

# CHAPTER 11

## ANNEXATION/INCORPORATION ELEMENT

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### INTRODUCTION

The Annexation Element is an essential part of the 20-Year Plan because the stated intent of the Growth Management Act (GMA) is that urban development occur within cities (or areas that eventually will be cities) either through annexation or incorporation. Currently in Clark County, large unincorporated areas are developed at urban densities. The transition of these areas to cities is a process that will require the cooperation of the county, cities and towns, as well as special districts. The County-wide Planning Policies (CWPP) adopted by the Board of County Commissioners provides a framework for addressing regional issues for both the county and its cities. Like the county, each city or town is also required to develop an Annexation element within its comprehensive plan.

### HISTORY

In 1967, the State of Washington recognized and addressed the issue of coordinating jurisdictional changes in unincorporated areas by creating Boundary Review Boards (BRB's). BRB's were formed to "...provide a method of guiding and controlling the creation and growth of municipalities in metropolitan areas so that ... residents and businesses in those areas may rely on logical growth of local government affecting them" (RCW 36.93.010). In 1970, the Clark County Board of Commissioners established a local BRB for the county.

In reaching a decision on an annexation request, the BRB must consider the following factors:

- population and territory;
- population density;
- land uses;
- comprehensive plans and zoning;
- assessed value;
- topography; natural boundaries and drainage basins;
- proximity to populated areas and likelihood of significant growth; and,
- other factors which may be unique to that proposal such as location and desirable future location of community facilities.

BRB's must also consider the effect of the proposed annexation on adjacent areas, mutual economic and social interests and the local governmental structures. However, BRB decisions must be based on legislatively defined objectives which must be weighed and balanced.

For annexations, BRB decisions must find that one or more of the following objectives has been achieved:

- preservation of natural neighborhoods and communities;
- use of physical boundaries such as bodies of water, topography, or major roads;
- prevention of abnormally irregular boundaries;
- adjustment of impractical boundaries;
- annexation to cities or towns of unincorporated areas which are urban in character;
- protection of agricultural and rural lands which are designated for long-term productive agricultural and resource use by the comprehensive plan;
- provision of adequate services at an urban level of service; and,
- creation and preservation of a logical service area.

Decisions of the BRB must be consistent with the GMA, specifically with the provisions of concurrency, comprehensive plans and urban growth areas for annexation.

Under the provisions of the GMA, counties may disband BRB's when they and other affected jurisdictions have adopted ordinances or resolutions necessary to implement the adopted comprehensive plans. However, a review board of some type is needed, and required, under city annexation standards in RCW 35.13.171, to address issues that may arise when a city proposes annexation of land under the jurisdiction of the county. In addition, the County-wide Planning Policies, and state regulations will assist local jurisdictions in making future decisions regarding annexations.

Under Washington State law, annexation is accomplished by two methods, the basic provisions of each are presented in Table 11.1. The annexation of contiguous, unincorporated territory may also be initiated by resolution of the legislative body of the city desiring to annex. The election process is similar to annexation by the petition method. Again, only those areas which are in an urban growth area may be annexed under GMA.

**Table 11.1 Annexation Methods and Procedures**

ANNEXATION METHOD	PROCEDURE
Election RCW 35.13.015	The City passes a resolution identifying the annexation area and an election is held. Passage requires a simple majority.
Election Petition RCW 35.13.020	A petition for an election is signed by a minimum of 20 percent of the voters who voted in the last election. The petition is certified by the county. A date is established for an election. A simple majority of the voters determines the outcome.
Direct Petition RCW 35.13.125	A notice of intent to annex petition must be signed by not less than 10 percent of the residents of the area, or the owners of not less than 10 percent of the property values. The NOI is submitted to the city. The city decides whether or not to pursue the annexation. If the city pursues, an annexation petition signed by the owners of 75 percent of property value is necessary. The city holds a hearing and the annexation request is approved.
Petition RCW 35.13.130	The petition must be signed by the owners of not less than 75 percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned.
Alternate Direct Petition 35.13.410	A notice of intent to annex petition must be signed by not less than 10 percent of the residents of the area, or the owners of not less than 10 percent of the property values. The NOI is submitted to the city. The city decides whether or not to pursue the annexation. If the city pursues, an annexation petition signed by a majority of the owners of the acreage and a majority of the registered voters must be submitted. School district properties are exempted. If no residents are in the area, the petition must be signed by the owners of the majority of the acreage. The petition is filed with the city and a hearing is held.
Municipal Purposes RCW 35.13.180	This is available to second class cities only. It allows annexation of parcels, both contiguous and non-contiguous to the city, when the parcel is owned by the city or town or used for municipal purposes, or all the property owners give their written consent. A simple majority is required.
Unincorporated Islands RCW 35.13.182	This is available to cities or towns planning under GMA when unincorporated islands of residential property exist in the same county and the same UGA as the city. The island must be less than 100 acres and 80 percent of the boundary must be contiguous to the city. The city must pass a resolution describing the boundaries and must hold a public hearing. The decision is subject to a referendum.
UGA Subject to Interlocal Agreement RCW 35.13.470	Cities or counties planning under GMA may initiate annexation of lands within UGA's where at least 60 percent is contiguous to the city boundary. The city and county will negotiate an agreement, both will adopt ordinances, and both will conduct hearings. The action is subject to referendum.
Federal Properties RCW 35.13.185	Annexation of gifted federal properties occurs via an ordinance passed by the city. Second class cities may not annex properties more than 4 miles distant from their boundaries.

## ANNEXATION AND INCORPORATION

The intention of the Growth Management Act is that urban developments occur within cities or areas that will eventually be cities -- either through annexation or incorporation. Currently in Clark County, large unincorporated areas are developed at urban densities. The transition of these areas to cities is a process that will require the cooperation of staff and elected officials from the county, cities and towns, and special districts. The following policies are to set the framework for discussion of the details which will be included in the 20-Year Growth Management Plans for these jurisdictions.

### 11.0 County-wide Planning Policies

11.0.1 Community Comprehensive Plans shall contain an annexation element. In collaboration with adjacent cities, towns, and Clark County, each city and town shall designate areas to be annexed. Each city and town shall adopt criteria for annexation and a plan for providing urban services and facilities within the annexation area. Policies for the transition of services shall be included in each annexation element. All cities and towns shall phase annexations to coincide with their ability to provide a full range of urban services to areas to be annexed.

11.0.2 Developing areas within urban growth and identified annexation areas should annex or commit to annex to adjacent cities in order to receive a full range of

city-provided urban services. Unincorporated areas that are already urbanized are encouraged to annex to the appropriate city or town in order to receive urban services. Incorporation of new cities and towns is a legal option allowed for under Washington law. Incorporation may be appropriate if an adequate financial base is identified or annexation is impractical.

- 11.0.3 The county shall encourage and support annexations to cities and town within Urban Growth Areas if consistent with the policies contained within the annexation element.
- 11.0.4 No city or town located in a county in which Urban Growth Areas have been designated may annex territory beyond an urban growth area.
- 11.0.5 An inter-jurisdictional analysis and process which assesses the fiscal and other impacts related to annexation on the county, the city or town, and special purpose districts shall be developed consistent with the policies contained in the annexation.

## GOALS AND POLICIES

The CWPP provides a framework for the issues that need to be addressed within the 20-Year Plan. Cities and towns are required to designate areas to be annexed and develop a plan for providing urban services and facilities to those areas. Annexation cannot occur beyond the urban growth areas. Identified annexation areas within the urban growth area should annex or commit to annex in order to receive a full range of city provided urban services.

**GOAL:** *Establish the orderly transition of unincorporated area within the urban growth boundary from county jurisdiction to the appropriate municipality, either through annexation or incorporation.*

### 11.1 Policies

- 11.1.0 Establish agreements regarding land use regulations and provision of services in the urban growth areas outside existing cities or towns addressing:
  - proposed land use designations;
  - levels of service expected to be provided by each affected jurisdiction;
  - resolution of any differences in regulations relative to development proposals;
  - review of development proposals;
  - definition of urban and regional roles prior to and after annexation of an area;
  - determination of sewer and water extension policies, especially as they relate to special districts or purveyors;
  - determination of the effect of annexation on any interlocal agreement between the county and municipality; and,
  - determination of methods for resolving annexation disputes.
- 11.1.2 Establish agreements for appropriate allocation of financial burdens resulting from the transition of land from county to city jurisdiction.

- 11.1.3 Develop, in cooperation with the jurisdictions, a standard system or process to assess each proposed annexation. At a minimum, the following issues should be addressed:
- financial impacts to both the city or town and the county;
  - transition of services such as public safety, parks and recreation, transportation and utility services;
  - adequacy of government services including social services; and,
  - preservation of logical service areas.
- 11.1.4 Each jurisdiction shall provide the county with its plan and timeline for annexations and, if applicable, any triggering mechanisms or thresholds which would initiate annexation.
- 11.1.5 Public information shall be provided jointly or individually by both the county and annexing jurisdiction for annexation proposals so that residents have adequate information to make a decision.