

ANNEXATIONS

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INTRODUCTION

The first section of this topic paper provides an overview of the state and county framework, including countywide planning policies that govern the annexation of unincorporated territory by cities, as well as the role of boundary review boards in annexation proceedings. The second section focuses on the City of Seattle's annexation policies and potential annexation areas, and also describes the status of the City's efforts regarding two potential annexations.

STATE AND COUNTY FRAMEWORK

State Law

Washington State's 1990 Growth Management Act (GMA) imposes limitations on, and establishes a framework for, the annexation authority of cities located within counties subject to GMA requirements. "A major goal of the GMA is to reduce urban sprawl by encouraging development in urban areas where adequate public facilities already exist or where such facilities can be more efficiently provided."¹ The GMA requires counties to designate urban growth areas, which should include a sufficient amount of territory to accommodate urban growth that is projected to occur over the next twenty years. Consistent with the goal of controlling urban growth, the GMA limits the territory that a city may annex to that which lies within its urban growth area.

In state law, the chapter that controls the annexation of unincorporated areas is [Chapter 35.13 RCW](#). This chapter provides for a variety of methods of annexation by cities and towns, including a "sixty percent petition" method, which is the method most commonly used, and an "election method" that can be initiated either by petition or city council resolution. Some of the other methods include those dealing with annexations for municipal purposes, annexations of federally-owned areas, and annexations of unincorporated islands.

Countywide Planning Policies

The GMA also requires cities and counties to work together to develop a set of framework policies to guide development of their individual comprehensive plans. These framework policies are known as the Countywide Planning Policies (CPPs). In King County, the CPPs were first adopted in 1992, and they have since been amended several times, most recently in 2012. "The CPPs describe an overall vision for the cities and unincorporated portions of King County, and provide general strategies and approaches to be used by local jurisdictions, acting individually and cooperatively, to achieve that vision. The policies address those issues that

¹ Municipal Research and Services Center. "[Annexation by Washington Cities and Towns](#)." (June 2014).

benefit from greater consistency across jurisdictions and those that are of a countywide or regional nature.”²

The CPPs currently contain eight policies related to annexations, with one of the policies specifically related to a City of Seattle potential annexation area. In general, the policies promote coordination among jurisdictions to avoid overlapping growth areas or leaving unincorporated urban islands between cities. The policies also encourage the annexation of unincorporated areas when the annexing cities have the capability to provide a full range of urban services. For a complete list of the eight annexation-related policies from the CPPs, see Attachment A.³

Boundary Review Board

In 1967, the Washington State Legislature made a finding that “in metropolitan areas of this state, experiencing heavy population growth, increased problems arise from rapid proliferation of municipalities and haphazard extension of and competition to extend municipal boundaries.”⁴ Therefore, to guide and control the creation and growth of cities, the Legislature established boundary review boards through [Chapter 36.93 RCW](#). The legislation mandated boundary review boards in the four urban counties of the state, including King County, and provided an option for creation of boundary review boards in the state’s other counties. There are now boundary review boards in 18 counties.⁵

The boundary review board that has jurisdiction over the City of Seattle’s growth activities is the Boundary Review Board for King County (BRB). The BRB has 11 members, with four being appointed by the King County Executive, four being appointed by the mayors in the cities of King County, and three being appointed from nominations by special purpose districts (fire, water and sewer districts).

Within King County, the initiators of the following types of actions must file a notice of intention with the BRB within 180 days:

- Creation, incorporation, or change in the boundary of a city, town or special purpose district.
- Consolidation of special purpose districts.
- Dissolution or disincorporation of a city, town or special purpose district.
- Assumption by a city or town of all or part of the assets, facilities or indebtedness of a special purpose district which lies partially within the city or town.
- Establishment of, or change in the boundaries of, a mutual water and sewer system or separate sewer system by a water-sewer district.

² 2012 King County Comprehensive Plan (Updated November 2013), [Chapter 1: Regional Growth Management Planning](#).

³ [King County 2012 Countywide Planning Policies](#).

⁴ [RCW 36.93.010](#).

⁵ Boundary Review Board for King County, [Background Information](#).

- Extension of permanent water or sewer service outside of its existing area by a city, town or special purpose district.⁶

After receiving a notice of intention, the BRB is required to notify all potentially interested jurisdictions and invite public comment during a 45-day public review period. The BRB then holds a public meeting to review the proposal with respect to state and county regulations, and may also hold a public hearing. Following a public hearing, the BRB evaluates the testimony and materials to determine whether the proposed action meets or fails to meet required boundary review board criteria. These criteria are detailed in RCW 36.93.170 and .180, and include items such as: population density, land area and uses, comprehensive plans and zoning, need for municipal services, and the effect of the proposal on economic and social interests. The BRB also evaluates compliance with the GMA, the King County Comprehensive Plan and other statutory requirements. Based on its findings, the BRB can act to approve, deny or modify a proposed annexation, merger or other action.

SEATTLE POTENTIAL ANNEXATION AREAS

The City’s Comprehensive Plan⁷, in Section D of the Urban Village element⁸, specifies four policies related to annexation. The policies are:

UV58 Seek, through cooperative efforts with adjacent jurisdictions, an equitable and balanced resolution to jurisdictional boundaries of the remaining unincorporated areas adjacent to the city’s limits. Future annexations to Seattle and/or city boundary changes shall be based on the following:

1. The area has access or can easily be connected to areas already served by the City, allowing efficient delivery of services to the area;
2. The City can readily provide services to the area; and
3. The boundary changes or interjurisdictional agreements will result in a fair and equitable distribution of revenues, facilities development and maintenance and operating costs, and transfer of assets.

UV59 Designate as Potential Annexation Areas that include parcels currently owned by the City or small areas almost completely surrounded by land currently within Seattle’s city limits. Areas meeting these conditions are designated as Potential Annexation Areas as shown in Urban Village Figure 9 (*see Attachment B*).

UV60 Favorably consider annexation requests by the residents of unincorporated areas to meet regional growth management goals.

UV61 Support annexations of unincorporated areas to surrounding jurisdictions by being involved in public participation efforts to determine local sentiment regarding

⁶ [RCW 36.93.090](#).

⁷ [City of Seattle Comprehensive Plan](#). (January 2005).

⁸ City of Seattle Comprehensive Plan, [Urban Village Element](#). (January 2005).

annexations, participating in the development of interlocal agreements concerning final annexation plans with the goal of eventually eliminating any unincorporated island areas, and participating in the evaluation of any proposals to create new jurisdictions in these areas.⁹

In addition to the policies described above, the Comprehensive Plan designates two Potential Annexation Areas (PAAs) for the City. (See Attachment B for maps of the PAAs.) The first is an area located near the southwest portion of the city limits, and consists of the unincorporated area generally between the City of Seattle and the City of Burien. Components of this PAA are commonly referred to as the Duwamish Annexation Area and the North Highline Annexation Area. See below for more information on these areas and the City's recent actions related to annexation.

The second PAA is located near the southeast corner of the city, and consists of a small area centered around 68th Place South. At the time of this writing, the City has not taken any steps towards annexation for this area.

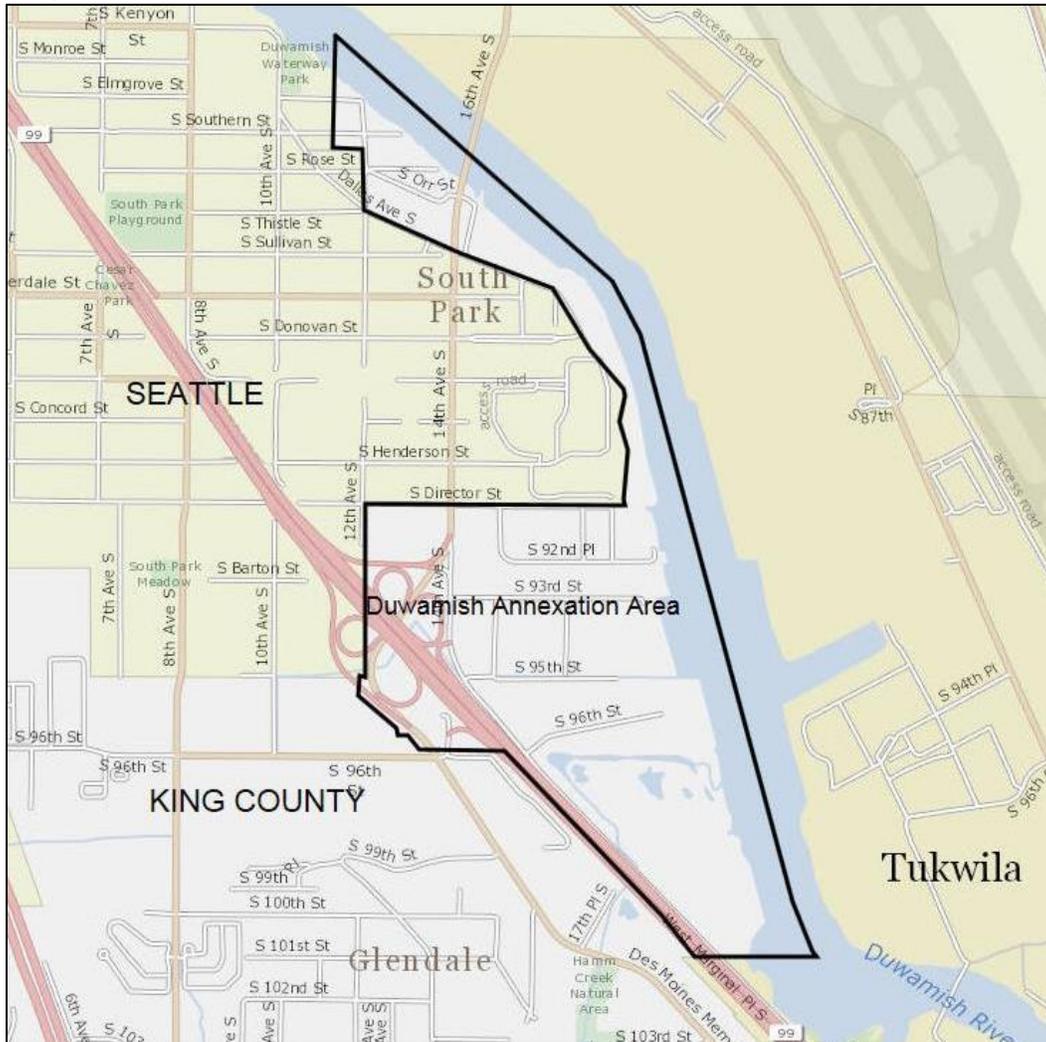
Duwamish Annexation Area

In February 2014, the City Council adopted [Resolution 31502](#) calling for the annexation, by election method, of the Duwamish Annexation Area. The annexation area consists of two areas that were designated as PAAs at different times: the Duwamish Industrial Triangle (designated in 1996) and the South Park "Sliver by the River" (designated in 2012).

The Duwamish Annexation Area consists of approximately 220 acres with an estimated population of 177. It is located adjacent to and south of the South Park neighborhood, between the Duwamish River and State Route 99. North of the South Park Bridge, the area consists of mainly single family residences. South of the bridge, the area contains a marina, industrial and manufacturing uses, and the Seattle City Light Duwamish substation.

⁹ The City is currently working on an update to the Comprehensive Plan, with the update scheduled to be finalized in 2016. The annexation policies in the draft version of the update are slightly different than those contained in the current Comprehensive Plan, but the Potential Annexation Areas remain the same. The draft version of the annexation policies can be found [here](#).

Map 1: Duwamish Annexation Area



An April 2012 fiscal analysis performed by the City Budget Office and the Office of Intergovernmental Relations estimated that the annexation would generate an additional \$530,000 in net annual revenue to the City. However, the analysis also identified a number of substantial one-time capital and environmental remediation costs for which there is no supporting revenue. “These obligations could potentially exceed \$120 million in one-time costs for sewer and drainage infrastructure and environmental liabilities.”¹⁰

Following adoption of Resolution 31502, in August 2014, the City invoked the jurisdiction of the Boundary Review Board for King County and filed a Notice of Intention to Annex the Duwamish Annexation Area. The BRB held public hearings in July and August 2015 to consider the proposed annexation, and on September 10, 2015 approved the annexation. The filing of the BRB’s decision opens a 30-day appeal period to Superior Court, and following the conclusion of

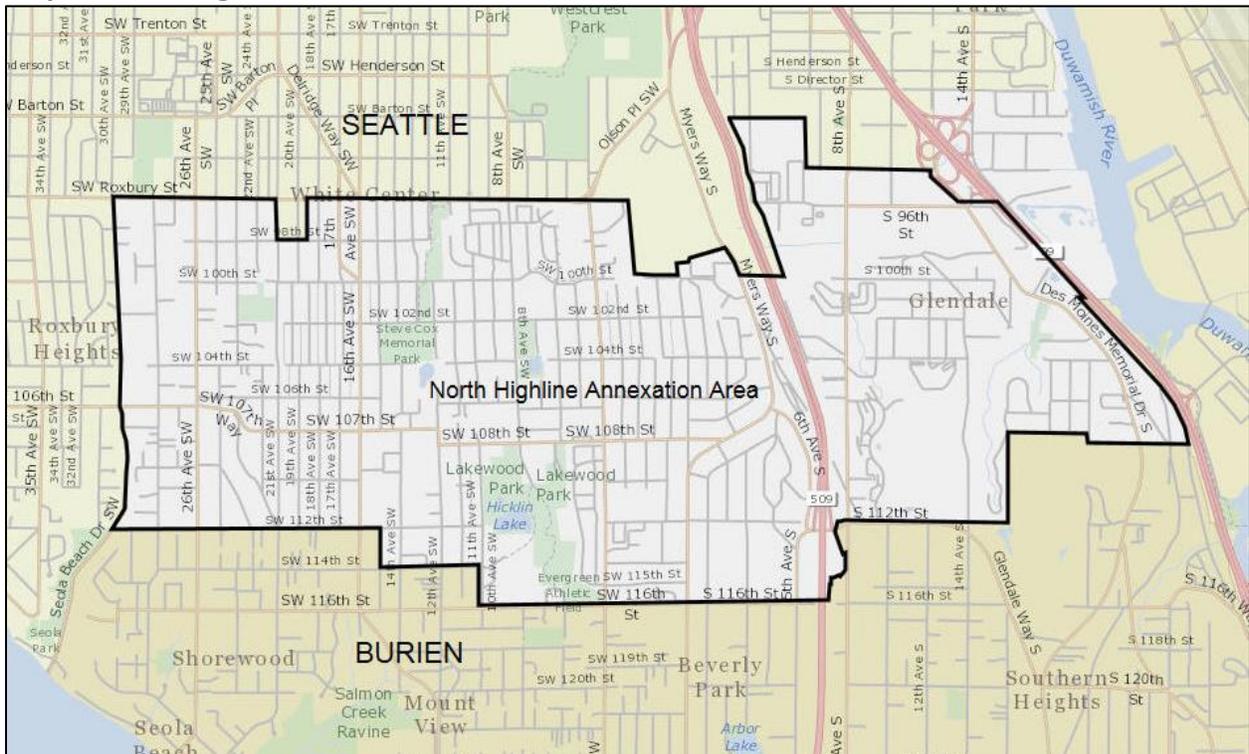
¹⁰ [Analysis of the Potential Annexation of the Sliver on the River and the Duwamish Industrial Triangle into the City of Seattle](#). (April 5, 2012).

the appeal period, the City may work with King County to set an election date for the registered voters of the Duwamish Annexation Area to approve or reject the annexation.

North Highline Annexation Area

The North Highline Annexation Area was designated as a PAA by the City Council in 2006. The area consists of approximately 2,045 acres with an estimated population of 17,392, and is bordered by the cities of Seattle, Burien and Tukwila (along the southeast corner). Some of the neighborhoods that make up the area are White Center, Roxhill, Top Hat, Beverly Park, Glendale and the northern portion of Boulevard Park.

Map 2: North Highline Annexation Area



At various times since 2008, the City has engaged in formal mediation processes regarding potential boundary and service issues related to the unincorporated North Highline area, which included the North Highline Annexation Area, the Duwamish Annexation Area and a third area that was successfully annexed by the City of Burien in 2010. The City of Burien also attempted to annex the North Highline Annexation Area in 2012, but was unsuccessful and is no longer pursuing annexation of the area. In December 2014, the City Council adopted [Resolution 31559](#) initiating the proceedings for the annexation of the North Highline Annexation Area, and stating that the City “intends to continue evaluating the advisability of such annexation pending the state’s decision regarding increased financial assistance.”

The phrase concerning “the state’s decision regarding increased financial assistance” is a reference to provisions contained in [RCW 82.14.415](#), a section of state law that establishes a

sales and use tax credit to offset municipal service costs to newly annexed areas. In 2009, RCW 82.14.415 was amended by Senate Bill 5321¹¹ to allow the City access to state funds, but limited the amount available to the City to \$5 million per year for a 10-year period. According to a fiscal analysis performed by the City Budget Office and the Office of Intergovernmental Relations in January 2011, the annexation could cost the City “on an on-going basis between \$1.8 million and \$16.8 million and obligate the City to between \$5.2 million and \$91.4 million in one-time costs.”¹² The City is currently advocating for modifications to state law that would increase the amount of the sales and use tax credit from \$5 million to \$8 million per year, and reduce the number of years the credit is available from a 10-year period to a 6-year period.

In June 2015, the City invoked the jurisdiction of the BRB and filed a Notice of Intention to Annex the North Highline Annexation Area. The City subsequently requested an extension of the BRB’s review period until April 2016. The additional time requested is to allow the City to continue to work with the Washington State Legislature to secure additional resources to support the proposed annexation, and to work with King County to identify and address transition responsibilities.

ATTACHMENTS:

Attachment A: Annexation Policies from Countywide Planning Policies

Attachment B: City of Seattle Potential Annexation Areas

¹¹ [2009 Senate Bill 5321](#).

¹² [Analysis of the Potential Annexation of North Highline into the City of Seattle: A Report to the Seattle City Council](#). (January 18, 2011).

ATTACHMENT A: Annexation Policies from Countywide Planning Policies

- DP-21** Coordinate the preparation of comprehensive plans among adjacent and other affected jurisdictions as a means to avoid or mitigate the potential cross-border impacts of urban development.
- DP-22** Designate Potential Annexation Areas in city comprehensive plans and adopt them in the Countywide Planning Policies. Ensure that Potential Annexation Areas do not overlap or leave unincorporated urban islands between cities.
- DP-23** Facilitate the annexation of unincorporated areas within the Urban Growth Area that are already urbanized and are within a city's Potential Annexation Area in order to provide urban services to those areas. Annexation is preferred over incorporation.
- DP-24** Allow cities to annex territory only within their designated Potential Annexation Area as shown in the Potential Annexation Areas Map in Appendix 2. Phase annexations to coincide with the ability of cities to coordinate the provision of a full range of urban services to areas to be annexed.
- DP-25** Within the North Highline unincorporated area, where Potential Annexation Areas overlapped prior to January 1, 2009, strive to establish alternative non-overlapping Potential Annexation Area boundaries through a process of negotiation. Absent a negotiated resolution, a city may file a Notice of Intent to Annex with the Boundary Review Board for King County for territory within its designated portion of a Potential Annexation Area overlap as shown in the Potential Annexation Areas Map in Appendix 2 and detailed in the city's comprehensive plan after the following steps have been taken:
- a) The city proposing annexation has, at least 30 days prior to filing a Notice of Intent to annex with the Boundary Review Board, contacted in writing the cities with the Potential Annexation Area overlap and the county to provide notification of the city's intent to annex and to request a meeting or formal mediation to discuss boundary alternatives, and;
 - b) The cities with the Potential Annexation Area overlap and the county have either:
 - i) Agreed to meet but failed to develop a negotiated settlement to the overlap within 60 days of receipt of the notice, or
 - ii) Declined to meet or failed to respond in writing within 30 days of receipt of the notice.

ATTACHMENT A: Annexation Policies from Countywide Planning Policies

- DP-26** Develop agreements between King County and cities with Potential Annexation Areas to apply city-compatible development standards that will guide land development prior to annexation.
- DP-27** Evaluate proposals to annex or incorporate unincorporated land based on the following criteria:
- a) Conformance with Countywide Planning Policies including the Urban Growth Area boundary;
 - b) The ability of the annexing or incorporating jurisdiction to provide urban services at standards equal to or better than the current service providers; and
 - c) Annexation or incorporation in a manner that will avoid creating unincorporated islands of development.
- DP-28** Resolve the issue of unincorporated road islands within or between cities. Roadways and shared streets within or between cities, but still under King County jurisdiction, should be annexed by adjacent cities.

