

# SENATE BILL REPORT

## SB 6404

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As of February 5, 2014

**Title:** An act relating to annexations by code cities in counties with four hundred thousand or more residents.

**Brief Description:** Concerning annexations by code cities in counties with four hundred thousand or more residents.

**Sponsors:** Senator Benton.

**Brief History:**

**Committee Activity:** Governmental Operations: 2/04/14.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Karen Epps (786-7424)

**Background:** Current law authorizes multiple methods for municipal annexations. While code and noncode cities and towns have separate statutory provisions for classifications, governance, and operation, the annexation methods they may employ are largely similar. Some annexation methods are described below.

Unincorporated Islands Method. The Unincorporated Islands method of annexation is available to cities planning under the Growth Management Act (GMA). This method is applicable to certain areas within code cities and towns and noncode cities and towns. For code cities, this method is only applicable to areas:

- less than 175 acres in size where all of the area's boundaries are contiguous with the city or town; or
- of any size containing residential property owners where at least 80 percent of the area's boundaries are contiguous with the city or town, are within the same county and urban growth area, and the city is planning under GMA.

For noncode cities, this method is available to cities within counties that were planning under GMA on or before June 30, 1994. This method is only applicable to areas:

- that contain residential property owners;
- less than 100 acres in size where at least 80 percent of the area's boundaries are contiguous with the city or town; or

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- of any size where at least 80 percent of the area's boundaries are contiguous with the city or town, the area existed as unincorporated territory before June 30, 1994, and the city was planning under GMA as of June 30, 1995.

This annexation method is initiated by city council resolution. A public hearing is held to determine whether to proceed with the proposed annexation. If approved, the city passes an ordinance to annex; however, the proposed annexation is subject to resident referendum for 45 days after passage.

Interlocal Agreement Methods. *Annexation of Territory Within the Urban Growth Area (UGA).* This method is only applicable to areas that are bordered by at least 60 percent of one or more cities, and for cities in counties that are subject to the buildable lands review and evaluation program under GMA. This method allows for annexation based on an agreement between the city and the county. Following a public hearing and approval of the annexation agreement, the city council adopts an ordinance annexing the territory. The annexation ordinance is subject to referendum for 45 days after passage.

*Annexation of Area Served by Fire Districts.* Under this method, a city, county, and a fire protection district can enter into an interlocal agreement when a city is proposing to annex area within a fire protection district. City and town annexation ordinances for territory served by one or more fire districts that occur through ordinance-based interlocal agreement processes are subject to referendum for 45 days after passage.

**Summary of Bill:** For areas within a county with a population that equals or exceeds 400,000 and that is bordered by the Columbia River, a code city annexation of unincorporated islands, a code city annexation of territory within a UGA, or a code city annexation of area served by fire districts must be submitted to the voters of the area to be annexed if the area has at least 100 voters. Notification requirements for the election are established, and the election must be conducted according to general election laws. If a majority of votes cast in the election are in favor of the annexation, the annexation is deemed approved. If there are fewer than 100 registered voters in the area to be annexed, the annexation is deemed approved if a majority of the registered voters in the area to be annexed give their written consent to the annexation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is narrow in scope so that it will not affect other cities in the state that may or may not like being annexed without having a say. In Clark County, folks would like to have a say before an annexation takes effect. In areas where there are fewer than 100 voters, the bill spares the county the expense of holding an election by allowing voters to agree to the annexation by written consent. There is concern around the annexation without representation process that currently exists. When a developer

signs a pre-annexation agreement, the developer has signed away the rights of the future property owners. Those citizens are denied the ability to be involved in the annexation process. This bill opens up the process so that people have the right to vote for exactly where they live and who is going to be in charge of them in their daily lives.

CON: The current law allows property owners to have a say in annexations. If a city extends utilities to those areas, the property owner signs a pre-annexation agreement. If a property owner does not want utilities, the property owner does not have to sign the pre-annexation agreement. The petition method was used in Battle Ground and the area in question has been on city sewer since 1972 and included in the UGA since GMA's inception. A petitioner brought a petition to the city to bring the properties in question into the city and this petition created islands that were not annexed. There is a question about why this bill limits this statutory change such that it does not apply statewide. There is a referendum vote available under these annexation methods, so this bill is not needed. It adds an additional step and expense that may not be necessary.

**Persons Testifying:** PRO: Senator Benton, prime sponsor; Glen Morgan, Freedom Foundation.

CON: Dave Williams, Assn. of WA Cities; John Williams, City of Battle Ground.