

PROCEEDINGS OF THE  
WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY  
RESOLUTION AND HEARING DECISION

IN RE:           A NEW CITY OF FAIRWOOD  
                  Proposed Incorporation  
                  King County, Washington

FILE NO. 2258

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I. PUBLIC HEARING OVERVIEW

In October of 2007, the Fairwood Municipal Initiative, the proponent, filed a Notice of Intention with the Boundary Review Board to incorporate a new City of Fairwood (File No. 2258) as prescribed by RCW 36.93 (Local Governmental Organization – Boundaries.) The Fairwood Municipal Initiative proposes to incorporate 4000 acres of land generally located in southeast King County. The application for incorporation was based upon a petition signed by citizens representing at least 10% of the registered voters within the boundaries of the proposed new City (RCW 35.02 – Incorporations.)

The Boundary Review Board conducted a Special Meeting/Public Hearing to consider the proposed incorporation of a new City of Fairwood on May 26, 2009, May 27, 2009, and May 28, 2009. The Board closed the Special Meeting/Public Hearing on May 28, 2009, and, thereafter, began its deliberations, and came to a preliminary decision/recommendation in the matter of the proposed incorporation of a new City of Fairwood (File No. 2258.)

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Washington law requires the Board to: (1) examine the record (e.g., application materials; technical studies; fiscal studies; regulatory analyses; other documents, exhibits, statements and testimony); (2) determine the specific policies and guidelines are applicable to the proposed action; (3) review and weigh these elements; and (4) take the action that best advances those elements.

The Board reviewed the record for **File No. 2258** as prescribed by RCW 36.93. The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives.) Additional authorities applicable to **File No. 2258** include, but are not limited to: RCW 35.02 (Incorporation of Cities), RCW 36.70A (State Growth Management Act); King County Comprehensive Plan/Countywide Policies, and other applicable state, regional, and local regulations and guidelines.

The Board finds that the record for File No. 2258 contains sufficient documentation (e.g. Incorporation Study, evidence of community information programs, and certification of petitions and/or legislative action) to complete its review of the proposed incorporation of a new City of Fairwood.

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On the basis of the testimony, evidence and exhibits presented at said hearing, and the matters on record in said **File No. 2258**, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention**.

The legal description for the proposed new City of Fairwood is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

## II. FINDINGS

### RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL

The Board finds that the following Factors (RCW 36.93.170) are applicable to the proposed incorporation of the Fairwood Area (approximately 4000 acres). Additional authorities applicable to the proposal include, but are not limited to: RCW 36.70A, King County Comprehensive Plan/Countywide Policies. These State and local authorities are intended to ensure reasonable development regulations and adequate public services to local communities.

A brief review of key issues related to each applicable element is presented below:

#### **RCW 36.93.170 (1) POPULATION AND TERRITORY**

The Board finds the following factors to be applicable to File No. 2258: Population Density/Proximity to Other Populated Areas/Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; Likelihood of Significant Growth in the Area During the Next Ten Years; and Population Density/Proximity to Other Populated Areas/Land Area/Land Uses. The following is a brief review of key issues related to these factors.

The entire area proposed for incorporation lies within the Urban Growth Area defined by King County. The King County Comprehensive Plan/Countywide Policies call for contiguous orderly growth of local jurisdictions (e.g., U-304, U-208, U-301, U-304.) The Comprehensive Plan anticipates transfer of the Fairwood community to a local jurisdiction. Several Countywide policies identify cities as the appropriate providers of local governance and urban services (e.g., FW-13, CO-1, CO-3; LU-31 - LU-34, LU-36, FW-13, LU-31.)

The State Growth Management Act (RCW 36.70A) also supports the incorporation of the Fairwood Area. Incorporation of this area is consistent with RCW 36.70.20 which calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation.

If approved, the new City of Fairwood will be required by the State Growth Management Act to develop and implement a comprehensive plan and regulatory controls to administer existing and future land uses for its current and future populace. The City shall also be required to develop and implement a comprehensive plan and regulatory controls for provision of public services and essential public facilities. Further, the City shall be required to develop and implement regulatory controls to protect critical areas.

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Documentary evidence provided to the Board (e.g., Notice of Intention, the Incorporation Feasibility Study) demonstrates a commitment – both in terms of plans and resources -- to govern and serve the Fairwood Area.

Plans and resources are based upon the definition of the Fairwood Area as an urban community that will likely experience continuing urban growth over the next ten years. Documentation in File No. 2258 indicates future growth at urban levels of density generally consistent with the existing built environment and the natural environment.

At present, the Fairwood Area is essentially unified with respect to its built community. It is substantially developed with single-family homes. There is territory within the proposed incorporation area that is suitable and permitted for redevelopment/new development with residential uses. There is sizeable commercial property within Fairwood Area boundaries. The proposed new City of Fairwood also includes natural features such as open spaces, water bodies, variable topography, and habitat area.

The evidence establishes the intention that the new City shall initially adopt King County regulatory authorities – and then develop a specific Fairwood Comprehensive Plan – for land use/zoning designations and zoning for this community to permit future residential development that will be generally similar to and essentially compatible with existing density/design standards for residential

uses. Similarly, the new City would develop and implement plans/regulations for commercial uses, public facilities, and open spaces in the community. Incorporation of the Fairwood Area will create an opportunity to immediately establish consistent and coordinated development standards to serve the local community.

The record demonstrates support for the natural environment within the Fairwood Area through King County Comprehensive Plan which would ultimately be followed by a Fairwood Comprehensive Plan. Such plans include guidelines and regulatory controls (e.g., critical areas ordinances; open space preservation; storm water/flood control programs) designed to protect sensitive areas. The proposed incorporation includes regional facilities such as Gary Grant/Soos Creek Regional Park, Petrovitsky Park, and Lake Youngs. King County has committed to ongoing ownership and maintenance of these facilities.

If the new City is formed, its citizens would be provided with a full array of essential public services, facilities and infrastructure either directly by the city or by service contract. Existing improvements would be maintained and additional urban infrastructure and services could be developed as necessary to serve this urban community.

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The Board finds that the record for File No. 2258 establishes that a new City of Fairwood would have the funding necessary to support basic required and/or expected land use planning, housing, public services, public facilities, and public amenities. Similarly, funding resources would be sufficient to provide for protection of the natural environment.

The Board finds that the proposed incorporation is likely to achieve the requirements for a viable, vibrant government either at its inception or as it would be expected to grow in the future. Further, provisions for local planning and controls within the City of Fairwood could be expected to result in positive effects to the surrounding built community and the natural environment.

#### **RCW 36.93.170 (2) MUNICIPAL SERVICES**

The Board finds the following factors to be applicable: need for municipal services; effects of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; probable future need for such services; costs; effect on the finance, debt structure and contractual obligations; and prospects of government services from other sources, and rights of other affected governmental units. Following is a brief review of key issues related to these factors.

The record demonstrates that the new City of Fairwood will require municipal services and facilities. Service policies are established by the State Growth Management Act and the King County Comprehensive Plan. For example, the State Growth Management Act requires local jurisdictions to plan and provide a full array of public services and facilities to its citizens. King County FW-13 states that cities are the appropriate provider of local urban services to Urban Areas. FW-29 and FW-30 address the need for jurisdictions to plan for and coordinate services. Additionally, King County/Countywide Policy CO-1 calls for a jurisdiction to plan for "(a) full range of urban services".

The Incorporation Feasibility Study demonstrates that the proposed new City of Fairwood would have necessary basic fiscal resources to support local governance. Upon incorporation, the City of Fairwood would assume responsibility for providing – either directly or by contract – basic public services and facilities including: water service, surface water management, sewer service, fire service, police service, emergency medical services, utilities, road maintenance, law and justice services, human services, libraries, and parks and recreation services. The evidence shows that a new City of Fairwood is committed to undertaking all necessary steps to ensure equivalent – or improved -- levels of service for the community at current development and as the community experiences growth.

