

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

July 10, 2008

Bellevue, Washington

I CALL TO ORDER

Acting Chair Robert Cook convened the meeting at 7:00 P.M.

II ROLL CALL

The following members were present:

Evangeline Anderson	Charles Booth
Robert Cook	Robert George
John Holman	Roberta Lewandowski
Roger Loschen	Michael Marchand

III MINUTES

A. REGULAR MEETING

Acting Chair Cook presented the minutes of the Regular Meeting of May 29, 2008 for review and action by the Board members.

Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes for the Regular Meeting of May 29, 2008. The Board members voted unanimously in favor of approval of this record

IV. SCHEDULING OF PUBLIC HEARING

CITY OF REDMOND: ROSE HILL HEIGHTS SOUTH - (FILE NO. 2278)

Lenora Blauman reported that the City of Redmond has proposed a Notice of Intention for annexation of Rose Hill Heights South and invoked jurisdiction for this file to request a public hearing.

Mrs. Blauman requests that the Board conduct a Special Meeting/Public Hearing for this Notice of Intention on August 18, 2008 with a continued hearing (if necessary) on August 20, 2008.

Board members concurred with the schedule planned for the hearing of the proposed City of Redmond Rose Hill Heights South Annexation.

V. SCHEDULING OF PUBLIC HEARING

CITY OF BURIEN: NORTH HIGHLINE - (FILE NO. 2281)

Lenora Blauman reported that the City of Burien has proposed a Notice of Intention for annexation of North Highline and invoked jurisdiction for this file to request a public hearing.

Mrs. Blauman requests that the Board conduct a Special Meeting/Public Hearing for this Notice of Intention on September 2, 2008 with a continued hearing (if necessary) on September 4, 2008.

Board members concurred with the schedule planned for the hearing of the proposed City of Burien North Highline Annexation.

VI. ADMINISTRATION

A. CHAIR'S REPORT

General Business: Lenora Blauman reported that the Board staff is currently working on several projects including: (1) an orientation program for the Boundary Review Board; (2) coordinating programs with King County Executive/Council Work Program; (3) coordinating activities with the State Association for Legislature 2009; (4) pre-development review for future Notices of Intention; (5) Year 2008 Budget management; and (6) preparation of the Year 2009 Budget Proposal.

File No. 2258: Fairwood Municipal Initiative: City of Fairwood Incorporation Petition: Michael Marchand and Lenora Blauman reported that the Boundary Review Board Fairwood Incorporation Review Sub-Committee (FIRSC) has completed the evaluation process for candidate consultants to prepare the governance and feasibility studies required for addressing the Fairwood Municipal Initiative Request for Proposal for the formation of a new City of Fairwood.

The firm of Henderson & Young has been selected as the primary consultant for the preparation of the Fairwood Incorporation Study. Henderson and Young will employ sub-consultants to provide for selected elements (e.g., public relations) of the planning and preparation of the study documents.

Integral to this task, FIRSC members are working to ensure that there is reasonable opportunity provided for Board members to: (1) obtain required information relating to compliance with state laws (e.g., Incorporation Proceedings – RCW 35.02; State Growth Management Act – RCW 36.70A; RCW 36.93 Boundary Review Board Enabling Act, et seq.); (2) obtain required information relating to government organization plans, service resources/requirements; fiscal data); (3) provide necessary information to government agencies, to citizens, and to other stakeholders affected by the proposed action; (4) conduct public hearings to permit comment from citizens and other government agencies; and (5) make a decision/recommendation concerning the viability of the proposed action, based upon the record for File No. 2258.

Upon completion of the Incorporation Study, the full Boundary Review Board will commence formal review of the Notice of Intention for Incorporation.

More specifically, the Boundary Review Board will determine whether the Incorporation Study provides both sufficient basic governance information and fiscal data to permit a decision pursuant to the proposed incorporation. The Board reserves the authority to call for supplemental feasibility studies if additional information is required to augment the Incorporation Study in order to determine the viability of the proposed City of Fairwood.

RCW 36.93 and RCW 35.02 provide that, upon receipt of sufficient documentation, the Boundary Review Board is granted a reasonable period of time as necessary for this agency and other government agencies to complete the essential legal, technical, and fiscal review processes. The timetable assumes the availability of a comprehensive Incorporation Study.

The proposed review schedule for the Fairwood Incorporation includes completion of the study within approximately four months.

Public review processes for the proposed Fairwood Incorporation would take place following the completion of the studies. These public review processes are currently planned to take place early in 2009.

Mrs. Blauman reported that statutory mandates establish requirements for the Boundary Review Board to conduct a public hearing process including publication of notices, conduct of

the hearing, preliminary decision-making and the issuance of a final decision. More specifically:

- Under statutory mandate, a minimum 30 day public notice is required prior to the conducting of a public hearing. In accord with legal standards, the public hearing is scheduled in a manner that ensures sufficient opportunity for presentation of the incorporation plan and presentation of incorporation studies.
- Under statutory mandate, sufficient time must also be allocated for comment by community members. Similarly, government agencies and service providers must be provided an opportunity to speak about the proposed incorporation.
- Under statutory mandate, the public hearing schedule must also provide sufficient time for the Board to deliberate and come to a preliminary decision/recommendation with respect to the incorporation. In accord with legal standards, the Board must first reach a preliminary decision/recommendation on the proposed incorporation. The Board would then direct staff to prepare the required Resolution and Hearing Report and a Record of the Proceedings. This Report and Record must then be presented to the Board for formal action. The Board must review the documents and then make a final decision/recommendation with respect to the proposed incorporation.

Following the issuance of the final decision/recommendation by the Boundary Review Board, the Fairwood Municipal Initiative may proceed to schedule an election to permit citizens to determine whether to incorporate a new City of Fairwood.

Washington State Association of Boundary Review Boards:

Legislature 2009: Michael Marchand and Lenora Blauman reported that the State Association and the King County Executive/County Council intend to develop a package of proposed legislation for Legislature 2009.

Association representatives and King County representatives have begun meeting with Mike Shaw and Karen Freeman (King County) to begin to formulate a strategy for introducing bills to Legislature 2009.

Association officials are determining whether to either directly (or in conjunction with King County) propose a bill to replicate SHB 1622 to permit boundary review boards to expand proposed annexations by a maximum of 100% of area based upon consistency with applicable statutory mandates (e.g., RCW 36.70A; RCW 36.93).

The Association is also developing a plan for shepherding a proposed bill through the Legislature through a range of links with legislators – e.g., formal meetings with legislators and aides; securing support from interested jurisdictions and community groups; testimony at the Legislature.

Based upon the importance of establishing a statutory mandate to permit boundary review boards to administer annexations to meet RCW 36A.70, RCW 36.93, et seq., King County officials are reported to have made a commitment to bring a package of annexation legislation to Olympia to Legislature 2009. That package will reportedly contain, but not be limited to, a proposal to extend SSB 6686 beyond 2010 and to expand its benefits to the City of Seattle. The package will reportedly also include a proposal to grant authority to boundary review boards to expand annexations in accord with the provisions of RCW 36.93, et seq.

Michael Marchand reported that the Post-Intelligencer and the Seattle Times have recently published editorials addressing the value of near-term annexations of urban areas to existing local jurisdictions.

The Post-Intelligencer editorial suggested that the State empower a board or commission to oversee annexations. Acting on behalf of the State Association, Michael Marchand and Roger Loschen wrote a letter to Mark Trahan, Editor of the Post-Intelligencer to provide information concerning the role and responsibility of boundary review boards as prescribed by RCW 36.93

Fall Conference: Mrs. Blauman reported that the Association's Fall Conference will take place from October 1 – October 3 in Skagit County. An interesting program is being planned. All members are encouraged to attend this meeting.

B. Committee Reports

Budget Committee: Lenora Blauman reported that the Board has submitted the complete Budget Proposal Package for the Boundary Review Board to the County Executive. The Board's Budget Analyst reports that the submittal has been accepted by the Executive. The next level of review will take place in August.

Personnel Committee: Lenora Blauman reported that a meeting of the Personnel Committee will be scheduled for August, 2008 in order to prepare and review her Annual Performance Review. Committee members are Charles Booth (Chair), Roger Loschen and Claudia Hirschey.

C. Executive Secretary's Report

King County Comprehensive Plan/Countywide Planning Policies: Mrs. Blauman reported that the County (Growth Management Planning Council and King County Council) is presently addressing several items of interest to our Boundary Review Board. More specifically, on June 18, 2008, GMPC 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 pursuant to policy FW-1, Step 9, the Interim Potential Annexation Area Map shown in Appendix 2 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 Appendix 2, 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.”

The County Council adopted these revisions on June 23, 2008. The Cities of King County must also ratify these modifications and the ratification process is currently underway.

City of Kent - Panther Lake: The City of Kent is considering an immediate annexation of the entire Panther Lake Area (population at 25,000) under a petition/election system. On May 20th the City passed a resolution in support of annexation, however, the Council members apparently emphasized that there is no commitment to move ahead and that they have several other issues currently in negotiation with the county which must be resolved prior to moving forward with annexation. The annexation appears to be economically feasible, however, staff has been directed to pursue several issues related to governance and service provision in the annexation area. With resolution of various county and local issues, perhaps, the action will become a greater priority for City officials.

On July 10, 2008, Lenora Blauman met with the City of Kent officials to present information concerning the presentation of an annexation before the Boundary Review Board.

The City of Kent is reportedly preparing to submit a Notice of Intention to the Board early in Fall 2008 for public hearing in 2008 preparatory to a citizen election early in 2009.

City of Kirkland: City officials report that a decision was made in May, 2008 to decline to immediately pursue annexation of unincorporated area within its Potential Annexation Area. The Council agreed that there could be future consideration of annexation if findings support the efficacy of annexation.

There is reportedly some interest by citizens in annexation to Bothell if the City of Kirkland continues to decline to annex urban unincorporated areas. The City of Bothell is considering a revision to the Bothell Potential Annexation Area to permit annexation of that territory.

City of Redmond - NE Rose Hills: The City of Redmond is reportedly seeking from the Court authority to bring NE Rose Hills to the Boundary Review Board for reconsideration of the City's proposed annexation. It appears that a new application will be provided to the Board in the near future.

D. CORRESPONDENCE

Correspondence was presented by Acting Chair Cook. Board members raised no questions or issues related to these materials.

VI NEW BUSINESS

A. NEW FILES

File No. 2278 – City of Redmond: Rose Hill Heights South Annexation

The City of Redmond proposes the addition of 20.5 acres, known as the Rose Hill Heights South Annexation. Redmond City Council adopted this annexation proposal in May of 2008. The City of Redmond reports that the annexation is based upon a petition by property owners seeking annexation in order to develop properties under City of Redmond regulations and to receive public services (e.g., sewer services) from Redmond.

File No. 2279 – King County Fire Protection District No. 10: Blakeley Woods Annexation

King County Fire District No. 10 (Eastside Fire & Rescue) proposes to annex properties within Unincorporated King County. The entirety of the proposed Blakely Woods Annexation Area (35.6 acres) is within the Rural Area of Unincorporated King County.

King County Fire District No. 10 initiated this annexation proposal based on a petition by property owners seeking fire suppression, emergency medical services and other associated services available from the District. The authority for annexation is derived from RCW 52.04.031. A Resolution for Annexation was approved by the District in April 2008.

File No. 2280 – Town of Fall City/King County Fire Protection District No. 27: Formation of Metropolitan Park District

The proponents have filed a Notice of Intention to form the Fall City Metropolitan Park District pursuant to authorities granted by RCW 35.61. The Fall City Metropolitan Park District is being proposed for the purpose of establishing and assuming ownership of the land and facilities which currently serve and benefit the residents of lands within the proposed Park District.

The proposed Fall City Metropolitan Park District includes the entirety of Fall City (Unincorporated Area), lands comprising King County Fire District No. 27, and several surrounding neighborhoods. The total Fall City Metropolitan Park District will comprise approximately 17,600 acres of property.

The Metropolitan Park District is anticipated to serve approximately 5000 people presently residing in the area. The Metropolitan Park District is also planned to serve the growth in population anticipated for the participating communities.

King County lacks the financial resources to continue to own and operate many regional and local open spaces and recreational facilities. Officials of King County, Fall City, and Fire District No. 27 worked collaboratively to find a solution – the formation of a Metropolitan Parks District -- to ensure the continuing service to the community. The Metropolitan Park District would serve as a public entity, which would own the assets within this area and be authorized to levy taxes to support operation and maintenance of the open spaces, facilities, and services located therein.

Under this proposal, an election will be held on the question of formation of the Fall City Metropolitan Park District. If approved, this Metropolitan Park District would be authorized to hold the powers provided in RCW 35.61, including, but not limited to, the authority to govern the Park District and to levy a general tax on all property located in the District. The election will also provide for the selection of Metropolitan Park District Commissioners. This Board of Commissioners will establish final plans for operation of the Park District.

The creation of a Metropolitan Park District would serve to equitably distribute the financial responsibility for the maintenance of this regional amenity. If the Fall City Metropolitan Park District is approved by the voters, plans will be implemented to permit tax levy proceeds to be distributed to the new Park District. More specifically, the formation of the Metropolitan Park District is proposed to balance revenues and expenditures at \$112,700 in 2009. Fiscal analysis further indicates that the expenditures/revenues for the Metropolitan Park District will remain balanced for the foreseeable future – at \$115, 900 in 2011.

File No. 2281 – City of Burien: North Highline Annexation

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

With the Notice of Intention, the City of Burien has invoked jurisdiction at the Boundary Review Board. The City is seeking a public hearing in order to provide an opportunity for North Highline citizens to comment upon the proposed annexation before an independent body. 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.

City of Burien officials note that the proposed annexation includes lands that are within both the City of Burien and the City of Seattle Potential Annexation Area. In documentation provided in the Notice of Intention, City of Burien representatives report compliance with the State Growth Management Act, the King County Comprehensive Plan, City of Burien Comprehensive Plan and the provisions of RCW 36.93.

The Boundary Review Board will consider and act upon this Notice of Intention at a public hearing in September, 2008.

B. PENDING FILES

Bellevue	Bothell (6 files)	Covington Water District
Federal Way (2 files)	Issaquah (2 files)	Kent
Kirkland	North Bend	Redmond
Renton (4 files)	Sammamish	Snoqualmie
Soos Creek Water & Sewer District		

VI. ADJOURNMENT

Action: Evangeline Anderson moved and Robert George seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:35 P.M.