

**WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY**  
**SPECIAL MEETING AND PUBLIC HEARING MINUTES**  
**CITY OF SEATTLE    NORTH HIGHLINE “Y” ANNEXATION (FILE NO. 2367)**  
**JUNE 13, 2016**

The following Minutes are a summary of the Special Meeting/Public Hearing (and the associated official record) for the City of Seattle North Highline Annexation (File No. 2367). Complete written transcripts of the Special Meeting/Public Hearing are available from the Boundary Review Board.

**I. CALL TO ORDER**

Stephen Toy, Chair, convened the meeting of June 13, 2016 at 7:00 P.M.

**II. ROLL CALL**

The following members were present at the Special Meeting and Public Hearing:

<del>Evangeline Anderson</del>	<del>Miguel Beltran</del>
Sylvia Bushnell	Mary Lynne Evans
Claudia Hirschey	Jay Hamlin
Laura Kisielius	Ronald Little
Paul MacCready	Jim Polhamus
Stephen Toy	

**III. PUBLIC HEARING**

**INTRODUCTION:**

Chair Toy opened the Special Meeting to conduct a Public Hearing on the North Highline Annexation. In January of 2015, the applicant, the City of Seattle filed a Notice of Intention with the Boundary Review Board to annex a territory defined as the North Highline Area.

The City of Seattle proposes annexation of a portion of the North Highline Area (described as North Highline “Y” Area). The annexation has been proposed by City of Seattle Resolution 31559, adopted in December, 2014, pursuant to RCW 35A.14.015. The City of Seattle Resolution calls for an election to permit the citizens of the North Highline “Y” Area to ultimately decide whether or not to join the City of Seattle.

With the Notice of Intention, the City of Seattle has invoked jurisdiction at the Washington State Boundary Review Board for King County. The City is seeking a public hearing in order to provide an opportunity for North Highline Area citizens and other stakeholders to comment upon the proposed annexation before the Boundary Review Board.

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Robert Kaufman, Special Assistant Attorney General to the Boundary Review Board, described the standards for a quasi-judicial public hearing and the scope of the hearing. He explained the process for taking public testimony.

Lenora Blauman described the proposed annexation as follows:

The North Highline Annexation “Y” Area is approximately 2045 acres. The estimated population of the proposed North Highline Annexation Area is 17,392 persons.

North Highline “Y” Area is located immediately adjacent to the southern boundary of the City of Seattle. The North Highline Annexation “Y” Areas northernmost boundary is primarily formed by SW Roxbury Street and generally by South 96<sup>th</sup> Street (if extended.) The southern boundary is formed by South 107<sup>th</sup> Street, South 108<sup>th</sup> Street, South 116<sup>th</sup> Street, SW 112<sup>th</sup> Street and SW 116<sup>th</sup> Street. The western boundary of the site is variously formed by the City of Seattle corporate boundary (at approximately 30<sup>th</sup> Avenue SW) and by Seola Beach Drive SW. The eastern boundary of the site is generally formed by SR 99 adjacent to the City of Tukwila.

The site includes a wide array of single-family zones, multi-family zones, Office; Neighborhood Commercial; Community Commercial; Regional Commercial; and Public Open Spaces.

The City of Seattle foresees working with the community to establish specific plans for administration of the North Highline “Y” Area throughout 2016 and the earliest date for an election for this annexation in November of 2017. With that schedule, the effective date of annexation of the North Highline “Y” Area in 2018.

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Chair Toy stated that the Washington State Boundary Review Board for King County is an independent, quasi-judicial agency established to ensure logical, orderly growth of urban communities. As such, the Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Based upon the City of Seattle’s invoking of jurisdiction, the Boundary Review Board scheduled this public hearing to review the proposed basic North Highline Annexation.

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision with respect to the North Highline Annexation. The Board will consider the state, regional, and local regulations which guide annexations.

The Board may approve the North Highline Annexation as proposed by the City of Seattle. The Board may adjust the boundaries of the North Highline Annexation. The Board may deny the entire North Highline Annexation.

***PROPONENT PRESENTATION: CITY OF SEATTLE: JOHN HANEY, LEGAL COUNSEL – OGDEN, MURPHY; WALLACE; JAY HAGEN, DEPUTY FIRE CHIEF, CITY OF SEATTLE,***

At the Special Meeting/Public Hearing of June 13, 2016, James Haney provided an introduction to the history and to present plans for annexation of the North Highline Area. .

A summary of testimony (including responses to inquiries by Board members) is provided herein:

Mr. Haney testified that, in January of 2015, the City of Seattle (“Seattle”) filed its Notice of Intention to annex the North Highline Annexation “Y” Area, consisting of approximately 2045 acres. City of Seattle officials report that the North Highline “Y” Area Annexation is primarily bordered by the cities of Seattle and Burien.

The City of Seattle proposes annexation of 2045 acres known as the North Highline “Y” Area in response to citizen interest in joining the City of Seattle. The North Highline “Y” Area Notice of Intention is based upon Resolution No. 31559 adopted by the Seattle City Council approving a plan to annex this territory. This Resolution was approved in December, 2014. The City is using the election method, initiated by resolution under RCW 35.13.015, for the proposed annexation of the North Highline Annexation Area.

The proposal consists of a Seattle Potential Annexation Area, as defined by the City of Seattle’s Comprehensive Plan, originally adopted in 1994: the North Highline Annexation Area was designated a Potential Annexation Area (PAA) by the Seattle City Council in 2006.

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The North Highline Annexation Area proposal is the second phase of a two-phased approach by the City of Seattle to annex the entire remaining unincorporated area lying between Seattle and Burien. On September 10, 2015, the Board approved the first phase of this approach - the City of Seattle’s proposed Duwamish Annexation (also described as North Highline Area “Q” and the South Park “Sliver”) - under BRB File No. 2358.

The City of Seattle now comes before the Board with the second phase - the North Highline Annexation Area. If both annexations are ultimately approved by the voters, the entirety of North Highline will have been annexed and the cities of Seattle and Burien will share boundaries. This annexation will unify White Center, Delridge, Glendale, Roxbury Heights, South Delridge, and the “Triangle.”

City of Seattle representatives report that the proposed North Highline Annexation Area is an unincorporated urban area which would markedly benefit from enhancement of urban-level public facilities and services now provided under the jurisdiction of King County. The City has resources and capacity to address delivery of local services to the North Highline "Y" Area, in an efficient manner building upon the area's existing infrastructure and services, where applicable and introducing new local services as necessary. More specifically, the City of Seattle can both directly provide and/or augment County services to residents/businesses in the proposed annexation area, including, but not limited to: law & code enforcement, building & planning, transportation, policing, public utilities, storm water management services, public facilities (e.g., parks, recreation).

The City is qualified -- also well-prepared -- to provide a wide array of human services, including but not limited to housing services, personal counseling services, business services, and educational services for children and adults. There is no other jurisdiction that is prepared to govern and serve North Highline "Y" Area.

Other local services are provided by special purpose districts that include schools, library, water and sewer. Upon annexation, services to the North Highline "Y" Area will continue to be provided by these several special purpose districts, (e.g., water and sewer) will continue to be provided directly by those districts.

At a future date, in the event that the City of Seattle seeks to assume sewer services, then the jurisdiction is required by statute to provide a separate Notice of Intention to enable independent review by the Boundary Review Board for this proposed action. The City does not foresee assumption for six to eight years into the future beyond the finalization of the "Y" Area annexation. The City provides for a variety of utility fee plans (e.g., consideration for age, income). Utility fees are confined to use for and by the utility services.

The City of Seattle may assist with library services and school provision in collaboration with the districts.

Jim Haney and Jay Hagen testified that the North Highline "Y" Area and the northern portion of the City of Burien currently receive fire/emergency services from North Highline Fire District No. 11 and/or King County Fire Protection District No. 2. The City intends to provide services directly to the North Highline "Y" Area and to assist in the provision of services to the North Burien Area. The City has policies and general plans in place to provide a full array of fire/emergency medical services to the North Highline "Y" Area, including: fire prevention; fire protection, and emergency services -- either directly, through mutual aid agreements, and via an Advanced Life Support (ALS) program.

However, the City reports that specific operational plans -- which could be provided by a number of different systems -- remain under discussion and have not yet been officially established with North Highline Fire District No. 11 and King County Fire Protection District No. 2. The City reports that work is underway with each District to achieve final agreements - and operational plans -- and that those plans are intended to be in place in the near future (i.e., well before the proposed North Highline "Y" annexation is brought to the community for a vote to annex this community to the City.)

Seattle has indicated that its closest Advanced Life Support (ALS) unit, by the time the annexation becomes effective, will be stationed at Seattle's Station 37. This creates an initial average response time of 14 minutes to Area Y. In contrast, Area "Y" on June 1st will receive ALS services from a unit stationed at District 2's Station No. 28 with a response time of average of 6 minutes. This will result in an eight-minute increase in response times to Area Y. In the event Seattle's ALS unit from Station 37 is unavailable, absent automatic aid agreements, that would allow a response from the ALS unit at Station 28 or other South King County ALS units, Area "Y" will experience significantly greater ALS response times as the next closest Seattle Units are located in downtown Seattle and the Rainier Valley. While Seattle has not provided any response

time estimates from those stations, such times are conservatively estimated to exceed 20 minutes.

At present, there are two Sheriff's deputies and a community store front officer on duty in North Highline "Y" Area. The City of Seattle plans to have six officers and 2 community policing staff on day-time duty in three separate sectors of the White Center Area; eight officers and eight support officers will be on duty during the night hours so as to fully cover "Y" Area with policing services.

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Mr. Haney further testified that the City of Seattle's North Highline Annexation meets the statutory provisions of RCW 36.93 (e.g., factors and objectives) governing the Board's review and should be approved. The City of Seattle has proposed to annex all of the remaining North Highline Area and to provide a high level of urban services as envisioned by the GMA, the King County Countywide Planning Policies (CPP), and the King County Comprehensive Plan.

The City of Seattle respectfully requests that the Board approve the proposed North Highline "Y" Area annexation in order to give the people of North Highline the opportunity to decide whether to join the City of Seattle and should approve this proposal.

The City of Seattle seeks to annex the North Highline "Y" Area – as the last remaining unincorporated territory in the area – to provide more efficient governance and delivery of services to this community. The City is uniquely qualified to govern North Highline "Y" Area. With this annexation, King County will be able to go forward to focus on the delivery of regional and rural services.

***KING COUNTY: KAREN FREEMAN, SENIOR POLICY ANALYST, OFFICE OF STRATEGY, PERFORMANCE AND BUDGET***

Karen Freeman, Senior Policy Analyst, Office of the King County Executive, testified that on January 1, 2015, the City of Seattle filed with the Washington State Boundary Review Board ("Board") of King County a Notice of Intention to Annex the North Highline Annexation Area "Y" ("Notice of Intention"), which consists of the "Area Y" portion of the larger North Highline Potential Annexation Area ("PAA"), also known as White Center. The annexation of White Center, as an urban area, fits into the County's long-standing planning objective for this North Highline Potential Annexation Area (PAA) to be annexed to a local municipality.

The North Highline PAA was divided into four sections, designated as Area Q, Area X, Area Y, and the "Sliver." These areas consist of residential neighborhoods, industrial lands, and commercial areas. Over the years, the cities of Burien, Seattle, and Tukwila have designated different portions of the North Highline PAA as their future potential annexation areas. Areas X and "Y" make up the overwhelming majority of the area. Burien annexed Area X in 2010 and attempted to annex Area "Y" on the November 2012 ballot, but that measure was rejected by voters by 64%. Burien subsequently removed Area "Y" from its PAA. The City of Tukwila attempted to annex Area Q in 2012 - that measure was rejected by the Board in early 2013. The City of Seattle has planned for the annexation of the portions of the North Highline PAA that remain unincorporated – Area Q, Area Y, and the Sliver – and has taken steps towards accomplishing this end. In August of 2015, the Boundary Review Board approved Seattle's Notice of Intent to Annex the Duwamish Annexation Area (File No. 2358) consisting of the "Sliver" and Area Q. The City of Seattle and King County are currently negotiating a governance transfer interlocal agreement, and coordinating public engagement for a November 2016 election, though the election date is subject to change. Seattle is now before the board with its last annexation proposal – Area Y.

The North Highline governance transition project has been a long journey for all parties involved. It's the only PAA that was claimed by more than one city. And it's the only annexation in which the service jurisdictions participated in a series of mediated talks over several years to determine boundaries for staged annexation attempts.

North Highline is a vibrant, diverse community with unmet service needs and a struggling business core. The North Highline PAA is one of the most diverse sections of King County. A look at demographic and economic data from the last census demonstrates just how diverse and economically challenged a community it is compared to King County as a whole.

Ms. Freeman testified that King County's Equity & Social Justice Initiative ("ESJ") embraces the principle of "fair and just" in order to achieve equitable opportunities for all people and communities. However because Counties were designed to provide regional and rural services and are not structured, nor have the finances, to provide urban level services to dense urban populations, the best ESJ outcome for the residents of North Highline Area "Y" is to annex into a city that can provide them with the urban level services they need to thrive.

North Highline is filled with promise and should be preserved as a whole and provided with robust urban level services in order to realize its full potential. As the largest city with the most robust service levels and some of the most diverse neighborhoods in the state, the City of Seattle is qualified to collaborate with the residents of North Highline to do just that.

The timing of the proposal is of importance as well. Seattle has preserved its ability to utilize the state sales tax credit annexation funding tool, and is the only city with unannexed urban unincorporated area to do so. This annexation funding tool has since sunset and can no longer be used by cities wishing to annex the large urban unincorporated islands that border their city. In addition, the State Legislature is facing a potential \$3.5 billion dollar school funding expense to respond to the Washington State Supreme Court McCleary Order regarding adequate school funding in the State. Given the magnitude of the McCleary Order, it is unlikely the annexation funding tool will be reinstated – as this tool draws funds from the State General Fund. Given the funding gap between the amount of revenues North Highline generates and the cost of providing urban services to the area, it is highly unlikely that any city would be able to move forward with an annexation attempt without this funding tool.

The Board's review of Seattle's proposed action is guided by a number of statutory provisions and planning documents. The Boundary Review Board statute states that Board decisions must be consistent with the goals of GMA, provisions regarding urban growth areas and comprehensive plans, and applicable CPPs (RCW 36.93.157). RCW 36.93.170 identifies factors for the Board to consider in evaluating a Notice of Intention. In addition, RCW 36.93.180 identifies objectives for the Board to address in decision-making for a Notice of Intention.

These statutes require the consideration of several common themes. The concepts, goals, and ideals contained in these guiding statutes and policies share much in common; distilling those that are relevant here, leads to several core principles for consideration. Annexations of areas that are urban in nature should be encouraged, especially when they create: logical service areas; preserve neighborhoods and communities; and avoid abnormal or illogical boundaries. More specifically:

- The North Highline "Y" Area Annexation proposal creates and preserves logical service areas. In particular, Seattle's proposed annexation would create a logical emergency response and fire suppression service area with higher levels of staffing and service than what the current jurisdiction can provide. The proposal also creates a logical police response service area with higher levels of staffing and service than what the current jurisdiction can provide. Seattle has the capacity to effectively provide such services to the North Highline Annexation Area which is in need of these comprehensive, efficient public health and safety services – at urban levels. While there are a number of factors for this Board to evaluate with respect to the North Highline Annexation, this one is of critical importance given the serious nature of these emergency response issues. The Area would be best served by annexing to the City of Seattle.
- Seattle's annexation proposal preserves several neighborhoods including all or parts of Beverly Park, Glendale, Roxhill, Top Hat and White Center and would annex the final portion of the entire North Highline PAA which has been annexed in sections by the city of Burien and Seattle's pending Duwamish Annexation election.
- The North Highline Annexation Area is urban, located entirely within Seattle's PAA, and is within the County's designated urban growth area. The Area's boundaries and the proposed

annexation rely on existing City limits and major arterials and waterways: generally, SW Roxbury Street, south to South 116<sup>th</sup> Street and 29<sup>th</sup> Avenue SW, east to State Route 99.

- The North Highline “Y” Area proposal prevents abnormally irregular boundaries by proposing to annex the entire "Area Y" portion of the North Highline PAA. The North Highline Annexation Area “Y” is bounded by the natural contours of the Seattle and Burien city limits and State Route 99. Annexation of the Area by the City of Seattle would create a natural and logical City boundary.

The North Highline “Y” Area Annexation is the last step in Seattle's effort to annex the entire North Highline PAA. The North Highline Annexation Area “Y” proposal brings municipal governance for protection of neighborhoods, infrastructure and a variety of land uses that represent the typical mixture of revenues and costs associated with urban areas. The City of Seattle is uniquely suited to shoulder the burden of those costs and provide robust services to the residents and businesses that need them.

The County's role as local government for urban unincorporated area residents is to work with neighboring cities to provide the most robust governance transition options available to residents of PAAs. For the reasons articulated in this brief, the County finds that this proposal advances the goals detailed heretofore.

It is King County's assessment that Seattle's annexation of the North Highline “Y” Area Annexation is consistent with the Growth Management Act (“GMA”), the County's long-standing land use planning documents, and the goals and objectives of this Board.

The County respectfully requests that Seattle's annexation proposal be approved. Such an annexation would further the goals and objectives of the GMA and this Board and best serve the interests of the affected residents, property owners, and jurisdictions.

***NORTH HIGHLINE FIRE DISTRICT NO. 11; BRIAN SNURE, LEGAL COUNSEL***

Brian Snure, Legal Counsel, testified that North Highline Fire District (NHFD) is the government agency responsible to provide fire protection and emergency services to the people of North Highline “Y” Area. NHFD also has a contractual obligation to provide services to North Burien. As of the date of this Statement, the City of Seattle has failed to adequately address the potential service level and financial impacts of its proposed Area “Y” annexation on the taxpayers and citizens of North Highline and North Burien. As a result of Seattle's failure to adequately address NHFD's and King County Fire Protection District No. 2's concerns, NHFD opposes the proposed annexation and will remain opposed until such time as Seattle provides a detailed and comprehensive plan for how it will provide adequate fire protection and emergency medical services to Area Y. More specifically:

- If the North Highline “Y” Area Annexation is approved by the BRB and the voters, the City of Seattle will become the service provider for fire protection and emergency medical services in “Y” Area. Given the uncertainty in the timing of the North Highline “Y” Area annexation in relation to the previously approved Delta Marine/Duwamish Industrial Triangle, and the South Park Sliver by the River (Area Q) annexation two possible scenarios would exist if the Board approved this annexation at this time. The “Y” Area annexation could precede or follow the Duwamish Area Annexation. In either scenario, the provision of services to these areas could be hindered by the lack of streamlining of service provision plans and management of assets (e.g., personnel; equipment, fiscal resources).
- Regardless of which scenario occurs, the sole focus of the NHFD Board of Commissioners is to make sure that fire and emergency medical services levels within North Highline will be maintained or improved as a result of the annexation. Unfortunately, given the information that the City of Seattle has provided to date, there is no way to determine with any level of certainty what the impacts on fire protection and emergency medical services will be if Seattle becomes responsible for serving the area.
- To date, the City has failed to develop or communicate any comprehensive, specific or detailed fire protection and emergency medical service plan for Area “Y” or for the North Burien Area. Seattle's Notice of Intention recognizes that the City will be responsible for providing fire

protection services but aside from a statement that the City will staff NHF D's Station 18 to Seattle's standards and will serve the area from Station 26, the City has not provided any specific assurances that the transition will not result in a reduction of services.

- Given the City's lack of operational plans for fire and emergency services, NHF D formally requests that the City delay the BRB hearing on the Area "Y" annexation until such time as the City developed a comprehensive, specific and factual plan for the level of services that Seattle will provide in North Highline "Y" Area. While City staff did meet with the NHF D Board of Commissioners on May 16, 2016 and has begun providing answers to NHF D's questions, the NHF D Board remains concerned that Seattle has not developed a formal plan to provide services. In addition, based on the information the City has provided, NHF D believes the annexation will have a significant negative impact on Advanced Life Support "ALS" services within Area Y.
- Seattle has indicated that its closest ALS unit, by the time the annexation becomes effective, will be stationed at Seattle's Station 37. This creates an initial average response time of 14 minutes to the North Highline "Y" Area. In contrast, North Highline "Y" Area, on June 1<sup>st</sup>, will receive ALS services from a unit stationed at District 2's Station No. 28 with a response time of average of 6 minutes. This will result in an eight-minute increase in response times to Area Y. In the event Seattle's ALS unit from Station 37 is unavailable, absent automatic aid agreements, that would allow a response from the ALS unit at Station 28 or other South King County ALS units, Area "Y" will experience significantly greater ALS response times as the next closest Seattle Units are located in downtown Seattle and the Rainier Valley. While Seattle has not provided any response time estimates from those stations, such times are conservatively estimated to exceed 20 minutes.
- While it is difficult to identify specific potential consequences of the extended ALS response times, to put these response times in perspective, the *Public Health – Seattle King County Division of Emergency Medical Services 2014 Annual Report* reports a county wide average ALS unit response time of 7.5 minutes, a total response time of 11.3 minutes and that ALS unit response times of 14 minutes or less occur for 94.5% of all ALS responses. The NHF D Board of Commissioners views the ALS response time issues to be critical and a matter of life and death for the residents of North Highline "Y" Area.
- One of the primary concerns of NHF D is Seattle's general and historical refusal to enter into automatic aid agreements with neighboring fire departments. Properly drafted and defined automatic aid agreements that would allow closest available units to respond into both the North Highline "Y" Area and North Burien would likely address NHF D's primary objections to this annexation.
- At the May 16, 2016 meeting, Seattle representatives stated that Seattle had not yet developed any specific plans for automatic aid agreements to address the North Highline "Y" Area and North Burien service issues that will be created if the North Highline "Y" Area annexation is approved. Seattle further indicated that, as a general policy, Seattle Fire was not at a point where it would consider automatic aid agreements. Such a policy makes little sense in the delivery of ALS to North Highline "Y" Area. With the reported response time, the North Highline "Y" Area could experience significantly increased ALS response times that could be mitigated with automatic aid arrangements. At the present time, however, the physical location of Seattle's ALS units combined with the City of Seattle's unwillingness to participate in an automatic aid relationship precludes this annexation from creating a logical service area.
- Until the City of Seattle provides a comprehensive plan that fully and adequately answers the above issues the BRB does not have sufficient information to determine whether the proposed Area "Y" annexation complies with the statutory factors and objectives that the BRB must consider in reviewing the annexation. Based on the information available at the present time, the annexation may not result in a logical, orderly or beneficial transition of fire protection and emergency medical services.

- NHFD also currently provides services to the North Burien portion of King County Fire Protection District No. 2 pursuant to an interlocal agreement with District 2. The District 2 Board of Commissioners have submitted a statement in opposition to Seattle's proposed Area "Y" annexation. NHFD supports District 2's position and, by this reference, adopts District 2's arguments in opposition to the annexation in their entirety. Based on the information that the City of Seattle has provided, the City has failed to adequately address the impacts of the annexation on the citizens of North Burien.

Mr. Snure testified that the fundamental principles guiding the Boundary Review Board's review of this annexation is established in RCW 36.93 and that these principles (together with specific factors and objectives defined within the law) must guide the Board's decision:

RCW 36.93.170 requires the Board to consider many factors in reaching its decision. RCW 36.93.180 requires the Board to consider nine objectives in reaching its decision. The failure of King County and Seattle to develop appropriate service area agreements designed to provide for an orderly transition of fire protection and emergency medical services in the North Highline Area fails to meet or advance these factors and criteria. This situation continues to plague the efforts of NHFD to ensure adequate fire and emergency medical services are provided in North Highline after annexation.

The North Highline Fire District Board of Commissioners, therefore, respectfully requests that Boundary Review Board act to protect the citizens in NHFD and the citizens in the North Burien area. The Board can fulfill its statutory factors and objectives by denying this and any future annexations until such time as the City of Seattle has developed a detailed and comprehensive plan for providing fire protection and emergency medical services in Area "Y" and has developed a plan to work with King County Fire Protection District No. 2 to mitigate the impacts of the annexation on the citizens residing in North Burien.

***KING COUNTY FIRE DISTRICT NO.2: JOSEPH QUINN, LEGAL COUNSEL***

Joseph Quinn, Legal Counsel for King County Fire District No. 2, testified that the District 2 Board of Commissioners are in opposition to Seattle's proposed North Highline "Y" Area annexation. Opposition is based on the position that the information that the City of Seattle has provided, indicates that the City has failed to adequately address the impacts of the annexation on the citizens of North Burien.

Specifically, King County Fire District No. 2 (KCFD 2) and the North Highline Fire District No. 11 (NHFD 11) currently operate under an Interlocal Agreement (ILA) for fire and emergency medical protection. This ILA remains in effect through December 31, 2016. For KCFD 2 the primary purpose and effect of the ILA is the agreement that NHFD 11 agrees to respond to all fire and EMS calls within the northern portion of Burien and in return KCFD 2 agrees to pay to NHFD 11 all property taxes received from that North Burien area.

In order to ensure provision of essential fire and emergency medical services, KCFD 2 entered into a Memorandum of Understanding (MOU) with King County, the City of Burien, NHFD 11, and the City of Seattle in 2008. The MOU also included a separate (but linked) Transition Agreement. These documents made assurances (by way of provision of various benefits and resources) that KCFD 2 would not realize detriment to its service to the community in the future.

The MOU has been reported to have expired in 2012 in written materials and testimony presented by the City of Seattle and King County for the annexation of North Highline "Y" Area. There is question as to whether, in fact, the MOU is no longer in force and effect. There was testimony that the Transition Agreement linked to the MOU remains valid. In either situation, it remains a fact that essential fire protection and emergency medical services (e.g., ALS) must be provided to the North Burien community into the future.

Chapter 36.115 RCW and Chapter 39.34 RCW references authorize a city proposing the annexation of an area to enter into service area agreements with taxing district service providers and to provide municipal services across jurisdictional boundaries. The failure of King County and Seattle to develop



appropriate service area agreements designed to provide for an orderly transition of fire protection and emergency medical services in the North Highline Area continues to plague the efforts of NHFD to ensure adequate fire and emergency medical services are provided in North Highline after annexation.

Mr. Quinn further testified that:

- The fire protection and emergency medical services that are currently provided by NHFD 11 to the annexation area and in North Burien have been and remain adequate to serve the area. The cost of the services is reasonable and the method of paying for the services is established by statute. This factor supports the remedies requested by NHFD but does not support approval of the annexation. In contrast, approval of the annexation would create uncertainty regarding the cost and adequacy of services in the North Highline “Y” Area and in North Burien.
- NHFD currently has the infrastructure, equipment and personnel to continue to serve Area “Y” and, pursuant to its contractual arrangement with King County Fire Protection District No. 2, North Highline is the primary service provider for the North Burien area. Seattle also has the infrastructure, equipment and personnel to serve the North Highline “Y” Area, but Seattle has failed to identify the specific details of how it intends to provide that service and has not committed to addressing the impacts of the annexation through interlocal agreements including but not limited to automatic aid agreements. Accordingly, this factor supports the denial of the annexation until such time as Seattle adequately addresses how it will provide services to North Highline Area “Y” and how it will mitigate the impact of the annexation on services in North Burien.
- Approval of the North Highline “Y” Area annexation shall have agreements in place to address ALS services, Area Q services and the mitigation of impacts within North Burien may jeopardize the health and safety of the residents of the North Highline and North Burien communities by creating the financial and service impacts discussed herein. City of Seattle and Fire District 11 shall work collaboratively to optimize response times through reciprocal service arrangements in areas of need.
- The annexation of the North Highline “Y” Area will result in either the end of North Highline as a municipal corporation or, if the Area Q annexations are not approved, the creation of a small island of NHFD without the resources or population to support a fire department. The City of Seattle presumably has the resources to provide the services in Area Q but has yet to provide or propose any agreements to address the possibility that Seattle will annex the North Highline “Y” Area prior to annexing Area Q. The City cannot demonstrate that the proposed the North Highline “Y” Area annexation is consistent with this factor until the City provides a detailed plan of the level of services that will be available to the community. In addition, the impact on King County Fire Protection District No. 2 will be significant as it will lose the ability to serve North Burien from NHFD’s Station 18. This factor supports denial of the annexation at the present time.
- RCW 36.93.180 establishes the objectives that decisions of boundary review boards are to achieve. Approval of the proposed annexation will not achieve the statutory objectives, but instead will directly violate several of the objectives. Examples include:

- **Creation and preservation of logical service areas.** With the information that is currently available, and the absence of any detailed plans from the City of Seattle, annexation will not create or preserve a logical service area for fire protection or emergency medical services.

The annexation will result in the transfer of NHFD to the City of Seattle. At present, Seattle has not indicated that it is willing to assume NHFD’s contractual obligations to serve North Burien and has not indicated any willingness to enter into an automatic aid agreement with King County Fire Protection District No. 2. As such, this annexation will create an illogical service area as it will sever a fire station from part of its primary service area.

Seattle states that it has not yet developed any plans for automatic aid agreements. Absent an automatic aid arrangement, the annexation will likely result in a significant increase in ALS

response times to the North Highline “Y” Area. This matter is a critical issue that precludes any conclusion that this annexation creates a logical service area.

The annexation may result in the creation of an unincorporated island of territory in Area Q. Absent a binding agreement that Seattle will provide service to Area Q in the event that the North Highline “Y” Area is annexed prior to Area Q, the approval of the North Highline “Y” Area Annexation will potentially create an illogical service area in direct conflict with this objective.

Denial of the annexation would maintain the status quo and allow the City to develop an adequate plan for addressing service levels in both Area “Y” and North Burien.

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Mr. Quinn concluded that the KCFD 2 respectfully requests that the Board consider – and support – the above premises prior to action with respect to the North Highline “Y” Area annexation:

***EVERGREEN AQUATICS CENTER - BRYAN HASTINGS, DIRECTOR***

Mr. Hastings testified in support of the proposed City of Seattle North Highline “Y” Area annexation. The community aquatics center, which he administers, provides programs for 10,000 children of all ages. More than 6,000 of those children participate for free or at a reduced cost. King County does not have sufficient resources to support this essential program. However, the City of Seattle can provide from \$50,000 - \$100,000.00 for this community service.

***KING COUNTY HOUSING AUTHORITY – JEAN ROBSON, DIRECTOR***

Ms. Robson testified that King County Housing Authority developments (Greenbridge and Seola Gardens) are located in the White Center Area. These complexes house ten percent of the residents of the White Center area. A substantial number of residents are seniors, disabled, or newcomers who require substantial support. Children need supplemental education programs.

King County and Seattle will work together to maintain these developments. However, the City of Seattle is best able to provide both basic and enhanced governance and services to these communities to ensure health, safety, and welfare.

***GENERAL TESTIMONY:***

Nine persons testified with respect to the proposed North Highline “Y” Area Annexation. Persons providing testimony included representatives of community groups, residents, and business owners from the North Highline Area and from nearby communities.

Testimony was provided by persons in favor of the annexation, opposed to the annexation, and/or taking a neutral position on the annexation. Persons providing testimony identified a range of concerns, interests, and requests for more information. A summary of testimony (together with responses to inquiries by the Board members) is provided herein.

- There was testimony that the City of Seattle should be authorized to go forward with annexation of North Highline “Y” Area. The City of Seattle has a commitment and resources to serve the entire community. Local government will be very beneficial to the North Highline “Y” Area and the same levels of governance and services will certainly benefit both the North Highline “Y” Area and the entire City of Seattle.
- There was testimony that annexation to the City of Seattle is the best opportunity for North Highline residents and businesses to link to a small, local government. There was testimony that Seattle is able to provide a full array of government services to North Highline “Y” Area. Thus, this connection would make it possible for people to receive a full array of consistent, quality public services (e.g. fire protection, emergency medical, policing) as well as being more able to participate in local governance and influence the future of their community.
- There was testimony that the City’s plan for annexation of North Highline “Y” Area does not adequately address the creation of an agreement to ensure that the Fire Protection District No. 2 will have sufficient support to continue – and/or transition – services in a manner that protects

agency viability as necessary to serve both the North Highline “Y” Area and North Burien. This agreement should be in place before completion of the North Highline annexation to ensure that the North Highline “Y” Area community and (particularly) the North Burien Area will receive sufficient fire protection/emergency medical services.

- There was testimony that the City of Seattle is best positioned to govern the North Highline Area. The City of Seattle offers citizens an affiliation with a well-established jurisdiction. Seattle is better able to police the North Highline Area because the Seattle Police Department has both an understanding of and resources available to address the generally equivalent levels and types of crimes in the two communities.
- There was testimony that King County officials have clearly stated that services to the unincorporated urban areas of King County is limited now and will be less available over time. Protection of North Highline built areas and open spaces (e.g., parks) is contingent upon annexation to the City of Seattle.
- There was testimony that -- without appropriate City and County agreements, there will be negative impacts to the library and park systems resulting from annexation to the City of Seattle. The neighborhood offers a great sense of community – which needs particular attention to ensure continuing success.
- There was testimony that King County has been doing a poor job of managing housing for lower economic populations and the homeless. The City of Seattle is even less successful in serving these populations. Annexation would decrease the quality of life in this community.
- There was testimony that the newly developing housing communities in the North Highline “Y” Area (Greenbridge and Seola Gardens) – which serve a wide array of populations -- would benefit from joining the City of Seattle.
- There was testimony that with annexation to Seattle, there will likely be an increase in taxes, fees, and other costs both for current levels of service and for any improvements (e.g., essential public services) required by the City of Seattle. This impact is likely to be particularly deleterious because much of the North Highline “Y” Area is developed with starter level housing for a population which is low to moderate income.
- There was testimony that annexation of the North Highline Area to Seattle – without the immediate parallel addressing of needs of the school systems – will create serious challenges for the structure and function of education systems and programs in Area Y.”
- There was testimony that annexation to the City of Seattle is able to provide a full array of government services to North Highline Area. Thus, this connection would make it possible for people to receive a full array of consistent, quality public services (e.g. fire protection, emergency medical, policing) as well as being more able to participate in local governance and influence the future of their community. North Highline Area residents would be better served by the City of Seattle.

#### **IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING**

At the conclusion of testimony, Board members were invited to consider the following options for administration of the Public Hearing.:

1. The Board can continue the hearing for oral and written testimony - motion must state date, time and location of continuance.
2. The Board can close the hearing to oral testimony but written testimony will still be considered - motion must state deadline for submittal and person to receive testimony.
3. The Board can close the hearing and begin to deliberate to review the factors and objectives for a decision.

Board members agreed that it will be necessary to conduct a continuing public hearing on June 14, 2016, in order to receive additional testimony from government agencies, community groups, and individual citizens in the matter of the North Highline “Y” Area Annexation.

Chair Toy stated that this information is necessary for presentation to the Board for consideration at the Special Meeting/Public Hearing of June 14, 2016.

**V. CLOSING OF SESSION/CONTINUATION OF HEARING**

*Action: Ronald Little moved and Mary Lynne Evans seconded a motion to close this first session of the Boundary Review Board Special Meeting/Public Hearing and continue the Special Meeting/Public Hearing. This Public Hearing will take place on June 14, 2016 at 7:00 P.M. at the TAF Learning Center. The Board voted unanimously in favor of the motion.*

**VI. ADJOURNMENT**

The Special Meeting/Public Hearing was adjourned at 9:42 P.M.