

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

IN RE:	CITY OF TUKWILA North Highline Area "Q" Proposed Annexation King County, Washington	FILE NO. 2343
---------------	--	----------------------

I. PUBLIC HEARING OVERVIEW

In August, 2012, the proponent, the City of Tukwila, filed a Notice of Intention with the Boundary Review Board to annex territory that is commonly referred to as North Highline Area "Q" comprising 166 acres.

North Highline Annexation Area "Q" is located immediately adjacent to the Duwamish River at the western boundary of the City of Tukwila. The northern boundary of the site is formed by South Director Street. The southern boundary of the site is located at South 101st Street. The western boundary of the site is formed primarily by West Marginal Way. The Green River Trail Corridor runs through the area and the Duwamish Riparian Corridor and lies within the proposed annexation.

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

On October 22, 2012, and October 23, 2012 the Board conducted Public Hearings to consider the proposal by the City of Tukwila to annex North Highline Area "Q." On November 8, the Board held a Special Meeting in order to deliberate on this matter. At that Special Meeting the Board adopted a motion to reopen the Public Hearing on January 10, 2013 to obtain additional evidence regarding the ways in which the North Highline Area "Q" annexation could affect or be affected by circumstances in the South Park "Sliver" and North Highline Area "Y." On January 10, 2013, the Board conducted and closed the Public Hearing and entered into deliberations to come to a preliminary decision in the matter of File No. 2343.

The Board reviewed File No. 2343 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 36.70A, the Growth Management Act, the King County Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

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

At the Special Meeting/Public Hearing of January 10, 2013 the Board completed the public hearing process, conducted deliberations, and reached a preliminary decision in the matter of File No. 2343, the Board found the following:

- The record for File No. 2343 contains sufficient documentation (e.g., legal analyses, technical reports), evidence of community information programs, certification of petitions, and/or legislative action to complete its review of the North Highline Area "Q" Annexation.
- On the basis of the testimony, evidence, and exhibits presented at said hearing, and the matters on record in said **File No. 2343**, it is the decision of the Board to **deny** the proposed **Notice of Intention**.

- The legal description of the North Highline Area “Q” 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

RCW 36.93.170 establishes several Factors that the Board must consider in evaluation of a proposed municipal annexation. The Boundary Review Board finds the following factors to be applicable to the Notice of Intention for Annexation of North Highline Area “Q” into the City of Tukwila. The key issues related to each applicable element follows:

RCW 36.93.170 (1) POPULATION AND TERRITORY

The Board considered the following factors to be applicable: Proximity to Other Populated Areas; Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; and Proximity to Other Populated Areas.

The record demonstrates that the Tukwila Comprehensive Plan identifies North Highline Area “Q” as lying within the City’s Potential Annexation Area. However, North Highline Area “Q” has only a limited connection to the City of Tukwila. Further Area “Q” has numerous connections to the surrounding unincorporated area – i.e., the South Park “Sliver” and the North Highline Area “Y.”

By submitting the North Highline Area “Q” as a discrete annexation, this proposed action fails to address those regional issues that the Board finds to be critical to this matter. These issues relate to the fact that North Highline Area “Q”, the South Park “Sliver” and North Highline Area “Y” are proximate urban areas that cannot be isolated as proposed by the North Highline Area “Q” Annexation without creating severe, deleterious impacts. These impacts arise from the fact that each of the three areas include overlapping and linked built communities, common infrastructure, and connected natural environments (e.g., waterways, topography, drainage basins.)

The record demonstrates that the annexation of North Highline Area “Q”, as submitted, would impede future connection of governance and service to North Highline Area “Q” and to the neighboring communities of the South Park “Sliver” and North Highline area “Y.”

The Board finds that, based upon the record for File No. 2343, the proposed annexation by the City of Tukwila of North Highline Area “Q” fails to advance RCW 36.93.170 (1.)

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. The following is a brief review of key issues related to these factors:

The record demonstrates that the North Highline Area “Q” requires a full array of municipal services that could be provided at annexation to the City of Tukwila. However, provision of services to North Highline Area “Q” as a discrete community fails to address RCW 36.93.170 (2) in that such services, in isolation, do not address service needs, opportunities, and limitations to the directly linked South Park “Sliver” and/or North Highline Area “Y.” Indeed, approval of the proposed annexation would make delivery of services to the remaining unincorporated area challenging and inefficient.

The record demonstrates that regional District and/or the, City of Seattle are better prepared to provide life safety services to Area “Q.” Division of North Highline Area “Q” from the surrounding, linked neighborhoods of the South Park “Sliver” and North Highline Area “Y” – and the concomitant loss of funding -- poses substantial challenges for sustaining life safety services (e.g., fire, emergency, police) that are required by statute to be provided throughout those greater communities.

More specifically, North Highline Fire District would remain responsible for services to Area "Y" and the "Sliver." At the same time, however, approval of the proposed annexation would result in a loss of a substantial portion of the revenue that is provided from the linked North Highline Area "Q."

Thus, the City of Tukwila, the City of Seattle, King County, and the North Highline Fire District must make a commitment to address the municipal service factors relating to annexation of North Highline Area "Q" (as well as the nearby South Park "Sliver" and North Highline area "Y".) These municipal service requirements should be addressed through various types of plans and programs. There must be reasonable assurance that existing and anticipated municipal funds, together with regional and state funds, will provide sufficient resources to ensure service to the North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y" in a manner that will address impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units.

Additionally, the record demonstrates that there are concerns about the ways in which Area "Q" – following a discrete annexation – would impact the support for operations and maintenance of the South Park Bridge, a facility that serves both the greater community and the region. The present Notice of Intention addresses (via a 2003 Interlocal Agreement) the City of Tukwila's initial contribution to the rebuilding of the Bridge.

The Board finds that, based upon the record for File No. 2343, the proposed annexation by the City of Tukwila of North Highline Area "Q" fails to advance RCW 36.93.170 (2.)

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 North Highline Area "Q" Annexation. Following is a brief review of key issues related to these factors.

The record demonstrates that the proposed North Highline Area "Q" annexation does not comply with RCW 36.93.170 (3.) This finding is based upon the City of Tukwila failure to address the numerous mutual social and economic links between the North Highline "Q" Area, North Highline Area "Y", and the South Park "Sliver."

The record demonstrates that the City of Tukwila North Highline Area "Q" shares mutual social and economic links with the adjacent South Park "Sliver", and North Highline Area "Y." Both the "Sliver" and Area "Y" are immediately adjacent to the City of Tukwila. Citizens – residents and business owners -- of North Highline Area "Q", the "Sliver", and North Highline Area "Y" all utilize facilities in the greater communities – including homes, workplaces, commercial services, personal services, waterways, libraries, schools, parks and recreation programs. Citizens travel local and arterial roads through the City. Numerous services (e.g., policing, fire and emergency, utilities) are coordinated under the aegis of regional service providers.

The record demonstrates that with respect to the general economic environment affecting North Highline Area "Q", the "Sliver", and North Highline Area "Y", the cost of municipal governance and services may grow faster than tax and fee revenues. To the extent that future costs could exceed revenues, the greater communities will achieve stronger economic climate by working collaboratively to reach overarching decisions and implement steps to bring revenues and costs in line through establishment of a balanced budget. Appropriate apportionment of revenue and costs on a "fair share" basis among North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y" will ameliorate fiscal challenges and benefit the greater City of Tukwila. For example, For example, North Highline Area "Q" would bring the greatest revenue to the three affected areas; however, Area "Q" businesses also significantly utilize

infrastructure, services, and commercial uses throughout North Highline Area "Y" and the South Park "Sliver." North Highline Area "Y" and the South Park "Sliver" provide less revenue; however these two communities provide a substantial portion of the infrastructure and commercial businesses utilized by the property owners and employees of North Highline Area "Q." The three communities are also linked with respect to provision of life safety services(e.g., fire, emergency, policing.)

The Board finds that, based upon the record for File No. 2343, the proposed annexation by the City of Tukwila of North Highline Area "Q" fails to advance RCW 36.93.170 (3.)

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with the following 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

The record demonstrates that the key Growth Management Act policies that guide the provision of public services and are relevant to the proposed North Highline Area "Q" 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 (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 (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 record demonstrates that the State Growth Management Act (RCW 36.70A) does not support the North Highline Area "Q" Annexation. More specifically:

- The proposed action is not consistent with the Growth Management Act (RCW 36.70A.) The City of Tukwila fails to address Growth Management Act (GMA) criteria that are relevant to the North Highline Area "Q" annexation. The proposed North Highline Area "Q" annexation does not consider those GMA policies – RCW 36.70A.020, RCW 36.70A.110 -- requiring planning goals for urban growth, provision of public services, provision of infrastructure, and preservation of environmentally sensitive areas as these matters that collectively apply to and affect North Highline Area "Q" together with neighboring communities (i.e., South Park "Sliver", and North Highline Area "Y".)
- By the division of North Highline Area "Q, from the South Park "Sliver", and North Highline Area "Y" communities – resulting from the fact that this Notice of Intention does not consider those communities in accord with the provisions of RCW 36.70A. The discrete annexation of North Highline Area "Q" does not create an effective local governance or service plan for Area "Q." Further, the record demonstrates a clearly defined risk to the level of governance, services, and infrastructure available to each of these three communities.

The Board finds that the State Growth Management Act (RCW 36.70A) does not support the discrete annexation of North Highline Area "Q" to the City of Tukwila.

CONSISTENCY WITH THE KING COUNTY COMPREHENSIVE PLAN/ COUNTYWIDE PLANNING POLICIES

The King County Comprehensive Plan and Countywide Planning Policies call for the Boundary Review Board to consider Notices of Intention in accord with guiding principles established in these two documents.

The record demonstrates that the City of Tukwila annexation of North Highline Area "Q", as proposed, fails to address the relevant King County Comprehensive Plan policies and Countywide Planning Policies that address transition of services from county to cities. Of key importance is King County Countywide Planning Policy LU-32 which states:

"A city may annex territory only within its designated potential annexation area ... All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed.

The following applies only within the North Highline unincorporated area. Where PAAs overlap prior to January 1, 2009, the cities with the PAA overlap and the county should attempt to establish alternative non-overlapping PAA boundaries through a process of negotiation. Absent a negotiated resolution, a city may file a Notice of Intent to Annex with the Boundary Review Board for King County for territory within its designated portion of a PAA overlap as shown on the Interim Potential Annexation Area Map and detailed in the city's comprehensive plan after the following steps have been taken:

1. The city proposing annexation has, at least 30 days prior to filing a Notice of Intent to annex with the Boundary Review Board, contacted in writing the cities with the PAA overlap and the county to provide notification of the city's intent to annex and to request a meeting or formal mediation to discuss boundary alternatives, and;
2. The cities with the overlap and the county have either:
 - a. Agreed to meet but failed to develop a negotiated settlement to the overlap within 60 days of the receipt of the notice, or;
 - b. Declined to meet or failed to respond in writing within 30 days of receipt of the notice."

King County Comprehensive Plan Policy U-205 is also of key significance with respect to the proposed City of Tukwila North Highline Area "Q" annexation. This policy states that:

"King County shall not support annexation proposals that would:

- a. Result in illogical service areas.
- b. Create unincorporated islands unless the annexation is preceded by an Interlocal agreement in which the city agrees to pursue annexation of the remaining island area in a timely manner;
- c. Focus solely on areas that would provide a distinct economic gain for the annexing city at the exclusion of other proximate areas that should logically be included;

..."

The record demonstrates that the North Highline Area "Q" annexation proposed to the City of Tukwila fails to address the relevant provisions of the King County Comprehensive Plan and the Countywide Planning Policies.

For example, North Highline Area "Q" is located within the Potential Annexation Area of both the City of Tukwila and the City of Seattle. Area "Q" is also linked, by numerous characteristics, to the nearby South Park "Sliver" and North Highline Area "Y."

The record demonstrates that the City of Tukwila, the City of Seattle, and King County started the required negotiation process to attempt to reach an agreement concerning future governance and service provision to North Highline area "Q" and the South Park "Sliver." (North Highline Area "Y" was not initially considered in these negotiations as the City of Burien was seeking annexation of Area "Y.") The City of Tukwila withdrew very early from the mediation program. After the City of Tukwila's withdrawal, the City of Seattle and King County continued in mediation but were unable to achieve a comprehensive

agreement due to the absence of the City of Tukwila. At this time, the North Highline Area "Y" will be included in any future mediation because the City of Burien is withdrawing the territory from its Potential Annexation Area. This would result in the City of Seattle becoming the sole potential governing jurisdiction for North Highline Area "Y."

The City of Tukwila's proposed annexation of North Highline Area "Q" would create unincorporated islands (i.e., South Park "Sliver", and North Highline Area "Y.") This Notice of Intention does not consider the ways in which the proposed North Highline Area "Q" annexation to Tukwila will address those overlapping Potential Annexation Areas. This proposed annexation fails to address the fact of the links of North Highline Area "Q" to South Park "Sliver" and/or North Highline Area "Y" that will affect the future viability of and/or quality of life in the three communities. More specifically:

The record demonstrates that the proposed annexation is not consistent with King County Comprehensive Plan and Countywide Planning Policies (e.g., LU-32; U-205, et seq.) calling for annexation of urban communities to create logical municipal service areas. Planning for coordinated governance and service to North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y" is necessary to achieve the provisions of the County Comprehensive Plan and Countywide Planning Policies. These linked communities would benefit from planning and implementation of cohesive policies, standards, programs, coordinated service operations. Coordinated services would better protect public safety, health, and welfare.

The proposed annexation is inconsistent with County Comprehensive Plan and Countywide Planning Policies calling for annexations that do not "(f)ocus solely on areas that would provide a distinct economic gain for the annexing city at the exclusion of other proximate areas that should logically be included" in the annexation. of urban areas by local governments based upon the socio-economic climate. This proposed action has clear economic benefits for North Highline Area "Q" but does not address economic conditions in the linked greater communities. Planning for coordinated governance and service to North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y" is necessary to achieve the provisions of the County Comprehensive Plan and Countywide Planning Policies (e.g., LU-32; U-205, et seq.) In this way, a more cohesive economic environment would be provided by the government to the citizens of North Highline Area "Q", the "Sliver", and North Highline Area "Y".

The Board finds that, at this time, the isolated annexation of North Highline Area "Q" to Tukwila fails to meet the provisions of the King County Comprehensive Plan and Countywide Planning Policies.

The Board may consider future Notice(s) of Intention for annexation of the North Highline Area "Q" overlapping Potential Annexation Area as well as Notice(s) for annexation of the linked South Park Sliver" and/or North Highline Area "Y" at a time when the City of Tukwila, the City of Seattle, and King County come to an agreement as to the manner in which these areas should receive governance and services.

RCW 36.93.180 OBJECTIVES

RCW 36.93.180 establishes several Objectives that the Board must consider in deciding a proposed municipal annexation. The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the North Highline Area "Q" Annexation as follows:

RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES

Objective 1 calls for the preservation of natural neighborhoods and communities.

The Board finds that Tukwila's proposed annexation of North Highline Area "Q" does not preserve natural neighborhoods or communities. North Highline Area "Q" is not a "neighborhood" (i.e., "either geographically distinct areas or socially... distinct groups of residents") as that term is contemplated in RCW 36.93, et seq.

The record demonstrates that, while the proposed North Highline Area "Q" annexation follows the boundaries of the Tukwila Potential Annexation Area, the boundaries of this area are not appropriate because these borders divide Area "Q" from the contiguous South Park "Sliver" and from North Highline Area "Y." The proposed Area "Q" does not recognize or address the fact that the neighboring

communities have substantial links to Area "Q" through geographic characteristics (e.g., terrain, open spaces, rights-of-way, ecosystems) and by social/economic characteristics (e.g., land uses, services, infrastructure.)

There is evidence in the record that many property owners of North Highline Area "Q" have expressed a desire to join the City of Tukwila. The Board acknowledges this interest but cannot support the North Highline Area "Q" annexation because this annexation fails to preserve the greater community. For example, the isolated annexation of North Highline Area "Q" fails to address the connections occurring because business people and residents of North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y" use common community facilities – e.g., commercial services, personal services, roadways, parks, and recreation facilities.

The Board finds that annexation of the North Highline Area "Q" will fail to advance RCW 36.93.180 (1.)

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

Objective 2 contemplates the use of physical boundaries to clearly define the proposed North Highline Area "Q" annexation.

The record demonstrates that the proposed North Highline Area "Q" Annexation does follow Tukwila's Potential Annexation Area borders, and that it is linked by a small peninsula to the City of Tukwila.

However, this proposed annexation does not address the fact that the North Highline Area "Q" is linked geographically -- e.g., by terrain, land uses, infrastructure, and services -- to the unincorporated territories of South Park "Sliver" and North Highline Area "Y."

"Social neighborhoods" may also form the basis for logical boundaries. The record demonstrates that the North Highline Area "Q" shares social affiliation with the South Park "Sliver" and North Highline Area "Y."

As such, the isolated annexation of North Highline Area "Q" would result in illogical physical boundaries and separate social neighborhoods creating difficult to serve unincorporated islands and would impair the existing cohesive community.

The Board finds that the proposed North Highline Area "Q" boundaries will not advance the objective of using defined physical boundaries (i.e. a distinct geographic area) and damages the "social neighborhood", as it currently exists. For this reason, the proposed annexation sets back the objective described in RCW 36.93.180 (2.)

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

Objective 3, addresses the creation of logical service areas.

The record demonstrates that the North Highline Area "Q" as a discrete territory does not create a logical service area and, indeed would set back this objective. While the City's Notice of Intention indicates that City has planned to provide a full complement of urban services to the area, the record before the Board identifies a host of challenges that would result to the provision of public health and safety services to the greater community if the Board were to approve the annexation..

More specifically, the record demonstrates substantial issues relating to Area "Q" – following an annexation – would function as a logical service area with respect to delivery of fire and emergency services. Of major significance is the fact that the North Highline Fire District, is obligated by statute to provide fire and emergency services to North Highline Area "Q", North Highline Area "Y", and the South Park "Sliver", will continue to have responsibility for services to Area "Y" and the "Sliver", while at the same time losing a substantial portion of the revenue that it receives from Area "Q" that is essential for the District to meet its service responsibilities.

The evidence shows that, further, there are concerns about the ways in which Area "Q" – following an annexation – would function as a logical service area with respect to requirements for support of the South Park Bridge which is a facility that serves the greater community and the region. The present Notice of Intention addresses (via a 2003 Interlocal Agreement) the City of Tukwila's initial contribution to the rebuilding of the Bridge. There is no plan for the City to further address responsibilities for

maintenance and operation of the Bridge. An updated Interlocal Agreement to address these issues is an essential precursor to approval of annexation for Area "Q."

The evidence shows that North Highline Area "Q", North Highline Area "Y", and the "Sliver" will continue to receive more effective, efficient services as a single, unified community than would occur if these communities are severed by annexation. There are particular concerns for services to the "Sliver" if this area becomes isolated as an unincorporated island.

The Board finds that annexation of North Highline Area "Q" to the City of Tukwila fails to advance and sets back the objective of the creation and preservation of logical services areas pursuant to RCW 36.93.180 (3.)

RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES

Objective 4 calls for the prevention of abnormally irregular boundaries.

The Board notes that there were comments in the record that approval of the annexation would result in substantial progress toward annexation of the entire remaining Unincorporated Area. The Board rejects this contention.

The record demonstrates that North Highline Area "Q" boundaries, as proposed, are abnormally irregular – despite the fact that it includes the entire Tukwila Potential Annexation Area. Rather, the proposed annexation fails to address the ways in which North Highline Area "Q" is linked to North Highline Area "Y" and the South Park "Sliver" with respect to physical boundaries, neighborhoods, service areas and jurisdictional boundaries.

The territory within each of these communities is defined as urban unincorporated area, and thus specifically established for eventual annexation into a city. Plans are reported to be underway for designation of each of these areas to a local community. It is appropriate to complete these designations – in a reasonable timeline -- in order to establish proper boundary lines for each of the areas known as North Highline Area "Q", North Highline Area "Y", and the South Park "Sliver."

The Board finds that annexation of North Highline Area "Q" to Tukwila fails to provide boundaries which are necessary to facilitate coordinated government and provide for more effective, efficient services to the three affected communities consistent with RCW 36.93.180 (4) and that approval of the annexation as submitted would set back this objective.

RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS

Objective 5 discourages multiple incorporations. 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.

The proposed North Highline Area "Q" annexation fails to discourage multiple incorporations. The Board finds that the proposed City of Tukwila annexation of Area "Q" – because it will fragment the greater community -- fails to address regional issues. Multiple annexations to various communities may be necessary as a result of this fragmentation.

The Board finds that the proposed City of Tukwila North Highline Area "Q" fails to advance Objective 5.

RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS

Objective 6 is not directly applicable to File No. 2343 as this criterion addresses special purpose districts. However, Objective 6 is germane as the annexation of North Highline Area "Q" will create substantial complexities for the North Highline Fire District which will remain with substantial service responsibilities but will lose the major portion of its revenue that comes from North Highline Area "Q."

RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES

Objective 7 identifies the attainment of practical boundaries as an objective to be advanced by a decision of the Board in its review of annexations.

The record demonstrates that approval of the proposed annexation of North Highline Area "Q" fails to achieve practical boundaries. On the contrary, approval of the proposed annexation would set back this objective. Annexation would be an anomalous action – resulting in impractical boundaries -- owing to the fact that the Notice of Intention does not address the common geographic characteristics, social characteristics, service requirements, and other matters that will affect the greater community that comprises the remaining unincorporated islands of territory (i.e., North Highline Area "Y", and the South Park "Sliver").

Approval of the annexation of North Highline Area "Q" to the City of Tukwila would set back the Board's objective that its decisions create a reasonable and practical boundaries necessary to achieve coordinated governance of the community. Specifically, upon annexation, the North Highline Area "Q", including the built environment and linked natural environment, will not be coordinated among North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y", thereby creating impractical boundaries for the effective local governance, directed planning activities, preservation of environmentally sensitive areas; and the provision of coordinated public facilities and services.

The Board finds that annexation of North Highline Area "Q" to the City of Tukwila would set back the objective stated in RCW 36.93.180 (7.)

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

Objective 8 calls for inclusion of urban areas within municipalities. The Board finds that the North Highline "Q" Area is located within the City of Tukwila Potential Annexation Area. Annexation would include only this Area in the City of Tukwila.

The record demonstrates that, however, a regional plan for both local governance and services is necessary to achieve the coordination required by regulatory authorities applicable to North Highline Area "Q", North Highline Area "Y", and the South Park "Sliver." Coordination of designation of jurisdictions would promote uniform governance, development, and services appropriate for this urban territory. Coordinated governance and services should immediately benefit North Highline Area "Q" citizens.

The Board finds that annexation of North Highline Area "Q" to the City of Tukwila would set back the objective stated in RCW 36.93.180 (8.)

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

RCW 36.93.180 (9) addresses agricultural and rural lands.

The record demonstrates that this Objective is not applicable to North Highline Area "Q" as this territory lies in the Urban Growth Area as established for King County. There are no agricultural or rural lands in North Highline Area "Q."

The record demonstrates, however, the fact that the Duwamish River (Waterway) constitutes an environmentally sensitive area that will merit attention as the City of Tukwila, the City of Seattle, and King County consider future governance for the greater community.

III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS

The Boundary Review Board conducted review and deliberation of File No. 2343 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board concentrated on RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan and Countywide Policies; and other relevant

regulations and guidelines. As prescribed by statutory mandate, the Boundary Review Board considered the following options:

- Approval of the North Highline Area “Q” Annexation 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 and Countywide Plan Policies.)
- Modification of the annexation of the North Highline Area “Q” Annexation, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan and Countywide Plan Policies.)
- Denial of the proposal if North Highline Area “Q” Annexation if annexation is found to be inconsistent with RCW 36.93 and sets back one or more of the objectives that are required to be advanced by the decision of the Board.

The Boundary Review Board finds that the record for File No. 2343 is detailed and extensive. Jurisdictions and other affected parties have provided considerable materials supporting their positions. The Board reviewed the entire record to reach its decision for the proposed North Highline Area “Q” Annexation. The Board finds that the City of Tukwila’s proposed annexation of the North Highline Area “Q” is not consistent with the provisions of Chapter 36.93 RCW, 36A.70 RCW, the King County Comprehensive Plan and the King County Countywide Policies, and other applicable state, regional, and local standards, and. Further finds that approval of the proposal would set back one or more of the objectives its decision are to achieve. By way of example, but not limitation:

- RCW 36.93: The Board finds that the North Highline Area “Q” Annexation fails to advance criteria established in RCW 36.93.170 with respect to factors including, but not limited to: population, territory, comprehensive planning, land uses, natural environment, municipal service needs and service resources, effects upon finances, debt structure, and contractual obligations, and mutual social and economic needs of the local governmental structure.
- RCW 36.93: The Board finds that the North Highline Area “Q” Annexation does not advance criteria established in RCW 36.93.180 as follows:

RCW 36.93	NORTH HIGHLINE AREA “Q” (166 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	SETS BACK CRITERION AS ANNEXATION INCLUDES PROPERTIES IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	SETS BACK CRITERION AS ANNEXATION IS CONSISTENT WITH ESTABLISHED BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	SETS BACK CRITERION AS TUKWILA CAN SERVE ENTIRE AREA TO PROTECT PUBLIC WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	SETS BACK 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	SETS BACK CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND TO STREAMLINE SERVICE PROVISION

RCW 36.93	NORTH HIGHLINE AREA "Q" (166 ACRES)
OBJECTIVE 8 – INCORPORATION ...OR ANNEXATION TO CITIES OF UNINCORPORATED URBAN AREAS	SETS BACK ADVANCE CRITERION AS SIGNIFICANT DESIGNATED URBAN WHILE LEAVING A MORE IMPRACTICAL AND DIFFICULT TO SERVE ISLANDS OF UNINCORPORATED TERRITORY.
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. RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with the Growth Management Act, including, but not limited to the following key provisions of the Act:

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

This Act encourages local jurisdictions to govern urban lands upon achievement of the provisions of RCW 36.70A. RCW 36.70A calls for annexations to occur when a jurisdiction demonstrates necessary resources to govern and serve affected communities. The Board finds that the proposed

North Highline Area "Q" annexation is not consistent with the State Growth Management Act (RCW 36.70A.) The proposed City of Tukwila annexation of North Highline Area "Q" fails to meet the provisions of RCW 36.70A because this action does not consider or address the governance needs/requirements of the greater affected communities.

- King County Comprehensive Plan and Countywide Policies: The King County Comprehensive Plan and Countywide Policies contemplate logical and orderly growth of communities. These County plans support local governance to assure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed North Highline area "Q" annexation is not consistent with County goals and policies that support transfer of urban unincorporated areas to local governments. More specifically, the proposed action does not conform to LU-32 which calls for the City of Tukwila, the City of Seattle, and King County to come together to create an agreement for governance designations, annexation plans, and services to be provided for North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y." Similarly, the North Highline Area "Q" annexation does not achieve Policy U-205 which supports coordination of governance and services to the greater community.

C. CONFIRMATION OF A PRELIMINARY DECISION

Chair Evans called for a restatement of the motion for a preliminary decision with respect to the proposed annexation by the City of Burien of the North Highline "Q" Area.

Action: Claudia Hirshey moved and Paul MacCready seconded a restatement of motion that the Boundary Review Board shall deny the City of Tukwila annexation of the North Highline "Q" Area (166 acres.) The Board directs staff to prepare a Resolution and Hearing Decision for presentation to the Boundary Review Board for final action on February 14, 2013. The motion was adopted by a vote of eight in favor and two in opposition.

D. COMMENT

The Board expresses appreciation to the officials of the City of Tukwila, the City of Seattle, North Highline Fire District and King County for their submittals to the record in this matter and for their testimony during the public hearings. The Board members wish to communicate appreciation to the numerous community members who participated in the review process of the proposed North Highline "Q" Area annexation.

The Board encourages the communities (King County, the City of Tukwila, the City of Seattle, and the North Highline Fire District) to continue to work together to move forward to determine the best plan for governance and service to both North Highline Area "Q", the "Sliver."

IV. CONCLUSION

The Boundary Review Board finds that annexation of the North Highline Area "Q" to the City of Tukwila fails to advance the standards established in RCW 36.93. (Local Governments – Boundaries – Review Boards), the State Growth Management Act (RCW 36.70A), 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 and further finds that approval would set back the objectives to be advanced by a decision of the Board..

The Boundary Review Board strongly encourages officials of the City of Tukwila, the City of Seattle, and King County to immediately move forward to establish Agreements that provide for each city a clear designation of a Potential Annexation Area that provides for future annexation of North Highline Area "Q", the South Park "Sliver", and North Highline Area "Y.". Agreements should also include plans (conceptual or specific) for future governance in a manner that permits each jurisdiction and agency to provide communities a continuing quality of life. These meetings should also include the

North Highline Fire District and other service providers in order to ensure access to the most effective, efficient essential public services/facilities (e.g., policing, fire and emergency services, infrastructure and utilities.

The Board finds that, with such Agreements in place, the City of Tukwila, the City of Seattle, King County, the North Highline Fire District, and other appropriate agencies working in coordination, these communities will be better positioned to begin to transfer unincorporated urban areas into local jurisdictions.

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. 2343 be, and the same is, hereby **denied** 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 _____ in favor, _____ in opposition, and _____ abstentions, on this _____ day of _____, 2013, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

Mary Lynne Evans, Chair

FILED this _____ day of _____ , 2013 BY:

Lenora Blauman, Executive Secretary

EXHIBITS

- EXHIBIT I CITY OF TUKWILA NORTH HIGHLINE AREA “Q”: LEGAL DESCRIPTION OF ANNEXATION AREA BOUNDARIES**
- EXHIBIT II CITY OF TUKWILA NORTH HIGHLINE AREA “Q”: MAP OF ANNEXATION AREA BOUNDARIES**