
HOUSE BILL 2112

State of Washington 64th Legislature 2015 Regular Session

By Representatives Hunter and Walkinshaw

Read first time 02/13/15. Referred to Committee on Local Government.

1 AN ACT Relating to annexation of islands of unincorporated
2 territory in areas subject to boundary review; amending RCW 36.93.180
3 and 36.70A.110; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that unincorporated
6 urban areas that are either completely surrounded by cities or by
7 cities and Puget Sound, or by cities and a lake, should be annexed by
8 a surrounding municipality. The growth management act dictates that
9 urban services should be provided by municipalities, but past
10 strategic annexations of areas that have large sales tax receipts
11 have thwarted this intent, leaving behind those residential and sales
12 tax poor areas to the county. Residential areas are generally left
13 behind because they sometimes require more financial resources than
14 their tax base provides.

15 These islands of unincorporated urban areas necessitate
16 inefficient use of scarce public resources. For example, deputy
17 sheriffs are forced to drive long distances to service these
18 scattered areas, endangering residents with protracted response
19 times. Further, these areas lack urban amenities like sidewalks,
20 parks, and complete streets. Residents of unincorporated urban

1 islands do not receive the level of service that their neighbors
2 across the city boundary enjoy.

3 In order to provide improved efficiency in the delivery of
4 governmental services, provide urban residents a uniform level of
5 governmental service, and to realize the principles of the growth
6 management act, the legislature finds that it must allow communities
7 the opportunity to determine how best to bring these urban pockets
8 into the appropriate municipality, but set a deadline so that
9 certainty, rational planning, and the efficient provision of urban
10 services can be realized.

11 **Sec. 2.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read
12 as follows:

13 The decisions of the boundary review board shall attempt to
14 achieve the following objectives:

- 15 (1) Preservation of natural neighborhoods and communities;
- 16 (2) Use of physical boundaries, including but not limited to
17 bodies of water, highways, and land contours;
- 18 (3) Creation and preservation of logical service areas;
- 19 (4) Prevention of abnormally irregular boundaries;
- 20 (5) Discouragement of multiple incorporations of small cities and
21 encouragement of incorporation of cities in excess of ten thousand
22 population in heavily populated urban areas;
- 23 (6) Dissolution of inactive special purpose districts;
- 24 (7) Adjustment of impractical boundaries;
- 25 (8) Incorporation as cities or towns or annexation to cities or
26 towns of unincorporated areas which are urban in character; (~~and~~)
- 27 (9) Protection of agricultural and rural lands which are
28 designated for long term productive agricultural and resource use by
29 a comprehensive plan adopted by the county legislative authority;
- 30 (10) Prevention of potential unincorporated urban islands that
31 remain surrounded by city and town boundaries; and
- 32 (11) Implementation of locally adopted goals, policies, and
33 objectives pertaining to annexation of unincorporated urban growth
34 areas, potential annexation areas, and urban service areas.

35 **Sec. 3.** RCW 36.70A.110 and 2010 c 211 s 1 are each amended to
36 read as follows:

- 37 (1) Each county that is required or chooses to plan under RCW
38 36.70A.040 shall designate an urban growth area or areas within which

1 urban growth shall be encouraged and outside of which growth can
2 occur only if it is not urban in nature. Each city that is located in
3 such a county shall be included within an urban growth area. An urban
4 growth area may include more than a single city. An urban growth area
5 may include territory that is located outside of a city only if such
6 territory already is characterized by urban growth whether or not the
7 urban growth area includes a city, or is adjacent to territory
8 already characterized by urban growth, or is a designated new fully
9 contained community as defined by RCW 36.70A.350.

10 (2) Based upon the growth management population projection made
11 for the county by the office of financial management, the county and
12 each city within the county shall include areas and densities
13 sufficient to permit the urban growth that is projected to occur in
14 the county or city for the succeeding twenty-year period, except for
15 those urban growth areas contained totally within a national
16 historical reserve. As part of this planning process, each city
17 within the county must include areas sufficient to accommodate the
18 broad range of needs and uses that will accompany the projected urban
19 growth including, as appropriate, medical, governmental,
20 institutional, commercial, service, retail, and other nonresidential
21 uses.

22 Each urban growth area shall permit urban densities and shall
23 include greenbelt and open space areas. In the case of urban growth
24 areas contained totally within a national historical reserve, the
25 city may restrict densities, intensities, and forms of urban growth
26 as determined to be necessary and appropriate to protect the
27 physical, cultural, or historic integrity of the reserve. An urban
28 growth area determination may include a reasonable land market supply
29 factor and shall permit a range of urban densities and uses. In
30 determining this market factor, cities and counties may consider
31 local circumstances. Cities and counties have discretion in their
32 comprehensive plans to make many choices about accommodating growth.

33 Within one year of July 1, 1990, each county that as of June 1,
34 1991, was required or chose to plan under RCW 36.70A.040, shall begin
35 consulting with each city located within its boundaries and each city
36 shall propose the location of an urban growth area. Within sixty days
37 of the date the county legislative authority of a county adopts its
38 resolution of intention or of certification by the office of
39 financial management, all other counties that are required or choose
40 to plan under RCW 36.70A.040 shall begin this consultation with each

1 city located within its boundaries. The county shall attempt to reach
2 agreement with each city on the location of an urban growth area
3 within which the city is located. If such an agreement is not reached
4 with each city located within the urban growth area, the county shall
5 justify in writing why it so designated the area an urban growth
6 area. A city may object formally with the department over the
7 designation of the urban growth area within which it is located.
8 Where appropriate, the department shall attempt to resolve the
9 conflicts, including the use of mediation services.

10 (3) Urban growth should be located first in areas already
11 characterized by urban growth that have adequate existing public
12 facility and service capacities to serve such development, second in
13 areas already characterized by urban growth that will be served
14 adequately by a combination of both existing public facilities and
15 services and any additional needed public facilities and services
16 that are provided by either public or private sources, and third in
17 the remaining portions of the urban growth areas. Urban growth may
18 also be located in designated new fully contained communities as
19 defined by RCW 36.70A.350.

20 (4) In general, cities are the units of local government most
21 appropriate to provide urban governmental services. In general, it is
22 not appropriate that urban governmental services be extended to or
23 expanded in rural areas except in those limited circumstances shown
24 to be necessary to protect basic public health and safety and the
25 environment and when such services are financially supportable at
26 rural densities and do not permit urban development.

27 (5) On or before October 1, 1993, each county that was initially
28 required to plan under RCW 36.70A.040(1) shall adopt development
29 regulations designating interim urban growth areas under this
30 chapter. Within three years and three months of the date the county
31 legislative authority of a county adopts its resolution of intention
32 or of certification by the office of financial management, all other
33 counties that are required or choose to plan under RCW 36.70A.040
34 shall adopt development regulations designating interim urban growth
35 areas under this chapter. Adoption of the interim urban growth areas
36 may only occur after public notice; public hearing; and compliance
37 with the state environmental policy act, chapter 43.21C RCW, and
38 under this section. Such action may be appealed to the growth
39 management hearings board under RCW 36.70A.280. Final urban growth

1 areas shall be adopted at the time of comprehensive plan adoption
2 under this chapter.

3 (6) Each county shall include designations of urban growth areas
4 in its comprehensive plan.

5 (7) An urban growth area designated in accordance with this
6 section may include within its boundaries urban service areas or
7 potential annexation areas designated for specific cities or towns
8 within the county.

9 (a) Cities and towns in which a specific potential annexation
10 area or areas have been designated shall work with the respective
11 county to adopt a joint planning agreement that identifies a public
12 outreach plan, a transition strategy, and time frame to annex such
13 territory.

14 (b) Potential annexation areas completely surrounded by one or
15 more cities or towns, or one or more cities or towns and Puget Sound,
16 or one or more cities or towns and a lake shall be annexed into the
17 respective jurisdictions within ten years of the effective date of
18 this section. In the event that the potential annexation area is
19 surrounded by more than one city or town and the efforts to develop a
20 joint planning agreement for annexation of the unincorporated urban
21 island by one of the surrounding cities or towns, as detailed in (a)
22 of this subsection, does not result in a determination of which city
23 or town shall annex the area, the county shall assign the annexation
24 area to the city or town from which urban services can most
25 efficiently be delivered.

26 (8)(a) Except as provided in (b) of this subsection, the
27 expansion of an urban growth area is prohibited into the one hundred
28 year floodplain of any river or river segment that: (i) Is located
29 west of the crest of the Cascade mountains; and (ii) has a mean
30 annual flow of one thousand or more cubic feet per second as
31 determined by the department of ecology.

32 (b) Subsection (8)(a) of this section does not apply to:

33 (i) Urban growth areas that are fully contained within a
34 floodplain and lack adjacent buildable areas outside the floodplain;

35 (ii) Urban growth areas where expansions are precluded outside
36 floodplains because:

37 (A) Urban governmental services cannot be physically provided to
38 serve areas outside the floodplain; or

39 (B) Expansions outside the floodplain would require a river or
40 estuary crossing to access the expansion; or

1 (iii) Urban growth area expansions where:
2 (A) Public facilities already exist within the floodplain and the
3 expansion of an existing public facility is only possible on the land
4 to be included in the urban growth area and located within the
5 floodplain; or
6 (B) Urban development already exists within a floodplain as of
7 July 26, 2009, and is adjacent to, but outside of, the urban growth
8 area, and the expansion of the urban growth area is necessary to
9 include such urban development within the urban growth area; or
10 (C) The land is owned by a jurisdiction planning under this
11 chapter or the rights to the development of the land have been
12 permanently extinguished, and the following criteria are met:
13 (I) The permissible use of the land is limited to one of the
14 following: Outdoor recreation; environmentally beneficial projects,
15 including but not limited to habitat enhancement or environmental
16 restoration; storm water facilities; flood control facilities; or
17 underground conveyances; and
18 (II) The development and use of such facilities or projects will
19 not decrease flood storage, increase storm water runoff, discharge
20 pollutants to fresh or salt waters during normal operations or
21 floods, or increase hazards to people and property.
22 (c) For the purposes of this subsection (8), "one hundred year
23 floodplain" means the same as "special flood hazard area" as set
24 forth in WAC 173-158-040 as it exists on July 26, 2009.

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