

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
PROPOSED INCORPORATION: CITY OF FAIRWOOD (FILE NO. 2258)
MAY 28, 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 28, 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
A.J. Culver	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.

The Special Meetings/Public Hearings that the Board is conducting this evening are required by law (RCW 35.02 and RCW 36.93) in order to provide citizens with an independent quasi-judicial venue for participating in the review of the proposed incorporation. Through these Special Meetings/Public Hearings, the Board is empowered to hear from Henderson Young, FMI, other government officials, community members, and other stakeholders.

At the conclusion of the Special Meetings/Public Hearings, the Board will deliberate to come to a preliminary decision/recommendation concerning the proposed incorporation. The Board is slated to issue a final decision concerning the proposed new City of Fairwood on June 17, 2009.

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 from May 26, 2009 - 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.

GENERAL PUBLIC TESTIMONY:

Community groups and individual citizens testifying in the matter of the proposed City of Fairwood presented comments/questions relating to incorporation of a new City of Fairwood. A summary of that testimony is provided below:

- The Boundary Review Board should maintain the proposed boundaries of the Fairwood Incorporation Area and should consider this entire 4,000 acre community as a single entity for the purposes of incorporation.

Both the majority of the residents of the area, and – significantly – the approximately 90 businesses in the community (except for two large business owners) have demonstrated by official measures (e.g., petition) a desire to have an opportunity to be a part of a new City of Fairwood.

- The Boundary Review Board rejected the proposed incorporation in 2006. The voters also rejected incorporation. The current application is essentially identical to the previous application. The Feasibility Study is less comprehensive on this occasion. The economic horizon is markedly less secure. The City of Fairwood would have a weak tax base and would thus require new taxes at a most inopportune time. Numerous citizens and community organizations do not wish to incorporate. There was testimony that the Board should deny the application to incorporate a new City of Fairwood.

- Incorporation as a new city would reflect citizen's preference for living in a small community rather than joining a larger urban community such as the City of Renton. Citizens living in a smaller community have more opportunity to participate in the governance process.

Joining Renton would place citizens in a larger community in which it would be less feasible for citizens of Fairwood to guide the future of their community.

- Planning by citizens of Fairwood for the new City reflects general community interests and investment in local governance and local service plans/programs such as public infrastructure (e.g., roadways), library services, fire services, human services (e.g., senior services, children's services). Citizens would have reliable and reasonable resources for the management of a distinctive, quality community. Options and opportunities would exist to raise new funds in the future to further improve the quality of life in Fairwood

- Incorporation could prohibit land uses that are currently permitted by King County.
- The Incorporation Study for the Proposed City of Fairwood reportedly determined that the city would be viable at incorporation. However, the Study also clearly reported that the community would incur many challenges for governance and service in the near term. Based upon the scope of those challenges, incorporation as a new City most certainly creates a significant risk for the future viability of the community. Annexation to Renton provides for a more predictable system of governance, a more reliable fiscal base, and opportunities to utilize existing services/facilities (e.g. parks, recreation programs).
- The Incorporation Study is reportedly flawed in many fundamental and significant ways. The base comparison with the City of Maple Valley does not provide an accurate comparison because there are reportedly substantial differences between the structure and function of these communities.

This data – and data obtained directly for Fairwood from other sources (e.g., King County) -- is inaccurate. For example, Study data – and, therefore, findings -- for property assessments/tax collection for existing properties, current and historic housing starts, and land availability for new uses is reported to be erroneous. Reportedly revenues are overstated and expenditures understated. Similarly, new housing starts are reported to be inflated and land availability overstated as well.

Data obtained from a real estate agent demonstrates that the housing market – and, therefore, revenues obtained from properties – is insufficient to support a new City of Fairwood.

- Fairwood's commercial area is too small and too limited in the variety of available goods and services to adequately support the community. Renton offers a much wider array of shopping opportunities and is conveniently located so that future commercial growth is unlikely in the Fairwood community.
- Citizens are reportedly seeking an opportunity for local governance. The Board is requested to conduct a thorough, objective review of all of the information provided with respect to the proposed incorporation – including the Incorporation Study, documents provided by the Fairwood Municipal Initiative, documents provided by the City of Renton, documents provided by King County, and documents provided by community stakeholders.
- The provision of police services is essential for this community. The Board is asked to give substantial consideration to the availability of improved services to the new City of Fairwood.
- The Incorporation Feasibility Study reports that the City of Fairwood would be contracting for – rather than directly providing – such basic community services as parks, libraries and public safety. A strong city can provide services directly. A lack of ability to provide for local services indicates poor fiscal health.
- Fire protection service and emergency medical services are fundamental requirements for the City. It is understood that the new City of Fairwood will contract for services. While the current contract supports fire service to the community, if Fairwood alters that contract, then there could be a risk to levels of service.
- Fire District No. 40 and Fire District No. 37 will provide service to Fairwood together with serving other communities in the region. Contracting is well established as an effective, efficient tool for providing services to suburban communities.
- The Board is requested to make a decision based upon the Incorporation Study, as related to the state laws (e.g., RCW 36.93) that establish decision criteria for the Boundary Review Board.

