

# HOUSE BILL REPORT

## SHB 1755

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### As Passed Legislature

**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.

House Concurred.

Passed House: 4/22/03, 97-0.

Passed Legislature.

### Brief Summary of Substitute Bill

- Creates an alternative method of annexation allowing jurisdictions subject to the "buildable lands" review and evaluation program of the Growth Management Act (GMA) to enter into interlocal agreements to annex qualifying territory meeting specific contiguity requirements.
- Creates an alternative method of annexation allowing counties subject to the "buildable lands" review and evaluation program of the GMA to enter into interlocal agreements with multiple municipalities to conduct annexation elections for qualifying territory contiguous to more than one city or town.

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### 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 comply with 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 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 can 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 identify reasonable measures, other than adjusting UGAs, that will be taken to comply with the requirements of the GMA.

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.

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**Summary of Substitute Bill:**

Creates two alternative annexation methods allowing jurisdictions subject to the "buildable lands" review and evaluation program of the GMA (i.e., Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties and the cities within those counties) to enter into interlocal annexation agreements for qualifying territory meeting specific contiguity requirements. The interlocal agreements must be commenced through county and city or town legislative action. Specific public notice, hearing, procedural, and referendum criteria are established for the alternative annexation 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.

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

In the event that more than one city or town adopts interlocal agreements providing for annexation of the same territory, an annexation election must be held in 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.

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

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**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, Washington State Association of Counties; and Dave Williams, Association of Washington Cities.