

WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY

REGULAR MEETING MINUTES

June 17, 2009

Bellevue, Washington

I CALL TO ORDER

Claudia Hirschey, Chair, convened the meeting at 7:00 P.M.

II ROLL CALL

The following members were present:

Evangeline Anderson	Charles Booth
Sylvia Bushnell	Robert Cook
A.J. Culver	Robert George
Lynn Guttman	John Holman
Roger Loschen	

III MINUTES

A. REGULAR MEETING

Chair Hirschey presented the minutes of the Regular Meeting of May 14, 2009 for review and action by the Board members.

John Holman stated that the May 14 Regular Meeting Minutes report the pending June Regular Meeting would take place on June 18. The May 14 minutes should be corrected to report that the meeting is taking place on June 17.

*Action: AJ Culver moved and Robert Cook seconded the motion to adopt the minutes, as amended, for the Regular Meeting of May 14, 2009. The Board members voted nine in favor of approval of this record. Charles Booth abstained as he did not attend the meeting.*

B. SPECIAL MEETING/PUBLIC HEARING – PROPOSED INCORPORATION: CITY OF FAIRWOOD  
(FILE NO 2258) MAY 26, 2009

Chair Hirschey presented the minutes of the Special Meeting/Public Hearing of May 26, 2009 for review and action by the Board members.

*Action: Charles Booth moved and Robert George seconded the motion to adopt the minutes for the Special Meeting/Public Hearing for the proposed Incorporation of a New City of Fairwood (May 26, 2009.) The Board members voted nine in favor of approval of this record. AJ Culver abstained as he did not attend the meeting.*

C. SPECIAL MEETING/PUBLIC HEARING – PROPOSED INCORPORATION: CITY OF FAIRWOOD  
(FILE NO 2258) MAY 27, 2009

Chair Hirschey presented the minutes of the Special Meeting/Public Hearing of May 27, 2009 for review and action by the Board members.

*Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes for the Special Meeting/Public Hearing for the proposed Incorporation of a New City of Fairwood (May 27, 2009.) The Board members voted unanimously in favor of approval of this record.*

**D. SPECIAL MEETING/PUBLIC HEARING – PROPOSED INCORPORATION: CITY OF FAIRWOOD  
(FILE NO 2258) MAY 28, 2009**

Chair Hirschey presented the minutes of the Special Meeting/Public Hearing of May 28, 2009 for review and action by the Board members.

The following amendments were proposed to the document:

- The motion for the Preliminary Decision was seconded by Robert George (prior to the second proposed by Charles Booth.)
- Page 4 – Discussion of property taxes should be clarified to better address the process of property valuation.
- Page 5 – Discussion of “utility funds” should be revised to address utility fees and clarify that such fees would need to be approved by the new City.
- Pages 7 – 10 – These sections should more inclusively address concerns raised with respect to the potential impacts upon a new City, based upon the current, volatile economic climate.
- Pages 7 – 10 – These sections should more inclusively address concerns raised with respect to the importance of consideration of: (a) future responsibilities for management of regional parks; and (b) future establishment and management of local public parks.

*Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes, as amended, for the Special Meeting/Public Hearing for the proposed Incorporation of a New City of Fairwood (May 28, 2009.) The Board members voted unanimously in favor of approval of this record.*

**IV. PROPOSED INCORPORATION OF A NEW CITY OF FAIRWOOD (FILE NO. 2258):  
RESOLUTION AND HEARING DECISION**

Chair Hirschey introduced the Preliminary Resolution & Hearing Decision for the proposed incorporation of a new City of Fairwood (4500 acres.) On May 26 – May 28, 2009 the Board conducted a public hearing for this Notice of Intention and came to a preliminary decision to approve the proposed incorporation of a new City of Fairwood.

Chair Hirschey invited the Board to present a motion and enter into discussion concerning the Preliminary Resolution & Hearing Decision for the Notice of Intention.

*Motion: Evangeline Anderson moved and John Holman seconded the motion to adopt the Resolution and Hearing Decision for File No. 2258 approving the proposed incorporation of a new City of Fairwood (4500 acres)*

Board members entered the following statements into the record:

- File No. 2258 has been a most complex Notice of Intention.
- The record for File No. 2258 was well-presented by Henderson Yong and by the Fairwood Municipal Initiative. File No. 2258 addressed a wide range of elements relating to the establishment and ongoing success of a new City.
- The Board afforded extensive consideration to the record for File No. 2258. It was determined that File No. 2258 created both interests and concerns on the part of Board members which caused an array of challenges for the organization.

More specifically, the proposed incorporation met RCW 36.93.180 (Objectives.) However, several complex issues were identified with respect to RCW 36.93.170 (Factors) that the Board must consider in its decision-making process. Ultimately, the majority of Board members found that issues raised pursuant to RCW 36.93.170 were addressed in a satisfactory manner in the record provided for File No. 2258.

- Board members recognize that incorporation would result in both opportunities and challenges. There is considerable data in File No. 2258 reporting on those opportunities and those challenges. The citizens of Fairwood have access to the data for File No. 2258. It will be the responsibility of the voters to weigh the balance of benefits and risks of incorporation as a new City of Fairwood.

*Action: Evangeline Anderson restated the motion and John Holman seconded the restatement of the motion to adopt the Resolution and Hearing Decision for File No. 2258 approving the proposed incorporation of a new City of Fairwood (4500 acres). The Board members voted eight in favor of and two in opposition to the motion to adopt the Resolution and Hearing Decision for File No. 2258.*

*Voting in favor were: Evangeline Anderson, Charles Booth, Sylvia Bushnell, Robert Cook, AJ Culver, Robert George, Claudia Hirsche, and John Holman. Voting in opposition were: Lynn Guttmann and Roger Loschen.*

Chair Hirsche reported that the Resolution and Hearing Decision will be filed on June 18, 2009. A 30 day appeal period will commence for this Decision, as mandated by RCW 36.93.

## V. ADMINISTRATION

### A. CHAIR'S REPORT

General Business: Claudia Hirsche reported that the Board staff is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating activities with the State Association for Legislature 2009; (3) pre-development review for future Notices of Intention; (4) administration of the Year 2009 Budget Proposal; (5) preparing 2010 Budget Proposal; and (6) planning of Orientation Program for 2009.

Orientation 2009: Lenora Blauman reported that she is working Chair Hirsche to plan for the following orientation sessions: Management of Public Lands Located on Territories Upon Annexation to Local Jurisdictions; Impacts of Economic Situation on Land Use; Association of Washington Cities; 2009 at the Legislature. A presentation on Management of Public Lands Upon Annexation to Local Jurisdictions will take place at the September Regular Meeting.

### B. Committee Reports

#### Budget Committee:

AJ Culver and Lenora Blauman reported that the Boundary Review Board submitted the comprehensive 2010 Budget Proposal on May 26, 2009.

At present, the Board is proposed for a 2010 budget that is equivalent to our budget for 2009. In the event that the County mandates a global reduction in budgets, the Board may be called upon to accept reduced funding.

Key documents for the Final Budget Proposal have been provided to the Board in the packet for this meeting.

Chair Hirsche invited comments concerning the Budget Proposal. Board members provided feedback in support of the Budget Proposal.

### C. Executive Secretary's Report

#### Washington State Association of Boundary Review Boards: Legislature 2009:

Ms. Blauman reported that the Legislature adopted ESSB 5808 to enable cities and special purpose districts to annex land by interlocal agreements. The Association supported this bill with the caveat that such actions must be filed with the appropriate boundary review board.

The bill, as adopted, is broad-ranging legislation. Provisions are clearly stated in some sections of the law. Other sections of the law are unclear and subject to considerable interpretation.

ESSB 5808 clearly supports annexation by interlocal agreement but provisions for public review processes key to changes in jurisdiction lack clarity – e.g., identification of those actions subject to assessment by the boundary review board is not addressed. Further the bill removes the opportunity for citizens to vote on any annexation accomplished through interlocal agreement.

ESSB 5808 also provides for transition of fire services from regional to local authorities – e.g., firefighters serving at a regional district must be employed by the annexing City. However, the bill lacks clear provisions for implementation of that transition.

Municipal Services Research Center counsel and counsel of various regional and local jurisdictions are working to more clearly understand, interpret, and implement ESSB 5808.

City of Sammamish: The City of Sammamish has advised that two annexations (i.e., Aldarra, Montaine) are being finalized with the intention to submit a Notice of Intention to the Board in Summer 2009.

City of Renton: The City of Renton has planned to submit several new Notices of Intention.

Two particular annexations ("Choose Fairwood"; Red Mill) remain under consideration for submittal of Notices of Intention to the Board in late 2009. Final decision making on the submittal of these annexations must await the completion of the election for a new City of Fairwood because these areas include lands currently proposed for incorporation into Fairwood.

The City is also preparing a Notice of Intention for the West Hill/Skyway Annexation.

City of Seattle: The City of Seattle has begun to actively explore annexation of North Highline Area "Y".

City of North Bend: The City of North Bend reports that a major annexation - Wood River – is under consideration for submittal of a Notice of Intention to the Board in 2009 or early 2010.

#### **D. CORRESPONDENCE**

General correspondence was presented by Chair Hirschey. Ms. Hirschey invited comment related to this correspondence. No comments were offered by members.

### **VI. NEW BUSINESS**

#### **A. NEW FILES**

##### File No. 2298 – City of Maple Valley: Maple Ridge Highlands Annexation Area

The City of Maple Valley proposes annexation of the Maple Ridge Highlands Area (approximately 150 acres) into this jurisdiction. The Area is located on the east side of the City. The Maple Ridge Highlands Area annexation was initiated through the 60% Direct Petition method under RCW 35A.14. City officials adopted a Resolution in support of this action in May of 2009.

Annexation is sought by the proponents of this residential community to develop under City of Maple Valley regulations and processes and to receive public services from the City of Maple Valley. The City of Maple Valley has planned for governance and services to the Maple Ridge Highlands Area.

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Board members requested – and were provided -- clarification concerning boundaries of the Maple Ridge Highlands Area and boundaries of the Potential Annexation Area. No substantive comments or questions with respect to the proposed Notice of Intention.

