

ANNEXATION PROCESS FOR CODE CITIES IN PIERCE COUNTY

Election Method Initiation by Voters

RCW 35A.14.020-.110 is the State law that describes the process for the election method of annexation for all code cities. This process is outlined below with the procedural steps for the Boundary Review Board (BRB) (RCW 36.93) inserted where appropriate.

1. Prior to submittal of the petition, the proposed legal description (from point of beginning around the perimeter and back to point of beginning) and 2 copies of Pierce County Assessor-Treasurer 1/4 section maps (200 scale) indicating the boundaries should be submitted to the Chief Clerk of the BRB for pre-review. County staff will review proposals to help cities avoid, in part: overlapping boundaries, gaps or islands, split parcels, and use of right-of-way centerlines (which are prohibited unless the other half has already been annexed). County staff will provide city staff with comments about any corrections that may be necessary before city council approval. A correct legal description must be part of the resolution adopted by the city council, not just changed by city staff.
2. A petition (contents described in RCW 35A.14.020), signed by 10% of registered voters who voted at the last State general election, is submitted to the BRB Clerk who forwards it to the County Auditor for certification.
3. If the petition is sufficient, within 60 days, the city council shall by resolution approve or reject the petition and notify the petitioners of its approval or rejection of the annexation. It may also determine:
 - Whether it will require simultaneous adoption of a proposed zoning code; and
 - Whether it will require assumption of all or any portion of city indebtedness by the area to be annexed.
4. The city council files the petition with the County Council and the Boundary Review Board, along with a statement regarding any provisions for assumption of debt and adoption of zoning.
5. Within 180 days, the city files a Notice of Intention (submittal requirements attached) with the Boundary Review Board. If the Chief Clerk of the BRB determines that the Notice of Intention is incomplete in any respect, no filing date will be assigned until corrections are made or additional materials received. An affected agency or citizens, pursuant to RCW 36.93.100(3), have 45 days to request a public hearing before the BRB. If the 45-day period passes without such a request, the annexation is deemed approved by the Board. If there is a request for hearing, the Board must hold a hearing within 120 days of the request (an extension may be granted through an agreement with the city). It may approve, approve with modifications, or deny the annexation. The Board's decision is appealable within 30 days to Superior Court. If the BRB denies the annexation, no further action (election) shall be taken and no proposal for annexation of the same territory shall be initiated for 12 months.

6. If the annexation proposal is approved or approved/modified by the BRB, the city must notify the County Auditor of its preference for a special election date that is 60 days or more after that notification.
7. The County Council must call for a special election on the date requested by the city.
8. If the majority of votes cast are in favor of the annexation (and simultaneous adoption of a zoning code, if applicable), the annexation is deemed approved. If the issue of assumption of indebtedness is also included as a separate proposition, that proposition must be approved by 60% of the voters with a minimum number of votes not less than 40% 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 the annexation proposition, the combined measure must also be approved by 60% of the voters with a minimum number of votes not less than 40% 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.
9. If annexation is approved, the County Council enters a finding of the results into its minutes and transmits a certified copy of the minutes and election results to the city clerk. The city council adopts an ordinance annexing the territory (and adopting the zoning code and assuming indebtedness, if applicable). The final ordinance contains the effective date of the annexation and legal description of the annexation area.
10. The city must send a certified copy of the final ordinance to the County Council and to the Chief Clerk of the BRB, who will notify various affected agencies of the boundary change. The city must also file with the State Office of Financial Management the certificate required by RCW 35.13.260 within 30 days of the effective date specified in the ordinance (note other requirements). The city is encouraged to record the annexation ordinance with the Pierce County Auditor.