

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
PROPOSED INCORPORATION: CITY OF FAIRWOOD (FILE NO. 2258)
MAY 26, 2009

Fairwood Community United Methodist Church
Renton, Washington

The following Minutes are a summary of the Special Meeting/Public Hearing for a Notice of Intention proposing the incorporation of a new City of Fairwood (File No. 2258). Complete written transcripts are available from the Boundary Review Board.

I. CALL TO ORDER

Claudia Hirschey, Chair, convened the meeting of May 26, 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	Robert Cook
Robert George	Lynn Guttman
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 for a Notice of Intention proposing the incorporation of a new City of Fairwood (File No. 2258).

The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal incorporations. 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 invited Michael Marchand (Chair, Fairwood Incorporation Review Sub-Committee) to describe the proposed incorporation. Mr. Marchand reported the following information:

In October 2007 the applicant, a community group identified as the Fairwood Municipal Initiative (FMI) filed a Notice of Intention with the Boundary Review Board proposing to incorporate a new City of Fairwood.

The Fairwood Municipal Initiative proposes to the Boundary Review Board the incorporation of approximately 4500 acres of land, known as the City of Fairwood. This incorporation was proposed under a state law: RCW 35.02 (Incorporation Proceedings.)

After receiving the Notice of Intention, the Boundary Review Board began a public process to consider the proposed incorporation as required by state law (including, but not limited to; RCW 35.02 – Incorporation Proceedings and RCW 36.93 – Boundary Review Board Enabling Act.) The major components of that public process included the preparation of an Incorporation Feasibility Study and the conducting of a series of public meetings to communicate with the community concerning the proposed incorporation.

With respect to the Incorporation Study, in order to meet the requirements of RCW 35.02, RCW 36.93, and other state laws, the Board appointed a Sub-Committee composed of 5

Board members (the Fairwood Incorporation Review Sub-Committee – or FIRSC.) FIRSC was empowered to:

- establish a Scope of Work for the Incorporation Study – including the content and the format of the document,
- select an independent consultant to prepare the Incorporation Study,
- provide oversight for the preparation of the Incorporation Study.

Upon receiving the Notice of Proposed Incorporation for the proposed new City of Fairwood, the Board conducted a public information meeting concerning the proposed action. The meeting took place in December 2007.

FIRSC then developed a Scope of Work and issued a Request for Proposals to consultants throughout the region. FIRSC selected Henderson Young & Company to prepare the Incorporation Study in June 2008. On April 16, 2009, the Board determined that the Incorporation Study met the requirements of the Scope of Work and approved the setting of this series of Special Meetings/Public Hearings to consider the proposed incorporation of a new City of Fairwood.

Immediately upon receiving the Notice of Intention for the proposed new City of Fairwood, the Board (under the leadership of FIRSC) conducted – and/or provided oversight for – a series of public information meetings concerning the proposed action. The meetings took place in November/December 2007, in February, 2009, and March 2009.

Prior to beginning this Special Meeting/Public Hearing, the Board wishes to inform the community that the Board received and completed review for a previous Notice of Intention (File No. 2184) proposing incorporation of a new City of Fairwood (2005 - 2006.) Based upon a comprehensive assessment provided in an Incorporation Study and the conducting of an extensive public review process for that Notice of Intention, the Board issued a recommendation to deny the proposed incorporation in May, 2006.

As permitted by RCW 35.02 and RCW 36.93, the proposed incorporation was, nonetheless, presented for a vote by citizens of the Fairwood community. Approximately 49% of the voters supported incorporation; approximately 51% of the voters opposed incorporation. Therefore, that incorporation effort was not successful.

Under the law, the previous Notice of Intention has no bearing on the current Notice of Intention. The present Notice of Intention must be considered as a separate action with review and judgment based upon the merits of the proposed incorporation.

The presently proposed Fairwood Incorporation Area is located east of the City of Renton. The proposal for the City of Fairwood includes area which has a northernmost boundary that generally is formed by SE 151st Street (if extended). The southern boundary is formed variously by Petrovitsky Road/ SE 200th Street. The eastern boundary is formed variously by 161st Avenue SE and 180th Avenue SE (the Urban Growth Boundary). The western boundary is generally formed by 128th Avenue SE and Soos Creek Park.

The Boundary Review Board is conducting this Public Hearing in keeping with its statutory mandate (Chapter 35.02 RCW, Chapter 36.93 RCW, et seq.) in order to provide an opportunity for citizens to participate in the review of the proposed incorporation of a new City of Fairwood. The Boundary Review Board has scheduled public hearings to take place on May 26, 2009; May 27, 2009; and – if necessary – on May 28, 2009.

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision/recommendation with respect to the proposed Fairwood Incorporation. The Boundary Review Board is required to base its decision on several regulations and guidelines. Specifically, the Board must consider RCW 36.93, Sections 170 (Factors) and 180 (Objectives). This is the state law that creates and guides the board. These Factors and Objectives are printed on your agenda. The Board decision must also be consistent with the State Growth Management Act, with the King County Comprehensive Plan and with other regional plans and policies applicable to the proposed incorporation.

The Board can make a decision to approve the Fairwood Incorporation Area as proposed by the Fairwood Municipal Initiative. The Board can make a decision to approve the proposed Fairwood Incorporation with specific modifications to the boundaries of the proposed Incorporation Area as permitted by Chapter 36.93 RCW. The Board can recommend denial of the proposed new City of Fairwood.

Following the final decision/recommendation of the Boundary Review Board, Chapter 35.02 RCW mandates that an election is necessary to permit the citizens of the proposed Incorporation Area to ultimately decide whether to create a new City of Fairwood or to remain citizens of Unincorporated King County. If the Fairwood Municipal Initiative declines to request an election or if the voters fail to approve the incorporation, then there will be no incorporation of a new City of Fairwood.

PRESENTATION OF INCORPPORATION FEASIBILITY STUDY (Henderson Young & Company; Randy Young, Chris Mefford)

At the Special Meeting/Public Hearing of May 26, 2009, Henderson Young representatives presented the Incorporation Feasibility Study for the proposed new City of Fairwood. Following is a summary of the statement (including responses to inquiries).

Fairwood is a community of approximately 25,000 people located east of Renton. The community is predominantly residential, and has a retail area at the crossroads of SE Petrovitsky Road and 140th Way SE.

The Fairwood Community is located inside the urban growth area of King County, Washington. Urban growth areas are delineated by urban growth boundaries established pursuant to the Growth Management Act to distinguish areas inside the boundaries that have or will develop at urban densities and receive urban services in contrast to areas outside the boundaries that will remain rural and will not receive urban services.

Washington's 1990 Growth Management Act (GMA) includes a strong impetus and rationale for unincorporated parts of urban areas to become municipal areas, either by incorporation or by annexation to existing cities. King County Countywide Planning Policies adopted to implement GMA provide all unincorporated areas within the Urban Growth Boundary will assume incorporated status either through annexation or incorporation by 2012.

Citizens of the Fairwood area (the Fairwood Municipal Initiative or FMI) filed a notice of proposed incorporation with the Boundary Review Board on April 16, 2007. A petition drive was completed from May to early October 2007. A notice of Intention to Incorporate along with the signed petitions was delivered to King County on October 22, 2007. In response to the current petition, the Boundary Review Board selected the consultant team of Henderson, Young & Company, Community Attributes, and ICF Jones & Stokes to prepare an incorporation study for Fairwood.

Mr. Young reported that the goal is the assembling of a report that will provide Fairwood residents with the information necessary to make well-informed decisions about their future. To that end, the purpose of the financial analysis is to provide the reader with facts, assumptions and

