an election on the question of annexation. Annexation is finalized by a vote of the qualified voters in the annexation area.
- 2) **Direct Petition Method Annexation:** An annexation is initiated by ten percent of the residents of the annexation area (or by the owners of properties representing ten percent of the assessed valuation of the area). The initiators notify the legislative body of the city or town in writing of their intention to commence annexation proceedings. The legislative body accepts, rejects, or geographically modifies the proposed annexation. The petition must then be signed by the owners of properties representing between sixty and seventy-five percent of the assessed valuation of the area (based upon a jurisdiction's designation as a code or charter city). The legislative body of the city or town then holds a public hearing on the question of annexation. Annexation is finalized by the adoption of an ordinance by the legislative body.

*(Note: Currently, the vast majority of annexations in King County and across the state are conducted using this method.)*

- 3) **Annexation for Municipal Purposes:** City and town councils, by a majority vote, annex unincorporated territory (whether contiguous or noncontiguous) for park, cemetery, or other municipal purposes when such territory is owned by the city or town or when all of the owners of the real property in the territory give their written consent to the annexation. *(Note: These annexations are not required to be reviewed by the Boundary Review Board.)*
- 4) **Annexation of Unincorporated Islands:** A local jurisdiction resolves to annex unincorporated islands containing less than one hundred acres and having at least sixty percent of its boundaries contiguous to the city or town; or of any size and having at least sixty percent of the boundaries of the area contiguous to the city if the area existed before June 30, 1994. A public hearing must be held. The annexation is subject to referendum for 45 days after the resolution is adopted, which is initiated by a petition signed by 10% of the area residents.

### 5) Interlocal Agreement Method (two Options)

**Option 1:** An Interlocal Agreement to annex specific territory is adopted by King County, a City, and a Fire District. The proposal must be submitted to the Boundary Review Board for administrative review (and public information) but there is no opportunity for a full public hearing for this proposed action. There is opportunity for a public referendum.

**Option 2:** An Interlocal Agreement to annex specific territory is adopted by King County, a City, and a Fire District. The proposal must be submitted to the Boundary Review Board for administrative review (and public information) but there is no opportunity for a full public hearing for this proposed action. There is, similarly, no opportunity for the public to vote or take other action with respect to this annexation.

(\*) NOTE: The State Growth Management Act requires each city within King County to develop a Comprehensive Plan to guide growth and development for a 20 year period. Each Comprehensive Plan must include lands within current city boundaries *and* lands proposed for annexation – known as Potential Annexation Areas or PAAs. Once a Comprehensive Plan is adopted by the city and accepted by the State, the unincorporated areas within a City's PAA are expected to annex to that City. Changes to a PAA boundary must be adopted by the City that currently includes the area in its Plan and by the City that is seeking to add an area to its PAA. The State must also approve changes in the PAA boundaries.)

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**HOW TO ANNEX TO A CITY**

- **Step 1 - Getting Started:** A group of citizens organizes, recruits supporters and begins to survey the community to determine whether there is general community interest in annexation.

*(Time Period: Open)*

- **Step 2 - Defining the Task:** The Citizens' Committee approaches the City which has included the community in its Comprehensive Plan Potential Annexation Area.

*(Time Period: Open)*

(NOTE: The State Growth Management Act requires each city within King County to develop a Comprehensive Plan to guide growth and development for a 20 year period. Each Comprehensive Plan must include lands within current city boundaries *and* lands proposed for annexation – known as Potential Annexation Areas or PAAs. Once a Comprehensive Plan is adopted by the city and accepted by the State, the unincorporated areas within a City's PAA are expected to annex to that City. Changes to a PAA boundary must be adopted by the City that currently includes the area in its Plan and by the City that is seeking to add an area to its PAA. The State must also approve changes in the PAA boundaries.)

- **Step 3 – Gathering Data:** The Committee seeking annexation will need to develop basic information needed to establish the annexation area boundaries and the annexation timeline. King County and/or the annexing City may assist in providing the data. Necessary information includes demographics, community interest in annexation, service delivery levels and preferences, estimated revenues and operating expenses, etc.

*(Time Period: Estimated 3-6 months)*

- **Step 4 – Selecting the Preliminary Boundaries:** If the investigation indicates that there is a substantial interest in annexation and that annexation is feasible, then the Committee and the City set the preliminary boundaries for the annexation area.

*(Time Period: Estimated 3 months)*

- **Step 5 – Notifying the Community:**

The City and the Committee set up a Public Information Meeting. The City provides public notice of this meeting.

At the Public Information Meeting, the Committee reports on the proposed annexation. The City and service providers (e.g., fire district, police, schools) may be invited to respond to questions related to the annexation – such as governance systems, land use planning, benefits/costs of providing service.

Citizens are invited to comment on the proposed annexation. For example, citizens may comment in support of or opposition to boundaries; new boundaries may be suggested. There may be questions about political representation, local and contract services (utilities, emergency response), growth management, zoning, development and building standards.

*(Time Period: Open)*

- **Step 6 – Refining the Preliminary Boundaries and Selecting the Preferred Annexation Method:**

Following the public meeting, if the Committee wishes to go forward with the annexation efforts, then the Committee selects the annexation area boundaries. The City will assist in the process of establishing boundaries.

RCW 35.13 – Annexation of Unincorporated Territories -- provides several types of petition and/or election methods which may be used for annexation to code cities – in King County all cities, except for Seattle, are code cities. The Committee and the City will likely also work together to select the

preferred annexation method. The most commonly used methods are:

▪ **Election Method (initiated by 10% Petition)**

This method requires an initial petition signed by residents equal to ten percent of the votes cast at the last state general election in the area. The petitions call for a future election to allow community members to decide if annexation should occur.

The King County Office of Records and Elections will assist in setting requirements for the annexation petition (e.g. number of signators, deadlines, etc) as set by State law (RCW 35.13).

The Committee must file the petition with the appropriate city and the city will then submit the petitions to the King County Assessor's Office. The Assessor's Office validates the petitions and notifies the City of the outcome.

The City Council must pass a resolution notifying petitioners of action on the petition. Council approval is a condition required for further proceedings on the petition. A public hearing is optional.

Once this petition has been filed, then no other petition can be generated involving any portion of the annexation area.

*(Time Period –per State law signatures must be collected within 180 days, and the city must transfer to the auditor within 3 days. Once signatures are verified the Council has 60 days to pass the resolution)*

The proposal to annex is then filed with the Boundary Review Board. (Discussion of Boundary Review Board requirements and processes is provided in Sections 7-9 below. Discussion of elections is provided in Section 10 below).

▪ **Sixty Percent Petition Method**

This method is the most frequently used method for annexation. Prior to circulating a 60% petition for annexation, the community initiators (owners of not less than 10% of the land area or not less than 10% of the land value) must notify the City Council of their intention to commence annexation.

In this situation, the initiators notify the legislative body of the annexing City, and the City sets a meeting with the initiating parties to determine whether the City will accept, reject or modify the proposed annexation. This meeting also addresses adoption of the city's existing comprehensive plan and assumption of fair share of indebtedness –the City may require these actions and, if so, these actions will become an integral part of the annexation.

Council acceptance is required before petition can be circulated. There is no appeal from the Council decision.

*(Time Period: The Council meeting must occur no later than 60 days after the initiators file notice with the City.)*

Following City agreement, the direct petition is initiated. The King County Office of Records and Elections will assist in setting requirements for the annexation petition (e.g. number of signators, deadlines, etc). The Committee must administer petitions as set by State law (RCW 35.13).

With this direct petition method, the petition (with signatures of owners representing not less than 60% of the value of the potential annexation properties) must be provided to the legislative body of the City.

The petition is filed with the City Council. It is then transmitted to the Assessors Office which validates the petitions and notifies the annexing city.

*(Time Period – There is no stipulated time period for collecting signatures and submitting them to the Council, but signatures are valid only for 180 days. Upon filing the petition, the City has 3 days to transfer the petition to the Assessor and the assessor must process the petition with "reasonable promptness.")*

▪ **Fifty Percent Petition Method**

Prior to circulating a 50% petition for annexation, the community initiators (owners of not less than 10% of the land area or not less than 10% of the land value) must notify the City Council of their

intention to commence annexation. In this method not less than 50% of land owners and 50% of registered voters representing a majority of the acreage must sign the petition.

In this situation, the initiators notify the legislative body of the annexing City, and the City sets a meeting with the initiating parties to determine whether the City will accept, reject or modify the proposed annexation. This meeting also addresses adoption of the city's existing comprehensive plan and assumption of fair share of indebtedness –the City may require these actions and, if so, these actions will become an integral part of the annexation.

Council acceptance is required before petition can be circulated. There is no appeal from the Council decision.

*(Time Period: The Council meeting must occur no later than 60 days after the initiators file notice with the City.)*

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Following City agreement, the direct petition is initiated. The King County Office of Records and Elections will assist in setting requirements for the annexation petition (e.g. number of signators, deadlines, etc). The Committee must administer petitions as set by State law (RCW 35.13).

With this direct petition method, the petition with the required number of signatures must be provided to the legislative body of the City. The petition is filed with the City Council. It is then transmitted to the Assessors Office which validates the petitions and notifies the annexing city.

*(Time Period – There is no stipulated time period for collecting signatures and submitting them to Council, but signatures are only valid for 180 days. Once the petition is filed, the City has 3 days to transfer to the Assessor and the assessor must process the petition with “reasonable promptness.”)*

Once the City is notified that there is a legally sufficient petition, the City Council may consider the annexation. A public hearing is required. The City is responsible for providing notice. If the City decides to approve the annexation, it must pass a motion or a resolution to annex.

The proposal to annex is then filed with the Boundary Review Board. Discussion of Boundary Review Board requirements and processes is provided in Sections 7-9 below. Finalization of the annexation is discussed in Section 10 below.

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*(Note: There are also limited opportunities for Annexations of City-Owned Land designated for a Public Purpose. The annexing jurisdiction does not need to come before the Boundary Review Board. However, notification must be provided to the Boundary Review Board, the County, and the State.)*

▪ **Step 7 - Notice to the Boundary Review Board:**

The annexing City must submit to the Boundary Review Board a Notice of Intention to Annex. The NOI should include:

- Basic information describing the reasons for annexation
- City Council approval of annexation
- Validation of petitions by King County Assessor and copies of petitions,
- Legal descriptions and maps
- Demographic information
- Land Use Information
- Service Information & Analysis (e.g., water, sewer, stormwater, roads, police, fire, schools, parks, libraries)
- Narrative describing how the annexation is consistent with:
  - Boundary Review Board criteria (RCW 36.93.180)
  - King County Countywide Plan
  - Growth Management Act
- Government Planning information (City Manager-Council, etc.)

*(Time Period: Immediately upon completing City Council action)*

- **Step 8a - The Boundary Review Board Evaluation:** The Boundary Review Board:
  - Ensures that the application is complete
  - Circulates the NOI (and staff analysis of that document) to appropriate King County offices – e.g., Regional Policy Planning, Engineering – for an initial 30 day review and comment period.
  - Circulates the NOI to other affected governments and agencies – such as surrounding municipalities, water and sewer providers – for a 45 day comment period.
  - Reviews the NOI at a Board meeting within 30 days of receipt to determine compliance with:
    - Boundary Review Board criteria (RCW 36.93.180)
    - King County Countywide Plan
    - Growth Management Act.
  - Takes action to approve, deny or modify the application.

The BRB action may be administrative or a public hearing may be conducted. Administrative action is likely where an annexation is small and/or straightforward and/or non-controversial.

Jurisdiction can be invoked – a hearing requested -- by the applicant, affected jurisdictions and/or King County Council). A hearing would also be required if a citizen affected by the annexation could obtain signatures of 5% of the registered voters within the annexation area (or a similar percentage of affected registered within ¼ mile of the annexation) calling for such public review. A BRB public hearing is most likely to occur where there are complex legal issues, land use issues or community controversy.

*(Time Period - The State establishes a 45-day review period for an NOI in cases where there is no invoking of jurisdiction. That review period begins on the date that the NOI is approved as being complete.*

*If jurisdiction is invoked for a complete NOI requesting a public hearing before the Boundary Review Board, then the Board is permitted a 120-day review period beginning on the date that jurisdiction is invoked. If the public hearing and decision-making is estimated to require more than the allotted 120 days, then the proponent is asked to waive the 120-day review requirement.)*

- **Step 8b – The Boundary Review Board Public Hearing Process:**

If jurisdiction is invoked, the Boundary Review Board:

- Schedules a public hearing
- Publishes and posts notices for a public hearing
- Conducts a public hearing

At the public hearing, the Board takes testimony from all interested parties – the proponent, government agencies, professional/technical consultants, service providers, and citizens who will be affected by the annexation.

The Board assesses whether the and how annexation does or does not meet the BRB, GMA and KCC criteria. At the conclusion of the hearing, the Board makes a decision on the annexation. Based upon compliance with these criteria, the Boundary Review Board will decide to approve, modify or deny the annexation.

*(Time Period – 30 days minimum from notice to hearing, as notification must occur at least 30 days in advance of the hearing; Board recommendation or action occurs within 40 days following the public hearing.)*

- **Step 9 – The Appeals Process:** The Board’s decision may be appealed within 30 days following the action by the Board. The substantial majority of disputes must be appealed to the King County Superior Court. Disputes over the Board’s interpretation of the Growth Management Act would need to be resolved by the Growth Management Hearings Board.

- **Step 10 – The Annexation Approval Process – Community and City Responsibilities:**
  - **Board Decision to Approve:** If the Board approves the annexation, and there is no successful appeal, then the City may take steps toward finalizing the annexation. The approval process and the effective date of annexation is based on whether the annexation has been accomplished by the direct petition method or is to be done by the election method. Specifically:
    - **Election Method** – Upon approval of the Boundary Review Board, the City Council must establish election dates, election materials and notices, etc. The city pays for the election. Elections are held according to state law. A majority of voters must favor annexation.

If assumption of indebtedness is proposed, the notice and proposition may be on the same ballot or be separate. Generally, a 60% majority of voters (totaling at least 40% of the total votes cast in the last preceding general election) must favor assuming indebtedness. Election requirements may vary slightly depending on circumstances and/or ballot language.

*(Time Period: Election must be conducted at least 60 days following selection of the preferred election date within the range of election dates permitted by RCW. Notice of the election must precede the election date by at least 2 weeks.)*
    - **Direct Petition:** Upon approval by the Boundary Review Board, the City Council adopts an ordinance formally supporting annexation and setting terms for adoption of the Comprehensive Plan and assumption of fair share of indebtedness, the annexation area becomes a part of the city.

*(Time Period: Open – generally within 30-60 days)*
  - **Board Decision to Modify:** If the Board modifies the annexation, the actions that follow are based on the modification. That is: if the Board adds to or reduces the area, and this change is acceptable to the jurisdiction proposing the annexation, the jurisdiction may proceed to undertake the modified annexation. The City may also choose not to proceed with the annexation. The City may not alter the annexation area adopted by the Boundary Review Board.
  - **Board Decision to Deny:** If the Board denies the annexation, then the proposed action cannot be resubmitted for a minimum of 12 months. However, a new annexation proposal that includes some of the areas within the originally proposed areas (e.g., smaller area, adjusted boundaries, larger area) can be submitted within one year.
- **Step 11 – Becoming a Part of the City:** Once the annexation is completed (e.g., ordinances/resolutions adopted, elections verified), and filed with the State, the area becomes a part of the City. The City will conduct a census of the annexed area. The information will establish representation, service levels, revenues and costs.

*(Time Period: Open – generally occurs within 3 months.)*