



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager
Eric Shields, Director of Planning and Community Development

Date: March 17, 2009

Subject: ANNEXATION PROCESS AND TIMELINE

The following memo outlines the process and timelines related to two methods of annexation. The City of Kirkland is a non-charter code city and, therefore, subject to Chapter 35A of the Revised Code of Washington in matters related to annexation. Excerpts from the Municipal Research and Services Center are attached for reference and a fuller discussion of each step of both methods. These methods are discussed within the context of the deadlines established for eligibility for state funding ("commence" annexation by January 1, 2010).

Election Method, Initiated by Resolution (RCW 35A.14)

Step One: Approve a Resolution of Intent

The City Council may initiate annexation by approving a resolution of intent that must:

1. Call for an election on the question of annexation to be submitted to the voters;
2. Describe the boundaries of the area (Note: the boundaries must be stated in terms of the specific legal descriptions for parcels and subdivisions bordering the proposed annexation area. The legal descriptions would be contracted out to an engineering firm specializing preparing legal descriptions of this nature).
3. State the number of voters in the area to be annexed;
4. State that the city will pay for the cost of the election.

In addition to these required elements, the City Council may:

1. Ask voters to assume outstanding debt (Note: Requires 60% approval and 40% validation);
2. Ask voters to approve simultaneous adoption of proposed zoning regulations;
3. Ask voters to include the area in an existing community council area or establish a new community council (Note: This would be like the Houghton Community Council);

Step Two: File Resolution of Intent with the County Legislative Authority and the Boundary Review Board

The City must file a certified copy of the resolution of intent with the County and the Boundary Review Board along with a completed BRB proposal. The required contents of the proposal are discussed later in this memo. Typically, the BRB proposal is assembled over a period of time in anticipation of a resolution of intent being approved by Council.

Two optional steps are possible with the BRB and the County at this time. The BRB requests a preliminary letter of intent from the City alerting the BRB of the pending resolution and proposal. King County requests an opportunity to review the legal description contained in the BRB proposal before it is submitted as this will facilitate the BRB's review.

Step Three: Boundary Review Board Considers and Acts on Proposal

All annexations must be reviewed by the Boundary Review Board. The process starts with the filing of a Notice of Intention (NOI) by the city proposing the annexation. Once the NOI is determined to be complete, the annexation will be reviewed by the BRB within 45 days unless BRB jurisdiction is invoked. A request invoke BRB jurisdiction may be filed by the city proposing the annexation, other affected jurisdictions (e.g. cities and special purpose districts) or by a petition of 5% or more of the registered voters within or within 5one quarter mile of the annexation area. Once jurisdiction is invoked, the BRB has 120 days to act on the proposal, during which time a public hearing is typically held.

Consequently, the length of the BRB process depends on whether BRB jurisdiction is invoked and when it is invoked. If jurisdiction is not invoked, the process will be completed in 45 days. However, if jurisdiction is invoked 44 days after the NOI is submitted, the process will take 164 days. If the city anticipates that another party will ask for BRB jurisdiction to be invoked, the most expeditious process would be for the City to ask for jurisdiction to be invoked at the time we file the NOI. This would assure that the process will not exceed 120 days.

The BRB may approve the proposal, modify the boundaries and approve the revised proposal or disapprove the proposal. If it is disapproved, the annexation cannot be resubmitted to the BRB for 12 months.

Step Four: File BRB Decision with King County

Once the BRB decision is received, the City Council must indicate to the County auditor their preferred election date. Council action must take place at the next scheduled

regular meeting or at a special meeting within 30 days of receiving the BRB decision. The election date preference may be any of the special or regular election dates available and does not need to be within any specific period after the BRB decision.

Step Five: Prepare for and Hold Election

There are a number of steps and deadlines related to any ballot measure. The deadlines are established by King County (see attached summary of dates related to the 2009 General Election. Once the election is held, the results will be certified by King County elections and the results entered into the minutes by the King County Council. The election abstract is forwarded to the City Clerk.

Step Six: Approve Ordinance Accepting Annexation and Setting Effective Date

The City Clerk must transmit the election results to the City Council at their next regular meeting or as soon as possible thereafter. The City Council must then adopt an ordinance:

1. Providing for the annexation including an effective date;
2. Adopting the proposed zoning;
3. Providing for assumption of debt (if applicable); and
4. Establishing a community council (if applicable).

In addition to these basic steps, a number of other activities are occurring simultaneous to the BRB and/or the election process. The City must notify a number of state agencies and overlapping jurisdictions of the annexation and, in some cases, negotiate interlocal agreements for transition of services (e.g. with the County) and/or assets (e.g. with the fire district). To the extent that the City can initiate these conversations early, the annexation process may proceed more quickly.

Alternative Unincorporated Island-Interlocal Agreement Method (35A.14.470(1)(c))

An alternative method of annexation may be possible; however, staff is still in the process of researching the feasibility of this method for Kirkland. Under this method, the City Council would approve a resolution "commencing negotiations" with King County. The negotiations would continue for up to 180 days and could be extended by mutual agreement if no agreement is reached in the initial negotiations. In this case, there is no election; however, once an agreement is reached the annexation is subject to referendum.

In order for the annexation to be eligible for this method, certain thresholds must be met. Most notably, at least 60% of the boundary of the area to be annexed must be contiguous to an incorporated city (not necessarily Kirkland, but any incorporated city). Our initial estimate from GIS measured 59.35% however there are at least two

outstanding issues. First, it is not clear how to count the lake. Second, there is some question about whether one small area is within Bothell's PAA or Kirkland's. Staff is attempting to find answers to these questions should the Council be interested in pursuing this option.

Step One: Pass Resolution Calling for Negotiation

The City Council would pass a resolution calling for negotiation with King County. The resolution must state the boundaries (legal description) of the area to be annexed. Clearly, the County has to agree to negotiate with the City in order for this method to be a feasible option.

Step Two: Commence Negotiations

The two primary parties are the City and the County. This step lasts for 180 days. If no agreement is reached within this time, the negotiations may be extended if a public hearing is held and another resolution is passed.

Step Three: Execute an Agreement

Assuming the negotiations were successful, an interlocal agreement is prepared describing the territory to be annexed (there is an alternate procedure if the City and County do not reach agreement).

Step Four: Hold a Public Hearing

Before executing the agreement, both the City and the County must each hold a public hearing on the agreement.

Step Five: Approve Ordinance Providing for Annexation and Publish

Following the public hearing and adoption of the interlocal agreement, the City Council adopts an ordinance annexing the territory and establishing an effective date. The ordinance may also provide for the assumption of indebtedness and adoption of a specific zoning code. Notice must be published for two weeks after passage of the ordinance.

Step Six: File a Notice of Intent to Annex with the Boundary Review Board

At this point, the Boundary Review Board process begins and is much the same as the process noted in the election method.

POSSIBLE Step Seven: Referendum

The annexation ordinance under this process is subject to referendum. Within 45 days of approval of the ordinance (step 5), a referendum petition representing not less than 15% of the registered voters that voted in the last general election can be submitted to the County. If the petition has sufficient signatures, the annexation automatically goes to a vote within 90 days of filing the petition. Only the voters in the annexed area vote in this election.

For the purposes of eligibility for state funding, we would presume that “commence” annexation would be the resolution calling for the negotiations.

Deadlines

The attached diagram depicts the activities and major deadlines associated with the election method of annexation. Based on the 2009 published election deadlines and the length of the BRB process, the earliest possible election date is November 3, 2009 (the general election). In order to meet this election date, the City Council will need to approve a resolution of intent no later than April 7 and submit a completed application to the BRB by April 8. The BRB application must include a signed copy of the resolution and the minutes of the meeting where the resolution was approved. As a practical matter, minutes are not approved until the next regular Council meeting following the meeting where action was taken. If the City Council were interested in pursuing this timeline, staff recommends holding a special meeting on April 6 to take action on the resolution of intent and approve the minutes at the following night’s meeting (on April 7) so that the completed application can be submitted April 8. City staff met with BRB staff and they have been very helpful. The BRB meets once per month on the second Tuesday of the month (in April, however, they will meet on April 16). The City’s application would need to have initial action taken by the BRB at their April meeting in order to meet the filing deadlines for the general election (on August 11). Although April 8 is somewhat later than they would normally accept an application for their April meeting, they have indicated a willingness to work with us to get the application before the BRB in April.

Notice of Intention – Contents

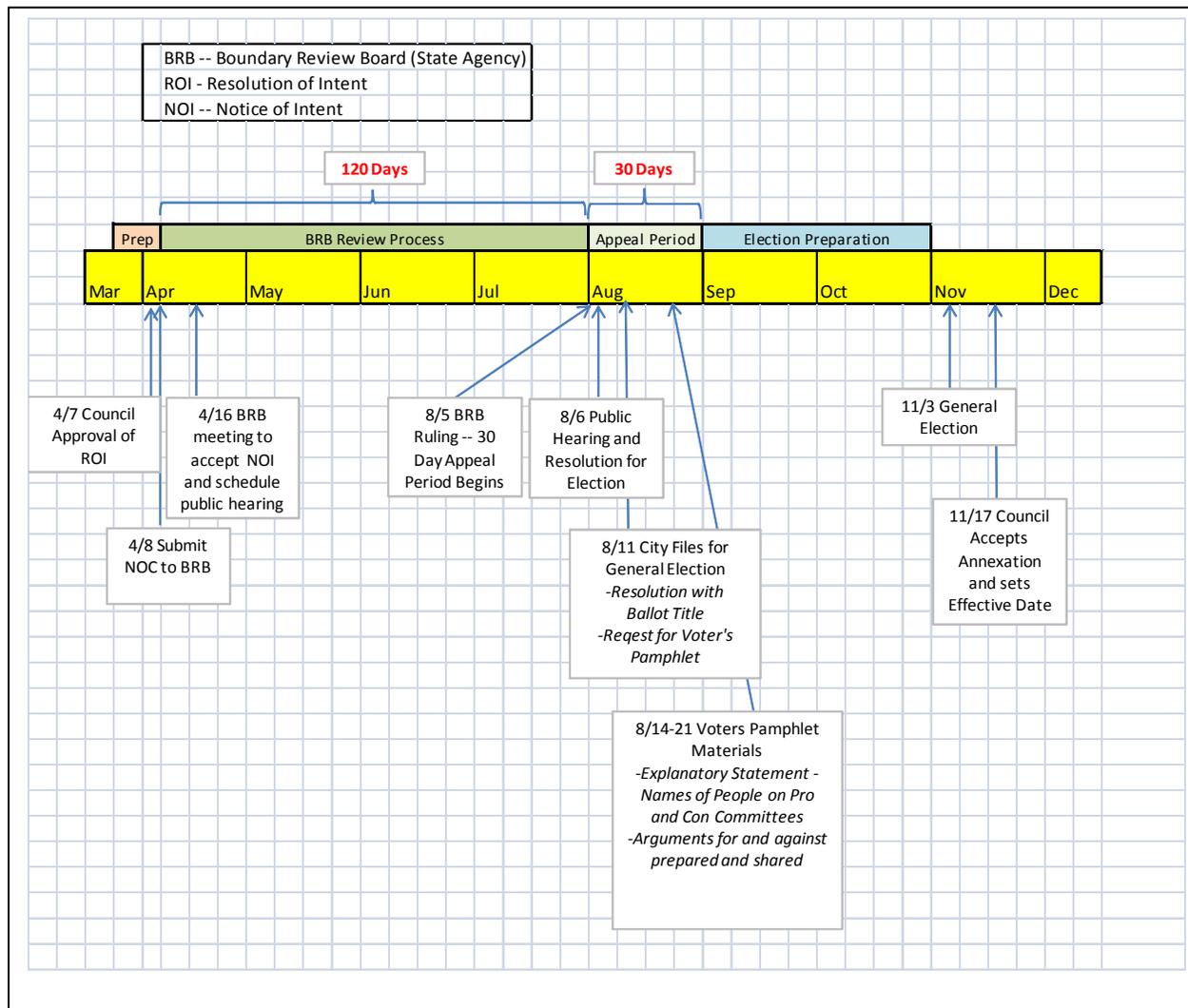
The Notice of Intention includes a number of elements in order to be complete. A complete list of requirements is provided as an attachment. General categories and contents are described briefly below.

1. **Background and Maps** – Includes a discussion about the reason for the annexation, a signed and certified copy of the Council’s approved resolution of intent and meeting minutes and a legal description of the boundaries in the area to be annexed. The legal descriptions must be as accurate as possible. County assessor maps must be produced showing the boundaries of the area, a vicinity map, major physical features, streets and boundaries of all special purpose districts.

2. Evaluation Criteria – Includes a general overview of the area (e.g. population, assessed value, population density), existing and proposed land use, conformance with GMA and countywide planning policies, zoning information and regulations. This section also includes a comprehensive discussion of existing franchises and interlocal agreements, background on the City’s comprehensive plan, estimated revenues and expenses, a description of services currently provided to the area and how this compares with proposed service levels.

3. Objectives – Discussion of the objectives that the proposed annexation is intended to achieve such as incorporation of urban unincorporated areas, preservation of neighborhoods, etc.

The notice of intention must be complete in order for the proposal to be accepted for review by the BRB.



Excerpts from MRSC Annexation Handbook Updated 2008

1. II. Election Method, Initiated by Resolution

The annexation of contiguous, unincorporated territory may also be initiated by city council resolution. After the annexation is properly initiated by resolution, the election procedures under this method are identical to those used in the election method initiated by the ten percent petition.

A. Legislative Determination (RCW 35A.14.015)

Initially, the city council must determine that the best interests and general welfare of the city would be served by the annexation.

B. Contents of Resolution

1. Mandatory Provisions (RCW 35A.14.015)

The resolution must:

- a. Call for an election to be held to submit the annexation proposal to the voters in the territory proposed to be annexed;
- b. Describe the boundaries of the area to be annexed;
- c. State the number of voters in the area to be annexed as nearly as possible; and
- d. State that the city will pay the cost of the election.

A formal public hearing is optional.

2. Optional Provisions (RCW 35A.14.015)

The city council should also decide whether any of the following optional provisions will be included in the resolution:

- a. Requiring the voters in the area to vote on the assumption of all or any portion of existing city indebtedness.
- b. Requiring the simultaneous adoption of proposed zoning regulations,

prepared under RCW 35A.14.340, upon approval of the annexation.

c. Requiring simultaneous inclusion of the area in a named existing community municipal corporation upon annexation. This proposition must be submitted to the voters as part of the annexation proposition, not separately. RCW 35.13.015.

d. If there is no existing community municipal corporation, a community municipal corporation may be created simultaneously upon annexation, if the resolution calls for its creation and the election of community council members as provided in chapter 35.14 RCW. RCW 35A.14.025. (See Chapter Five, Section IV. of this publication.) This proposition may be submitted to the voters as part of the annexation proposition, or separately.

C. Filing of Resolution with County Legislative Authority and Applicable Review Board (RCW 35A.14.015); Notice, where applicable, to Fire District and Library District (RCW 35A.14.801)

A certified copy of the resolution is to be filed with:

3. The legislative authority of the county in which the proposed annexation is located; and
4. The boundary review board if one has been established; or
5. If a boundary review board has not been established, with the county annexation review board for code cities, unless the annexation is not subject to review under RCW 35A.14.220 (i.e. less than 50 acres or less than \$2 million in assessed valuation). RCW 35A.14.015

Cities in counties that have a boundary review board and that propose to annex territory of a fire district and/or library district must provide notice (i.e., copy of the resolution) to such district(s) of the proposed annexation simultaneously when a certified copy of the resolution is provided to the boundary review board. RCW 35A.14.801.

D. Limitations on Consideration of Conflicting Petitions and Resolutions (RCW 35A.14.231, 35.02.155)

See Section I.E. of this chapter.

E. Decision of Review Board (RCW 35A.14.050)

The review board, whether a boundary review board or county annexation review board, has the following options with respect to an annexation proposal:

1. Approve the proposal as submitted;
2. Modify the boundaries of the proposal and approve as modified (there are different limitations on boundary modification, depending upon the review board; see Chapter Eight); or

3. Disapprove the proposal.

If the review board disapproves the proposal, no further action may be taken on the proposal and no other proposal for annexation of the same or substantially the same territory (as determined by the board) may be initiated or considered for 12 months.

F. Decisions Filed with County Legislative Authority (RCW 35A.14.050)

Upon review board approval (with or without modification), the city council must indicate to the county auditor its preference for a special election date for submitting the proposal (with any modifications made by the review board) to the voters of the territory proposed to be annexed. The city council must indicate that preference at its next regular meeting, if that meeting is to be held within 30 days of its receipt of the review board decision, or at a special meeting to be held within that 30-day period. The county legislative authority must set the election date on the date indicated by the city.

G. Election, Canvass of Vote, Effective Date, Notice, Etc.

For information on the election process, canvassing of the vote, effective date of annexation, and the required notice, see discussion in Sections I.H. to I.M. of this chapter.

VIII. Alternative Unincorporated Island-Interlocal Method of Annexation

The 2003 legislature adopted SHB 1755 (Chapter 299, Laws of 2003), creating an alternative method of annexing islands of unincorporated territory through the use of interlocal agreements. However, this "island-interlocal" method of annexation is only available to cities and towns located in counties that are subject to the "buildable lands" review and evaluation program (RCW 36.70A.215) under the Growth Management Act (GMA). RCW 35A.14.460(1). These counties are Clark, King, Kitsap, Pierce, Snohomish, and Thurston.

Unlike the other method of annexing unincorporated "islands" of territory, which is available to all cities and requires the proposed annexation area to have at least 80 percent of its boundaries contiguous to a single city (see RCW 35A.14.295), the proposed annexation area under the "island-interlocal" method need have only 60 percent of its boundaries contiguous to a city or to more than one city. As with all annexations in counties subject to the GMA, the proposed annexation area must be within an urban growth area (UGA). RCW 35A.14.460(1).

A. Initiation by Resolution/Negotiation (RCW 35A.14.460(1), RCW 35A.14.470(1)(c))

The process is begun by the legislative body of a qualifying city or county (see above) adopting a resolution "commencing negotiations" for an interlocal agreement with the county or a city, as the case may be, for annexation of territory described in the agreement that is within the city's UGA and that has at least 60 percent of its boundaries contiguous to the annexing city or the annexing city and one or more other cities.

After a resolution is adopted, the county and city are to negotiate and try to reach an agreement regarding the annexation. RCW 35A.14.470(1)(c) establishes a 180-day negotiation period, which begins with the date of the passage of the county resolution. The legislative body for either the county or city may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension. If the 180-day negotiation period expires, the county may initiate an annexation process with another city contiguous to the unincorporated island, as described in C below.

B. Agreement/Hearing (RCW 35A.14.460(3))

Before executing the agreement, which must describe the boundaries of the territory to be annexed, the legislative bodies of the county and city must each hold a public hearing, which may be a joint hearing.

C. Alternate Procedure if County and City Do Not Reach Agreement (RCW 35A.14.470)

The county may initiate the annexation process with another city, or more than one city, that has boundaries contiguous to the unincorporated island if:

1. the county initiated the annexation process by resolution, as above; and
2. the affected city rejected the proposed annexation or declined to enter into an agreement; or
3. 180 days have passed since the county adopted the resolution and no agreement has been reached and neither the county or the city have, after a public hearing, passed a resolution extending the negotiation period.

The process then goes on exactly as in the original process above, although in this case it is only the county that, by resolution, can initiate the process.

Under this alternate process, a city may annex territory that is within another city's urban growth area or within an "urban service area" or "potential annexation area" (authorized by RCW 36.70A.110) designated for another city. Some counties have previously designated such areas within urban growth areas that border more than one city. If the territory proposed for annexation under this alternate process has been designated as part of an "urban service area" or "potential annexation area" for a specific city (i.e., not the annexing city under this alternate process) or if it lies within another city's urban growth area, or if the urban growth area territory proposed for annexation has been designated in a written agreement between the county and a specific city for annexation to that city, the city that the county negotiates with under this alternate process may still annex that territory as long as that designation receives "full consideration" before the process is initiated. RCW 35A.14.460(2). What exactly may be necessary to satisfy this "full consideration" requirement remains to be seen.

Also, under this alternate process, a county may reach agreement with more than one city to annex the same unincorporated island, thereby throwing to the voters in that territory

the choice of which city, if any, to annex to. The ballot for this election is to provide voters with the choice of whether or not to annex to a city and, for those voters wanting to annex, the choice of which city to annex to. If a majority of voters choose annexation, the area will be annexed to the city receiving the most votes among those voting in favor of annexation. The rules governing this election are otherwise those for an annexation by the election method. See Chapter Seven, Section I.H. The county bears the cost of this election.

D. Public Notice of Agreement/Hearing (RCW 35A.14.460(3))

The county and city must, either separately or jointly, publish the text of the agreement at least once a week for two weeks before the date of the hearing(s) in one or more newspapers of general circulation in the area proposed for annexation. Presumably, these publications should also provide notice of the public hearing(s).

E. Ordinance Providing for Annexation/Effective Date (RCW 35A.14.460(4))

Following the public hearing(s) and adoption of the agreement between the county and city legislative bodies providing for the annexation of the unincorporated island, the city council adopts an ordinance annexing the territory as described in the agreement.

The ordinance may provide:

4. that the property owners in the annexed area will assume their share of the city's outstanding indebtedness, and/or
5. that a specific proposed zoning regulation is adopted for the area.

The ordinance must set the date that the annexation is effective, but that date must be 45 days or more following the date of ordinance adoption to accommodate a referendum procedure. The annexation will become effective upon that date, unless a sufficient referendum petition is filed under the procedure described below.

F. Notice of Annexation (RCW 35A.14.460(4))

The city council must publish notice of the effective date of the annexation at least once a week for two weeks after passage of the ordinance in one or more newspapers of general circulation in the area to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements.

For information on the notice that should be given to the county and to the state once an annexation has been approved, see discussion set out in Section I.M of this chapter.

G. Boundary Review Board Review

A notice of intent to annex must be filed with the boundary review board, if one has been established in the county and has not been disbanded pursuant to RCW 36.93.230. See Chapter 8, Section II.

H. Referendum Procedure (RCW 35A.14.470(5))

The annexation ordinance is subject to a referendum election if, within 45 days of adoption of the ordinance, a sufficient referendum petition is filed with the city council. A referendum petition is sufficient if it is signed by registered voters representing not less than 15 percent of the number of votes cast at the last state general election in the area to be annexed. If a sufficient petition is filed, an election on the annexation is to be held at a general election if it is within 90 days of the filing of the petition or at a special election that is 45 to 90 days after filing of the petition. The election is held only within the area subject to annexation and is decided by majority vote.

I. Notice of Annexation

For information on the notice that should be given to the county and to the state regarding an annexation, see discussion in Section I.M of this chapter.

BRB Notice of Intention Packet Requirements

May 12, 2006

SUBJECT: Notice of Intention Information Packet

Dear

In response to your recent request, we are enclosing a current Notice of Intention Information Packet for submittals to the Boundary Review Board. This packet includes:

- A Notice of Intention packet for new city incorporations and/or
- A Notice of Intention packet for annexations, mergers, assumptions, extensions, and similar actions

If you have questions about the Notice of Intention Information Packet or you would like additional information, please contact our office at 206-296-6800.

Sincerely,

Lenora Blauman
Executive Secretary

NOTICE OF INTENTION FORMAT

(Annexations, Mergers, Consolidations, Extensions of Service Outside Corporate Boundaries, and all other actions *except* Incorporations and Formations)

Revised and Adopted May 2006

As prescribed by Chapter 36.93 RCW, a legally complete Notice of Intention to the Boundary Review Board shall be provided for the following proposed actions:

- Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district;
- Consolidation of special purpose districts, but not including consolidation of cities and towns;
- Dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section;
- The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town;
- The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water-sewer district pursuant to RCW 57.08.065 or RCW 57.40
- The extension of permanent water or sewer service outside of its existing service area by a city, town, or special purpose district. The service area of a city, town, or special purpose district shall include all of the area within its corporate boundaries plus, (a) for extensions of water service, the area outside of the corporate boundaries which it is designated to serve pursuant to a coordinated water system plan approved in accordance with RCW 70.116.050; and (b) for extensions of sewer service, the area outside of the corporate boundaries which it is designated to serve pursuant to a comprehensive sewerage plan approved in accordance with chapter 36.94 RCW and RCW 90.48.110.

A legally complete Notice of Intention to the Boundary Review Board shall include the documentation outlined below, along with the \$50 filing fee required by state law (RCW 36.93.120). Eight copies of the Notice of Intention are required, assembled together in eight complete sets and all on 8 1/2 by 11 inch paper. Items submitted should be numbered in accordance with this format.

Please provide the name, title, and address of one person to whom notices, processes and other communications regarding this proposal should be directed. This person will assume the responsibility of distributing appropriate copies to all of initiator's interested parties.

I. ADVANCE COURTESY NOTIFICATION

In order to ensure that the Boundary Review Board will have adequate notification of a pending Notice of Intention, and in order for the Board to adequately inform stakeholders (e.g., government officials, community groups) of a pending Notice of Intention, the Boundary Review Board requests that all jurisdictions provide to the Board Advance Courtesy Notification of a pending action. This Advance Courtesy Notification package should include the following materials:

- A. A Letter of Intent to propose an action (e.g., annexation, assumption, merger). The letter should provide a brief description of the proposed action.
 - B. A preliminary Legal Description
 - C. A preliminary site Map/Vicinity Map
- II. BACKGROUND/MAPS ...(Standard existing Notice of Intention language follows from this point)
- A. Basic Information
 - 1. A brief description of and reason for seeking the proposed action. Include a statement of the method used to initiate the proposed action (i.e., petition or election method), and the complete RCW designation.
 - 2. A signed and certified copy of the action accepting the proposal as officially passed.
Important: Please see NOTES on Page 7.
 - 3. Certification of any petitions for municipal annexation, as required by state law (RCW 35A.01.040 (4)).
 - 4. A copy of the State Environmental Policy Act (SEPA) Determination and current SEPA checklist with adequate explanations to answers, including Section D, Government Non-project Actions, when applicable, or Environmental Impact Statement (EIS) if prepared. (Not required for city annexations, which are exempt from SEPA)
 - 5. The legal description of the boundaries of the area involved in the proposed action. This must be legible, on a separate page from any other document, and in a form capable of reproduction by standard photocopiers.
Important: Please see NOTES on Page 7.
 - B. Maps:
Important: Please see NOTES on Page 7.
 - 1. Two copies or sets of King County Assessor's maps (only two rather than eight in case of assessor's maps) on which the boundary of the area involved in the proposal must be clearly indicated.
 - 2. Vicinity map(s) no larger than 8 1/2 x 11 inches displaying:
 - a. The boundary of the area involved in the proposal.
 - b. The entity corporate limits in relationship to the proposal.
 - i. Major physical features such as bodies of water, major streets and highways.
 - ii. The boundaries of all cities or special purpose districts (to include, if applicable, any water, sewer, fire, school, hospital or library district) having jurisdiction in or near the proposal. Include all utility districts whose comprehensive plans include all or any part of the proposal, even if only in a planning area.
 - c. Surrounding streets must be clearly identified and labeled.
 - d. County and municipal urban growth area boundaries established or proposed under the Growth Management Act (GMA).

- e. If a boundary service agreement has been formalized between two or more jurisdictions, that service line should be shown with the appropriate entity noted in each service area.
 - f. Tax lot(s) that will be divided by the proposed boundaries should be shown on an attached detailed map.
3. A map of the current corporate limits of the filing entity upon which the proposal has been delineated.
- Important:*** Please see NOTES (Page 7).

III. EVALUATION CRITERIA

Entities should respond to the following elements regarding this proposal with sufficient information to permit appropriate responses to the Board from staff of either the King County Council or King County Executive. These elements relate to the factors the Board must consider as outlined in RCW 36.93.170 (attached).

A. Overview

1. Population of proposal; what percentage is that to existing entity?
2. Territory (number of acres)
3. Population density
4. Assessed valuation

B. Land Use

1. Existing
2. Proposed: immediate or long-range

C. State Growth Management Act

1. Is the proposed action in conformance with the Growth Management Act (GMA)? What specific policies apply to this proposal?
2. King County Comprehensive Plan/Ordinances
 - a) How does County planning under the Growth Management Act (GMA) relate to this proposal?
 - b) What King County Comprehensive Plan policies specifically support this proposal?

Note: Notices of Intention for Municipal actions should reference, at a minimum, relevant policies from the following King County Comprehensive Plan Chapters: Chapter 1 - Regional Planning; Chapter 2 - Urban Communities (Section I; Section II); Chapter 7 - Utilities and Facilities.

Notices of Intention for Special Purpose District actions should reference, at a minimum, relevant policies from the following King County Comprehensive Plan Chapters: Chapter 1 - Regional Planning; Chapter 2 - Urban Communities (Section I; Section II); Chapter 7 - Utilities and Facilities.

- c) What King County/Countywide Planning Policies specifically support this proposal?

Note: Notices of Intention for Municipal actions should reference, at a minimum, relevant policies from the following King County/Countywide Policies Chapters: Chapter II - Critical Areas; Chapter III Land Use Patterns; Chapter IV - Transportation; Chapter V Section D - Community Character and Open Space; and Chapter VII - Contiguous Orderly Development and Provision of Urban Services.

Notices of Intention for Special Purpose District actions should reference, at a minimum, relevant policies from the following King County/Countywide Policies Chapters: Chapter II - Critical Areas; Chapter III - Land Use Patterns; and Chapter VII - Contiguous Orderly Development and Provision of Urban Services.

- d) What is the adopted plan classification/zoning? (Please include number of lots permitted under this classification.)
 - e) Will city regulation(s) supplant King County regulations for the protection of sensitive areas, preservation of agricultural or other resource lands, preservation of landmarks or landmark districts, or surface water control? If so, describe the city regulations and how they compare to the County regulations.

D. Jurisdictional Comprehensive Plan/Franchise (Applies to Cities and to Special Purpose Districts)

1. How does the jurisdiction's planning under the Growth Management Act (GMA) relate to this proposal?
2. Has the jurisdiction adopted a Potential Annexation Area (PAA) under the Growth Management Act? Have you negotiated PAA agreements with neighboring cities?
3. When was your Comprehensive Plan approved? Does this plan meet requirements set by the State of Washington? Does this plan meet requirements set by King County?
4. Is this proposal consistent with and specifically permitted in the jurisdiction's adopted Comprehensive Plan, or will a plan amendment be required? If so, when will that amendment be completed?

Note: The proponent is required to provide written confirmation that the jurisdiction's Comprehensive Plan is current and that the Plan confirms the jurisdiction's authority to change or create new boundaries.

A proponent representing a city shall ensure that the City Comprehensive Plan is on file with the Office of the King County Executive Office of Management and Budget (Elissa Benson) or shall provide a copy of the current Comprehensive Plan with the Notice of Intention.

A proponent representing a Special Purpose District shall ensure that the Special Purpose District Comprehensive Plan is on file with King County Natural Resources and Parks Department or shall provide a copy of the current Comprehensive Plan with the Notice of Intention.

5. Is a franchise required to provide service to this area? If so, is the area included within your current franchise?
6. Has this area been the subject of an Interlocal Agreement? If so, please enclose a signed copy of the agreement.
7. Has this area been the subject of a pre-Annexation Zoning Agreement? If so, please enclose a signed copy of the agreement.
8. What is the proposed land use designation in your adopted Comprehensive Plan? When were your proposed zoning regulations adopted?

E. Revenues/Expenditures Planning Data (please respond to only those questions which are relevant to the proposal.)

1. Estimate City expenditures
2. Estimate City revenues to be gained
3. Estimate County revenues lost
4. Estimate County expenditure reduction
5. Estimate fire district revenue lost
6. Estimate fire district expenditure reduction

F. Services **Important:** Please see NOTES (Page 7).

State whether the territory that is the subject of this action is presently within the service area of any other political subdivision or presently being served by any other political subdivision?

If so, please identify the other political subdivision. Please provide written documentation confirming that:

- Notification of the proposed annexation, assumption, merger or other action has been provided to that political subdivision;
- The other subdivision has completed action to approve/consent or deny approval/consent for the withdrawal of this territory;
- Transfer of territory has been accomplished in accord with applicable state law (e.g., RCW 36.93, RCW 35A.14, RCW 35.14).

State whether the proposed action would result in a change in any of the following services. If so, provide the following detailed information both on current service and on service following the proposed action, in order to allow for comparison. If there would be no change, name current service providers.

1. Water
 - a) Directly or by contract?
 - b) Storage location(s), capacity?
 - c) Mains to serve the area (diameter; location)
 - d) Pressure station location and measured flow
 - e) Capacity available?
 - f) Water source (wells, Seattle, etc.)
 - g) Financing of proposed service (LID, ULID, Developer Extension, etc.)

2. Sewer Service
 - a) Directly or by contract?
 - b) Mains to service the area (diameter; location)
 - c) Gravity or Lift Station required?
 - d) Disposal (Metro; city or district treatment plant)?
 - e) Capacity available?

3. Fire service
 - a) Directly or by contract?
 - b) Nearest station(s)
 - c) Response time?
 - d) Are they fully manned? How many part time and full time personnel?
 - e) Major equipment at station location (including type and number of emergency vehicles)?
 - f) How many fully certified EMT/D-Fib personnel do you have?
 - g) What fire rating applies?
 - h) Source of dispatch?

G. General

1. In case of extensions of services, has an annexation agreement been required? If so, please attach a recorded copy of this agreement.
2. Describe the topography and natural boundaries of the proposal.
3. How much growth has been projected for this area during the next ten (10) year period? What source is the basis for this projection?
4. Describe any other municipal or community services relevant to this proposal.
5. Describe briefly any delay in implementing service delivery to the area.
6. Briefly state your evaluation of the present adequacy, cost, or rates of

service to the area and how you see future needs and costs increasing. Is there any other alternative source available for such service(s)?

III. OBJECTIVES

Please evaluate this proposal based upon the objectives listed in RCW 36.93.180. Describe and discuss the ways in which your proposal is related to and supports (or conflicts with) each of these objectives.

NOTES

1. Action documents: Action documents – ordinances or resolutions – may include a date for finalization of the annexation, merger or incorporation. When planning the date of finalization, you are encouraged to coordinate with the King County Office of Management and Budget (OMB). OMB staff is responsible for providing for transfer of public services from the County to the City. It is important that OMB have sufficient time to execute an orderly transition of services prior to finalization of the action in order to ensure protection of public health and safety.
2. Legal Description:
Please be advised that:
 - All Notices of Intention must conform to the requirements prescribed by RCW 36.93.150 as follows: **“Review of proposed actions -- Actions and determinations of board -- Disapproval, effect.** The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter: (1) Approve the proposal as submitted. (2) Subject to RCW 35.02.170, modify the proposal by adjusting boundaries to add or delete territory. . . . However, a board shall remove territory in the proposed incorporation that is located outside of an urban growth area or is annexed by a city or town”
 - All Notices of Intention must conform to the requirements prescribed by RCW 36.93.157 as follows: **“Decisions to be consistent with growth management act.** The decisions of a boundary review board located in a county that is required or chooses to plan under RCW 36.70A.040 must be consistent with RCW 36.70A.020, 36.70A.110, and 36.70A.210. ”
 - **All Notices of Intention must be based upon boundaries which conform to the Urban Growth Area Boundaries.** For detailed information concerning the Urban Growth Area boundaries please see King County website.
 - Submittal of legal description for checking with the King County Engineer prior to filing a notice of intention can save time because errors can then be corrected at that preliminary stage to avoid delays in processing the formal Notice of Intention. For assistance in this, please call the King County Road Services Division, (206) 296-3731.
3. Services: Proposed action(s) from those entities providing both sewer and water service must state clearly whether this proposal is for water service, sewer service, or both.
4. Vicinity Map: The scale on any vicinity map must be adequate to permit anyone to locate the proposal when driving to the area.
5. In cases of overlapping governmental jurisdictions, please prepare more than one map to indicate all affected units of government.

For example, a second map might be required to display sewer district boundaries, and a third map may display water district boundaries IF there is more than one purveyor within one-half mile of the proposal. If a proposal lies entirely within any service district, such as a school district, the map should so indicate.

All maps must be original documents that are clear, legible, and suitable for reproduction. All maps must be drawn at the same scale.

6. Assessor's Maps: Assessor's maps must be marked in a manner that ensures that details are legible and understandable to the general reader. The Board may accept a map other than an Assessor's map(s) if the use of Assessor's map(s) is impractical.
7. Mapping Alternatives: Any questions regarding maps, including alternatives to mapping requirements, should be directed to the Boundary Review Board staff.

THE BOUNDARY REVIEW BOARD WILL BE PLEASED TO ASSIST THE APPLICANT TO ENSURE THAT PROPOSALS ARE COMPLETE PRIOR TO OFFICIAL FILING.

THE BOARD CANNOT ACCEPT INSUFFICIENT PROPOSALS (E.G. PROPOSALS SUBMITTED WITH INCOMPLETE INFORMATION OR INADEQUATE MAPS). INCOMPLETE PROPOSALS MUST BE RETURNED TO THE SUBMITTING ENTITY.

REFERENCE GUIDE

REGULATIONS AND GUIDELINES FOR ANNEXATIONS, MERGERS AND INCORPORATIONS

As you prepare your Notice of Intention packet, we encourage you to consider all applicable state and local standards and to address those matters in your application materials. Following is a listing of policy guidelines and regulations which may be particularly relevant to your application:

- Growth Management Act (RCW 36.70A): Mandates extensive comprehensive planning effort to meet specific statewide goals. Requires land designations and planning implementation consistent with adopted comprehensive plan
- Boundary Review Board Act (RCW 36.93): Reviews growth and development in unincorporated areas of counties through decisions on city, town and special purpose district annexations, incorporations, mergers and extensions of water and sewer lines. Establishes requirements for applications and criteria for review of annexations, incorporations, mergers and extensions
- Cities and Towns (RCW 35 – Sections 35.01 – 35.30): Provides for clear and uniform processes for municipal incorporations, disincorporations and annexations for land areas. Also addresses some requirements for water and sewer districts (Also see RCW 57.24).
- Annexation by Code Cities (RCW 35A.14): Establishes authorities and processes for annexations by petition and annexations by election.
- Annexation of Territory – Water and Sewer Districts (RCW 57.24): Provides for clear and uniform processes for water and sewer district annexations. Establishes authorities and processes for annexations by petition and annexations by election. (Also see RCW – Chapter 35).
- State Environmental Policy Act (RCW 43.21C): SEPA is Washington's fundamental environmental law and requires environmental analysis of actions for both physical and policy changes affecting the environment. SEPA may not be required for particular annexation or incorporation activities.
- King County Comprehensive Plan – King County Countywide Plan Policies: King County's adopted comprehensive plan. Policies provided to meet specific statewide goals. Provides land designations and planning implementation policies within adopted comprehensive plan.

KING COUNTY COUNCIL

MUNICIPAL ANNEXATION GUIDELINES

THE KING COUNTY COUNCIL CLERK AND THE PROSECUTING ATTORNEY'S OFFICE HAVE PREPARED THE FOLLOWING MATERIALS TO GUIDE CITIES AND SPECIAL PURPOSE DISTRICTS THROUGH THE KING COUNTY COUNCIL REVIEW PROCESS FOR MUNICIPAL ANNEXATIONS.

FOR QUESTIONS – PLEASE CONTACT ANNE NORIS, COUNTY COUNCIL CLERK AT 206-296-1020

MUNICIPAL ANNEXATIONS

On May 16, 2003 Governor Locke signed SSB 5409 which adopts a new petition method of annexation. The law is effective immediately.

The new petition method set forth in SSB 5409 is much like the previous method, which was struck down by the State Supreme Court in Grant Cty. Fire Protection Dist. v. City of Moses Lake. In the new method, an annexation petition must be signed by a majority of the property owners owning a majority of the area *and* a majority of the registered voters in an area. If the land is vacant (no registered voters), then a majority of the property owners is sufficient. School districts are permitted to submit a petition signed by the school board president. The new method specifies what kind of information (map, zoning, bonded indebtedness, legal description, state statute, etc.) must be contained in the petition

The County review process for municipal annexations by petition is described below. The Boundary Review Board must continue to review annexations, as prescribed by RCW 36.93.

The provisions of the new law apply to both non-code cities (RCW Chapter 35.13) and charter or non-charter code cities (RCW Chapter 35A.14)

1. A Notice of Intention is submitted to the City Council. This initial notice must be signed by 10% of the residents or owners of not less than 10% of the acreage of the area. Then:
 - The City Council decides whether to accept, reject or modify the annexation proposal. The Council must decide within 60 days of receipt of an annexation proposal.
 - If the City Council decides to move forward with an annexation, it must also determine what zoning will be implemented upon annexation and whether the annexed area will be required to assume its share of existing city indebtedness.
 - If the City decides to move forward, a petition is circulated. The petition must be signed by a majority of owners of a majority of the acreage and a majority of the registered voters.
 - Once the petition has been validated, the City Council passes an ordinance annexing the area and setting forth the effective date (date at which it transfers from county to city ownership).
2. The City files a certified copy of the ordinance with the County Council.
3. The City files a Notice of Intention with the Boundary Review Board (BRB).
4. The County Clerk's Office will receive a letter from BRB including the Notice of Intent package and assigning a file number.
5. The County Clerk's Office receives "notification of official filing" letter from BRB, which sets the 45-day period for BRB review.
6. The County Clerk's Office receives BRB closing letter.

7. The County Clerk's Office closes file.

MUNICIPAL ANNEXATIONS BY ELECTION

1. The City will pass a resolution which will call for an election to submit to the voters a proposal for annexation and may also direct that a Notice of Intention be filed with the Boundary Review Board (BRB). A certified copy of the Resolution must be filed with the King County Council (Clerk's Office) and the BRB. (RCW 35.A.14.015.)
2. The Clerk's Office will send an acknowledgment of receipt of the Resolution and also a copy of this Memorandum.
3. The Clerk's Office receives a letter from BRB including the Notice of Intention package and assigning a file number.
4. The Clerk's Office receives "notification of official filing" letter from BRB, which sets the 45-day period for BRB review.
5. During the 45-day review period, Council staff prepares draft ordinance (without date for election) and holds draft until city sets date for election, after BRB review is completed. No other Council action can take place during the 45-day review period.
6. Clerk's office receives BRB closing letter.
7. City passes a resolution indicating its preference for a special election date for the submission of the proposal, with any modifications made by the BRB. The City transmits the Resolution to the Council (RCW 35A.14.050[3]).

After receipt of the Resolution, Council staff completes the draft of the proposed ordinance, including the preferred election date, obtains introduction slip, and monitors progress of the ordinance through the legislative process. Council will review and take action on the ordinance. These actions can take place during the 60-day waiting period following the completion of the BRB 45-day review period.
8. Clerk's Office transmits effective ordinance to Elections Department.
9. Election is held in accordance with the ordinance.
10. After Clerk's Office receives Certification of Election, the Council enters a finding on the results of the election and sends a certified copy of the minutes at which the finding was made, together with a copy of abstract of the vote (Certification of Election) to the City.
11. The County Clerk's Office closes file.