Washington State
House of Representatives
Office of Program Research

BILL
ANALYSIS

Local Government & Housing Committee

HB 2173

Brief Description: Facilitating annexations in counties with more than one million five hundred thousand residents by modifying and establishing annexation methods.

Sponsors: Representative Hunter.

Brief Summary of Bill

- Establishes new ordinance-based annexation methods for cities and towns located in counties with more than 1.5 million residents.

- Lowers the property value threshold that must be met for direct petition annexations in counties with more than 1.5 million residents.

Hearing Date: 2/16/09

Staff: Ethan Moreno (786-7386)

Background:

Annexation Methods.

Current law authorizes multiple methods for municipal annexations. While code and non-code cities and towns have separate statutory requirements for governance and operation, the annexation methods employed are generally similar.

The direct petition method of annexation requires approval of direct petitions signed by property owners comprising a specific percentage of land value, without voter action. In non-code cities and towns, the petition must be signed by the owners of not less than 75 percent of the land value of the property for which annexation is petitioned. This value requirement is set at 60 percent for code cities.   An alternative direct petition method based upon the signatures of qualifying property owners and registered voters meeting specified criteria was enacted into law in 2003.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Some annexations may occur through direct legislative action of a city or town. For example, the legislative bodies of code cities may, by a majority vote, annex territory outside their corporate limits for any municipal purpose if the territory is owned by the city. Additionally, while some requirements differ, legislative bodies of code and non-code cities and towns may resolve to annex qualifying territory if there is within the city or town, unincorporated territory with residential property owners:

- containing less than 100 acres and having at least 80 percent of the boundaries of such area contiguous to the code city; or
- of any size and having at least 80 percent of the boundaries of the area contiguous, provided other requirements are satisfied.

Public hearing and notice requirements must be met under this legislatively-based annexation method, and annexations under this method are subject to referendum for 45 days after the legislative body adopts the annexation resolution.

The Growth Management Act.

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The GMA includes numerous requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

Summary of Bill:

Alternative annexation methods are established. The legislative body of a code city or non-code city or town in a county planning under the GMA that has more than 1.5 million residents may resolve to annex territory to the city or town if:

- the area subject to annexation is within the same county and UGA as the city or town; and
- at least 51 percent of the boundaries of the area subject to annexation are contiguous to the city or town.

The resolution must describe the boundaries of the area to be annexed, state the number of voters residing in the area, and set a date for a public hearing on the resolution for annexation. Notice of the hearing must be given by publication in newspapers, according to prescribed requirements.

For purposes of determining contiguity percentages under the new annexation method:

- territory bounded by a river, lake, or other body of water is considered contiguous to a city or town that is also bounded by the same river, lake, or other body of water; and
- the boundaries of areas proposed for annexation that are coterminous with UGA boundaries, and the boundaries of areas proposed for annexation that are coterminous

with a city or town that is not proposing annexation under this section, must not be considered.

The adopted annexation ordinance is subject to referendum for 45 days after its passage. Upon the filing of a referendum petition with the legislative body, signed by qualified electors in number equaling at least 50 percent of the votes cast in the last general state election in the area to be annexed, the question of annexation must be submitted to the voters of the area in an election. The annexation is approved unless two-thirds of the votes cast in the election oppose the annexation.

After the expiration of the 45th day from, but excluding the date of, passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed must become a part of the city or town upon the date fixed in the annexation ordinance.

Direct petition annexation method requirements are modified. Direct petitions for annexations in a county with more than 1.5 million residents must be signed by the owners of not less than 51 percent of the land value of the property for which annexation is petitioned.

Appropriation: None.

Fiscal Note: Not requested.

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