
Local Government Committee

HB 1932

Brief Description: Providing for the annexation of unincorporated island territory within code and noncode cities.

Sponsors: Representatives Clibborn and Ericks.

Brief Summary of Bill

- Establishes new methods of annexation allowing code cities and certain non-code cities and towns to annex qualifying territory by ordinance.
- Specifies that annexations conducted under the new methods are not subject to referendum and are exempt from review by a boundary review board.
- Modifies eligibility criteria pertaining to acreage size and boundary contiguity for territory that may be annexed through existing island annexation methods.

Hearing Date: 2/23/05

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 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 by 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 certain cities and towns planning under the major provisions of the Growth Management Act (GMA jurisdictions) may annex qualifying territory by ordinance if specific requirements, including the negotiation of interlocal agreements between the participating jurisdictions, are satisfied.

Urban Growth Areas

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. No city or town located in a county in which UGAs have been designated may annex territory beyond a UGA.

Annexation Methods for Unincorporated Islands of Territory

Current law provides that the legislative body of a non-code city or town planning under the GMA as of June 30, 1994, may resolve to annex qualifying unincorporated islands of territory to the city or town. Qualifying territory must be:

- Within the annexing city or town; and
- Contain residential property owners within the same county and UGA as the annexing city or town.

Qualifying territory also must:

- Contain less than 100 acres and have at least 80 percent of the boundaries of the area contiguous to the city or town; or
- Be of any size and have at least 80 percent of the boundaries of the area contiguous to the city if the area existed before June 30, 1994.

A similar annexation method for unincorporated islands of territory exists for code cities whereby the legislative body of a code city may resolve to annex qualifying territory containing residential property owners to the city if there is, within the city, unincorporated territory:

- Containing less than 100 acres with boundaries that are at least 80 percent contiguous to the city; or
- Of any size having boundaries that are at least 80 percent contiguous to the city if the area existed before June 30, 1994, is within the same county and UGA, and the annexing city was planning under the GMA as of June 30, 1994.

The annexation resolutions for code and non-code cities and towns must describe the boundaries of the area to be annexed, state the number of voters residing within the area, and set a date for a public hearing on the resolution. Specified public notification requirements must be satisfied and residents or property owners of the subject area must be afforded an opportunity to be heard. The territory proposed for annexation becomes part of the annexing city or town upon the date fixed in an annexation ordinance, subject to specified requirements.

Annexation ordinances by code and non-code cities and towns conducted using either of these methods are subject to referendum for 45 days. Annexations using either of these methods may be subjected to boundary review board action.

Boundary Review Boards

Boundary review boards (BRBs) are authorized by statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, current law provides that a BRB may be created and established in any other county.

Upon receiving a request for review that satisfies statutory requirements, and following an invocation of a board's jurisdiction, a BRB must review and approve, disapprove, or modify specific proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district within 45 days. If a period of 45 days elapses without the board's jurisdiction being invoked as provided in statute, the proposed action must be deemed approved.

Summary of Bill:

Non-Code Cities

A new method of annexation is established allowing the legislative body of a non-code city or town planning under the Growth Management Act (GMA) as of June 30, 1994, to annex qualifying territory to the city or town by ordinance. Territory eligible for this annexation method must:

- Be within the annexing city or town;
- Contain residential property owners within the same county and urban growth area as the annexing city or town;
- Contain less than 250 acres; and
- Have boundaries that are at least 60 percent contiguous to the annexing city or town.

The annexation ordinance must describe the boundaries of the area to be annexed, state the number of voters residing within the area, and set a date for a public hearing on the ordinance. Specified public notification requirements must be satisfied. The territory proposed for annexation becomes part of the annexing city or town upon the date fixed in the annexation ordinance, subject to specified requirements.

This new method of annexation is not subject to referendum and is exempt from the boundary review board process and requirements.

Eligibility criteria pertaining to acreage size and boundary contiguity for territory that may be annexed through the existing island annexation method for non-code cities and towns are modified. Qualifying territory of any size that has boundaries that are at least 60 percent contiguous to the city may be annexed using the method.

Code Cities

A similar new method of annexation is established for code cities allowing the legislative body of such cities to annex territory containing residential property owners to the city if there is within the city unincorporated territory containing less than 250 acres. The boundaries of the territory proposed for annexation under this method must be at least 60 percent contiguous to the city or town.

The annexation ordinance must satisfy the same requirements specified above for qualifying non-code cities and towns. Public notification requirements must also be satisfied and the

territory proposed for annexation becomes part of the annexing city or town upon the date fixed in the annexation ordinance, subject to specified requirements.

This new method of annexation for code cities also is not subject to referendum and is exempt from the boundary review board process and requirements.

Eligibility criteria pertaining to acreage size and boundary contiguity for territory that may be annexed through the existing island annexation method for code cities are modified. Qualifying territory of any of any size that has boundaries that are at least 60 percent contiguous to the city may be annexed using the method.

Appropriation: None.

Fiscal Note: Not requested.

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