

# **CHAPTER 13**

## **DEVELOPMENT IN THE UNINCORPORATED AREAS AND ANNEXATION**

### **Introduction**

Over the years, extensive development has occurred in the unincorporated areas surrounding Auburn. This trend is likely to continue in the future. Ultimately, most if not all of these areas will be incorporated into the Cities of Auburn, Kent or Federal Way in King County, and Sumner in Pierce County. Discussions between these cities have resulted in the designation of potential annexation areas (PAAs) or urban services areas (USAs) for each jurisdiction. PAA's is the term used in King County for urban growth areas while Urban Services Areas is the term used in Pierce County. Throughout this document, the terms PAA, USA and UGA (Urban Growth Area) are used interchangeably. It is anticipated that areas within each City's PAA/USA will annex to the city at the appropriate time. After a significant amount of annexation by the City since 2000, the size of the City's PAA has decreased significantly and the amount of unincorporated lands within the City's remaining PAA is relatively small.

### **Issues and Background**

#### **Annexation and Utility Service in Unincorporated Areas**

Annexation is the inclusion of previously unincorporated lands within the City limits. While development in the unincorporated areas surrounding the City may have significant impacts on the city itself, including, but not limited to, traffic, parks, and city utilities, the City has limited control over the development that takes place in these areas. For these reasons, the

City and its citizens have a vested interest in seeing that the City increases its ability to control development in these areas through annexation.

When property owners and residents of these unincorporated areas annex to the City they gain access to the urban services provided by Auburn such as increased police and fire protection, building and land use controls and storm and surface water control. Further, they are fully represented in the local government that has a direct impact on their daily lives.

The City of Auburn's potential annexation area was designated after discussions with Federal Way, Kent, Pacific, Sumner and King and Pierce Counties. The City's remaining PAA is shown in Map 3.1. These boundaries were established taking into consideration a range of issues related to community identification, logical service area and physical features.

## **GOAL 5. CITY EXPANSION AND ANNEXATION**

To ensure the orderly development of the City's potential annexation area, in a manner that ensures adequate and cost-effective provision of required urban services and facilities, ensures that development is built to City standards, reduces sprawl, implements the goals, objectives and policies of the Auburn Comprehensive Plan, and protects designated rural areas.

Objective 5.2: To ensure that all development that occurs within Auburn's Potential Annexation Area is built in compliance with City codes and standards.

Policies:

CE-1 The City shall actively pursue intergovernmental agreements with King and Pierce Counties to ensure that all development within Auburn's potential annexation area be built to mutually agreed upon standards. These agreements should cover a wide range of areas, including, but not limited to, development standards, collection of impact fees, annexations, urban service provision and land use, transportation, parks and capital facilities planning.

CE-2 The City of Auburn shall encourage the annexation of areas ready for development due to: location within the Auburn Urban Growth Area; proximity to the City; existing urban development patterns; and the City's ability to provide adequate and cost-effective urban services.

CE-3 Until such time a joint planning agreement between the City and respective county is in effect that provides for development in the

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unincorporated Potential Annexation Areas (PAA) to meet City standards, annexation shall be required as a condition of the City's provision of sewer and/or water utility service to properties within the Potential Annexation Area. Exceptions to this involve requests for water and/or sewer service for the following:

- Single family residences on pre-existing lots;
- To address a documented imminent health or safety consideration; or,
- To development where a water/sewer availability development agreement has previously been approved with the city and is still valid; or
- Public facilities, provided that development of the public facility is otherwise consistent with an applicable adopted capital facilities plan.

In situations where an exception applies, the City of Auburn shall require the property owner to enter into a legally binding, non-remonstrance pre-annexation agreement with the City. The agreement shall provide for the property owners support for annexation to the City at such time as the City deems annexation appropriate. In these instances, the following conditions shall also apply:

- The property owner/developer shall agree to comply with appropriate City development standards and public facility specifications where such requirements are not superseded by applicable County requirements (in the event of significant conflict between City and County requirements, the City may choose to not extend utility service). Any facilities to be dedicated to the City of Auburn upon completion (e.g. sewer and water lines and appurtenances) shall be built in accordance with City design and construction standards; and
- The property owner/developer shall allow City plan review prior to construction, and inspection during construction of all public improvements as they are built, regardless of the ownership of such improvements, and shall reimburse the City for any reasonable costs incurred in such plan review and inspection.

This policy shall go into effect January 1, 2005, provided that, the City will process those water/sewer availability certificate applications received by December 31, 2004 under the prior policy that requires a development and pre-annexation agreement.

CE-3A The City shall seek interlocal agreements with the adjacent sewer purveyors that provide sewer service to developers inside of Auburn's PAA to obtain an Auburn Pre-Annexation Agreement prior to issuing a Sewer Certificate of Availability.

Objective 5.3: To ensure that any urban service extension is in full compliance with the City's facility plans, this comprehensive plan and the Countywide Planning Policies.

Policies:

CE-4 The City of Auburn shall not extend or allow the extension or upsizing of City sanitary sewer or water utility service beyond its respective approved utility service areas, except through interlocal agreements with adjacent recognized service providers.

CE-5 City services other than City utilities may be provided beyond the Potential Annexation Area, by contract, interlocal agreement, or otherwise, only under the following circumstances:

- Such services will not be provided at a level or to a standard that will encourage urban growth beyond the approved urban growth boundary; or
- The extension is into an adjacent jurisdiction's officially designated Potential Annexation Area recognized by the City as an area appropriate for urban growth.

CE-6 The availability of urban services at levels beyond those which are minimally required to meet the needs of an area will not presume or justify approval of a development that is inconsistent with this plan or other adopted land use plans.

CE-7 The City of Auburn shall not extend or allow the extension of City sewer or water utility service within areas designated as Rural on the City's Comprehensive Plan Map, or within designated Agricultural or Forest Resource Lands, except when the extension is necessary to alleviate an imminent threat to public health, in which case such extension shall be designed or conditioned to ensure that it does not promote additional urban development.

Objective 5.4: To ensure coordination and cooperation between the City of Auburn and adjacent jurisdictions in implementing mutual goals, objectives and policies regarding urban growth.

Policies:

CE-8 The City shall continue to actively participate in and influence the planning and development activities of adjacent jurisdictions, in order to promote the interests of the City and its residents.

CE-9 Auburn's Growth Impact Area is designated by Map 3.1. Growth and development within these areas has a high potential for impacting the City and its residents. The City shall seek interlocal agreements with King County, Pierce County and other appropriate jurisdictions, to provide a meaningful role for the City in the development of land use and development policy, and in the review of significant development proposals, within these areas.

CE-10 The City shall oppose, and shall seek adjoining jurisdictions agreement to prohibit, additional urban development within Auburn's Potential Annexation Area, unless adequate urban governmental services (including but not limited to storm and sanitary sewer systems, water utility systems, adequate streets and arterials, parks and open spaces, fire and police protection services, emergency medical services, public schools and public transit services) are provided concurrent with development. Exceptions to the requirement for urban sanitary sewer and water utility service may be permitted pursuant to a Non-remonstrance Agreement between the City and the property owner and satisfying the requirements of the King County Board of Health for property situated in King County or the Pierce County Board of Health for Property situated in Pierce County

CE-11 Whenever on site sewage facilities are allowed, they shall be sited, designed, built and maintained according to guidelines of the King County Department of Health for property situated in King County and the Pierce County Department of Health for property situated in Pierce County. If built in an area contributory to any beneficial groundwater use, including but not limited to planned or existing potable water sources or existing fisheries, such facilities shall demonstrate compliance with the Washington State Anti-Degradation Policy (WAC 173-200-030) and implement all known, available and reasonable methods of control and treatment for the reduction or elimination of pollutants.

CE-12 The City of Auburn shall pursue processes to include areas around North Lake Tapps within the City's Potential Annexation (Urban Services) Area. This will also include seeking an amendment to the Pierce County Comprehensive Plan to include areas presently designated "Rural" into the County Urban Growth Area (CUGA). City comprehensive plan designations and zoning applied to these areas shall provide for appropriate lower and moderate density transitions adjacent to the City's existing "Rural" and R1 (Single Family Residential) zones.