

HOUSE BILL REPORT

EHB 1539

As Passed House:
April 26, 2013

Title: An act relating to the annexation of unincorporated territory within a code city.

Brief Description: Concerning the annexation of unincorporated territory within a code city.

Sponsors: Representatives Rodne, Springer, Hargrove, Sullivan, Magendanz, Takko, Kochmar, Pettigrew, Fitzgibbon and Ryu.

Brief History:

Committee Activity:

Local Government: 2/19/13, 2/21/13 [DP].

Floor Activity:

Passed House: 4/26/13, 96-0.

Brief Summary of Engrossed Bill

- Increases the maximum amount of territory that can be annexed by a code city through legislative action under a specific annexation method from 100 acres to 175 acres.
- Removes a requirement that an annexing code city must have been planning under the Growth Management Act as of June 30, 1994 to annex certain unincorporated "islands" of territory.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys, Crouse, Lias and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Fitzgibbon, Vice Chair; Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

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.

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

Among other permitted annexation methods, code cities are authorized to conduct certain annexations through a resolution of the city's legislative body. Neither voter nor property owner approvals are necessary for these annexations. An example of this "resolution only" authority, is the island annexation method which allows a code city to annex a qualifying unincorporated "island" of territory containing residential property owners if the area:

- contains fewer than 100 acres, with at least 80 percent of the boundaries of the area contiguous to the city; or
- is of any size, with at least 80 percent of the boundaries of the area contiguous to the city if the city existed before June 30, 1994. Annexations conducted through this provision must be for areas that are within the same county and urban growth area, and the city must have been planning under the Growth Management Act as of June 30, 1994.

An annexation resolution for a qualifying unincorporated "island" of territory 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. Specific public notice requirements must also be met, and annexations conducted through this method are subject to referendum.

Summary of Engrossed Bill:

Provisions governing annexations of an unincorporated "island" of territory by code cities are modified. A qualifying area for the "island" annexation method must comply with one of the following two sets of criteria:

- the area must contain fewer than 175 acres, rather than 100 acres, with at least 80 percent of the boundaries of the area contiguous to the city; or
- the area may be of any size, with all of the boundaries of the area contiguous to the city, rather than 80 percent of the boundaries. Annexations conducted through this provision must be for areas that are within the same county and urban growth area. A requirement that the annexing city must have been planning under the Growth Management Act as of June 30, 1994, is deleted.

Appropriation: None.

Fiscal Note: Available.

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) This bill, which involves the infamous "doughnut hole," is simple and removes obstacles to annexing a 156-acre parcel that is in the center of the City of Maple Valley.

Fairness and equity dictate that the city should be the decision-making entity for the territory, not the more-removed county.

This bill is about two very different visions for the unincorporated parcel: King County's vision is to put 1,700 homes on the site, but Maple Valley's vision is to create success for the city and the region by putting an educational center and high-tech manufacturing in the area. Maple Valley needs control of the property to implement this vision. There is school district support for the legislation. The vision for a regional learning center, which would have educational and intern-based opportunities, is being developed with public and private parties.

This issue predates the inception of the City of Maple Valley 15 years ago. The economic recession forced a previously adopted interlocal agreement for the area with a private developer and the county to be abandoned after the developer withdrew. King County's vision would stress the city's transportation and other infrastructure. Without the bill, the city has very little control over the future of the property. The annexation issue has been a contentious issue and there are many "islands" of unincorporated territory throughout the state.

(Opposed) The bill will allow the city to unilaterally annex the land: this creates a worrisome precedent. Efforts to see if a new and jointly-supported approach for the land can be developed are underway. King County wants to continue to explore interlocal agreement approaches rather than legislative approaches. The property in Maple Valley is not just within the city limits - it is owned by King County. The property is an important part of the county's road maintenance efforts, as it houses a road maintenance facility. Taking the property out of the county's jurisdiction will create problems for the county and for folks dependent upon the county's road maintenance efforts.

Persons Testifying: (In support) Representative Rodne, prime sponsor; Jim Hendricks, City of Maple Valley; Bill Allison, Maple Valley Mayor's Office; Dave Johnston, Maple Valley City Manager's Office; Mike Maryanski, Tahoma School District Superintendent's Office; and Dave Williams, Association of Washington Cities.

(Opposed) Genesee Adkins and Harry Reinert, King County.

Persons Signed In To Testify But Not Testifying: None.