

HOUSE BILL REPORT

HB 2665

As Reported by House Committee On:
Local Government

Title: An act relating to eliminating certain requirements for the annexation of an unincorporated island of territory.

Brief Description: Eliminating certain requirements for the annexation of an unincorporated island of territory.

Sponsors: Representatives Macri and Appleton.

Brief History:

Committee Activity:

Local Government: 1/23/18, 2/1/18 [DPS].

Brief Summary of Substitute Bill

- Allows a code city to annex an island of unincorporated territory by adopting an ordinance that is not subject to a referendum.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

Minority Report: Do not pass. Signed by 2 members: Representatives Griffey, Ranking Minority Member; Taylor.

Staff: Cassie Jones (786-7303).

Background:

A code city may annex unincorporated "islands" of territory within the city using certain procedures. The city council may initiate annexation proceedings by resolution if the area of the proposed annexation:

1. contains less than 175 acres and all of its boundaries are contiguous to the city; or

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2. is of any size, contains residential property owners, and at least 80 percent of its boundaries are contiguous to the city. Annexations conducted under this provision must be within the same county and urban growth area as the city, and the city must be planning under the Growth Management Act.

The resolution must describe the boundaries of the area to be annexed, state the number of voters within the subject area, and set a date for a public hearing on the annexation resolution. Notice of the hearing must be given by publication at least once a week for two weeks prior to the date of the hearing in one or more newspapers of general circulation within the code city and within the area to be annexed. At the hearing, residents or property owners of the area to be annexed must be afforded an opportunity to be heard. The city legislative body may then adopt an ordinance annexing the territory; the effective date of this ordinance may not be less than 45 days after its passage.

During the 45 days after passage of the ordinance, it is subject to a referendum. To initiate a referendum on the annexation, a referendum petition must be signed by qualified electors in number equal to not less than 10 percent of the votes cast in the last general state election in the area to be annexed. If a timely and sufficient petition is filed with the city legislative authority, the question of annexation is submitted to the voters. The annexation is approved if a majority of those voting on the proposition vote in favor of it.

Such annexations must also be approved by a boundary review board (board), if one has been established in the county. Boards are authorized to guide and control the creation and growth of municipalities. Upon receiving a request for review, and following an invocation of a board's jurisdiction, a board must review and approve, disapprove, or modify proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district.

Summary of Substitute Bill:

At the public hearing on a proposal to annex an island of unincorporated territory, jurisdictions delivering services within the annexation area must be afforded an opportunity to be heard, along with residents or property owners of the annexation area.

A code city ordinance that annexes an unincorporated island of territory is not subject to a referendum.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- adds a provision which requires that jurisdictions delivering services within the annexation area be given an opportunity to be heard at a hearing on the proposed annexation of an island of unincorporated territory; and
- removes a provision in the bill that eliminated potential review by a boundary review board of annexations of islands of unincorporated territory and restores current law providing for potential boundary review board review of such annexations.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill addresses unincorporated islands. These islands prevent realization of the Growth Management Act. The islands are fully within the urban growth area, receive the services delivered by the city, and are not a part of the city. Residents of unincorporated islands use city roads, emergency services, and parks. They have no incentive to join the city when they can receive the services paid for by the city taxpayers. This is inefficient for both the cities and counties. There are hundreds of unincorporated islands around the state; they create confusing jurisdictional boundaries that do not make sense. The annexations of these islands should be bound by the objectives of boundary review boards. The process should also consider the views of special purpose districts that provide water, sewer, and fire protection.

(Opposed) None.

Persons Testifying: Representative Macri, prime sponsor; Andy Rider and Scott Spence, City of Lacey; Dave Williams, Association of Washington Cities; and Robbie Meyers, Washington State Association of Boundary Review Boards,

Persons Signed In To Testify But Not Testifying: None.