

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

IN RE: CITY OF TUKWILA
 Tukwila South Area
 Proposed Annexation
 King County, Washington

FILE NO. 2304

I. PUBLIC HEARING OVERVIEW

In August 2009 the City of Tukwila filed a Notice of Intention (File No. 2304) to annex 259 acres, described as the Tukwila South Area. This Notice was based upon a Resolution adopted by Tukwila City Council approving a plan to annex the Tukwila South Area into the community. City officials reported that the proposal to annex the Tukwila South Area was made in response to a petition from property owners seeking to annex to the City of Tukwila.

The Tukwila South Annexation Area northern boundary is contiguous to the southern boundary of the City of Tukwila. The Tukwila South Annexation Area's southern boundary is formed by South 204th Street. The western boundary of the area is variously formed by Orillia Road South and Interstate 5. The eastern boundary of the area is formed by the Green River.

The City of Tukwila invoked jurisdiction at the same time it filed the Notice of Intention. Its purpose in invoking jurisdiction was to provide citizens an independent forum to obtain information and comment upon the proposed Tukwila South Area Annexation.

The Board held a public hearing on October 20, 2009 to consider the proposal by the City of Tukwila to annex the Tukwila South Area (259 acres).

The Board reviewed File No. 2304 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 36.70.A, the Growth Management Act, the King County Comprehensive Plan, the City of Tukwila Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

The Board finds that the record for File No. 2304 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 Tukwila South Area Annexation.

On the basis of the testimony, evidence and exhibits presented at said hearing, and the matters on record in said **File No. 2304**, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention**. The legal description of the Tukwila South Area 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 the following Factors (RCW 36.93.170) to be applicable to the City of Tukwila's proposed Tukwila South Area Annexation (approximately 259 acres). Additional authorities applicable to the Tukwila South Area include, but are not limited to: RCW 36.70A, RCW 35.13, King County Comprehensive Plan/Countywide Policies, the Tukwila Comprehensive Plan and its enabling regulations (e.g., zoning code). 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 this matter: 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 Tukwila South Area lies within the Urban Growth Area established by King County. The King County Comprehensive Plan contemplates transfer of the Tukwila South Area to a local jurisdiction. County Policy LU-31 requires cities to designate potential annexation areas to include adjacent urban lands and eliminate unincorporated islands between cities. Policy LU-32 encourages cities to annex designated areas into city boundaries. King County Comprehensive Plan/Countywide Policies call for contiguous orderly growth of local jurisdictions (e.g., U-304, U-208, U-301, U-304.) Cities are encouraged to include unincorporated areas within the jurisdiction's comprehensive plan and potential annexation areas (e.g., U-107, U-110, U-112, U-114, U-147, U-148, U-170, U-201, U203-U-205, LU-34, FW 11 – FW-13, LU-25, LU 28, LU-29, LU 32, LU-33, RF-5.) Other policies establish cities as the providers of local governance, community planning, and urban services (e.g., PR-202, FW-13, CO-1, CO-3; LU-31 - LU-34, LU-36).

The Tukwila South Area would incorporate into the City of Tukwila a substantial portion of those lands within the Urban Growth Boundary described in jurisdiction's Potential Annexation Area. A small remaining area, known as the "Island" Area is proposed for annexation to Tukwila immediately following the completion of the Tukwila South Annexation through a Memorandum of Agreement signed by the City and King County in October of 2009.

The Tukwila Comprehensive Plan "Annexation Element" addresses the Tukwila South Area. The Tukwila South Area is included in the "Annexation Element" of the City of Tukwila Comprehensive Plan and lies within the City's Potential Annexation Area.

Annexation of the Tukwila South Area is supported under the City of Tukwila Comprehensive Plan. The Tukwila South Area Annexation is consistent with City's Comprehensive Plan policies supporting inclusion of urban areas within the City for local governance. The area is unified with respect to its specific physical elements (e.g., geographic features.) Both Tukwila South and the communities in the nearby existing City of Tukwila share similar land use designations/zoning, existing or permitted land uses, and natural environments (e.g., topography, flora, drainage basins).

The Tukwila South Area contains environmentally sensitive features (e.g., water bodies; watershed; wetlands; variable topography, drainage basins, natural habitat). The Tukwila Comprehensive Plan provides support for the natural environment within the Tukwila South Area through guidelines and regulatory controls such as critical areas ordinances; open space preservation; and storm water/flood control programs designed to protect sensitive areas. The Master Plan for Tukwila South calls for environmental enhancements to Johnson Creek, wetlands, and Green River shorelines. Pedestrian and bicycle trails will also be provided as public amenities.

The Tukwila South Area has limited population at the time. The Tukwila South Area will experience continuing urban growth over the next ten years. This Area is suitable and permitted for development with a substantial array of uses. More specifically, the Tukwila South Area (and adjacent area that is presently within the City of Tukwila) is planned for approximately 10 million square feet of development under a Master Plan – i.e., a campus style design including offices, commerce, residences, and other similar, supporting uses.

If the planned development occurs, a substantial number of persons will become residents of the community. Residents will be linked to both the planned development and the greater community including residential, commercial, industrial uses as well as public facilities (e.g., passive and active open

spaces), and systems for protection of environmentally sensitive areas such as the Green River.

The City of Tukwila Comprehensive Plan provides for the commitment and the resources to govern the Tukwila South Area. More specifically, the Tukwila South Area Annexation would be consistent with policies supporting annexations in areas where urban infrastructure and services are available for development at urban densities and in areas contiguous to City boundaries (e.g., Annexation Policies and Land Use Policies). The Tukwila Comprehensive Plan policies address land development, service provision, and mutual social and economic benefits applicable to the Tukwila South Area. For example:

- The City's Comprehensive Plan includes the Tukwila South Area within its Potential Annexation Area;
- The Tukwila Comprehensive Plan provides a Master Plan for the Tukwila South Area.
- The Tukwila Comprehensive Plan makes provisions for providing public services and facilities to the Tukwila South Area.

Thus, under the City's Comprehensive Plan, citizens of the Tukwila South Area will be provided with a full array of uniform public services, facilities and infrastructure.

The State Growth Management Act (RCW 36.70A) also supports the Tukwila South Area Annexation. The proposed action is consistent with RCW 36.70.20 which calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation.

The Board notes that the Tukwila South Area excludes a small adjacent residential community (the "Island" Area) which is a part of the Tukwila South Potential Annexation Area. Under a Memorandum of Agreement between the City and King County, this "Island" Area will be proposed for annexation immediately following the completion of the presently proposed Tukwila South Notice of Intention.

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 the Tukwila South Area 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 the King County Plan, the City of Tukwila has developed policies – through the City's Comprehensive Land Use Plan, Comprehensive Service Plans, and other regulatory authorities – for provision of services to all properties within its corporate boundaries. Upon annexation, the City of Tukwila would include the newly incorporated area in the municipality's Service Area. The City of Tukwila will provide (directly or by contract) a full array of public services.

The City has provided the basic plans and confirmation of resources necessary to directly provide – or contract for – all essential public services, including policing, fire protection, emergency medical aid, water, wastewater management, storm water management, and transportation systems. Upon annexation, the City of Tukwila will include Tukwila South properties in its Service Area under unified regulatory authorities administered by a single local government unit. The City plans to provide services to the Tukwila South Area either directly or by contract with other providers.

The City of Tukwila will assume responsibility for land use management through its Comprehensive Plan and land use regulations as well as the planning and implementation of a Master Development by LaPianta, LLC. The City of Tukwila, in concert with La Pianta, LLC, will assume responsibility for protection of environmentally sensitive areas (e.g., Green River, Johnson Creek) through the Comprehensive Plan, Critical Areas Ordinance, Stormwater Management Plan, et al.

The City, in concert with LaPianta, LLC, 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.

The City will assume responsibility for providing police services through the Tukwila Police Department. The City of Tukwila will provide fire protection services and emergency services to Tukwila South. The City plans to work with both the City of SeaTac and the Angle Lake Fire District (No. 24) to establish and implement a plan for transition of services. Water service will be provided by Highline Water District. The City of Tukwila will provide sewer services. The City will provide for a storm water management system.

The City will provide for local/regional services including human services and health services. Libraries would be available to residents. Parks, open spaces, and recreation facilities would be available to community members. Citizens will have access to law and justice services. The Renton School District and the Kent School District would continue to serve the area.

The Board finds that the City of Tukwila has prepared a Fiscal Feasibility Study which examined revenues/expenditures relating to governance and service of the Tukwila South Area.

The City has developed a basic plan to provide Tukwila South Area citizens with public services/facilities in a manner equivalent to the services/facilities provided within the existing City of Tukwila. The City is committed to providing equivalent levels of service for the Tukwila South Area both at current development and as the community experiences growth.

With annexation to Tukwila, all services for the Tukwila South Area reportedly will be efficiently coordinated under unified regulatory authorities administered by a single local government unit.

King County supports annexation of the Tukwila South Area. This action creates a logical municipal service area. The City can provide more cohesive policies, standards, programs, cohesive operations, and efficient, economic control of services. Thus, services will be more effective, more efficient, and less costly to both government and citizens of the Tukwila South Area.

RCW 36.93.170 (3) Effects of Proposal

The Board finds mutual economic and social interests, and local government structure effects to be applicable to the City of Tukwila: Tukwila South Area Annexation. Following is a brief review of key issues related to these factors.

The City of Tukwila has demonstrated mutual social and economic links between the jurisdiction and the adjacent Tukwila South Area. Citizens of Tukwila South are anticipated to utilize facilities in the City of Tukwila. Citizens are also anticipated to shop in Tukwila and use professional services (e.g., medical care, personal care) in the City. Sales and business taxes will benefit the greater community. Citizens will be able to enjoy the use of libraries, schools, parks and recreation programs. Citizens will travel local and arterial roads through the City. Utility services will be coordinated under the aegis of a range of regional service providers.

The City of Tukwila representatives have presented a fiscal analysis that provides data pertaining to economic impacts relating to the pending incorporation. The City reportedly would receive revenue of \$101,746 from Tukwila South. For approximately 10 years following annexation, the City is anticipated to incur expenses of approximately \$170,000 (i.e., \$70,000 per year) in excess of anticipated revenue from the proposed development of the area under the adopted Master Plan. City representatives report that

the jurisdiction has addressed the cost/benefit equation, in part, through municipal resources and in part through an agreement for revenue guarantees with LaPianta, the owner and developer of Tukwila South.

The City of Tukwila Comprehensive Plan encourages local governance of communities. With annexation, citizens would participate in local governance including land use planning, service planning, fiscal planning and planning for public amenities to serve the community. Tukwila officials testified that the City is prepared to govern and to provide full services to this community.

King County Comprehensive Plan/Countywide Planning Policies encourage local governance of communities. Annexation of the Tukwila South Area is also consistent with the King County Annexation Initiative, calling for transfer of urban lands to local jurisdictions at the earliest feasible date.

City of Tukwila representatives report a commitment to taking the necessary steps (e.g., development planning, administration of funding) to ensure appropriate levels of service for the Tukwila South Area through the entirety of the development process culminating at estimated maximum development.

Transition of fire services will require attention by the City of Tukwila and the Angle Lake Fire District (No. 24.) City officials stated that the municipality intends to allocate sufficient funding to provide fire and emergency services to the Tukwila South Area. City representatives acknowledge that Angle Lake Fire District (No. 24), which currently serves the area through a contract for service from the City of SeaTac, will experience a substantial loss of revenue in conjunction with annexation of the Tukwila South Area. City representatives state that the City is working with officials from SeaTac and Fire District (No. 24) to develop a plan for addressing the transition of all services in an equitable and timely manner.

Coordinated integration of the Tukwila South Area into Tukwila would preserve social organization, support economic health, and protect public safety and welfare.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with three sections of the Growth Management Act:

- RCW 36.70A.020 Planning Goals
- RCW 36.70A.110 Urban Growth Areas
- RCW 36.70A.210 Countywide Planning Policies

Key Growth Management Act policies that guide the provision of public services and that are relevant to the proposed Tukwila South Area include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (2) Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling low-density development.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen Participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (1/6) calls for each county to designate an urban growth area.
- RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities
- RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ...services."
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

Annexation of the Tukwila South Area into the City of Tukwila meets Growth Management Act criteria for governance of urban areas. This action is supported by the provisions of RCW 36.70A which require community planning goals for urban growth, services and infrastructure, and environmental preservation.

For example, the proposed Tukwila South Area Annexation is consistent with RCW 36.70A.020 (1), encouraging development in urban areas where there are adequate public services. The Tukwila South Area Annexation is also consistent with RCW 36.70A.020 (12), which calls for public services to support permitted development. Annexation would also permit urban growth – and protection of environmentally sensitive areas – as envisioned in the Growth Management Act.

RCW 36.93.180 OBJECTIVES

The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the Tukwila South Area Annexation as follows:

RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES

The Board finds that the Tukwila South Area is a "neighborhood" as that term is defined by case law, as "either geographically distinct areas or socially... distinct groups of residents". The Tukwila South Area, in its entirety, exhibits many features that support its link with the City. The communities are characterized by similar geographic elements and linked natural environments (e.g., Green River, Johnson Creek.)

The Tukwila South Area Notice of Intention (at 259 acres) proposes inclusion of a significant majority (84%) of the Tukwila South Potential Annexation Area.

Annexation would permit the City of Tukwila to establish land use designations and zoning standards for Tukwila South. Under City of Tukwila regulations, the Tukwila South Area would be permitted to develop as a Master Planned community including residential, commercial, and industrial uses. The proposed annexation and community development will enable significant progress toward an enhanced community in this neighborhood.

The Tukwila South Area is also linked to Tukwila by natural geographic features (e.g., Green River, Johnson Creek, wetlands, terrain, habitat) and by built features (e.g. roadways.) The Master Plan for Tukwila South includes substantial enhancement of these elements, as prescribed by local, regional, and state regulatory authorities.

The proposed Tukwila South Area Annexation will advance the Growth Management Act goals which support local governance by municipal jurisdictions.

The proposed Tukwila South Area Annexation is consistent with King County Comprehensive Plan/Countywide Policies and the Tukwila Comprehensive Plan Policies, including provisions relating to community growth, land use/development, service provision, public benefits, and mutual social and economic benefits.

The Board notes the fact that the Tukwila South Area excludes an adjacent residential community of approximately 50 acres (the "Island" Area) which is a part of the Tukwila South Potential Annexation Area. Under a Memorandum of Agreement between the City and King County, this "Island" Area will be proposed for annexation immediately following the completion of the presently proposed Tukwila South Notice of Intention.

The future proposed "Island Area" annexation will further enhance the Tukwila South Area community and the surrounding existing City of Tukwila.

King County officials support the annexation of the Tukwila South Area citing that this action would be consistent with state, regional and local guidelines. The County has indicated a preference for immediate annexation of urban areas to provide uniform governance for citizens of the Tukwila South Area.

RCW 36.93.180 (2) USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS

The Board finds that the proposed Tukwila South Area Annexation is contiguous to the southeastern border of the City of Tukwila. Other Tukwila South boundaries are formed by property lines, rights-of-way and corporate boundaries including the City of Tukwila, the City of Renton, and the City of SeaTac.

Although the Tukwila South Area has a rather unusual configuration, annexation of lands within this Area will address a substantial majority (259 acres/84 percent) of the Tukwila South Potential Annexation Area. This Area is specifically intended for annexation by Tukwila under the City of Tukwila Comprehensive Plan (approved by the State of Washington.)

The portion of the Tukwila South Area – the “Island Area” (50 acres) that is excluded from the present Notice of Intention – will be proposed for annexation immediately following the completion of the presently proposed Tukwila South Notice of Intention under a Memorandum of Agreement between the City and King County.

The Tukwila South Area annexation – at 259 acres with the proposed Memorandum of Agreement to annex the “Island Area” (50 acres) may be determined to be consistent with the King County Comprehensive Plan as this action achieves progress toward incorporation of the greater unincorporated area in King County.

Annexation of the Tukwila South Area – together with the pending annexation of the “Island Area” advances the planning goals established by the State Growth Management Act for providing local governance to unincorporated urban territories.

RCW 36.93.180 (3) CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS

The Board finds that the Tukwila South Area Annexation would be consistent with Objective 3, which calls for creation of logical service areas.

The City of Tukwila Comprehensive Plan (including the Land Use Plan, Comprehensive Sewer and Water Plans, Transportation Element, Comprehensive Storm Water Management Plan) identifies the City as the provider of services for the Tukwila South Area. Annexation of the Tukwila South Area into the City of Tukwila will advance the creation and preservation of logical service areas.

The Tukwila South Annexation creates and preserves logical service areas by including a greater number of properties in the City's service area. Annexation of the Tukwila South Area will enable design and implementation of efficient, consistent, consolidated service programs throughout the greater community.

The City can provide either directly or by contract for policing, fire protection, water, storm water control, sewers, parks, and other public facilities/amenities. More specifically:

- The City of Tukwila will directly provide fire protection and emergency services. Services benefits and costs management have been designed based upon currently available municipal funding and future funding as projected in a fiscal analysis. The City will work with the City of SeaTac and the Angle Lake Fire Protection District No. 24 to achieve satisfactory transition of services.
- The City of Tukwila will provide directly and/or by contract for water service, wastewater treatment, and for storm water management. The City will coordinate stormwater services in keeping with King County standards. Specific systems/facilities will be designed to address both the natural environment (e.g., basins, terrain) and the built environment (e.g., structures, roadways).
- City parks, recreation facilities, libraries and other community services would be available to the citizens of the Tukwila South Area
- Children would continue to attend schools in the Renton School District and Kent School District.
- Roadways (including streets, storm drains, and other right of way features) are generally well-maintained. Improvements and/or new facilities will be funded by the City and/or La Pianta, LLC.

Funding is planned from various existing taxes and fees as well as anticipated sources (e.g., grants, development impact fees) for anticipated routine maintenance and for future upgrades to facilities.

City officials have demonstrated that provision of public services to the Tukwila South Area would be considerably improved by placing the Tukwila South Area – and immediately thereafter the “Island Area” – under a single municipal jurisdiction. Synchronized services and facilities (e.g., emergency services, water service, storm water and surface water management systems, wastewater treatment) will promote protection of the built environment and the natural environment.

King County supports annexation of unincorporated urban areas like the Tukwila South Area to provide citizens with more effective, efficient governance. Countywide Planning policies encourage cities to annex (and provide services to) territory within their designated potential annexation area. Other policies establish cities as the appropriate units to govern, develop, and serve Urban Areas. The County lacks sufficient resources to manage land uses or serve properties in these urban areas.

The State Growth Management Act identifies cities as the logical providers of local governance and urban services.

RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES

The Board finds that the proposed boundaries of the Tukwila South Area are not geometric in form. Nevertheless, the proposed boundaries do provide reasonable regularity based upon the fact that the borders of the Tukwila South Area are generally consistent with the Tukwila Potential Annexation Area. Similarly, the Tukwila South Area boundaries coincide with the established Urban Growth Area boundary and with the duly approved incorporated boundaries of the City of Tukwila.

Further, under the King County Comprehensive Plan and the State Growth Management Act, the Tukwila South Area, as an unincorporated urban community, is encouraged to annex to a local jurisdiction. The Tukwila South Area, as an unincorporated community, does not benefit from effective governance.

The Memorandum of Agreement providing for the immediate annexation of the “Island Area” following completion of the within annexation will achieve full compliance with Objective 4.

Therefore, the Board finds that annexation of the Tukwila South Area to Tukwila is consistent with the intent of this criterion to achieve the boundaries necessary to facilitate coordinated land uses and provide for more effective, efficient services to the community.

RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS

The Board finds that both the State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions. Annexation to achieve local governance is preferred over incorporation of new communities. Annexation of Tukwila South to the City of Tukwila would, therefore, be consistent with RCW 36.93.180 (5).

RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS

RCW 36.93.180 (6) is not applicable to File No. 2304.

RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES

The Board finds that the proposed Tukwila South Area comprises a sizeable area of unincorporated land. Annexation of the Tukwila South Area to the City of Tukwila would create the more reasonable and practical boundaries that are necessary to achieve the preservation and coordinated governance of the community. More specifically, with annexation, the Tukwila South Area – including the proposed built environment and linked natural environment – will be placed under City jurisdiction, thereby advancing the creation of more practical boundaries for the effective local governance, directed planning activities (e.g., establishment of uniform land uses and development standards); preservation of environmentally sensitive areas; and the provision of coordinated public facilities and services.

The Board's objective regarding practical boundaries will also be advanced by implementation of the Memorandum of Agreement providing for an immediately following annexation of the "Island Area" will achieve further compliance with Objective 7.

RCW 36.93.180 (8) INCORPORATION AS CITIES OR ANNEXATION TO CITIES OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER

The Board finds that annexation of the Tukwila South Area provides for the inclusion of urban area within a municipality based upon the location of this territory within the Urban Growth Area established by the King County Comprehensive Plan. Further, the City of Tukwila Comprehensive Plan includes the Tukwila South Area in its Potential Annexation Area.

The "Urban" designation established for the Tukwila South Area is also supported by the State Growth Management Act.

Annexation of the Tukwila South Area into Tukwila will promote uniform governance, development, and services appropriate for this urban territory. Coordinated governance and services should immediately benefit Tukwila South Area property owners, government agencies, and citizen stakeholders.

Further, implementation of the Memorandum of Agreement providing for an immediately following annexation of the "Island Area" will achieve full compliance with Objective 8.

RCW 36.93.180 (9) PROTECTION OF AGRICULTURAL AND RURAL LANDS FOR LONG TERM PRODUCTIVE AGRICULTURAL/RESOURCE USE

The Board finds that the RCW 36.93.180 (9) is not applicable to File No. 2304 as the Tukwila South Area lies in the Urban Growth Area as established for King County. The Area is zoned for Industrial Use rather than for agricultural or resource use. There is some existing functional agricultural use in the Area, but it is the zoning, rather than the use to which the land is devoted, that provides guidance for the addressing Objective 9.

III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS

The Boundary Review Board conducted review and deliberation of File No. 2304 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan/Countywide Policies; City of Tukwila Comprehensive Plans, RCW 35.13 (Annexation of Cities); and other relevant regulations and guidelines.

As prescribed by statutory mandate, the Boundary Review Board considered the following options:

- The Tukwila South Area Annexation could be approved as submitted by the City of Tukwila, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan, Tukwila Comprehensive Plan).
- The Tukwila South Area Annexation could be modified, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan, Tukwila Comprehensive Plan).
- The Tukwila South Area Annexation could be denied in its entirety if annexation is found to be inconsistent with RCW 36.93 and other applicable regulations (e.g., Chapter 36.70A RCW, King County Comprehensive Plan, City of Tukwila Comprehensive Plan.)

The Board finds that the record for File No. 2304 is detailed and extensive. Affected parties have provided considerable materials supporting their positions. The Board reviewed the entire record to reach its decision for the proposed Tukwila South Area Annexation. The Board finds that the City of Tukwila's proposed annexation of the Tukwila South Area is consistent with the provisions of Chapter 36.93 RCW.

By way of example, but not limitation:

- The Tukwila South Area Annexation addresses criteria established in RCW 36.93.170 with respect to population, territory, comprehensive planning, land uses, natural environment, service needs and service capacity, and mutual social and economic needs.
- Additionally, the proposed Tukwila South Area was evaluated according to the criteria established in RCW 36.93.180 as follows:

RCW 36.93	TUKWILA SOUTH AREA (259 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES CRITERION AS ANNEXATION INCLUDES ALL PROPERTIES IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	ADVANCES CRITERION AS IT IS CONSISTENT WITH ESTABLISHED COMPREHENSIVE PLAN BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS TUKWILA CAN SERVE ENTIRE AREA TO PROTECT PUBLIC WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARIES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ADVANCES CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND TO STREAMLINE SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION ...OR ANNEXATION TO CITIES OF UNINCORPORATED URBAN AREAS	ADVANCES CRITERION AS THE ENTIRE DESIGNATED URBAN AREA WILL BE INCORPORATED INTO A LOCAL JURISDICTION.
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

- State Growth Management Act (Chapter 36.70A RCW) policies call for logical and orderly growth. The Board finds that annexation of the Tukwila South Area advances the provisions of the RCW 36.70A by providing for effective local governance.
- The King County Comprehensive Plan/Countywide Policies and the Tukwila Comprehensive Plan also contemplate logical and orderly growth of communities. These County and City plans support local governance to assure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed Tukwila South Area Annexation achieves the provisions of the King County Comprehensive Plan/Countywide Policies and the City of Tukwila Comprehensive Plan. Annexation of the Tukwila South Area would achieve the balance that the County and the City seek from annexation of urban areas into local communities.

IV. CONCLUSION

The Boundary Review Board finds that approval of the Tukwila South Area Annexation to the City of Tukwila advances the standards established in the Growth Management Act, King County Comprehensive Plan, the City of Tukwila's Comprehensive Plan, RCW 36.93, and other state and local guidelines for incorporation of urban areas.

The Boundary Review Board finds that approval of the City of Tukwila Notice of Intention to annex the Tukwila South Area is timely based upon the City of Tukwila's current and historical commitment to guide development and provide municipal services to this area.

The Tukwila South Area Annexation will enable the City of Tukwila to provide a harmonious efficient plan for the governance of the built community, preservation of the environment, and protection of the public health and safety of the citizens.

(Note: Under state law, the City of Tukwila must adopt an Ordinance or Resolution affirming the Tukwila South Area Annexation following action by the Boundary Review Board. Under state law, the City must confirm the action as approved by the Boundary Review Board. Alternatively, the Council may decide not to pursue the action. However, the City cannot modify the boundaries that have been approved by the Boundary Review Board.)

NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said File No. 2304 be, and the same is, hereby **approved** as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of 8 in favor, 0 in opposition, and 1 abstentions, on this 12th day of November 2009, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

Claudia Hirschey
Claudia Hirschey, Chair

FILED this 13 day of November, 2009 BY:

Lenora Blauman
Lenora Blauman, Executive Secretary

EXHIBITS

EXHIBIT I CITY OF TUKWILA: TUKWILA SOUTH AREA: LEGAL DESCRIPTION OF ANNEXATION AREA
BOUNDARIES

EXHIBIT II CITY OF TUKWILA: TUKWILA SOUTH AREA: MAP OF ANNEXATION AREA BOUNDARIES



City of Tukwila

6200 Southcenter Boulevard • Tukwila, Washington 98188

OCT 23 2009

WA State Boundary Review
Board For King Co.

Jim Haggerton, Mayor

EXHIBIT I

October 22, 2009

Reginald Holmes
Washington State Boundary Review Board for King County
400 Yesler Way, Room 240
Seattle, WA 98104

RE: Tukwila South Annexation Legal Description

Dear Mr. Holmes:

We have worked with King County representatives to revise the legal description for the Tukwila South Annexation that was submitted with our Notice of Intention earlier this year. Below is the revised legal description for this annexation. Please substitute it for the previously submitted legal description.

"Those portions of Section 35, Township 23 North, Range 4 E. Willamette Meridian; Section 2, Township 22 North, Range 4 E. Willamette Meridian; and Section 3, Township 22 North, Range 4 E. Willamette Meridian, lying south of the City of Tukwila corporate limits as established by the City of Tukwila Ordinances 1125, 472, 269, and 696; East of the east right-of-way margin of Interstate Highway 5; East of the west right-of-way margin of Orillia Road South; North of the north right-of-way margin of South 204th Street and west of the City of Kent Ordinances 2114 and 2351;

Together with: That portion of South 204th Street lying north of and immediately adjacent to the north line of the City of Kent corporate limits as established by City of Kent Ordinance 1727, and westerly of the thread of the Green River."

Please contact Lisa Verner, our project manager for the Tukwila South Annexation, at 206-431-3662 or lverner@ci.tukwila.wa.us if you have questions about the legal description or need additional information. Thank you.

Sincerely,

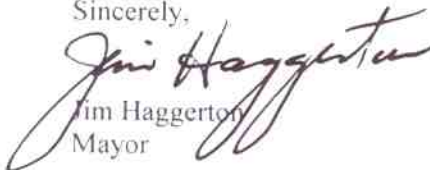

Jim Haggerton
Mayor

EXHIBIT I

VICINITY MAP

