



## Permit Center

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: [permits@cob.org](mailto:permits@cob.org) Web: [www.cob.org/permits](http://www.cob.org/permits)

## **PROCEDURES FOR FILING PETITION FOR ANNEXATION**

Owners of property located within Bellingham's Urban Growth Area (UGA) may petition the City Council to annex their land, but are required to follow 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, levys, and loans;
- ✓ Regulated in compliance with the Bellingham Municipal Code; and
- ✓ Possibly responsible for infrastructure improvements as a condition of annexation.

### **The Annexation Process**

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

Proponents of annexation need to meet with a long-range planner 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 single parcels, but considers annexation of larger contiguous areas within the Bellingham 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**

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

- Obtain a list of all property owners within the area from the Whatcom County Assessor;
- Arrange and advertise a neighborhood meeting to discuss the proposed annexation (See Neighborhood Meeting Instruction Handout, located at the Permit Center);
- Notification of the meeting must be mailed to all property owners within 500 feet of the proposed annexation area at least 14 days prior to the date of the meeting;
- Public notice of the meeting must be posted at a few highly visible locations within the proposed annexation area at least 14 days prior to the date of the meeting; and
- Conduct a neighborhood meeting to discuss the proposed annexation (A City representative will be present to answer procedural and technical questions).

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

Once the neighborhood meeting has been conducted, proponents of annexation must provide:

- A completed application for annexation;
- Confirmation that the 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;
- 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 Bellingham.

The decision of the Council whether to initiate the annexation review process for the proposal is entirely within the Council's discretion. By initiating the annexation proposal, the Council is not committing itself to ultimately annexing the territory proposed when a sufficient petition 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 (10% petition method), the annexation proponents must then circulate a petition for signatures within the annexation area meeting the petition requirements for the type of annexation method proposed.

Within three working days after the filing of an annexation petition, the City shall transmit the petition to the Whatcom County Auditor's Office for petitions signed by registered voters, or to the County Assessor's Office for petitions signed by property owners for determination of sufficiency.

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

Once legal sufficiency has been established, the City will work with Whatcom County and determine if the annexation proposal requires an amendment to the "City-County Interlocal Agreement Concerning Planning, Annexation, and Development in the Bellingham UGA." If

an amendment to the interlocal agreement is needed, both the City and County Councils will need to amend this agreement 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 Whatcom County Boundary Review Board (BRB) within 180 days of when annexation is proposed. The 45-day review period begins on the date the Notice of Intention is filed by the Chief Clerk. (RCW 36.93.090). If the 45-day review period elapses without the Board's jurisdiction being invoked (appealed), the proposed NOI is deemed approved.

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

If approval is granted by the BRB, the Bellingham 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.