**CITY OF OAK HARBOR
PETITION METHOD
ANNEXATION PROCESS SUMMARY**

The basic methods by which cities may now annex territory are: the new petition method and the "old" petition method. The new method of annexation in SSB5409 (now codified in RCW 35.13.410-.460 and RCW 35A.14.420-.450), requires support of property owners representing a majority of the area proposed for annexation and a majority of the voters in the area. The "old" petition method requires approval from owners of property representing a certain percentage of the assessed value of the proposed annexation area.

THE SIXTY PERCENT PETITION ANNEXATION METHOD
(OLD PETITION METHOD)
The most frequently used method of annexing unincorporated territory is by petition of the owners of at least 60 percent of the property value in the area, computed according to the assessed valuation of the property for general taxation purposes.

The following outlines the steps and provides information that must be provided during the annexation process:

A. **Initiation of the 60 Percent Petition Annexation (RCW 35A.14.120)**

Prior to circulating a petition for annexation, the initiating party or parties (the owners of property representing not less than ten percent of the assessed value of the property for which annexation is sought) must give written notice to the City Council of their intention to commence annexation proceedings.

B. **Meeting with Initiators on the Annexation Proposal (RCW 35A.14.120)**

The City Council is to set a date (not later than 60 days after the filing of the notice) for a meeting with the initiating parties to determine:

1. Whether the city will accept, reject, or geographically modify the proposed annexation;
2. Whether it will require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed (as provided for in RCW 35A.14.330, and RCW 35A.14.340); and
3. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

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If the Council requires the adoption of a proposed zoning regulation and/or the assumption of all or any portion of indebtedness as conditions to annexation, it is to record this action in its minutes.

If the City Council accepts the annexation an **application fee of $2,640.00 + $176.00/acre** is payable to the City at the time the petitions are submitted to Development Services Division. By accepting the annexation, the Council is authorizing the petitions to be circulated. After the necessary petitions are returned, the Council must take a separate action to approve the annexation and adopt zoning for the properties.

Council acceptance is a condition precedent to circulation of the petition. There is no appeal from the council decision.

C. **Contents of Petition (RCW 35A.14.120)**

If the City Council accepts the initial annexation proposal, the petition may be drafted and circulated. The petition must:

4. Notice of Intention to commence annexation letter from the applicant, see attached sample letter.
5. Provide a legal description. An abbreviated legal description will suffice for the initiation proceedings. Prior to approval of any annexation a metes and bounds legal description prepared by a surveyor is required.
6. Be accompanied by a map that outlines the boundaries of the property sought to be annexed.
7. If the council has required the assumption of all or any portion of city indebtedness and/or the adoption of a proposed zoning regulation for the area to be annexed, set forth these facts clearly, together with a quotation of the minute entry of that requirement.
8. Be signed by the owners of not less than 60 percent of the assessed value of the property for which annexation is petitioned. "Owners" eligible to sign are defined in RCW 35A.01.040(9)(a) through (e).
9. Comply with the rules for petitions in RCW 35A.01.040. RCW 35A.14.130.

D. **Filing of Petition; Determination of Sufficiency**

10. The petition is to be filed with the City Council. RCW 35A.14.120. Although there is no time limit specified in the annexation statutes as to when a petition need be filed with the council after it has begun circulating for signatures, the signatures on a petition are valid only if signed no later than six months prior to the filing date. Any signatures older than six months are to be stricken from the petition by the officer certifying petition sufficiency. RCW 35A.01.040(8).
11. The petition must be certified as sufficient (i.e., as having valid signatures representing the required 60 percent of property value). Within three working days of the filing of the petition, the officer with whom the petition

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is filed must transmit the petition to the county assessor, who makes the determination of the sufficiency of the petition. The county officer whose duty it is to determine petition sufficiency must file with the officer receiving the petition for filing a certificate stating the date the determination of sufficiency was begun. The officer determining petition sufficiency must do so "with reasonable promptness." RCW 35A.01.040(4).

E. **Hearing on Petition (RCW 35A.14.130)**

When a legally sufficient petition is filed, the City Council may consider it and:

12. Fix a date for a public hearing, and
13. Provide notice specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation. The notice is to be:

     a. Published in one or more issues of a newspaper of general circulation in the city; and

     b. Posted in three public places within the territory proposed for annexation.

    There are no statutory requirements concerning the actual hearing, other than to give proponents and opponents an opportunity to speak.

F. **Decision (RCW 35A.14.140)**

Following the hearing (though not necessarily immediately), the City Council decides whether to approve the annexation. If it decides to approve, it must enact an ordinance to annex the territory. RCW 35A.14.140. It may annex all or any portion of the area proposed for annexation, but may not include any property not described in the annexation petition. *Id.* The county annexation review board does not review annexations under the 60 percent petition method. RCW 35A.14.220.

ALTERNATIVE PETITION ANNEXATION METHOD
(NEW PETITION METHOD)
Annexation petitions under this new method are to be signed both by property owners and by voters. The following outlines the alternative petition method:

A. **Initiation/Notice of Intention (RCW 35A.14.420)**

An annexation under this method is initiated by written notice to the City Council of an "intention to commence annexation proceedings" signed by owners of not less than 10 percent of the acreage of this area.

B. **Meeting with Initiators/Initial Decision by City Council (RCW 35A.14.420)**

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The meeting process is the same as for the sixty-percent annexation method.

C. **Petition Requirements (RCW 35A.14.420)**

If the City Council accepts the initial annexation proposal, the initiating parties may draft and circulate a petition for signatures. The petition for annexation must:

1. Be in writing and be addressed to the City Council;
2. Contain a legal description of the property;
3. Be accompanied by a drawing that outlines the boundaries of the area proposed for annexation;
4. If the City Council is requiring the assumption of all or any portion of city or town indebtedness and/or the adoption of a comprehensive plan or proposed zoning regulation for the area to be annexed, state those facts, along with a quotation from the meeting minutes where the council imposed such requirements;
5. Be signed by:

    a. Owners of a majority of the acreage of the area proposed for annexation; and

    b. A majority of the registered voters residing in the area proposed for annexation; but, if there are no residents in the area proposed for annexation or no registered voters, by the owners of a majority of the acreage of the area.

6. Comply with the rules for petitions in RCW 35A.01.040; and
7. Be filed with the City Council.

D. **Filing of Petition, Hearing on Petition, etc.**

The rest of the procedures for this alternative petition method are identical to those for the 60 percent petition method D through F.

Attached is a sample Notice of Intention to commence annexation proceedings.

Should you have further questions please feel free to call (360) 279-4512.

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NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

The Honorable Mayor and City Council
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor WA 98277   **<u>SAMPLE</u>**

Dear Mayor and City Council:

The undersigned, who are the owners of not less than ten percent (10%) of the acreage for which annexation is sought, hereby advise the City Council of the City of Oak Harbor that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

> The property herein referred to is legally described on Exhibit "A" attached hereto and is geographically depicted on a Island County Assessor's parcel map on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Oak Harbor set a date, not later than sixty (60) days after the filing of this request, for a meeting with the undersigned to determine:

1. Whether the City Council will accept, reject, or geographically modify the proposed annexation;

2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the proposed Comprehensive Plan as adopted by City of Oak Harbor; and

3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material and is intended by the signers of the Notice of Intention to Commence Annexation Proceedings to be presented and considered as one Notice of Intention to Commence Annexation Proceedings and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Notice of Intention to Commence Annexation Proceedings.

<u>SAMPLE</u>

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Resident/Owner Signature	Printed Name	Address & Tax Parcel Number	Date Signed

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

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