



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Peter Huffman, Director, Planning and Development Services  
 Brian Boudet, Planning Manager, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Request for Resolution – October 9, 2018  
**DATE:** September 20, 2018

**SUMMARY:**

Acknowledging the request for annexation received from ABM Construction, LLC for two parcels of property at 8717 McKinley Avenue East, and setting October 23, 2018, as the date for a meeting with the annexation initiating party.

**STRATEGIC POLICY PRIORITY:**

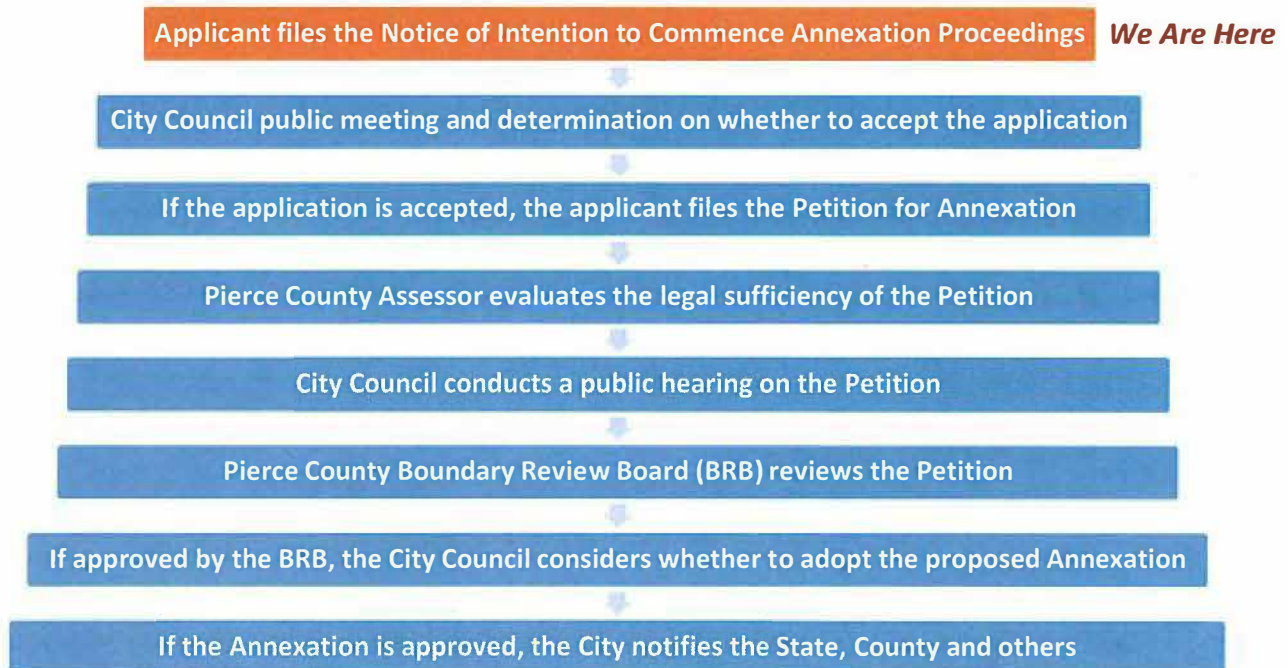
Setting the date for a meeting with the applicant is best aligned to the following strategic policy priority:

- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

**BACKGROUND:**

Pursuant to State Law (RCW 35.13.125), on August 27, 2018, ABM Construction, LLC, the owner of two parcels of property at 8717 McKinley Avenue East in unincorporated Pierce County, filed with the City of Tacoma a Notice of Intention to Commence Annexation Proceedings, as provided in Exhibit “A”, attached hereto, indicating their desire to begin annexation proceedings for said property.

Of the seven methods of annexation available to first class cities, the applicant is applying the “Sixty Percent Petition Annexation Method.” As outlined in State Law, this method generally consists of the following sequential steps:



To complete the abovementioned process, it is estimated that it would require 12 to 18 months, or longer, to fulfill certain mandated timelines associated with some of the steps, while allowing adequate amount of time for staff analysis, review by service providers, discussion about zoning and land use, community outreach and engagement, and other appropriate and necessary procedures.

The applicant/owner indicates that the annexation is being sought in order to facilitate development of the 4.4-acre property into a multi-lot single-family residential development. Annexation would allow the property to access the City's sewer system. The applicant claims that if annexation is not allowed now, the cost to bring sewer in later, road repair, sidewalk repair, drain field removal, septic tank removal and hookup to the street main after the neighborhood is built would be significant and considered detrimental to the neighborhood.

State Law requires that the City Council set a date, not later than sixty days after the filing of such request, for a meeting with the applicant to determine whether the City will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the comprehensive plan, and whether it shall require the assumption of all or any portion of existing City indebtedness by the area to be annexed.

**ISSUE:**

There is no issue in fixing the date, time and place for the required public meeting. However, as to the proposed annexation, staff would provide the following initial considerations:

- The 4.4-acre subject area is part of the approximately 10,500-acre Parkland/Spanaway Potential Annexation Area, which is an Urban Growth Area (UGA) as designated in both the City's and the County's comprehensive plans, where annexation to the City of Tacoma is expected and encouraged by the State Growth Management Act and regional planning policies.
- Consideration of annexations is subject to numerous laws and standards, including review by the Pierce County Boundary Review Board (BRB). The BRB's standards of review, as outlined in State Law (RCW 36.93.180), include the following objectives (*bold highlights added*):
  - (1) Preservation of natural neighborhoods and communities;
  - (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
  - (3) Creation and preservation of logical service areas;**
  - (4) Prevention of abnormally irregular boundaries;**
  - (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
  - (6) Dissolution of inactive special purpose districts;
  - (7) Adjustment of impractical boundaries;
  - (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
  - (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.
- According to a preliminary review conducted by the Clerk to the BRB, the proposal would appear to further add to an already irregular city boundary in the vicinity, contrary to State Law, and would likely be denied by the BRB.

- The BRB Clerk also noted that including additional properties in the area, such as at least the two abutting parcels along McKinley Avenue to the north and south, might facilitate better consistency between the proposal and the applicable standards.
- Also, recognizing that these properties are part of a larger Potential Annexation Area, it may be preferable for the subject properties to be deferred to and incorporated into pre-annexation planning efforts for the Parkland/Spanaway UGA, although it is acknowledged that there is currently no timeline for such a project.

**ALTERNATIVES:**

There is no feasible alternative to the date of October 23<sup>rd</sup> for the required public meeting because (a) it is the last regularly scheduled meeting date of the Council before the expiration of the mandatory 60-day period since the filing of the annexation request, and (b) setting a public meeting earlier than October 23<sup>rd</sup> does not allow adequate time for public notification of the meeting.

As to the proposed annexation, at this point of the annexation process the Council has three alternatives when making a determination on the request (upon conclusion of the public meeting), i.e., accepting it, rejecting it, or accepting it with the subject area modified. It is important to note that if the Council chose to accept the annexation proposal, this does not mean that the Council is committing itself to ultimately annexing the territory. The decision to accept merely allows the annexation proposal to go forward procedurally. If the Council rejects the annexation proposal, the applicant has no right of appeal.

**RECOMMENDATION:**

The City Council is recommended to adopt a resolution on October 9, 2018 to acknowledge the request for annexation of the property as described in Exhibit "A" and set October 23, 2018 as the date for a public meeting with the annexation initiating party.

**FISCAL IMPACT:**

Specific fiscal and financial impacts of the proposed annexation to the City and the applicant would need to be evaluated if the request for annexation is accepted and moves forward. If the annexation is completed, the City will be required to provide services to the property. The City will also collect property and other taxes from the property.