

HOUSE BILL REPORT

SHB 1755

As Amended by the Senate

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

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

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 3/13/03, 96-0.

Senate Amended.

Passed Senate: 4/17/03, 48-0.

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:

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.

EFFECT OF SENATE AMENDMENT(S):

The eligibility criteria for the new annexation method is limited to the six western Washington counties (i.e., Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties subject to the "buildable lands" review and evaluation program of the GMA. Contiguity requirements for territory proposed for annexation under the new method by code cities are amended to permit contiguity with non-code cities and towns. References to "qualified electors" are replaced with "registered voters."

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: 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.