

# SENATE BILL REPORT

## SHB 1755

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As Reported By Senate Committee On:  
Land Use & Planning, April 3, 2003

**Title:** An act relating to creating alternative means for annexation of unincorporated island of territory.

**Brief Description:** Creating alternative means for annexation of unincorporated islands of territory.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell).

**Brief History:**

**Committee Activity:** Land Use & Planning: 3/31/03, 4/3/03 [DPA].

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** Do pass as amended.

Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

**Staff:** Jennifer Arnold (786-7471)

**Background:** Under current law, a noncode or code city that is within a Growth Management Act (GMA) jurisdiction may annex unincorporated islands of territory that are located within that city or town. The territory must contain residential property owners and must be within the same county and urban growth area as the annexing city or town. Additionally, the territory proposed for annexation must have at least 80 percent of its boundaries contiguous to the city or town and: (1) must be less than 100 acres; or (2) may be of any size if the area existed prior to June 30, 1994, in a county planning under the GMA as of that date.

This method of annexation must provide for public hearing and any adopted ordinances relating to the annexation are subject to referendum for a 45-day period.

Local governments have concerns that a new process must be developed in order to more efficiently deliver services to these areas and to establish a more equitable system for the cost-sharing of expenses associated with providing these services.

**Summary of Amended Bill:** An alternative method for the annexation of unincorporated island territories is created. Annexations may be achieved by the development of interlocal agreements between cities and counties planning under the GMA. An area may be annexed by mutual agreement if it is within an urban growth area under the GMA and at least 60 percent of the area's boundaries are contiguous to two or more cities or towns.

In determining the percentage of the area's boundaries that are contiguous, there is no longer a requirement to calculate the percentage based solely upon whether the boundaries of a single annexing city or town are contiguous to the island; rather, in the event that multiple cities or towns border the island, the borders of all such towns or cities are included in the calculation.

If an impasse in the negotiations occurs, a procedure is established allowing a county to initiate the annexation process with *other* contiguous towns or cities.

There is no limitation as to the size of an area that may be annexed and it is not required that the property to be annexed contain residential property owners.

Procedures for public hearing are established and any ordinance adopted regarding annexation of an island territory is subject to referendum for 45 days. If a timely petition is filed by at least 15 percent of the qualified electors residing in the area to be annexed, the annexation can be approved by a majority of the voters in the unincorporated island territory.

The GMA is amended to provide that urban service areas or potential annexation areas designated for particular cities or towns may be included within an urban growth area.

**Amended Bill Compared to Substitute Bill:** The alternative method for the annexation of unincorporated island territory provided for in this bill no longer permits the annexation of island territory when only one city or town is contiguous to the territory to be annexed. The territory must be bordered by at least two cities or towns for this method to apply.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is necessary because the residents of these island territories are receiving an "urban subsidy" in that they receive services for which they are not otherwise paying, in which event there is nothing to encourage these residents to vote in favor of an annexation. The alternative method proposed in this bill would eliminate the possibility for cities to cherry-pick areas to annex and at the same time prevent counties from unloading the burden of unpopular areas onto cities. This bill fulfills local governments' need for a process that is fair to all and that facilitates the provision of services.

**Testimony Against:** None.

**Testified:** Rep. Kirby, prime sponsor; Gary McLean, City of Puyallup (pro); George Walk, Pierce County (pro).