FINAL BILL REPORT
SHB 1755

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Synopsis as Enacted

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).

House Committee on Local Government
Senate Committee on Land Use & Planning

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 comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

GMA jurisdictions must designate urban growth areas (UGAs) within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. The designated UGAs must include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding 20-year period.

The GMA also requires six western Washington counties (i.e., Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation "buildable lands" program. The purpose of the program is to determine whether a county and its cities are achieving urban densities and to identify reasonable measures, other than adjusting UGAs, that will be taken to comply with the requirements of the GMA.

City Governance. Cities may be classified as code cities or non-code cities and towns. Code cities have broad statutory home rule authority in matters of local concern. Code cities and non-code cities and towns have separate statutory requirements for governance and operation.

Annexation of Islands of Territory. The legislative body of a non-code city or town

planning under the GMA as of June 30, 1994, may resolve to 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 UGA 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 similar, 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 at least 80 percent contiguous to the boundaries of the annexing city.

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

Summary:

Jurisdictions subject to the buildable lands– review and evaluation program of the GMA (Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties and the cities within those counties) may annex qualifying territory through one of two alternative annexation methods. Legislative bodies of eligible jurisdictions may initiate the annexation proceedings through negotiated interlocal agreements. The interlocal agreements must be commenced through county and city or town legislative action. Specific public notice, hearing, and procedural requirements must be satisfied prior to completing an annexation under the alternative methods.

Territory qualifying for annexation under the first alternative method must be within a designated city or town urban growth area (UGA) and must be at least 60 percent contiguous to the annexing city or town or to one or more cities or towns. A UGA may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

If the first alternative method does not result in an adopted or executed annexation agreement, the "buildable lands" counties may initiate interlocal agreement negotiations with cities or towns meeting specified criteria to annex territory within a UGA that is at least 60 percent contiguous to one or more cities or towns.

Following adoption and execution of an interlocal agreement by the participating jurisdictions, the city or town legislative body must adopt an ordinance providing for the annexation. The annexation ordinance is subject to referendum for 45 days after passage.

If more than one city or town adopts interlocal agreements providing for annexation of

the same territory, an annexation election must be held in the area to be annexed. If a majority of the voters voting on the proposition approve the annexation, the area must be annexed to the jurisdiction receiving the highest number of votes in favor of the annexation. Costs for an annexation election must be borne by the county.

Votes on Final Passage:

House 96 0
Senate 48 0   (Senate amended)
House 97 0   (House concurred)

Effective: July 27, 2003