

HOUSE BILL REPORT

HB 1295

As Amended by the Senate

Title: An act relating to annexing areas used for agricultural fairs.

Brief Description: Annexing areas used for agricultural fairs.

Sponsors: Representatives Warnick and Upthegrove.

Brief History:

Committee Activity:

Local Government & Housing: 1/26/09, 2/4/09 [DP].

Floor Activity

Passed House: 2/23/09, 92-0.

Senate Amended.

Passed Senate: 4/2/09, 45-0.

Brief Summary of Bill

- Establishes annexation procedures for the annexation of county-owned fairgrounds by code cities, non-code cities, and towns.
- Specifies that county-owned fairgrounds may not be annexed without the approval of the applicable county legislative authority.
- Includes intent language.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Ethan Moreno (786-7386)

Background:

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

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annexation methods employed are generally similar. A summary of the methods is as follows:

- *resolution/election method* - requires approval of city or town resolutions by voters residing in the proposed annexation area;
- *petition/election method* - includes initiatives petitioned and approved by the voters residing in the proposed annexation area;
- *direct petition method* - requires approval of direct petitions signed by property owners comprising a specific percentage of land value, without voter action. 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; and
- *resolution only method* - includes annexations for municipal purposes approved by a majority of the city or town legislative body, or other actions not requiring voter or property owner action.

In 2003 the Legislature also enacted a new annexation method by which qualifying cities and towns may annex certain territory by ordinance if specific requirements, including the negotiation of interlocal agreements between the participating jurisdictions, are satisfied.

Property owned by a county and used for an agricultural fair is not subject to annexation by code or non-code cities and towns without the consent of the majority of the applicable Board of County Commissioners.

Summary of Bill:

Procedures for the annexation of county-owned fairgrounds by code cities, non-code cities, and towns are established. The legislative body of the city or town proposing the annexation of territory owned by a county that is used for an agricultural fair must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

Upon receipt of the request and description, the county legislative authority has 30 days to review the proposal and determine if the annexation proceedings will continue. The legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the decision of the legislative authority.

If the county legislative authority determines that the proceedings may continue, it must satisfy public notice and hearing requirements. If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

Should the legislative body of the city or town proposing annexation determine to effect the annexation, it must do so by ordinance. The ordinance may not include additional territory that was not in the county resolution, nor may it exclude territory that was in the resolution.

Territory annexed through an ordinance in accordance with specified requirements is annexed and becomes a part of the city or town upon the date fixed in the ordinance.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment deletes a reference to a "noncode" city, an undefined term, and modifies intent language.

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.

Staff Summary of Public Testimony:

(In support) Counties currently have a voice in annexations of fairgrounds. Under the Growth Management Act, encroachment from annexations and development are affecting fairgrounds located near incorporated areas. This bill is an attempt to find solutions to issues associated with fairgrounds, animals, and annexations.

Last year, Grant County spent more than \$10 million improving their fairgrounds. The county has an agreement with the City of Moses Lake to provide water for the fairground, but the city and county have not been able to reach an agreement on sewer service. Grant County is concerned about an annexation of the fairgrounds, as annexation could jeopardize the benefits of a county fair. The goal of this bill is to streamline the annexation process and ensure that there is communication between cities and counties.

(Concerns) Cities are supportive of fairgrounds. Current law provides that you cannot annex fairgrounds without county consent. This bill changes the annexation process, but it doesn't change the law requiring county approval. This bill doesn't speak to long-term planning in areas around fairgrounds.

(Opposed) None.

Persons Testifying: (In support) Representative Warnick, prime sponsor; Cindy Carter, Grant County Board of County Commissioners; and Heather Hanson, Washington State Fairs Association.

(Concerns) Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.