

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

| IN RE:           CITY OF RENTON  
                  Fairwood Area  
                  Proposed Annexation  
                  King County, Washington

FILE NO. 2308   |

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I. PUBLIC HEARING OVERVIEW

In January of 2010, the City of Renton, the proponent, filed a Notice of Intention with the Boundary Review Board to annex the Fairwood Area (File No. 2308) as prescribed by RCW 36.93 (Local Governmental Organization – Boundaries.) The City of Renton proposes to annex 3995 acres of land generally located in southeast King County. The application for annexation was based upon a Resolution of the Renton City Council pursuant to RCW 35.14A.

The Boundary Review Board conducted a Special Meeting/Public Hearing to consider the proposed annexation of the Fairwood Area to the City of Renton on March 22, 2010. The Board closed the Special Meeting/Public Hearing on March 22, 2010, and conducted deliberations to come to a preliminary decision in the matter of the proposed annexation.

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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. 2308** 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. 2308** include, but are not limited to: RCW 36.70A (State Growth Management Act); King County Comprehensive Plan/Countywide Policies, City of Renton Comprehensive Plan, and other applicable state, regional, and local regulations and guidelines.

The Board finds that the record for File No. 2308 contains sufficient documentation (e.g. planning activities; fiscal studies; evidence of community information programs, and certification of petitions and/or legislative action) to complete its review of the proposed annexation by the City of Renton of the Fairwood Area.

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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. 2308**, it is the decision of the Board to **approve and modify the Fairwood Area Annexation (3995 acres) to include the entirety of the Soos Creek Park and Trail Area at 71.5 acres (north of SE 208<sup>th</sup> Street.)** pursuant The decision to modify is based upon the agreement among the City of Renton, the City of Kent, and King County for transfer of the Soos Creek Park and Trail territory.

The legal description for the Fairwood Area (including the Soos Creek Park and Trail 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) are applicable to the proposed annexation of the Fairwood Area (approximately 3995 acres) and to the proposed modification to include the entirety of the Soos Creek Park and Trail (north of SE 208<sup>th</sup> Street.) 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. 2308: 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 annexation area lies within the Urban Growth Area defined by King County. Existing development includes a mix of residential types ranging from single-family detached dwellings and duplexes to multi-family apartments and condominiums. Commercial uses include restaurants, grocery stores, and office space. There are an estimated 8,700 dwelling units in the annexation area. It is anticipated that there would be up to 800 new single-family residences added to this community over time.

The City of Renton Comprehensive Plan provides for continuation of currently existing land uses. It is anticipated that future Renton zoning would allow less residential density than the current King County zoning because the City determines density using net density whereas the County determines density based on gross acreage. The City would essentially maintain commercial designations for the Fairwood Area. The Comprehensive Plan designations and anticipated Renton zoning are consistent with Renton's growth policies which provide for higher residential densities in its Urban Growth Center.

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 annexation of the Fairwood Area. Annexation of this area is consistent with RCW 36.70.20 which addresses community planning goals, urban growth, services and infrastructure, and environmental preservation.

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The Board finds annexation of the Fairwood Area (including the Soos Creek Park and Trail) is based upon a fiscal plan including the funding necessary to support basic required and/or expected land use planning, housing, public services, public facilities, and public amenities, and protection for the natural environment (e.g., topography, drainage basins, habitat areas, water bodies.)

The Board finds that annexation of the Fairwood Area (including the Soos Creek Park and Trail) will likely result in a viable, vibrant community both at its inception and as anticipated growth occurs in the future. Further, provisions for local planning and controls within the Fairwood Area are 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 Fairwood Area (including the Soos Creek Park and Trail) will require municipal services and facilities. Service policies are established by the State Growth Management Act, the King County Comprehensive Plan, and the City of Renton 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 City of Renton Comprehensive Plan and other documentation (e.g., comprehensive service plans; agreements) demonstrate that the City has the necessary basic fiscal resources to support governance of the Fairwood Area (including the Soos Creek Park and Trail.) Upon annexation, the City 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 local parks and recreation services. King County would continue to serve the Soos Creek Park and Trail.

The City of Renton conducted fiscal analyses related to the proposed Fairwood Annexation. The Fiscal Study, which evaluated 2012 costs and revenues, has considered needs – and resources – for providing basic services (e.g., police, fire, water, solid waste management) at a level equivalent to levels of service provided to citizens in the existing City of Renton. For 2012, general fund costs would be \$11.4 million and revenues would total \$13.5 million resulting in a \$2.24 million surplus funding. Enterprise fund costs would be \$1.1 million and revenues would be \$0.8 million leading to a net cost of \$337,000.

The City also has planned for the anticipated increase in demand for services anticipated to occur with future growth in the Fairwood Area. The fiscal analysis demonstrates that the cost of such services will be largely offset by property taxes, services charges, and other revenues based on population. For example, upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services.

The City would also have access to other resources to address these costs. The State of Washington has recently adopted legislation would permit the City access to sales tax funds in conjunction with the Fairwood Area Annexation.

Following annexation, therefore, the Fairwood community will receive the following services:

- The City of Renton will assume responsibility for providing police services to the Fairwood Area.
- The City of Renton will assume responsibility for providing fire/emergency services to the Fairwood Area. (The City is currently negotiating an agreement with Fire District No. 37 to ensure that quality services are maintained to the Fairwood Area and the surrounding community.)
- The City of Renton will assume responsibility for providing water services and sewer services to the Fairwood Area through a contract with Soos Creek Water & Sewer District and Cedar River Water & Sewer District.

- Citizens of the Fairwood Area would have access to regional parks, recreation facilities and libraries.
- Citizens of the Fairwood Area would receive human services and law and justice services.
- The Renton School District and the Kent School District would continue to serve the area in that school district boundaries are unaffected by annexation.

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The Board finds that the City of Renton's fiscal analysis contains a thorough examination of revenues and expenditures relating to governance of and service to the Fairwood Area (including the Soos Creek Park and Trail.) The study demonstrates that sufficient funds are available, both at current development and with future growth, to create a logical municipal service area.

The City is committed to directly providing funds and/or seeking funding to govern Fairwood and taking the necessary steps (e.g., hiring staff members) to ensure equivalent levels of service for the Fairwood Area both at current development and at estimated maximum development.

The Board finds that the availability of fiscal resources would enable the City of Renton to plan for and reliably deliver, at reasonable rates, those basic public services that are required to provide for public health, safety, and welfare by the State Growth Management Act, King County Comprehensive Plan, and Chapter 36.93 RCW.

The City can provide unified regulatory authorities administered by a single local government unit resulting in more cohesive policies, standards, programs, and services. Thus, services can be anticipated to be more effective, more efficient, and less costly to both government and citizens.

#### **RCW 36.93.170 (3) EFFECTS OF PROPOSAL**

The Board considers the factors of mutual economic and social interests, and local government structure effects to be applicable to the proposed annexation. Following is a brief review of key issues related to these factors.

The Fairwood community shares mutual social and economic links with the City of Renton. Citizens of Fairwood utilize Renton community facilities including libraries, schools, parks and recreation programs. Residents shop in the local community and use local professional services (e.g., medical care, personal care.) Citizens travel local and arterial roads through the City of Renton. Utility services are coordinated under the aegis of the above-identified regional and local service providers.

As indicated above, the City of Renton conducted a fiscal analyses to determine whether it could provide for governance and service to the Fairwood Area at levels equivalent to those levels currently provided to the residents of the existing Renton community.

The Fiscal Study indicates that, although immediate expenditures would be slightly greater than revenue, the City can provide for governance of and service to the Fairwood Area with funds available through property taxes, standard service fees, and other revenues based on population. The City's fiscal analysis indicates that existing and anticipated municipal funds, together with regional funds, and state funds (e.g., sales taxes available pursuant to SSB 6686, et al.), will provide sufficient resources to assure governance of the Fairwood Area in a manner that will address impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units.

Improvements to levels of service and addition of new amenities would occur over time to address community interests and as permitted by available resources.

The State Growth Management Act and King County Comprehensive Plan/Countywide Planning Policies, and the City of Renton encourage 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. The evidence supports a finding that the City is prepared to govern and to provide full services to this community.

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The Board finds that the City of Renton would have sufficient resources available to provide the government structure necessary to support the social and economic interests of the Fairwood

community. The proposed annexation would unite a greater community which shares mutual social interests and economic interests.

The Board finds that annexation would enable the City of Renton and the Fairwood community members to undertake land use planning, service planning, fiscal planning and planning for public amenities to serve the community. Thus, annexation of the Fairwood Area (including the Soos Creek Park and Trail) could successfully promote strong and unified local government providing for coordinated integration of citizens into the new community, supporting social organization, economic health, and protection of public safety and welfare.

### **CONSISTENCY WITH THE GROWTH MANAGEMENT ACT**

Boundary Review Board decisions must be consistent with the following sections of the State Growth Management Act (Chapter 36.70A RCW):

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

The key Growth Management policies relevant to the proposed Fairwood Area annexation (including the Soos Creek Park and Trail) are:

- 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.

The Board finds that the Fairwood Area annexation (including the Soos Creek Park and Trail) meets Growth Management Act criteria for governance of urban areas. The State Growth Management Act supports local jurisdictions as the governing units for urban areas where local jurisdictions can provide citizens with reliable, stable governance and services. The proposed action is supported by RCW 36.70A which calls for local communities to provide governance – including: goals for urban growth, services and infrastructure, public services, and environmental preservation.

### **RCW 36.93.180 OBJECTIVES**

The Boundary Review Board considered the following objectives set forth in RCW 36.93.180 (Objectives) with respect to the proposed annexation:

#### **RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES**

The Board finds that the Fairwood Area (including the Soos Creek Park and Trail) is a "neighborhood" as that term is defined by case law, as "either geographically distinct areas or socially... distinct groups of residents". The Fairwood Area, in its entirety, exhibits many features that demonstrate its community connections. The community is characterized by similar and linked built residential and commercial environments as well as linked natural environments (e.g., Soos Creek Park.)

he citizens of the community share similar demographic, social, and economic characteristics. Residents use common community facilities – e.g., schools, roadways, community centers, shopping centers, parks, and recreation facilities.

The evidence demonstrates a commitment to provide Fairwood Area citizens with a voice and a vote in planning to effectively govern and serve this area as a part of a unified community. The inclusion of a sizeable area and population serves to create a cohesive community and encourages more effective local governance.

Annexation would permit the City of Renton to guide community plans and community development in the Fairwood Area in a manner that considers both built lands and the critical natural areas. The evidence demonstrates that the Fairwood Area will continue as a predominantly residential community with designations and zoning similar to that existing under King County. At annexation, the City of Renton would provide and implement plans for development review and environmental review (e.g., protection of slopes, sensitive areas, and stormwater management) to the Fairwood Area based upon local, regional and state regulations to support preservation of this community.

Annexation of the Fairwood Area would permit citizens to benefit from the City of Renton's provision for local land use designations and zoning standards for residences, businesses, infrastructure, and community amenities. Annexation would permit coordinated public services in the Fairwood Area. King County officials support the annexation of Fairwood (including Soos Creek Park and Trail) to the City of Renton citing that this action would be consistent with state, regional and local guidelines. The County has indicated a preference for immediate transfer of unincorporated urban areas to local jurisdictions to provide uniform governance for citizens.

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The Board finds that the Fairwood Area, as modified herein, advances RCW 36.93.180(1). Annexation would preserve connections within the greater neighborhood and would provide Fairwood Area residents with access to a voice and a vote in planning for the cohesive governance of a unified neighborhood and a greater community.

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

The proposed Fairwood Annexation Area (including Soos Creek Park and Trail) is bordered primarily by the City of Renton and Unincorporated King County at the Urban Growth boundary line. The proposed borders of the Fairwood Area, including the Soos Creek Park and Trail Area, serve to create (or enhance) clear physical boundaries.

"Social neighborhoods" may also form the basis for boundaries. The evidence shows that the citizens of the Fairwood Area share a social affiliation with the City of Renton. Annexation of the Fairwood Area would further the establishment of a cohesive community.

The proposed annexation, as modified, is consistent with the King County Comprehensive Plan because it fosters the establishment of local governance by the municipal governments of the greater unincorporated area in King County.

The proposed annexation, as modified, is consistent with the planning goals established by the State Growth Management Act for providing local governance to unincorporated urban territories.

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The Board finds that annexation of a new Fairwood Area advances the objective set forth in RCW 36.93.180(2). The annexation of the proposed Fairwood Area (including the Soos Creek Park and Trail) provides for a community unified under established physical boundaries. Annexation would further progress toward coordinated transfer of unincorporated areas into local jurisdictions to provide for effective, coordinated local governance and efficient services to the local community.

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

RCW 36.93, RCW 36.70A and the King County Comprehensive Plan establish cities as the providers of services for incorporated communities. With annexation of the Fairwood Area, the City will be responsible for providing public services to all of the Fairwood Area citizens under city plans and regulations including, but not limited to: a Comprehensive Land Use Plan, a Comprehensive Sewer and Water Plans, Transportation Element of the Comprehensive Plan and a Comprehensive Storm Water Management Plan.

The evidence demonstrates that the Fairwood Area annexation, as modified, would create and preserve logical service areas. All Fairwood Area properties would receive a full array of services from the City of Renton. The Soos Creek Park and Trail (a Regional Park) would be maintained by King County.

Annexation of the Fairwood Area would enable the City to design and implement efficient, consistent, consolidated service programs throughout the greater community. Specifically:

- The City of Renton will assume responsibility for police services to the Fairwood Area.
- The City of Renton will assume responsibility for providing fire protection and emergency management services. The City will work with Fire District No. 37 to assure an appropriate system for transition of services.
- The City of Renton will continue to contract with the Cedar River Water & Sewer District and the Soos Creek Water & Sewer District to continue water services and wastewater management service to the Fairwood Area.
- The City of Renton will coordinate stormwater services to the Fairwood Area consistent 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).
- The City of Renton will directly provide for (and will coordinate through agreements with King County), provision of access to parks, recreation facilities, libraries and other community services for the citizens of the Fairwood Area.
- Children of the Fairwood Area would continue their current schools in the Renton School District or the Kent School District.
- Roadways (including streets, storm water drains, and other right of way features) generally meet basic standards for safe and efficient travel. The City of Renton will provide funding (e.g., various existing taxes and fees, grants, development impact fees) for routine upgrades and maintenance and for future capital essential improvements. Further enhancements may be provided in accord with the interests of the citizens.

With annexation to Renton, all services and land use regulations for the Fairwood Area may be efficiently coordinated under unified regulatory authorities administered by a single local government unit. The record demonstrates that provision of public services to the Fairwood Area would be improved by placing the entire 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 will continue to maintain Soos Creek Park and Trail.

King County strongly supports transition to local governance of unincorporated urban areas such as the Fairwood Area. Countywide Planning policies encourage cities as the appropriate units to govern, develop, and serve Urban Areas to provide citizens with more effective, efficient governance. 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 and supports the creation of government units that possess sufficient resources to govern and serve the citizens.

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The Board finds that annexation of the Fairwood Area, as modified herein, advances RCW 36.93.180(3). Annexation will allow the new City to plan and implement coordinated, efficient service programs to provide the essential services necessary to maintain a viable, safe community.

Sufficient resources are reported to support basic required and/or improved, public services, public facilities, and public amenities for community members. With annexation, the Fairwood Area residents would be permitted to consider – and work with City officials to seek new sources of income – the provision of additional services and/or community amenities to enhance the built community and natural environment.

#### **RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES**

Approval of the annexation of the Fairwood Area (including the Soos Creek Park and Trail) will create a reasonable and regular boundary. The proposed boundaries of the Fairwood Area Annexation are not geometric in form. However, the boundaries provide regularity in that the borders of the Fairwood Area coincide with the established Urban Growth Area boundary and with the existing boundaries of the City of Renton. The Fairwood Area is a designated Potential Annexation Area for the City of Renton.

Under the King County Comprehensive Plan and the State Growth Management Act, the Fairwood Area (including the Soos Creek Park and Trail), as an unincorporated urban community, is encouraged to achieve transition to a local jurisdiction. The Fairwood Area, as an unincorporated community, does not benefit from effective governance. With annexation to the City of Renton, the Fairwood Area would receive cohesive, coordinated governance and services.

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The Board finds that annexation of the Fairwood Area, as modified, advances RCW 36.93.180 (4). Annexation will facilitate uniform governance, coordinated community planning, and provide for more effective, efficient services to the community.

#### **RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS**

The State of Washington (RCW 36.70A; RCW 36.93, *et seq.*) discourages multiple incorporations and supports annexations that provide a supportable alternative to retaining lands within the unincorporated county or as a supportable alternative to annexation to an existing jurisdiction.

The evidence demonstrates that the Fairwood Area Annexation, as modified, achieves the benefits of governance by a local jurisdiction based upon measures that include, but are not limited to:

- Sufficient existing populace/development and planned future growth to support the Fairwood Area and the City of Renton,
- Sufficiently strong community connections to support the Fairwood Area and the City of Renton;
- Sufficient funding to support basic required services for the Fairwood Area and the City of Renton (e.g., land use planning, housing, public services, public facilities, and public amenities for community members.)
- Sufficient support from King County to ensure protection of Soos Creek Park and Trail.

The Board finds that the necessary elements to govern and serve the community are achieved by annexation by the City of Renton of the Fairwood Area.

The State Growth Management Act (RCW 36.70A) and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions.

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The Board finds that annexation by the City of Renton of the Fairwood Area (including the Soos Creek Park and Trail) advances RCW 36.93.180(5). The proposed annexation would permit the community to benefit from affiliation with the City, as this municipality has sufficient resources to govern and serve the Fairwood Area. Annexation would be consistent with the State Growth Management Act, the King County Comprehensive Plan/Countywide Planning Policies.

#### **RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS**

RCW 36.93.180 (6) is not applicable to File No. 2308

#### **RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES**

Annexation to the City of Renton would result in the transition of a large area of unincorporated land into the local jurisdiction. Annexation would create more reasonable and practical boundaries necessary to achieve the preservation and coordinated governance of the community. More specifically, with annexation, the Fairwood Area – including the built environment and linked natural environment (e.g., Soos Creek Park and Trail) – will be placed under local jurisdiction, thus creating more practical boundaries for directed planning activities such as the establishment of uniform land uses and development standards; preservation of environmentally sensitive areas; and the provision of coordinated public facilities and services.

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The proposed Fairwood Area annexation, as modified, advances RCW 36.93.180(7) enhances an established social community with coordinated boundaries which will support effective governance of this local community.

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

The proposed annexation is based upon the location of this territory within the Urban Growth Area designated by the King County Comprehensive Plan. The State Growth Management Act also provides “Urban” designation for the Fairwood Area.

Annexation is anticipated to promote uniform governance, development, and services appropriate for this urban territory.

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The Board finds that the Fairwood Area annexation, as modified, advances RCW 36.93.180(8). Coordinated governance and services should immediately benefit Fairwood Area citizens. Following annexation, Fairwood Area citizens will be invited to participate in the planning of basic governance plans, public services, and amenities for the community. King County will continue to serve the Soos Creek Park and Trail Area.

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

The Fairwood Area (including the Soos Creek Park and Trail) lies within the Urban Growth Area as established by King County and approved by the State of Washington. The proposed Fairwood Area Annexation does not include any agricultural lands or rural lands. The Soos Creek Park and Trail Area does not include agricultural lands or rural lands.

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The Board finds that RCW 36.93.180 (9) is not applicable to File No. 2308

### **III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS**

The Boundary Review Board conducted review and deliberation for File No. 2308 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 Renton Comprehensive Plans, and other relevant regulations and guidelines. The role of the Boundary Review is to implement these existing laws; the Board does not have the authority to make law or policy.

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

- The Board may approve the Fairwood Area annexation as proposed by the City of Renton if this action achieves compliance with RCW 36.93 and other applicable regulations (e.g., RCW 36.70A State Growth Management Act, King County Comprehensive Plan, City of Renton Comprehensive Plan, *et seq.*)
- The Board may approve annexation of the Fairwood Area with modifications to corporate boundaries if this action achieves compliance with RCW 36.93 and other applicable regulations (e.g., RCW 36.70A State Growth Management Act, the King County Comprehensive Plan, the City of Renton Comprehensive Plan, *et seq.*)
- The Board may deny the proposed annexation of the Fairwood Area as proposed by the City of Renton if this action fails to achieve compliance with RCW 36.93 and other applicable regulations (e.g., RCW 36.70A State Growth Management Act, the King County Comprehensive Plan, the City of Renton Comprehensive Plan, *et seq.*)

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The Board finds that the record for File No. 2308 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 annexation by the City of Renton of the Fairwood Area.

The Board finds that the proposed annexation by the City of Renton of the Fairwood Area (including the Soos Creek Park and Trail) is consistent with the provisions of 36.93 RCW. By way of example, but not limitation:

- The annexation by the City of Renton of the Fairwood Area (including the Soos Creek Park and Trail) 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 annexation was evaluated according to the criteria established in RCW 36.93.180 as follows:

<b>RCW 36.93</b>	<b>FAIRWOOD AREA /SOOS CREEK PARK &amp; TRAIL (3995/71.5 ACRES)</b>
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 ANNEXATION IS CONSISTENT WITH ESTABLISHED COMPREHENSIVE PLAN BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS THE CITY OF RENTON CAN PROVIDE SERVICES TO THE ENTIRE FAIRWOOD 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

RCW 36.93	FAIRWOOD AREA /SOOS CREEK PARK & TRAIL (3995/71.5 ACRES)
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 of urban communities. Annexation of the Fairwood Area by the City of Renton advances the provisions of RCW 36.70A by providing an opportunity to establish an urban community which has resources to achieve effective local governance.
- King County Comprehensive Plan/Countywide Policies also contemplate logical and orderly growth of communities. County plans support local governance to assure balanced, sound, cost-effective governance for this community. Annexation of the Fairwood Area would accomplish that balance that the County seeks from transition of urban areas into local communities.
- The City of Renton Comprehensive Plan/Countywide Policies also address logical and orderly growth of communities. The City plans support local governance to assure balanced, sound, cost-effective governance for this community. Annexation of the Fairwood Area (including the Soos Creek Park and Trail) would accomplish that balance that the City intends in conjunction with the transition of urban areas into local communities.

#### IV. CONCLUSION

The Boundary Review Board finds that approval of the proposed annexation by the City of Renton of the Fairwood Area (including the Soos Creek Park and Trail based upon an agreement for transfer of this territory by the City of Renton, the City of Kent, and King County.) advances the standards established in RCW 36.93 (Local Organization – Boundaries); RCW 36.70A (Growth Management Act), King County Comprehensive Plan, City of Renton Comprehensive Plan and other state and local guidelines for annexation of urban areas.

The Boundary Review Board finds that approval of the City of Renton Notice of Intention by the City of Renton to annex the Fairwood Area, as modified to include the Soos Creek Park and Trail is timely based upon the municipality's current and historical commitment to guide development and provide municipal services to this area.

The annexation to the City of Renton of the Fairwood Area (including the Soos Creek Park and Trail) will support 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.

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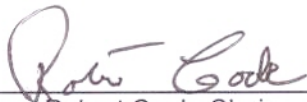
*(Note: As prescribed by RCW 36.93 and RCW 35.14A, an election must be conducted by the community to permit the registered voters to determine whether they wish to annex to the City of Renton. If the citizens do not support annexation at election, the community will remain under the jurisdiction of King County until/unless a future action is undertaken to annex the community to the City of Renton or to incorporate as a discrete municipality.)*

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. 2308** be, and the same is, hereby **approved with modifications** 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 9 in favor , 0 in opposition, and 1 abstentions, on this 8<sup>th</sup> day of April, 2010, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY



Robert Cook, Chair

FILED this 8<sup>th</sup> day of April 2010 BY:



Lenora Blauman, Executive Secretary

| EXHIBITS |

EXHIBIT I      PROPOSED FAIRWOOD AREA: LEGAL DESCRIPTION OF ANNEXATION AREA BOUNDARIES

EXHIBIT II      PROPOSED FAIRWOOD AREA: MAP OF ANNEXATION AREA BOUNDARIES

RECEIVED

MAR 25 2010

WA State Boundary Review  
Board For King Co.

EXHIBIT I

FAIRWOOD ANNEXATION LEGAL DESCRIPTION

An area encompassing all or parts of Sections 21 through 23, and 25 through 28 and 33 through 36 of Township 23 North, and Sections 1, 2, 3, and 4 of Township 22 North, all in Range 5 East, Willamette Meridian, in King County, Washington described as follows:

Beginning at a point on existing limits of the City of Renton as annexed under Ordinance No. 5373, said point being at the intersection of the south line of said annexation and the east line of the Southeast quarter of said Section 23;

Thence southerly along said east line and coincident with the 2008 King County Urban Growth Boundary (UGB) line, as defined by King County Ordinance No. 16263, to the corner common to said Sections 23, 24, 25 & 26, said corner also being the northwest corner of Tract "O" of Woodside at McGarvey Park Div. 1, as recorded in Volume 196 of Plats, pages 86 – 97, records of said county;

Thence southerly along the line between Sections 25 and 26, the west line of said Tract "O" and coincident UGB line, to an intersection with the northwesterly extension of the north line of Tract "D" of Woodside at McGarvey Park Div. 6, as recorded in Volume 216 of Plats, pages 55 - 62, records of said county;

Thence southeasterly along said northwesterly extension and coincident UGB line, crossing a portion of said Tract "O", to the westernmost northwest corner of said Tract "D", said northwest corner also being the westernmost northwest corner of said plat;

Thence generally easterly, northerly, easterly and southerly along the northerly and easterly boundaries of said plat and coincident UGB line, to the southeast corner of said plat, said southeast corner also being a point on the north line of a 750' electrical transmission line easement, recorded under King County Recording No. 5225470, records of said county;

Thence northwesterly along the south line of said plat, said south line also being the north line of said electrical transmission line easement and coincident with the UGB line, crossing Parkside Way SE and crossing Tract "T" of Woodside at McGarvey Park Div. 5, as recorded in Volume 209 of Plats, pages 79-90, records of said county, to the southwest corner of said Div. 6;

Thence continuing northwesterly along the northwesterly extension of said south line and coincident UGB line, to an intersection with the east line of the Northeast quarter of said Section 26;

Thence southerly along said east line and coincident UGB line, to the northwest corner of Tract "V" of said Div. 5;

Thence southeasterly along the various courses of the north line of said plat and coincident UGB line, crossing said Tract "T" and Parkside Way SE, to the northeast corner said Div. 5;

Thence southwesterly along the easterly line of said plat and coincident UGB line, to the southeast corner thereof, said southeast corner also being the northernmost corner of Tract "D" of said Div. 1;

Thence southerly and southwesterly along the easterly boundary of said Tract "D" and coincident UGB line, to the southeasterly corner of said tract, said corner also being the northernmost corner of Tract "C" of said plat;

Thence southeasterly along the northeast boundary of said Tract "C" and of Tract "J" of said plat and coincident UGB line, to the easternmost corner of said Tract "J";

Thence southwesterly along the southeast boundary of said Tract "J" and coincident UGB line, to the southeast corner of said tract, said corner also being the northeast corner of Tract "A" of said plat;

Thence southerly along the east lines of Tract "A" and Lot 3 of said plat, and coincident UGB line, to the southeast corner of said Lot 3;

Thence southwesterly along the south lines of Lots 3, 2, & 1 and Lots 34 - 40 of said plat, said lines also being coincident with the UGB line, crossing Parkside Way SE, to the southwest corner of said Lot 40;

Thence westerly along the westerly extension of said south line and the UGB line, crossing Woodside Drive SE, to the southeast corner of Lot 3 of Woodside at McGarvey Park Div. 3, as recorded in Volume 203 of Plats, pages 1 -10, records of said county;

Thence westerly, northerly and northwesterly along the south line of said plat and coincident UGB line, to the southwest corner of said plat, said southwest corner also being the southeast corner of Tract "K" of said Div. 1;

Thence westerly along the south line of said Tract "K" and coincident UGB line, to the southwest corner of said tract, said southwest corner also being a point on the east line of the Southeast quarter of said Section 26;

Thence southerly along said east line and coincident UGB line, to the southeast corner of said Southeast quarter, said corner also being the northwest corner of the Northwest quarter of said Section 36;

Thence easterly along the north line of said subdivision and coincident UGB line, crossing Parkside Way SE and Woodside Way SE, to an intersection with the northwesterly right of way margin of West Lake Desire Dr SE;

Thence northerly and northeasterly along said northwesterly margin and coincident UGB line, to the west line of the Southeast quarter of said Section 25;

Thence northerly along said west line and coincident UGB line, to the northwest corner of the south half of said Southeast quarter;

Thence easterly along the north line of said south half and coincident UGB line, to the northeast corner of said south half;

Thence southerly along the east line of said Southeast quarter and coincident UGB line, to the southeast corner thereof, said southeast corner also being the northeast corner of said Section 36;

Thence continuing southerly along the east line of said Section 36 and coincident UGB line, to the southeast corner of said Section 36, said corner also being the northeast corner of said Section 1;

Thence continuing southerly along the east line of said Section 1 and coincident UGB line, crossing SE Petrovitsky Rd, to an intersection with the southerly right of way margin thereof;

Thence generally northwesterly along the various courses of said southerly margin and coincident UGB line, crossing SE 184<sup>th</sup> St, to an intersection with the northerly right of way margin thereof, in the northwest quarter of said Section 36;

Thence westerly along said northerly margin and coincident UGB line, to an intersection with the northerly right of way margin of SE Old Petrovitsky Rd;

Thence generally northwesterly and southwesterly along said northerly margin and coincident UGB line, to an intersection with the east line of the north half of said Section 35;

Thence southerly along said east line and coincident UGB line, to southeast corner of said north half, said southeast corner being on the southerly right of way margin of SE Old Petrovitsky Road;

Thence generally westerly along the various courses of said southerly margin and coincident UGB line in the south half of said Section 35, to an intersection with the south line of said north half;

Thence westerly along said south line and coincident UGB line, to the southwest corner of said north half, said southwest corner also being the northeast corner of the Southeast quarter of said Section 34;

Thence southerly along the east line of said Southeast quarter and coincident UGB line, to the southeast corner thereof, said southeast corner also being the northeast corner of the Northeast quarter of said Section 3, said corner also being the northwest corner of the Northwest quarter of said Section 2;

Thence easterly along the north line of said northwest quarter and coincident UGB line, to an intersection with a line 20 feet east of and parallel with the west line of said subdivision;

Thence southerly along said parallel line and coincident UGB line, to an intersection with the easterly extension of the south line of Ruddell's 3<sup>rd</sup> Addition as recorded in Volume 108 of Plats, page 25 & 26, records of said county;

Thence westerly along said extension and continuing along said south line and coincident UGB line, to the southwest corner of Lot 66 of said plat, said southwest corner also being a point on the east line of the Southwest quarter of the Northeast quarter of said Section 3;

Thence southerly along said east line and coincident UGB line, crossing SE 200<sup>th</sup> St, to the southeast corner of said subdivision, said southeast corner also being the northeast corner of the Northwest quarter of the Southeast quarter of said Section 3;

Thence continuing southerly along the east line of said subdivision and coincident UGB line, to the southerly right of way margin of SE 202<sup>nd</sup> St;

Thence westerly along said southerly margin and its westerly extension and coincident UGB line, crossing 143<sup>rd</sup> PI SE, 142<sup>nd</sup> Ave SE and 140<sup>th</sup> Ave SE, to an intersection with the westerly right of way margin of said 140<sup>th</sup> Ave SE, in the southwest quarter of said Section 3;

Thence northerly along said westerly margin and coincident UGB line, to an intersection with the southerly margin of SE Lake Youngs Way (SE 204<sup>th</sup> Way);

Thence westerly and southwesterly along said southerly margin and coincident UGB line, to the northeast corner of Tract A of Jerry's Place as recorded in Volume 207 of Plats, pages 50 – 54, records of said county;

Thence southerly and northwesterly, respectively, along the eastern and southwestern boundaries of said Tract A and coincident UGB line, to the southwest corner of said Tract A, said corner also being the northwest corner of Tract "E" of said plat and a point on the west line of the east 866 feet of the Southwest quarter of said Section 3;

Thence southerly along said west line and coincident UGB line, to an intersection with the northerly right of way margin of SE 208<sup>th</sup> St;

Thence westerly along said northerly margin, to an intersection with the west line of the Southeast quarter of the Southwest quarter of said Section 3, also being the City Limits of the City of Kent, as described in King County Ordinance No. 16618 and approved by voters on November 3, 2009;

Thence northwesterly along said city limits, crossing SE Lake Youngs Way (SE 204<sup>th</sup> Way) and SE 192<sup>nd</sup> St, to an intersection with the northerly right of way margin of SE 192<sup>nd</sup> St, said margin also being the existing limits of the City of Renton as annexed under Ordinance No. 5327;

Thence generally northerly and easterly along the existing limit line of the City of Renton as annexed under Ordinance Nos. 5327, 1961, 3723, 5243 and 5373 to the point of beginning.

