

HOUSE BILL REPORT

EHB 2068

As Amended by the Senate

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: Representative Takko.

Brief History:

Committee Activity:

None.

First Special Session

Floor Activity:

Passed House: 6/6/13, 79-9.

Second Special Session

Floor Activity:

Passed House: 6/26/13, 80-7.

Senate Amended.

Passed Senate: 6/27/13, 46-2

Brief Summary of Engrossed Bill

- Modifies provisions governing code city annexations of unincorporated "islands" of territory by specifying that in certain circumstances the territory to be annexed must contain residential property owners.

Staff: Ethan Moreno (786-7386).

Background:

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 they may employ are generally similar.

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.

Code City Annexations of Unincorporated "Islands" of Territory - Effective until July 28, 2013.

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-based authority is the island annexation method, a method that allows code cities, following the satisfaction of public notice and other procedural requirements, to annex qualifying unincorporated "islands" of territory containing residential property owners. Territory annexed through the island annexation method must comply with one of two sets of eligibility criteria. The territory:

(1) must contain fewer than 100 acres, with at least 80 percent of the boundaries of the area contiguous to the city; or

(2) may be 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 in accordance with this eligibility 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.

Both sets of eligibility criteria were amended in legislation adopted in 2013 that takes effect July 28, 2013.

Recent Legislation - Effective July 28, 2013.

Legislation adopted in the 2013 regular legislative session (*i.e.*, Senate Bill 5417, enacted as Chapter 333, Laws of 2013) modified provisions governing code city annexations by amending both sets of eligibility criteria for the island annexation method. More specifically, Senate Bill 5417 increased the maximum amount of territory that could be annexed under the first set of eligibility criteria from fewer than 100 acres to fewer than 175 acres, and required the boundaries of the annexation area to be fully, rather than at least 80 percent, contiguous to the annexing city. Senate Bill 5417 also removed certain restrictions on a code city's authority to annex unincorporated "islands" of territory through the island annexation method, including repealing a general requirement limiting the method to territory containing residential property owners. The provisions of Senate Bill 5417 take effect on July 28, 2013.

Summary of Engrossed Bill:

One set of eligibility criteria for annexations of unincorporated "islands" of territory by code cities is modified. Territory that may be annexed by a city under the second set of eligibility criteria for the island annexation method must contain residential property owners. Other requirements from this set of eligibility criteria, including the absence of size restrictions, contiguity percentages, and provisions requiring the territory to be within the same county and urban growth area as the annexing city, are unchanged.

The amended eligibility criterion modifies provisions adopted in the 2013 regular legislative session (*i.e.*, Senate Bill 5417, enacted as Chapter 333, Laws of 2013).

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes the following changes:

- Except as provided otherwise, makes city and town annexation ordinances for territory served by one or more fire protection districts that occur through ordinance-based interlocal agreement processes subject to referendum.
- Exempts city and town annexation ordinances for territory served by one or more fire protection districts that occur through ordinance-based interlocal agreement processes from being subject to referendum if the city or town has initiated the interlocal agreement process with the fire protection district and county prior to July 28, 2013, the effective date of the bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect on July 28, 2013.