

**WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY**  
**SPECIAL MEETING AND PUBLIC HEARING MINUTES**  
**CITY OF BURIEN      NORTH HIGHLINE AREA "X" ANNEXATION (FILE NO. 2290)**  
**MARCH 30, 2009**

The following Minutes are a summary of the Special Meeting/Public Hearing (and the associated official record) for the City of Burien North Highline Area "X" Annexation (File No. 2290). Complete written transcripts of the Special Meeting/Public Hearing are available from the Boundary Review Board.

**I. CALL TO ORDER**

Claudia Hirschey, Chair, convened the meeting of March 30, 2009 at 7:00 P.M.

**II. ROLL CALL**

The following members were present at the Special Meeting and Public Hearing:

Evangeline Anderson	Charles Booth
Sylvia Bushnell	AJ Culver
Robert George	Claudia Hirschey
John Holman	Roger Loschen
Michael Marchand	

**III. PUBLIC HEARING**

**INTRODUCTION:**

Chair Hirschey stated that the purpose of the Special Meeting is to conduct a Public Hearing on the North Highline Area "X" Annexation, a proposal submitted by the City of Burien to the Boundary Review Board in February 2009.

The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Chair Hirschey described the standards for a quasi-judicial public hearing and the scope of the hearing. She explained the process for taking public testimony.

Chair Hirschey opened the public hearing.

Chair Hirschey and Lenora Blauman described the proposed annexation as follows:

The City of Burien proposes the annexation of approximately 1680 acres of land, known as the North Highline Area "X". Burien's City Council adopted the Resolution for annexation in February 2009 in order to support orderly, logical growth of governance and provision of coordinated public services/facilities to the North Highline Area "X". This annexation was proposed pursuant to RCW 35A.14.

The North Highline Annexation Area is located immediately adjacent to the northern boundary of the City of Burien. The North Highline Area "X" northernmost boundary is variously formed by South 107<sup>th</sup> Street, South 108<sup>th</sup> Street, South 116<sup>th</sup> Street, SW 112<sup>th</sup> Street and SW 116<sup>th</sup> Street. The western boundary of the site is variously formed by the City of Seattle corporate boundary (at approximately 29<sup>th</sup> 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 128<sup>th</sup> Street and SW 128<sup>th</sup> Street.

In conjunction with the transmittal of the Notice of Intention, the City of Burien invoked jurisdiction seeking a public hearing before the Boundary Review Board in order to provide citizens with an independent venue for assessment of the proposed North Highline Area "X" Annexation.

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

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Based upon the City of Burien's invoking of jurisdiction, the Boundary Review Board scheduled this public hearing to review the proposed basic North Highline Area "X" Annexation.

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision with respect to the North Highline Area "X" Annexation. The Board will consider the state, regional, and local regulations which guide annexations. The Board may approve the North Highline Area "X" Annexation as proposed by the City of Burien. The Board may adjust the boundaries of the North Highline Area "X" Annexation. The Board may deny the entire North Highline Area "X" Annexation.

PROPONENT PRESENTATION: CITY OF BURIEN: MIKE MARTIN, CITY MANAGER

At the Special Meeting/Public Hearing of March 30, 2009, Mr. Martin presented the proposed North Highline Area "X" Annexation. Following is a summary of the statement (including responses to inquiries).

The City of Burien is currently proposing the North Highline Area "X" annexation in order to permit citizens to participate in local governance by the City of Burien, to develop properties under City of Burien regulations and to receive public services (e.g., sewer services) from Burien. Mr. Martin testified that the North Highline annexation will permit the City of Burien to effectively govern, manage coordinated growth, and efficiently serve the North Highline community.

Mr. Martin reported that the City of Burien respectfully requests that the Washington State Boundary Review Board for King County hold a public hearing in order that residents of the proposed annexation area can be heard and boundaries for the proposed annexation confirmed before this annexation is placed on the ballot so that citizens may choose whether or not to affiliate with Burien at this time. The City of Burien is hopeful that after careful review the Board will be able to support this annexation.

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Mr. Martin reported that the North Highline Area "X" is currently described as a Potential Annexation Area for the City of Burien and policies supporting this annexation are included in the City of Burien Comprehensive Plan.

The City of Burien adopted a Potential Annexation Area in November 2006 to include the North Highline Area "X" and North Highline Area "Y" (immediately to the north of North Highline Area "X"). In December 2006, the City of Seattle adopted a Potential Annexation Area including the North Highline Area "X" and Area "Y". 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."

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.

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On the basis of then pending ratification by the Cities of King County of the proposed revisions to King County Comprehensive Plan LU-31 and LU-32, the City of Burien filed a Notice of Intention with the Boundary Review Board (File No. 2281) seeking annexation of a 1750 acre portion of the North Highline Area. Concerns expressed by jurisdictions and citizens over the fact that ratification of the policies had not yet been achieved and the then limited success of negotiation efforts to resolve boundaries by the affected jurisdictions led the City of Burien to withdraw that Notice of Intention in September, 2008.

In October of 2008, King County and the Cities of King County duly ratified the revisions to King County Comprehensive Plan/Countywide Planning Policies LU-31 and LU-32. Thus these policies have become effective regulatory authorities.

Mr. Martin reported that, subsequently, King County, the City of Burien, the City of Seattle, Fire District No. 2 and Fire District No. 11 entered into mediation to develop an agreement, pursuant to King County Comprehensive Plan/Countywide Planning Policies LU-31 and LU-32, with respect to the future governance and service to the entire North Highline Area.

More specifically, Mr. Martin testified that representatives from the City of Burien, King County, the City of Seattle, Fire District No. 2, and Fire District No. 11 have negotiated a Memorandum of

