

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

| IN RE:           CITY OF BURIEN  
                  North Highline Area "X"  
                  Proposed Annexation  
                  King County, Washington

FILE NO. 2290 |

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I. PUBLIC HEARING OVERVIEW

In February of 2009, the City of Burien, the proponent, filed a Notice of Intention with the Boundary Review Board to annex North Highline Area "X" (File No. 2290).

North Highline Area "X" (1680 acres) is located immediately adjacent to the northern boundary of the City of Burien. The northernmost boundary of the site 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 site's western boundary 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 is generally formed by SR 99 adjacent to the City of Tukwila. The southern boundary is formed by South 128<sup>th</sup> Street and SW 128<sup>th</sup> Street.

The City of Burien invoked the jurisdiction of the Boundary Review Board for the purpose of providing citizens a public hearing before an independent forum in order to obtain information and comment upon the proposed North Highline Area "X" Annexation.

The City of Burien also reported to the Boundary Review Board that the Resolution for North Highline Area "X" calls for an election to permit the citizens within the North Highline Area "X" to ultimately decide whether or not to join the City of Burien.

The Board held a Special Meeting/Public Hearing on March 30, 2009 to consider the proposal by the City of Burien to annex North Highline Area "X" (1680 acres).

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The Board reviewed File No. 2290 in accord with RCW 36.93. (Local Governments – Boundaries – Review Boards). The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives). The Board also considered RCW 36.93.150, the authority for modification of annexation proposals. In accord with the law, the Board also considered RCW 36.70.A, the Growth Management Act, the King County Comprehensive Plan, the City of Renton Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

The Board is required by Washington law, 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 applicable to the proposed action; (3) review and weigh these elements; and (4) take the action that best advances those elements.

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On March 30, 2009, the Board completed the public hearing and closed the record for the City of Burien North Highline Area "X" Annexation (File No. 2290.) The Board then deliberated the matter and came to a preliminary decision in the matter of File No. 2290. The Board finds as follows:

- The record for File No. 2290 contains sufficient documentation (e.g., technical data, fiscal data), evidence of community information programs, and certification of petitions and/or legislative action to complete its review of the North Highline Area "X" Annexation.
- On the basis of the testimony, evidence, and exhibits presented at said hearing, and the matters on record in said **File No. 2290**, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention**. The legal description of the North Highline Area "X" 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 Boundary Review Board finds the following Factors (RCW 36.93.170) to be applicable to the proposal for annexation of North Highline Area "X" (1680 acres) into the City of Burien. The key issues related to each applicable element are as follows:

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

The Board considered the following factors to be applicable: 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.

North Highline Area "X" is generally unified with respect to its land area and its built community. The area is essentially fully developed with residential, commercial, and public uses. North Highline Area "X" also includes natural features such as water bodies, vegetated open space, and sensitive sloped terrain. North Highline Area "X" and the surrounding communities are linked, in part, by several elements of the natural environment (e.g., topography, vegetation).

North Highline Area "X" is an urban community that is substantially developed with single-family homes and multi-family residences. There is sizeable commercial property within North Highline Area "X" boundaries. Public facilities and open spaces are present in the North Highline Area. The Area will likely experience continued growth over the next ten years as there is remaining land that is suitable and permitted for redevelopment/new development with various land uses.

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The North Highline Area "X" Annexation is based upon a Memorandum of Understanding ratified by the City of Burien, King County, Fire District No. 2, and Fire District No. 11 and signed (but not yet ratified) by the City of Seattle. This Memorandum of Understanding includes, but is not limited to, the identification of annexation area boundaries, agreements for provision of services; and allocation of fees in order to ensure adequate governance and service to the North Highline Area "X" community.

All of the proposed North Highline Area "X" Annexation (1680 acres) lies within the Urban Growth Area defined by King County. The proposed annexation is consistent with the King County Comprehensive Plan and Countywide Planning Policies for annexation of and service to urban territories.

The Burien Comprehensive Plan identifies North Highline Area "X" as being within the City's Potential Annexation Area. The North Highline Area "X" Annexation is consistent with City's Comprehensive Plan policies supporting inclusion of urban areas within the City for local governance. The City of Burien Comprehensive Plan provides for the commitment and the resources to govern the North Highline Area. The Plan provides for growth at urban levels of density generally consistent with the existing built environment and the natural environment.

For example, the City will develop specific 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, commercial uses, and public facilities/open spaces permitted in North Highline. With annexation of the North Highline Area "X", there would be an opportunity to immediately implement consistent and coordinated development standards throughout the community.

Further, the North Highline Area "X" contains environmentally sensitive features (e.g., variable topography, drainage basins, natural habitat). The Burien Comprehensive Plan provides support for the natural environment within the North Highline Area "X" through guidelines and regulatory controls (e.g., critical areas ordinances; open space preservation; storm water/flood control programs) designed to protect sensitive areas.

Under the City's Comprehensive Plan, citizens of the North Highline Area "X" will be provided with a full array of uniform public services, facilities and infrastructure. For example:

- Policy AN 1.1: Designates North Highline as being within the City's Potential Annexation Area
- Policy AN 1.2: Establishes provisions for land use and zoning designations of the North Highline Area
- Policy AN 1.3: Establishes requirements for plans and programs to provide services to areas annexed to the City of Burien.

The State Growth Management Act (RCW 36.70A) also supports the North Highline Area "X" Annexation. The proposed action would be consistent with RCW 36.70.20 which calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation.

#### **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 evidence shows that North Highline Area "X" is an urban community requiring municipal services and facilities. Service goals and policies for urban areas are established by the State Growth Management Act and King County Comprehensive Plan. For example, King County FW-13 states that cities are the appropriate provider of local urban services to Urban Areas. Policies LU-27, LU-31, LU-32, CA-9, CA-10, U-205, and U-208 call for jurisdictions to plan for and coordinate land designations, land uses, and services. Further, annexation is appropriate under Countywide Policy CO-1, when a jurisdiction has "identified and planned for (a) full range of urban services."

Consistent with the State Growth Management Act and King County Plan, the City of Burien has developed policies – through the Comprehensive Land Use Plan, Comprehensive Service Plans, and other regulatory authorities – to govern and serve all properties within its corporate boundaries. Upon annexation, the City of Burien will govern North Highline Area "X" properties under unified regulatory authorities administered by a single local government unit.

The City of Burien will assume responsibility for land use management through the City's Comprehensive Plan and land use regulations. The City of Burien will assume responsibility for protection of environmentally sensitive areas (e.g., variable terrain, open spaces) through the Comprehensive Plan, Critical Areas Ordinance, Stormwater Management Plan, and other local, regional, and state guidelines. The City will assume responsibility for providing services (either directly or by contract) to the North Highline "X" Area. Services would be equal to – or improved from – the services currently provided by King County. More specifically, the City will assume responsibility for:

- Provision and management of capital facilities (e.g., roadways, parks/recreation areas). Acquisitions and improvements will be identified by means of a priority listing which reflects both necessity (i.e., public health, welfare and safety) and the interests of the citizens.
- Provision of police services through a contract with the King County Sheriff Department.
- Provision of fire/emergency services to the North Highline properties through a contract based upon the adopted Memorandum of Understanding with Fire Protection Districts No. 2 and No. 11.
- Valley View District and Southwest Suburban Sewer District will continue to provide wastewater treatment services to the North Highline Area "X".
- King County Water District No. 20 and Seattle Public Utilities will continue to provide water services to the community.
- Students would continue to be served by Highline School District and Tukwila School District.
- Public facilities, including libraries, parks, and recreation facilities will be available to citizens.
- Law and justice services and human services will be available to citizens.

