

S U M M A R Y

FILE NO.	2281	Thomas Guide Map No.	624-625; 654-655
		Date Received:	06/25/08
		Date Completed:	07/01/08
ENTITY	City of Burien	Date Distributed:	07/01/08
		Date Filed:	
ACTION	Petition/Resolution by Burien City Council for Land Annexation (Election Method)	Expiration 45 Days:	08/15/08
TITLE	North Highline Annexation	Board Meeting:	07/10/08

Introduction: The City of Burien proposes annexation of a portion of the North Highline Area. The annexation has been proposed by the citizen petition/election method (RCW 35A.14).
The City has invoked jurisdiction to permit public review of the annexation proposal by the Washington State Boundary Review Board for King County.
The Washington State Boundary Review Board for King County is an independent, quasi-judicial agency established to ensure logical, orderly growth of urban communities.

Location The North Highline Annexation Area is located immediately adjacent to the northern boundary of the City of Burien.
The North Highline Annexation Area's northernmost boundary is variously formed by South 107th Street, South 108th Street, South 116th Street, SW 112th Street and SW 116th Street. The western boundary of the site is variously formed by the City of Seattle corporate boundary (at approximately 29th Avenue SW) and by Ambaum Boulevard SW. The eastern boundary of the site is generally formed by SR 99 adjacent to the City of Tukwila. The southern boundary of the site is formed by South 128th Street and SW 128th Street.

Land Area 1705 acres

Land Use: Residential (Single-Family; Multi-Family); Office; Neighborhood Commercial; Community Commercial; Regional Commercial; Public Open Spaces

Population Estimate 14,350 persons

Assessed Valuation \$1,185,459,800.

County Comprehensive Plan Designation/Zoning Residential Uses (Low Density Single-Family; Medium Density Single-Family Use; Medium Density Multi-Family Use); Office Uses; Commercial Uses; Public Uses/Open Space

**City Comprehensive Plan/
Zoning**

Proposed: Residential Uses (Low Density Single-Family; Medium Density Single-Family Use; Medium Density Multi-Family Use); Office Uses; Commercial Uses; Public Uses/Open Space

(Note: The City of Burien reports a commitment to adopt for North Highline, at annexation, land use designations and zoning requirements that are essentially equivalent to land use designations and zoning requirements currently in place under the jurisdiction of King County. Burien representatives report a plan to then work with citizens of the area to determine long range land use designations and zoning requirements for the North Highline Area.)

District Comprehensive Plan Not applicable.

District Franchise Not applicable

Urban Growth Area (UGA) The North Highline Area is located within the Urban Growth Area as identified under the State Growth Management Act, King County Comprehensive Plan and City of Burien Comprehensive Plan.

SEPA Declaration The proposed North Highline Annexation is exempt from SEPA pursuant to RCW 43.21C.222.

ENTITIES/AGENCIES NOTIFIED:

King County Council Member(s) Dow Constantine; Julia Patterson; Larry Phillips

King County: Clerk of Council, Department of Natural Resources (DNR); Department of Development and Environmental Services (DDES), Department of Assessments, Department of Transportation (DOT), State Department of Ecology (DOE), King County "911" Program, Office of Management and Budget, Deputy Prosecuting Attorneys' Office, King County Records and Election Division, Fire Marshal Division, Historic Preservation Program, Puget Sound Regional Council, Community and Human Services, Public Health Department

Cities: Seattle, Tukwila, SeaTac

Fire Districts: King County Fire Protection District No. 2, King County Fire Protection District No. 11; King County Fire Protection District No. 24

Water Districts: King County Water District 20; Seattle Public Utilities; King County Water District 45, King County Water District 49, King County Water District 54, King County Water District 125; Highline Water District;

Sewer Districts: Midway Sewer District; Valley View Sewer District; Southwest Sewer District

School District: Highline School District #401; Tukwila School District #406

SUMMARY (File No. 2281)

The City of Burien proposes annexation of 1705 acres known as the North Highline Area. Annexation is proposed in response to citizen interest in joining the City of Burien. The North Highline Area Annexation Notice of Intention is based upon a Resolution by the Burien City Council approving a plan to incorporate this territory. This Resolution was approved in May of 2008.

The North Highline Annexation Area is located immediately adjacent to the northern boundary of the City of Burien. The North Highline Annexation Area's northernmost boundary is variously formed by South 107th Street, South 108th Street, South 116th Street, SW 112th Street and SW 116th Street. The western boundary of the site is variously formed by the City of Seattle corporate boundary (at approximately 29th Avenue SW) and by Ambaum Boulevard SW. The eastern boundary of the site is generally formed by SR 99 adjacent to the City of Tukwila. The southern boundary of the site is formed by South 128th Street and SW 128th Street.

With the annexation application based upon the Resolution, the City of Burien has invoked jurisdiction at the Washington State Boundary Review Board for King County. The City is seeking a public hearing in order to provide an opportunity for North Highline citizens to comment upon the proposed annexation before Boundary Review Board as this body is an independent, quasi-judicial agent established by statute (RCW 36.93) to ensure logical, orderly growth of urban communities.

Further, the City of Burien Resolution calls for an election to permit the citizens of the North Highline Area to ultimately decide whether or not to join the City of Burien.

The North Highline Area is currently described as a Potential Annexation Area for both the City of Burien and the City of Seattle. The City of Burien adopted a Potential Annexation Area in November 2006 to include the North Highline Area. In December 2006, the City of Seattle adopted a Potential Annexation Area including the North Highline Area. These actions resulted in the creation of overlapping Potential Annexation Areas.

At the time that the City of Burien and the City of Seattle actions resulted in the designation of overlapping Potential Annexation Areas, the King County Comprehensive Plan/Countywide Planning Policies prohibited the overlap of city-designated Potential Annexation Areas. Based upon that prohibition, the matter was referred to the State Growth Management Hearings Board. In July of 2007 the Growth Management Hearings Board issued Final Decisions and Orders reporting that:

"...King County (has) developed a process for resolving 'overlapping PAA' disputes and that in light of that process, Burien's action (and Seattle's action) (were) not clearly erroneous and complied with the Growth Management Act."

(Note: Please see the Information Packet for File No. 2281 for the complete Growth Management Hearing Board Decisions and Orders.)

Following the Growth Management Hearings Board Decisions and Orders, King County undertook the implementation of processes to address the City of Burien/City of Seattle overlapping Potential Annexation Areas. The Growth Management Planning Council of King County (on June 18, 2008) and the King County Council (on June 23, 2008) adopted the following revisions to King County Comprehensive Plan/Countywide Planning Policies:

"LU-31 *In collaboration with adjacent counties and cities and King County, and in consultation with residential groups residents, businesses, and other organizations in affected areas, each city shall designate a potential annexation area in the city's comprehensive plan. After recommendation by the GMPC and ratification, the Interim Potential Annexation Area Map . . . shall be amended to show each city's approved PAA. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap, except as allowed under policy LU-32. Within the potential annexation area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.*"

LU-32 *A city may annex territory only within its designated potential annexation area as shown on ... the Interim Potential Annexation Area Map. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed*

The following applies only within the North Highline unincorporated area. Where PAAs overlap prior to January 1, 2009, the cities with the PAA overlap and the county should attempt to establish alternative non-overlapping PAA 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 PAA overlap as shown on the Interim Potential Annexation Area Map and detailed in the city's comprehensive plan after the following steps have been taken:

1. *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 PAA 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;*
2. *The cities with the PAA overlap and the county have either:*
 - a. *Agreed to meet but failed to develop a negotiated settlement to the overlap within 60 days of receipt of the notice, or;*
 - b. *Declined to meet or failed to respond in writing within 30 days of receipt of the notice.*

King County officials report that Policy LU-31, as revised, and Policy LU-32, as revised, now must be ratified by the Cities of King County in order to become confirmed, effective regulatory authorities. The ratification process is currently underway.

Citing the decision of the Growth Management Hearings Board and the actions of King County to address overlapping Potential Annexation Areas for North Highline, Burien representatives report that annexation of the North Highline Area to this community is consistent with the State Growth Management Act. Cited in support of Burien's annexation of North Highline are: RCW 36.70A.020 (1), and RCW 36.70A.020 (12) which encourage the efficient provision of public facilities and services to developed areas by appropriate government units. Also cited in support of Burien's annexation of the North Highline Area are RCW 36.70A.110 (4) and RCW 36.70A.210 (1) which support cities as providers of local services and counties as providers of regional services.

Burien representatives report that the municipality has in place plans, programs, and resources necessary to serve the North Highline Area as conceived by the State Growth Management Act (GMA). In keeping with the provisions of the GMA, Burien representatives report a plan to establish governance and services for North Highline citizens that are equivalent to – or greater than -- those benefits enjoyed under the aegis of King County.

Further citing the decision of the Growth Management Hearings Board and the actions of King County to address overlapping Potential Annexation Areas for North Highline, Burien representatives report that the proposed North Highline Annexation complies with established and/or pending King County Comprehensive Plan/Countywide Planning Policies. Burien representatives take the position that the North Highline annexation would specifically be consistent with the following policies (as summarized):

FW-13: Cities are the appropriate providers of local urban services to Urban Areas.

RF-5: Transitions from regional to local government are encouraged to take place in a timely manner and based upon interlocal agreements between appropriate jurisdictions.

LU-31: Each city shall designate a potential annexation area in (its) comprehensive plan...

Note: City of Burien representatives report (and offer in the Notice of Intention) documentation of communications with officials of the City of Seattle and King County intending to confirm that city officials have achieved compliance with the provisions of the pending revisions of the King County Comprehensive Plan/Countywide Planning Policies LU-31 and LU-32. Compliance – if achieved – would require ratification of King County Comprehensive Plan/Countywide Planning Policy LU-31 by the Cities of King County.

- LU-32: A city may annex territory only within its designated potential annexation area ...
Note: City of Burien representatives report (and offer in the Notice of Intention) documentation of communications with officials of the City of Seattle and King County intending to confirm that city officials have achieved compliance with the provisions of the pending revisions of the King County Comprehensive Plan/Countywide Planning Policies LU-31 and LU-32. Compliance – if achieved – would require ratification of King County Comprehensive Plan/Countywide Planning Policy LU-32 by the Cities of King County.
- LU-34: Unincorporated urban areas within a city's Potential Annexation Area are encouraged to annex to receive urban services.
- LU-37: Adjacent jurisdictions shall cooperate in developing consistent comprehensive plans.

Citing the Growth Management Hearings Board decision and reporting compliance with the requirements established in the pending revisions to King County Comprehensive Plan/Countywide Planning Policies, City of Burien representatives report that the proposed North Highline Annexation is consistent with the provisions of the municipality's Comprehensive Plan. For example:

- Policy AN 1.1: Designates North Highline as being within the City's Potential Annexation Area
- Policy AN 1.2: Establishes provisions for land use and zoning designations of the North Highline Area
- Policy AN 1.3: Establishes requirements for plans and programs to provide services to areas annexed to the City of Burien.

More specifically, City of Burien representatives report that the municipality would plan to continue to support the diverse land uses currently in place in North Highline. Residential uses would continue to predominate. Existing office uses, various commercial uses, and public facilities/spaces would remain in place. Similar new uses would be permitted in the North Highline Area following annexation to Burien.

City of Burien representatives also report that the municipality has resources and capacity to permit provision of services (directly or by contract) to North Highline. With annexation to Burien, all services for the North Highline Area reportedly may be coordinated under unified regulatory authorities administered by a single local government unit.

Citing the Growth Management Hearings Board decision and stating compliance with the requirements established in the pending revisions to King County Comprehensive Plan/Countywide Planning Policies, City of Burien representatives report that the proposed North Highline Annexation is consistent with the provisions of RCW 36.93 (Boundary Review Board Regulations). For example, City of Burien representatives report that:

- The North Highline Annexation would be consistent with Objective 1, which calls for the preservation of neighborhoods. This area is linked to Burien by social fabric (e.g., similar land uses; public facilities; open spaces; and by other built/natural geographic features.)
- The North Highline Annexation would reportedly be consistent with Objective 2 which calls for the use of physical boundaries to determine an annexation area. The borders of the North Highline Area follow municipal lines, roadways, property lines and other physical boundaries.
- The North Highline Annexation would also reportedly be consistent with Objective 3, which calls for creation of logical service areas.

The City of Burien reports available resources and capacity that would permit the City to offer urban services to the area either directly or via agreements between the City and service providers.

More specifically, the City of Burien will assume responsibility for provision of policing services to the North Highline Area by a continued contract with the Office of the King County Sheriff. The City will also provide for fire/emergency services to the North Highline Annexation properties through Fire Protection District No. 11. The City is working to develop a timely plan for transition of service between Fire District No. 2 and Fire District No. 11.

King County Water District No. 20 and Seattle Public Utilities will continue to provide water services to the North Highline Area. Southwest Suburban Sewer District and Valley View Sewer District will continue to provide wastewater service to the North Highline community. The City will provide stormwater management in accord with regulatory authorities.

The City of Burien would provide directly (or by contract) public facilities, human services, and law and justice facilities. Local and regional services – e.g., libraries, parks, recreational facilities, – would be available to the citizens. Area students would continue to be served by the Highline School District and the Tukwila School District.

- The North Highline Annexation would reportedly be consistent with Objectives 4-7, which call for the achievement of reasonable boundaries for a jurisdiction. Although the North Highline Area possesses a rather unusual configuration, the lands within these borders are specifically established for annexation by Burien under the City of Burien Comprehensive Plan.
- The North Highline Annexation would also reportedly be consistent with Objective 8, which calls for inclusion of urban areas within municipalities. Annexation would permit citizens to affiliate with a local government and thus to participate in the local government process.

City of Burien representatives state that a fiscal analysis has been conducted with respect to the proposed North Highline Annexation. At annexation, the City reportedly would receive revenue in the amount of \$4.6 million at annexation. Annual expenditures are anticipated at \$4.6 million including the addition of services and support staff to the North Highline Area. There is an anticipated need for capital projects in the amount of \$60 million to serve North Highline.

City representatives state that the fiscal analysis finds that the citizens of North Highline will support annexation, in part, through property taxes, standard service fees, and other revenues based on population. For example, upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services.

The City would also have access to other resources to address these costs. More specifically, SSB 6686 would permit the City access to sales tax funds that would permit the off-setting of the cost-to-revenue imbalances occurring in conjunction with the North Highline Area Annexation. Newly adopted sales tax streaming regulations would likely benefit the community as well.

Note is made of the fact that King County will experience fiscal impacts in conjunction with an annexation of the North Highline Area to the City of Burien. King County is currently in the process of gathering the data necessary to determine the effects upon revenue and expenditures. This data will be provided for the public hearing at which the Boundary Review Board considers the proposed North Highline Annexation.

Similarly, note is made of the fact that the King County Fire Protection Districts which serve the City of Burien will experience fiscal impacts in conjunction with an annexation of the North Highline Area to the City of Burien. The Districts are currently in the process of gathering the data necessary to determine the effects upon revenue and expenditures. This data will be provided for the public hearing at which the Boundary Review Board considers the proposed North Highline Annexation.

City of Burien representatives report a commitment to taking the necessary steps (e.g., seeking funding, hiring staff members) as to ensure equivalent levels of service for the North Highline Area both at current development and at estimated maximum development. The City reportedly supports the North Highline Annexation so that Burien may serve citizens of the area.