

HOUSE BILL REPORT

HB 1755

As Reported by House Committee On:
Local Government

Title: An act relating to creating alternative means for annexation of unincorporated island of territory.

Brief Description: Creating alternative means for annexation of unincorporated island of territory.

Sponsors: Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell.

Brief History:

Committee Activity:

Local Government: 2/18/03, 3/5/03 [DPS].

Brief Summary of Substitute Bill

- Creates an alternative method of annexation allowing counties planning under the Growth Management Act (GMA) to enter into interlocal agreements with cities or towns within the county to annex specific territory contiguous to the annexing city or town or to one or more cities or towns.
- Creates an alternative method of annexation allowing counties planning under the GMA to enter into interlocal agreements with multiple municipalities and conduct an annexation election for specific territory contiguous to more than one city or town.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Ericksen, Mielke and Moeller.

Staff: Ethan Moreno (786-7386).

Background:

Interlocal Agreements

Interlocal agreements allow two or more public agencies to enter into agreements to jointly exercise powers, privileges or authorities exercised or capable of being exercised, as provided by law.

Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to conform to the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required to or have chosen to conform with the major requirements of the GMA (GMA jurisdictions).

Annexation of Islands of Territory

Presently, the legislative body of a non-code city or town that is also a GMA jurisdiction may annex unincorporated islands of territory that are located within the city or town. The territory must contain residential property owners and must be within the same county and urban growth area as the annexing city or town. Additionally, the territory proposed for annexation: (1) must contain fewer than 100 acres and have at least 80 percent of its boundaries contiguous to the city or town; or (2) may be of any size if at least 80 percent of its boundaries are contiguous to the city or town if the area existed (as unincorporated territory) before June 30, 1994.

While the provisions for annexation by code cities are largely similar, all code cities may resolve to annex unincorporated islands of territory *extending into neighboring counties* if the proposed annexation territory contains fewer than 100 acres and is 80 percent contiguous to existing city boundaries.

Code and non-code cities and towns must satisfy public hearing and notification requirements for the legislative action, and the ordinance providing for annexation is subject to referendum.

Summary of Substitute Bill:

Creates a two-pronged alternative annexation method allowing cities and towns planning under the GMA to annex specific territory based upon negotiated interlocal agreements with counties. The interlocal agreements must be commenced through city, town or county legislative action.

Additionally, specific public notice, hearing, procedural, and referendum criteria are established for the alternative annexation method.

The statute designating criteria for urban growth areas is amended to specify that an urban growth area may include within its boundaries, urban service areas or potential annexation areas designated for specific cities or towns within the county.

Substitute Bill Compared to Original Bill:

The substitute bill replaces all provisions of the original bill. New provisions of the substitute bill include: (1) requiring consideration of pre-annexation or other designations applicable to the proposed annexation territory; (2) specific public hearing and notification requirements for legislative bodies participating in the alternative annexation method; (3) specific referendum provisions (including a 15 percent commencing requirement) for annexation ordinances adopted by cities or towns; and (4) criteria for counties if initial annexation proceedings between a city and a county reach an impasse.

The substitute bill further provides that, if initial negotiations between a county and a city do not result in adoption or execution of an interlocal annexation agreement, the county may pursue similar agreements with other cities or towns meeting specified criteria. An initial interlocal negotiation period of 180 days is established, along with provisions for six-month extensions of the 180-day period.

Provisions of the substitute bill also stipulate that territory annexed through the method enabled by the legislation must not be incorporated into the annexing municipality until at least 45 days after the effective date of the annexation ordinance.

Finally, current law is amended to specify that an urban growth area may include within its boundaries, urban service areas or potential annexation areas designated for specific cities or towns within the county.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Previous annexations and incorporations have resulted in unincorporated islands of territory surrounded by incorporated areas. Counties, Pierce in particular, have had difficulty providing services to these often small unincorporated areas. The unincorporated areas are frequently accessible through county roads, yet served by city utilities. This bill addresses annexation issues that were not resolved in the direct petition coalition bill by providing an additional annexation tool for cities. This bill represents another example of cities and counties working collaboratively to increase efficiency. A city would not be forced to comply with the provisions of the bill.

Substitute language, agreeable to cities and counties is being developed for consideration by the committee.

Testimony Against: None.

Testified: Representative Kirby, prime sponsor; Gary McLean, City of Puyallup; Scott Merriman, Association of Counties; and Dave Williams, Association of Washington Cities.