



**PLANNING DEPARTMENT**

319 Main Street, Suite 200 Sultan, Washington 98294  
 Telephone: (360) 793-2231 Fax: (360) 793-3344

**PETITION TO COMMENCE ANNEXATION (60% Petition Method)**

**DECLARATION**

- We, the undersigned, are owners of real property lying outside of the corporate limits of the City of Sultan, Washington, but contiguous thereto and designated as part of the Sultan Urban Growth Area. A legal description and map of this area are attached to this notice.
- We, the undersigned, who are the owners of property totaling not less than 60% of the acreage proposed for annexation, wish to inform the Honorable Mayor and Sultan City Council that we intend to commence the procedures for annexation to the City of Sultan. By signing this petition, we legally acknowledge that that we are asking to be 1.) Assessed for City services, 2.) Assessed for the City's existing bonded indebtedness including all outstanding bonds, levies, and loans, 3.) Regulated in compliance with the Sultan Municipal Code; and 4.) Possibly responsible for infrastructure improvements within the proposed annexation area as a condition of annexation to the City of Sultan. It is acknowledged that this petition may consist of multiple documents filed independently.

**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.**

Annexation Proposal Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

| Snohomish County Parcel Number | Parcel Acreage | Printed Name of Property Owner | Physical Address of Property Owner | Signature of Property Owner | Date Signed |
|--------------------------------|----------------|--------------------------------|------------------------------------|-----------------------------|-------------|
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*\*Note: If additional space is needed, please obtain and use an additional petition form*

**FOR PLANNING STAFF USE ONLY**

TOTAL GEOGRAPHIC AREA OF PROPOSED ANNEXATION: \_\_\_\_\_ Acres

PERCENT OF TOTAL ASSESSED VALUATION BY SIGNATURE: \_\_\_\_\_ %



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### **PROCEDURES FOR FILING 60% PETITION FOR ANNEXATION**

Owners of property located within Sultan's Urban Growth Area (UGA) may petition the City Council to annex their land, but are required to follow RCW 35A.01.040 and the procedures listed below. Filing a petition and application for annexation requires a variety of fees and a lengthy process, but does not guarantee that an annexation petition will be approved by the City Council.

It is very important for property owners to understand that signing a petition for annexation is an acknowledgement that they are requesting that their property be:

- ✓ Assessed for City services, such as police, fire, library, museum, road maintenance, etc;
- ✓ Assessed for existing City indebtedness, such as bonds, levy's, and loans;
- ✓ Regulated in compliance with the Sultan Municipal Code; and
- ✓ Possibly responsible for infrastructure improvements as a condition of annexation.

***This information must be displayed at the top of all petition forms.*** The signature of a property owner will serve as a legal acknowledgement of this request to the City.

### **The Annexation Process**

#### **1. Pre-application Meeting with Planning Staff Required**

Proponents of annexation need to meet with the City planner in the Planning Department to discuss general annexation procedures, area-specific issues and details, and recommended acreage size and logical boundaries for proposed annexation areas. Generally, the City does not annex small single parcels, but considers annexation of larger contiguous areas within the Sultan UGA. Planning staff will provide interested parties with forms, procedural requirements, and suggestions for holding a neighborhood meeting as described below.

#### **2. Neighborhood Meeting to Explain Annexation Proposal (optional)**

Proponents of annexation are encouraged to complete the following at their own expense:

- Obtain a list of all property owners within the area from the Snohomish County Assessor;

- ❑ Arrange and advertise a neighborhood meeting to discuss the proposed annexation;
- ❑ Notification of the meeting should be mailed to all property owners within 300 feet of the proposed annexation area at least 10 days prior to the date of the meeting;
- ❑ Public notice of the meeting should be posted at a few highly visible locations within the proposed annexation area at least 10 days prior to the date of the meeting; and
- ❑ Conduct a neighborhood meeting to discuss the proposed annexation (A City representative may be present to answer procedural and technical questions).

### **3. Annexation Application and Notice of Intent to Annex**

Once the pre-application meeting and optional neighborhood meeting have been conducted, proponents of annexation must provide:

- ❑ A completed application for annexation;
- ❑ Confirmation that a neighborhood meeting has been conducted;
- ❑ A complete list of property owners in the proposed annexation area;
- ❑ A map depicting the proposed annexation area;
- ❑ A legal description of the proposed annexation boundaries;
- ❑ A "Notice of Intent" form, available from the Planning Department, with signatures in favor of annexation representing owners of not less than 10% of the acreage in the proposed annexation area;
  - ◆ Note: The Board of Directors of a School District may apply for annexation under this method only if school property constitutes all of the property for which annexation is being proposed (RCW 28A.335.110); and
- ❑ Pay the required fees for annexation.

### **4. City Council Meeting to Initiate the Annexation Process**

Once an application for annexation has been determined to be complete, the Planning Department will send written notice to the City Council announcing the intention to commence annexation proceedings. Upon receipt of notification, the City Council is to set a date (within 60 days after the filing of the notice) for a public meeting to determine:

- A. Whether the City will accept, reject, or geographically modify the proposed annexation;
- B. Whether it will require the simultaneous adoption of a comprehensive plan, if such a plan has been prepared and filed as provided for in RCW 35.13.177 and 35.13.178;
- C. Whether it will require the assumption of all or any portion of existing City indebtedness by the area to be annexed; and
- D. Whether any specific infrastructure or improvements will be required as a condition of annexation to the City of Sultan.

The decision of the Council whether to “accept” the annexation proposal is entirely within the Council’s discretion. By accepting the annexation proposal, the Council is not committing itself to ultimately annexing the territory proposed when a sufficient petition (60%) is presented. The decision to accept merely allows the annexation proposal to go forward procedurally. If the Council rejects the annexation proposal, the initiating parties have no right of appeal.

## **5. Legal Sufficiency of an Annexation Petition**

If the City Council accepts the initial annexation proposal as supported by the notice of intent, the annexation proponents must then circulate a petition form to collect signatures of those in favor of annexation. In order to meet the legal sufficiency requirements, the petition must:

- A. Include a map of the annexation boundary and clearly state the specific conditions of annexation (as listed in 4. A. – D., above) at the top of the petition form;
- B. Be signed by the owners of not less than 60% of the acreage;
  - ◆ Note: The Board of Directors of a School District may apply for annexation under this method only if school property constitutes all of the property for which annexation is being proposed (RCW 28A.335.110); and
- C. Be forwarded to the Snohomish County Assessor. The Assessor will determine if the petition has legal sufficiency for property ownership and issue a Certificate of Sufficiency stating such.

## **6. Amendment of City-County Interlocal Agreement**

Once legal sufficiency has been established, Planning Staff will schedule separate meeting dates with the Snohomish County Council and the Sultan City Council to approve any required amendments to the “City-County Interlocal Agreement Concerning Annexation and Development in the Sultan UGA.” The required amendment must be approved by both Councils prior to the expiration of the 45-day review period for the Boundary Review Board, described below.

## **7. Boundary Review Board Review**

The City will file a Notice of Intention with the Boundary Review Board (BRB) within 180 days of first proposing the annexation, unless the petition fails to meet legal sufficiency requirements, as listed above. The notice is submitted to the Chief Clerk (BRB) and should contain the action sought, reasons for the proposed action, a legal description of the boundaries proposed to be altered, a county assessor’s map and any additional information or maps requested by the Boundary Review Board. (RCW 36.93.090 and 36.93.130). The following actions are then taken by the Boundary Review Board:

- A. The Notice of Intention is filed with the Chief Clerk. The Chief Clerk reviews the Notice of Intention to determine legal sufficiency and when deemed sufficient, assigns a filing date and file number. The 45-day review period begins on the date it is assigned a effective filing date by the Chief Clerk. (RCW 36.93.090)
- B. The Chief Clerk routes the Notice of Intention to agencies, municipalities, county departments, special purpose districts and interested citizens for review and comment. (RCW 36.93.093)
- C. The Board Chair may waive the 45-day review period by written statement if the proposed action is an annexation under ten acres and less than two million dollars in assessed valuation. The annexation then may proceed as proposed. (RCW 36.93.105)
- D. If the 45-day review period elapses without the Board's jurisdiction being invoked, the proposed action is deemed approved upon notification by the Chief Clerk. The initiator may then proceed to finalize the proposal under its pertinent laws. (RCW 36.93.100)

## **8. City Council Public Hearing**

If approval is granted by the Snohomish County Boundary Review Board, the Sultan City Council will hold a public hearing on the annexation request to determine if it is in the City's best interest to annex the property. If approved the property is annexed to the City.

## **9. Effective Date of Annexation**

The annexation, together with any provisions for the assumption of indebtedness, adoption of a comprehensive plan, and special annexation requirements, takes effect on the date set in the annexation ordinance.

## **10. Invocation of Boundary Review Board (BRB) Jurisdiction (RCW 36.93.100)**

A. The BRB's jurisdiction can be invoked, as described in section 7.E., above, when:

1. Any governmental unit affected files a request for review of the specific action;
2. A petition requesting review is filed and is signed by:
  - a. Five percent (5%) of the registered voters residing within the area which is being considered for the proposed action; or
  - b. An owner or owners of property consisting of five percent of the assessed valuation within such area;

3. Three members of the Board concur with a request for review when a petition requesting review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action; or
4. Three members of the Board vote affirmatively to invoke jurisdiction except in the case of:
  - a. An incorporation of a special purpose district or change in the boundary of any city, town, or special purposed district;
  - b. The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district with water mains six inches or less in diameters; or
  - c. The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district with sewer mains eight inches or less in diameter. (RCW 36.93.100)

The Board must act within 120 days of the review request, unless the Board and the annexation initiators agree to an extension. If no decision is made within 120 days and no extension is granted, the proposal is deemed approved.

- B. The Board sets the time, date and place of the public hearing. The Chief Clerk provides 30 days written notice to affected governmental units and municipalities within three miles of the proposal, places three legal advertisements in a newspaper of general circulation and posts notices in the proposed area. (RCW 36.93.160)
- C. A public hearing is held and a verbatim record is made of all testimony and the Board may direct the Chief Clerk to issue subpoenas to any person or agency for testimony or presentation of records. (RCW 36.93.160(4))
- D. The Board hears testimony from affected government units and individuals, closes the public testimony, and then reviews on the record the factors to be considered by the Board (RCW 36.93.170), the objectives of the Boundary Review Board (RCW 36.93.180) and the Growth Management Act (RCW 36.70A). Based on the above, the Board may either approved, modify, or deny a proposal. (RCW 36.93.150)
- E. The Board then has 40 days from the final public hearing but not more than 120 days from the date that jurisdiction was invoked to file its written decision. The written decision addresses the purposed, factors and objectives of the Boundary Review Board Law. It is filed with the County Council and the clerk of each city or town within three miles of the proposal. Dissenting Board members may file a written minority opinion as a part of the written decisions. (RCW 36.93.160(4))
- F. The Board's decision may be appealed to the Superior Court within thirty days from the date the written decision is filed. The appeal is on the record which means that

the Court reviews the exhibits, transcript and Board's written decision rather than conducting a new hearing. (RCW 36.93.160(5))

- G. The Superior Court may affirm the decision of the Board, remand the case for further proceedings or reverse the Board's decision. The Superior Court decision may be appealed to the Court of Appeals or to the State Supreme Court (RCW 36.93.160(6))