

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 14, 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 14, 2016 at 7:00 P.M.

II. ROLL CALL

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

Evangeline Anderson	Miguel Beltran
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 “Y” Area Annexation. In January of 2015, the City of Seattle filed a Notice of Intention with the Boundary Review Board to annex a territory defined as the North Highline “Y” 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 “Y” Area citizens and other stakeholders to comment upon the proposed annexation before the Boundary Review Board. .

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 North Highline “Y” Area Annexation.

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

The Board may approve the North Highline “Y” Area 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 “Y” Area Annexation.

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, Executive Secretary to the Board, opened the hearing to general testimony by community groups and individual stakeholders.

GENERAL TESTIMONY:

Fifteen persons testified with respect to the proposed North Highline Annexation. Persons providing testimony included representatives of community groups, residents, and business owners from the North Highline “Y” 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 Area and the entire City of Seattle. North Highline “Y” Area residents would be better served by the City of Seattle.
- There was testimony citing the interests of the North Highline “Y” Area Chamber of Commerce, the Unincorporated Area Council, and residents of the North Highline “Y” Area that the City of Seattle needs to provide more complete and current information about comprehensive planning, land use, development, transportation, infrastructure, public facilities (e.g., schools, libraries), human services, policing, and fire/emergency medical services to citizens of the North Highline “Y” Area. Information about general plans and detailed implementation tools should have been available well before this public hearing. Absent that information, there are issues of trust expressed by this community. Community outreach is essential beginning immediately and continuing until an election that allows the people to choose to join Seattle or remain in King County.
- There was testimony that the City’s plan for annexation of North Highline does not adequately address the creation of an agreement to ensure that the Fire Protection Districts will have sufficient support to continue – and/or transition – services in a manner that protects agency viability as necessary to serve both the City of Seattle and the North Highline “Y” Area. This agreement should be in place before completion of the North Highline annexation.
- There was testimony that the City of Seattle demonstrates that it is not well-prepared to govern and serve its current community and, thus, is ill-prepared to govern and serve the North Highline “Y” Area. A specific and substantial example is the existing Recreational Vehicle encampment on Myers Way that is located within Seattle and adjacent to the proposed annexation area. That community is vastly undermanaged by Seattle – and the ill-effects (e.g., crime, litter, trespass) already seriously, negatively impact the unincorporated area. Unless and until Seattle addresses public health, safety, and welfare for the camp and its neighbors, the City should not be able to annex the North Highline “Y” Area.
- There was testimony that – if the annexation goes forward and the City receives the proposed \$7 million from the State -- then the City must be required to utilize those funds for services to the North Highline “Y” Area.

- There was testimony that joining of the City of Seattle to the North Highline “Y” Area will result in upzoning of the community. This action could result in a better range of housing opportunities to the greater community. Affiliation with the City of Seattle is anticipated to improve property values because there will be certainty with respect to governance and services.
- There was testimony that upzoning could pose significant problems for the community. Increase in land values and taxes/fees could result in fewer housing opportunities for lower and moderate income communities. Further, property taxes could rise – forcing some residents from their homes and neighborhoods.
- There was testimony that the City of Seattle is better able to police the North Highline “Y” 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 expressing concern as to the City of Seattle’s plans and available resources to police the North Highline “Y” Area. It was stated that Seattle does not have the sought-after number of police officers now. Thus, the Seattle Police Department cannot adequately control matters within existing City boundaries. There is question as to how services could be provided in the future.
- 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 opposing the proposed annexation of North Highline “Y” Area until/unless Area “Q” is successfully annexed to the City of Seattle. If the Area “Q” at annexation fails, a fragmented community will result. There will no longer be a sense of a unified neighborhood. Services – e.g., fire, policing, libraries – will suffer from lack of coordinated systems unless both Area “Q” and “Y” Area are governed by the same jurisdiction.
- There was testimony expressing concern as to the City of Seattle’s plans and available resources to provide human/social services to the North Highline “Y” Area. Concerns are based upon the failure of the City to solve homeless issues within existing City boundaries (e.g. the homeless encampment known as “The Jungle.”) A similar encampment existing on Myers Way is demonstrated to be a significant blight upon – and hazardous to – the surrounding community. How will the City correct this situation?
- There was testimony expressing concern as to the City of Seattle’s plans and available resources to provide economic development services to the North Highline “Y” Area. Concerns are based upon the failure of the City to solve homeless issues within existing City boundaries (e.g. the homeless encampment known as “The Jungle.”) A similar encampment existing on Myers Way is demonstrated to be a significant blight upon – and hazardous to – the surrounding community. How will the City correct this situation?
- There was testimony that with annexation to Seattle, comes a concern that there will 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. In addition, working with City offices – e.g., department of planning – to achieve improvements to properties is likely to be a complex, time-consuming, and costly proposition. 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 the proposed North Highline “Y” Area Annexation does not comply with RCW 36.93.180. Rather this proposed annexation should be redesigned to provide for better linkages for governance and services between the City and surrounding communities and special purpose districts – e.g., North Highline Area “Q”, Burien, Tukwila, North Highline Fire District No. 11, King County Fire District No. 2, King County Sheriff.
- There was testimony concerning the future of the King County Library System (KCLS) in the event of annexation (read from a written statement by Gary Wasdin, Director of the King County Library System). The statement reported that there is currently an agreement between KCLS and the City of Seattle to provide library access to all residents of King County to both systems. The primary intention of the KCLS is to ensure that residents continue to have seamless access to library services. There are various plans under consideration to accomplish this goal – including maintaining the libraries under the control of King County or transferring of KCLS facilities to the City of Seattle. Tools for management of levies and administrative costs will be accomplished as well.
- There was testimony that annexation to the City of Seattle is the best opportunity for North Highline “Y” Area 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 comprehensive, consistently high quality public services (e.g. housing, transportation, fire protection, emergency medical, policing, sewer, water, human services, educational programs, business programs) as well as being more able to participate in local governance and influence the future of their community.

RESPONSE TO INQUIRIES: *KAREN FREEMAN, SENIOR POLICY ANALYST, KING COUNTY*

Karen Freeman, responding to an inquiry from the Boundary Review Board, provided the following information concerning a Listing of Services provided by the County to Urban Areas as compared to services that would be available from the City of Seattle. She also spoke to level of services provided by the County to Rural Areas. In sum, Ms. Freeman reported that:

The City of Seattle has submitted a Notice of Intention to Annex the North Highline “Y” Area Annexation (“Notice of Intention”), which consists of the “Y” Area portion of the larger North Highline Potential Annexation Area (“PAA”), also known as White Center, though - that is one neighborhood among others in this PAA including all or parts of: Beverly Park, Glendale, Roxhill, Top Hat and White Center. As an urban area, the long-standing planning objective is for this entire PAA to be annexed.

The North Highline “Y” Area is a vibrant, diverse community with unmet service needs and a struggling business core. The North Highline PAA is one of the most diverse parts 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.

King County can and does provide basic governance and services to the North Highline “Y” Area, however, Seattle is also the only city with the financial ability to provide an urban level of services to the North Highline “Y” Area. The revenues directly derived from the area are insufficient to pay for the level of services that an urban area requires, leaving a substantial “financial gap” between the revenues and the costs. This gap might have been considered insurmountable were it not for SSB 5864, passed by the Washington State Legislature in 2016. That legislation, which Governor Inslee signed into law on March 10, 2016, amended RCW 82.14.415 to increase the sales tax incentive available to annexing cities from a maximum of \$5 million dollars per year for a period of ten years to a maximum of \$7.725 million per year for a period of six years from the date the tax is imposed post-annexation.

However, as Counties were designed to provide regional and rural services and are not structured, nor are finances available, to provide urban level services to dense urban populations, the best plan for the residents of North Highline “Y” Area is to annex into a city that can provide them with the urban level services they need to thrive. Specifically, the City of Seattle can provide robust services as follows:

- Neighborhood Services (Seven Programs/60 Staff – up to \$100,000 per project)
- Community Planning (Dedicated Office/40 Staff)
- Department of Education and Early Learning (12 programs)
- Parks Programming (11 Programs)
- Roads Services (\$930 million levy)
- Police Services (3 shifts – 6-8 officers; 2 special programs)
- Human Services (\$89 million annual funding -200 agencies)
- Economic Development (34 staff; seven programs)

King County has extremely limited human resources and fiscal resources to provide urban services to North Highline “Y” Area – e.g., neighborhood services at \$60,000; two police officers; a single parks program; a limited education program; \$100 million roads funding; \$20,000 for food bank; no other human services programs; no economic development services).

The North Highline “Y” Area is filled with promise. Seattle, as the largest city with the most robust service levels and some of the most diverse neighborhoods in the state, is qualified to collaborate with the residents of North Highline to be preserved as a whole neighborhood and provided with robust urban level services in order to realize its full potential as a vital urban community.

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.

REBUTTAL: CITY OF SEATTLE: JOHN HANEY, LEGAL COUNSEL – OGDEN, MURPHY; WALLACE; KENNY PITTMAN, COMMUNITY DEVELOPMENT, CITY OF SEATTLE; HOWARD SCOGGINS, FIRE CHIEF, CITY OF SEATTLE

James Haney, Kenny Pittman, and Chief Howard Scoggins provided Rebuttal testimony and responded to inquiries as follows:

Water and Sewer Districts Serving the North Highline Annexation Area.

There was testimony that water and sewer districts serving the North Highline “Y” Area will not be affected by the proposed annexation because assumption of those districts is not part of the proposal. Assumption is not an automatic consequence of annexation; for assumption to occur, the process set forth in RCW 35.13A must be followed, a process that requires a separate review that is not currently before the Board. Because assumption has not been proposed by the City of Seattle, Water District 20, Water District 45, the Valley View Sewer District, and the SW Suburban Sewer District will continue to provide service in the North Highline Annexation Area after annexation and service will be unaffected by this proposal.

There was testimony that, in addition, the state sales tax incentive that the City of Seattle is relying on to close the “financial gap” between anticipated revenues and expenditures in the North Highline “Y” Area will keep Seattle from assuming the Valley View Sewer District or the SW Suburban Sewer District for at least six years after annexation. RCW 82.14.415(3)(b), as amended in 2016 by SSB 5864, authorizes the City of Seattle to impose a sales tax and receive a sales tax credit for annexing the North Highline “Y” Area Annexation in the maximum amount of \$7.725 million per year for a period of six years following annexation. RCW 82.14.415(10) states, however, that “[a] city may not impose tax under subsection 3(b) of this section if it provides

sewer service to the annexed area.” Assumption of the Valley View Sewer District or SW Suburban Sewer District would cause Seattle to lose the annexation sales tax incentive in the area served by those districts and is therefore not an option.

Because assumption of the water and sewer districts is not part of Seattle’s proposal for annexation of the North Highline “Y” Area, the concerns expressed by the districts regarding Seattle’s maintenance philosophy, service rates, and pressure zones are not germane to these proceedings. The City of Seattle reports, however, that contrary to a statement by one of the districts, the City does have a Utility Discount Program for seniors, persons with disabilities, and low-income customers. Under the Utility Discount Program, those with household income at or below 70% of the state median income may qualify for a discount of about 60% on their Seattle City Light bill and 50% on their Seattle Public Utilities (water, sewer, storm water, and garbage) bill.

Schools in the North Highline Annexation Area.

There was testimony that the Highline School District will be unaffected by Seattle’s proposal because the District will retain its current boundaries and because the City will establish zoning that is similar to the current designations applied by King County. School districts and cities are separate legal entities and annexation by a city does not result in a change in school district boundaries. Transfer of territory from one school district to another can only be accomplished by petition or agreement of the involved districts. Further, this transfer may occur only upon approval of the educational service district superintendent (RCW 28A.315.195 - .215). No such process has been initiated for North Highline and the boundaries of the Highline School District will not be affected by the North Highline Annexation.

Zoning changes in the North Highline Annexation Area are also unlikely to affect the Highline School District. If North Highline is annexed into Seattle, the City will look for Seattle zoning designations that are the “closest match” to King County’s designations and will work with residents and businesses to establish zoning regulations that align with the existing County regulations. As with all zoning and planning processes, the City will provide for “early and continuous public participation” in accord with the GMA and all interested parties, including the Highline School District, will have the opportunity to provide input on the zoning of the area. Any concerns about increased densities or low income housing can and should be addressed during the zoning process and are not part of these annexation proceedings.

Seattle’s annexation of the North Highline “Y” Area will strengthen the schools in the Highline District. The City’s Department of Education and Early Learning will provide home visiting programs, preschool programs, health programs, and summer learning programs to students in the North Highline Annexation Area in furtherance of its mission to have all Seattle children succeed in school and graduate from high school ready for college. These programs are independent of the Seattle School District, and will be available to children in the annexation area who live in the Highline School District.

Library Services in the North Highline Area After Annexation.

There was testimony that North Highline “Y” Area residents will continue to receive high quality library services after annexation to Seattle. Upon annexation of the North Highline “Y” Area, the annexed territory will be automatically withdrawn from King County Library System (KCLS) and library services will become the responsibility of the Seattle Public Library. The Seattle Public Library plays a central role in Seattle’s communities and neighborhoods by supporting Seattle’s devotion to reading and learning and by inviting civic engagement through discussion and dissemination of information. The Seattle Public Library will team with public, community, and business organizations in North Highline to expand its reach and extend its services through strategic partnerships that actively enrich the lives of all North Highline residents.

Residents of the North Highline “Y” Area will also continue to have access to KCLS through a reciprocal agreement between the Seattle Public Library and KCLS. Under the current agreement, patrons of the Seattle Public Library and KCLS have access to both systems. Residents of the KCLS service area have access to all services of the Seattle Public Library, while residents of Seattle have broad access to KCLS services. Residents of North Highline will be able to use both library systems.

The Seattle Public Library has also had discussions with KCLS about the continued operation of the White Center Library at 1409 SW 107th Street and the Greenbridge Library at 9720 8th Avenue SW. Possible options that have been discussed include the transfer of those facilities to the Seattle Public Library at the time of annexation or the continued operation of those facilities by KCLS for a period of time under a contract with the City of Seattle with transfer of the facilities to the Seattle Public Library occurring at a later date. Discussions have been amicable and the City of Seattle and KCLS are confident that an agreement can be reached.

Residents and Businesses: Level of Fire Service from the Seattle Fire Department.

There was testimony that residents and businesses within Fire District 11 will continue to receive high quality fire service under any possible annexation scenario because state law and the existing agreement between Fire District 11 and the City of Seattle for the Duwamish Annexation Area provides for that service. If the Duwamish Area is annexed and the North Highline Area is not, the City of Seattle and Fire District 11 have entered into an interlocal agreement whereby Seattle will make payments to Fire District 11 for a period of up to ten years in order to mitigate any impacts on the District. If the Duwamish Area and the North Highline “Y” Area are both annexed, the interlocal agreement provides that the payments will cease and Fire District 11 will cease to exist because 100% of its territory will have been annexed to the City. If the North Highline “Y” Area annexes and the Duwamish Annexation does not, RCW 35.02.190 will require that the City of Seattle make payment to the District “in cash, properties, or contracts for fire protection services to the district within one year of the date [of annexation] of a percentage of the value of the assets [of the District transferred to the City] equal to the percentage of the value of the entire district remaining outside the incorporated or annexed area.” Due to the Duwamish Annexation Area’s proximity to City fire stations in South Park and elsewhere, it may make sense for the City to fulfill this obligation through contracts for service or, alternatively, for the City to pay cash or transfer property to District 11 in order to ensure that the District can provide service. In either case, RCW 35.02.190 provides a mechanism whereby service will continue to be provided.

In addition, RCW 35.02.190 also provides that if North Highline “Y” Area is annexed and Duwamish is not, the voters of the Duwamish Annexation Area can require the City of Seattle to “to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district’s property, facilities, and equipment throughout the district” upon payment of “a reasonable fee for such fire protection, operation, and maintenance.” Under the statute, if North Highline “Y” Area is annexed and Duwamish is not, the voters in Duwamish will still have the chance to decide if they wish to receive fire service from Seattle.

Overall Level of Fire Service Will Increase After the Annexation of North Highline.

There was testimony that the overall level of fire service in the North Highline “Y” Area will be increased by annexation because the Seattle Fire Department (SFD) has more resources at its disposal and can bring those resources to bear in the North Highline “Y” Area. SFD will staff Fire Station 18 on a 24/7 basis with an engine company, just as Fire District 11 does now. The engine company will consist of four fire personnel (a fire officer and three firefighters), an increase of one fire professional from what the District currently provides. Response times from Station 18 will be as good as they are now, and SFD will be able to draw additional personnel from three other stations in reasonable proximity to Station 18 (Stations 11, 26, and 37), with an average response time of just over a minute longer than a direct response from Station 18. SFD will also be able to

provide technical teams that the District does not have, including the Hazardous Materials Response Team, the Technical Rescue Team, and the Dive Rescue team. All of these resources will provide a greater level of service than what exists currently.

Advanced Life Support (ALS) Services will be Available in the Annexed Area.

There was testimony that SFD will provide ALS services to the North Highline "Y" Area from Seattle Fire Station 32 at 38th Avenue SW and SW Alaska Street. In the event that the medic unit from Station 32 is unavailable, another Seattle unit would respond or mutual aid would be requested from Zone 3 (King County Medic 4), located to the south of the North Highline Area. The response time for the medic unit at Station 32 to North Highline is approximately 14 minutes, but the medic unit is not the only unit capable of providing emergency medical services to the North Highline "Y" Area. All of SFD's firefighters are trained EMTs (emergency medical technicians) who provide a base layer of emergency medical care when called out as first responders. The firefighters/EMTs of SFD are able to provide Basic Life Support (BLS) services until the medic unit arrives. In addition, the availability of mutual aid from King County Medic 4 and from other Seattle medic units will ensure that ALS services are provided in a timely manner.

It was reported that the City of Seattle has personnel and equipment sufficient to provide ALS services to the entire City of Seattle. The City also benefits from mutual aid agreements with nearby Fire Protection Districts. The City has a commitment to meet or exceed on-time arrivals to ALS calls.

At present, ALS can be provided more quickly (in approximately 8 minutes) by King County Fire District No. 2 and/or North Highline Fire District No. 11 than is likely to occur from the City of Seattle at the point of effective annexation (approximately 11 minutes). However, the City of Seattle will establish comprehensive, detailed implementation plan at the soonest possible date to ensure implementation of a quality and level of service to North Highline "Y" Area that is currently provided to the residents and businesses within the jurisdiction. The precise timing for this achievement is based upon the availability of resources to achieve the transition of services.

Automatic Aid Agreements with Other Agencies

There was testimony that Automatic Aid Agreements with Other Agencies are unnecessary to provide an increased Level of Fire Service. In the interest of consideration of various means of ensuring quality services, however, an Automatic Aid plan is under consideration.

At present, as SFD will have four fire stations available to serve the North Highline "Y" Annexation Area, automatic aid agreements are not necessary to provide an increased level of fire service in the North Highline Annexation Area. SFD recognizes that mutual/automatic aid agreements can be beneficial and SFD is currently involved in discussions with various fire agencies in the region to formalize automatic aid agreements and to work out the logistical challenges involved in implementing such a system. Automatic aid agreements are not, however, a prerequisite for SFD to provide service to North Highline. Annexation of North Highline will result in Fire District 11's Fire Station 18 being transferred to SFD. SFD has three additional stations located in reasonable proximity that are able to provide fire service to the North Highline Annexation Area. These three stations are: Fire Station 26, located at 8th Avenue South and South Cloverdale Street; Fire Station 11, located at 16th Avenue SW and SW Cloverdale Street; and Fire Station 37, located at 35th Avenue SW and SW Holden Street. Each of these three stations has an engine company staffed with one fire officer and three firefighters, the same as SFD would deploy at Fire Station 18. The response times from these stations are approximately one minute and ten seconds longer than the response time from Fire Station 18. Because SFD has these resources available to North Highline, SFD does not have to rely on automatic aid relationships with other agencies to provide an increased level of fire service.

City of Burien Fire Protection/Emergency Medical Service

There was testimony that KCFD No. 2 is calling for King County and Seattle to provide land to this District for a Burien Fire Station. KCFD No. 2 is relying, for this provision of land, upon a 2008 Memorandum of Understanding (MOU) with the City of Seattle, King County, Burien, Fire District No. 11 and Fire District No. 2.

Fire District 2's argument that King County and Seattle are "reneging" on a commitment to provide land to KCFD No. 2 for a Fire Station is incorrect because the 2008 Memorandum of Understanding on which Fire District No. 2 relies expired on January 1, 2012. The 2008 Memorandum of Understanding ("the MOU") was entered into between the parties as the result of a mediation conducted by the King County Inter-Local Conflict Resolution Group. The MOU attached a "Transition Framework" under which King County agreed that if Seattle and Burien annexed North Highline "Y" and "X" Areas, King County would secure for Fire District 2 an appropriate parcel of land for a fire station. Contrary to Fire District 2's current assertion, this "Transition Framework" was not an agreement that was independent from the MOU, but was specifically agreed to and made a part of the MOU document. The "Transition Framework" was an integral part of the MOU and was subject to all of the MOU's other terms and conditions. Section 10 of the MOU unambiguously provides that "This agreement [including the agreement in Section 5 on the "Transition Framework"] is effective until January 1, 2012." The MOU has expired and there is no obligation on the part of King County (or Seattle) to provide land to Fire District 2 at the present time.

Further, North Burien can be served without a new Fire Station. The City of Seattle has had discussions with Fire District No. 2 about service to North Burien after annexation. These discussions have not yet resulted in an agreement, but Seattle remains interested in finding a solution. SFD has indicated to Fire District No. 2 that the City would be willing to consider collocation at Station 18 or mutual aid for a limited period of time until Fire District No. 2 can find alternative facilities. On May 31, 2016, SFD Assistant Fire Chief J. D. Hagen wrote to Fire District No. 2 Chief Michael Mars indicating SFD's willingness to consider providing fire service to the North Burien portion of Fire District No. 2 by a contract similar to that which currently exists between Fire District No. 2 and Fire District No. 11. The City of Seattle understands that the contract between Fire District No. 11 and Fire District No. 2 provides for Fire District No. 11 to serve North Burien in exchange for Fire District No. 2's agreement to pay to Fire District No. 11 all taxes and benefit charges collected in the area. In order for SFD to provide service under a similar arrangement, an interlocal agreement would be required to be approved by the Seattle City Council, but as reported in the record for this Notice of Intention, SFD is willing to negotiate such an agreement and to seek Council approval if there is an agreement. A meeting between SFD, Fire District No. 11, and Fire District No. 2 to discuss the terms of such an agreement and other potential options is scheduled for June 29. The City of Seattle desires to find an appropriate solution and is confident that agreement can be reached if the districts are of a similar mind.

In conclusion, the City of Seattle respectfully requests that the Board approve the North Highline "Y" Area Annexation at this time. Approval will permit the City to set an election by which the voters can decide whether or not to join the City of Seattle.

IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING

At the conclusion of testimony, Chair Toy stated that the Board members are requested to consider the following options for administration of the Public Hearing in the matter of File No. 2367:

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.

V. CLOSING OF HEARING

The Board members considered the options. Members spoke in favor of closing the hearing and entering into deliberations to come to a decision in the matter of File No. 2367.

Action: Ronald Little moved and Jay Hamlin seconded a motion to close the Boundary Review Board Special Meeting/Public Hearing and to enter into discussion/deliberation for the City of Seattle proposed North Highline "Y" Area Annexation.

The Board voted unanimously in favor of the motion.

VI. DISCUSSION AND DELIBERATION

DISCUSSION

Chair Toy opened the meeting to discussion by the Board members. Members offered the following comments:

- The State of Washington sales tax rebate available to the community upon annexation is a matter central to this proposed action. If the voters favor annexation, then, upon the implementation of this action, the City of Seattle will receive \$7.75 million from the State of Washington (in the form of a sales tax rebate) over six years. This funding will be most valuable in enabling the City to properly govern and serve the North Highline "Y" Area. If the annexation fails to be approved by the Boundary Review Board – or fails at election – then the State of Washington will not authorize that funding in any future effort to annex Area "Y."
- Seattle's proposed North Highline "Y" Area Annexation is consistent with Growth Management Act principles stating that "cities are the units of local government most appropriate to provide urban governmental services." The North Highline "Y" Area Annexation furthers this principle by shepherding another urban area into a city that can provide a high level of urban governmental services.
- Acknowledgement is reported with respect to community concerns as to the City's commitment – and resources – for serving the North Highline "Y" Area. Specific concerns have been reported with respect to comprehensive planning, land use, transportation systems, water and sewer services, economic development, policing, fire protection and emergency services, schools, libraries, parks and education systems.
- The City of Seattle has established a commitment– and has the necessary resources – to provide a high quality level of governance and services to the North Highline "Y" Area based upon the municipality's policies and regulations.

The City has provided testimony and written documentation confirming the plans to provide (either directly or by agreement) for comprehensive planning, land use, transportation systems, water and sewer services, economic development, policing, fire protection and emergency services including BLS -- and fundamental ALS management; libraries, parks, and education programs.

- The City of Seattle reports an intention to designate zoning at the closest available designation existing under the King County Zoning Ordinance. It is possible that, with this new zoning, there could be some new multi-family zoning but this designation is not anticipated to create a substantial difference in permitted or planned development. Note was made of the fact that development that is permitted in a designated zone is not always possible owing to factors such as land availability, the existence of resources, and limitations of underlying infrastructure.
- The City has confirmed that existing special purpose districts will continue to provide water services and sewer services into the foreseeable future. Fees will be set by the service providers. Changes to service provision would require new and discrete Notices of Intention to the Boundary Review Board.
- Particular concern was raised with respect to the fact that, while the City can provide BLS well within the established ideal time period, the City has no definitive time line to develop a plan to provide ALS services as quickly as is necessary and is provided under current service agreements.

The City of Seattle, Fire District No. 11 and Fire District No. 2 should work together to ensure timely, reliable service to all members of the community. This plan should be well-established during the community planning period – certainly in advance of the planned election.

- The City of Seattle reports a commitment (and resources) necessary to provide a full complement of human services to the North Highline “Y” Area community. The City of Seattle is encouraged to provide information in writing – and in other forms – in order to notify community members of the types of services available together with the most efficient, effective methods for gaining access to those services. -
- The City and King County Library System officials have confirmed plans – e.g., intended agreements, funding; administrative tools -- to protect services for all members of the community.
- The Highline School District will continue to be responsible for all matters relating to North Highline “Y” Area. The Seattle School District is reported to be available, upon request, to work with the Highline School District to create and administer educational systems and programs to ensure quality education for community members.
- The North Highline “Y” Area community requires and merits a high quality level of urban services. King County is required to provide services to regional and rural communities. The County cannot provide the necessary and desirable services to the North Highline “Y” Area.
- However, the City has considerable work to do to provide information to – and gain the trust of – citizens of the North Highline “Y” Area. City staff are called upon to honor the commitment to undertake extensive, intensive work with the various residents and businesses in the North Highline “Y” Area to ensure that both residents and businesses receive the promised services and amenities available to all of the citizens of Seattle.
- There has been a demonstrable commitment by White Center community groups, as well as individual citizens and businesses, to work to provide improved basic services – and enhanced amenities—to this community. There is confidence that these representatives can and will work in a positive manner with the City and other service agencies to establish an election plan that is in keeping with the needs and interests of the community. And, if annexation is approved there is confidence that the affected parties will work well together to provide a strong positive transition into the City of Seattle.

- In addition to the support for this annexation based upon RCW 36.93, the Growth Management Act, and other regulations and/or agreements, the Board supports this Notice of Intention based upon the plan to provide registered voters an opportunity to determine their interest in annexation at an election.

DELIBERATION

At the conclusion of the discussion, Chair Toy called for a motion to begin deliberations to a preliminary decision in the matter of the City of Seattle Notice of Intention for the annexation of the Duwamish Area.

Motion: Claudia Hirschey moved and Ronald Little seconded a motion that the Board directs the Executive Secretary to prepare a preliminary Resolution and Hearing Report to approve the City of Seattle Notice of Intention for the North Highline "Y" Area Annexation (File No. 2367).

The motion was approved by unanimous vote.

Claudia Hirschey, speaking to the motion, stated that the City of Seattle's Notice of Intention to annex the North Highline "Y" Area provides evidence supporting a finding of advancement of each of the factors and objectives established for decision-making by the Board as stated in RCW 36.93.170 and RCW 36.93.180.

Board members stated that the concepts, goals, and ideals contained in these guiding statutes and policies (as well as the Growth Management Act, the King County Comprehensive Plan, King County Countywide Policies, and City of Seattle guidelines) encourage and support annexations of areas that are urban in nature.

Board members reported the findings of compliance with RCW 36.93.170, based upon the written record and testimony at the public hearing, as follows:

Factor 1: Population and territory, land area and land uses; comprehensive plans and zoning; topography, natural boundaries, drainage basins, and proximity to other populated areas; and the likelihood of significant growth in the area.

Several of the factors listed in RCW 36.93.170(1) are relevant to - and weigh in favor of -Seattle's proposed North Highline "Y" Area Annexation. The site is located in Seattle's PAA. Seattle is the only jurisdiction that can provide unified governance and urban services throughout the entire unincorporated area lying between the current boundaries of the City of Burien and the City of Seattle.

With respect to comprehensive planning and zoning, the North Highline "Y" Area Annexation is consistent with King County's Comprehensive Plan and the Countywide Planning Policies. Moreover, the land uses and zoning in the North Highline Annexation are very similar to the land uses and zoning in the abutting areas of the City of Seattle.

The North Highline Annexation Area has varied topography, natural boundaries, and drainage basins. Upon annexation, the City would be able to administer (e.g., control and protect) these topographic features to the benefit of the community.

It is anticipated that the North Highline "Y" Area will increase both in households and employment. Increased urbanization will require the increased governance and services best provided by the City of Seattle.

Factor 2: Municipal Services....: the need and adequacy of municipal services and the effect on the finances of affected governmental units.

Seattle will be able to provide urban services to the North Highline "Y" Area at a higher level than the County and the special purpose districts currently serving the area. The Seattle Police Department will provide enhanced levels of service to the residents and businesses in the North

Highline “Y” Area. The Seattle Fire District will independently and/or in concert with Fire Districts No. 11 and No. 2 provide fire protection services, basic life support emergency services and advanced life support services.

In addition to police and fire services, Seattle will also offer a number of other important urban services upon annexation of the North Highline Annexation “Y” Area, including, but not limited to: park and recreation services, library economic development services and business support services. Seattle’s Department of Neighborhoods will also offer services, as will Seattle’s Department of Education and Early Learning.

Water and sewer service to the North Highline “Y” Area will remain in place unaffected by the annexation of this community to the City of Seattle. Assumption of water and sewer districts is a separate process under RCW 35.13A and requires a separate review currently not before the Board.

Factor 3: Effects of proposal or alternative on adjacent areas, on mutual economic and social interest, and on the logical governmental structure of the county.....

The North Highline “Y” Area Annexation is the last step in Seattle’s effort to annex the entire North Highline PAA. The City of Seattle is the only city with the service and access to fiscal resources necessary to provide an appropriate range of urban level of services to the North Highline Annexation “Y” Area.

In order to ensure ongoing sufficient fiscal capacity to govern and serve the North Highline “Y” Area, the City of Seattle worked with Legislature 2016 to ensure the passage of SSB 5864, a bill with tax incentive provisions that offer a unique opportunity to the residents and businesses of the North Highline “Y” Area to obtain consistent, quality urban services. Specifically, Seattle is the only city that can qualify for the \$7.725 million tax incentive and thereby afford to provide the urban services to the North Highline “Y” Area because Seattle is the only city with an annexation proposal for the area commenced prior to January 1, 2015.

If the North Highline “Y” Area Annexation is not approved by the Board, or if the annexation is rejected by the voters, no city will be able to annex this area and provide urban services there, at least not without significantly reducing the level of service available to its existing residents to close the “financial gap.” Seattle is thus uniquely situated financially to annex the North Highline “Y” Area.

Board members reported the findings of compliance with RCW 36.93.170 as follows:

Objective 1: Preservation of ...neighborhoods and communities.

The City of Seattle’s proposed annexation of the North Highline “Y” Area will preserve and reunite natural neighborhoods. The North Highline “Y” Area is a natural extension of Seattle’s southern boundary and covers the remaining unincorporated urban area between Seattle and Burien.

North Highline “Y” Area neighborhoods are very similar in social, economic, and demographic characteristics to those located in the adjacent territory in the City of Seattle. The proposed annexation is designed to incorporate the neighborhoods of the North Highline “Y” Area. The City of Seattle’s proposed annexation will also support and strengthen these neighborhoods through the provision of urban services. These programs are planned to preserve, enhance, and strengthen the already-existing social and economic groups in the North Highline neighborhoods.

Thus: The proposed North Highline “Y” Area Annexation meets or furthers this objective.

Objective 2: Use of physical boundaries.

The North Highline “Y” Area Annexation follows physical boundaries (e.g., existing city limits, county streets, state highways, and waterways).

Thus: The proposed North Highline “Y” Area Annexation meets this objective.

Objective 3: Creation and preservation of logical service areas.

The North Highline “Y” Area Annexation proposal creates and preserves logical service areas. The annexation will result in the last unincorporated area between Seattle and Burien being annexed to the City of Seattle. Specifically – and key – services will include the following:

- The Seattle Police Department will be able to serve the area from its Southwest Precinct and an unincorporated island will be removed from the service area of the county sheriff.
- When joined with the Duwamish Annexation, the North Highline “Y” Area Annexation will bring the entirety of the land into the City of Seattle and allow for enhanced fire protection services and emergency response services under the aegis of the Seattle Fire Department. Basic Life Support services would be immediately equivalent to services currently provided to the community. Advanced Life Support services will immediately meet basic requirements – enhanced services are planned to become available in the near-term as well.
- Provision of park and recreation services, library services, economic development services, civic engagement services, and education and early learning services will be provided through the City of Seattle.
- Water and sewer service to the North Highline “Y” Area will remain in place unaffected by the annexation of this community to the City of Seattle. Assumption of water and sewer districts is a separate process under RCW 35.13A and requires a separate review currently not before the Board.
- The North Highline “Y” Area would be best served by annexing to the City of Seattle.

Thus: The proposed North Highline “Y” Area Annexation meets or furthers this objective.

Objective 4: Prevention of abnormally irregular boundaries.

The annexation of the North Highline “Y” Area will not result in the creation of irregular boundaries. Rather, the North Highline Annexation “Y” Area proposal prevents abnormally irregular boundaries as the pending annexation of the North Highline “Y” Area will entirely complete the transfer of the unincorporated area into Seattle.

Thus: The proposed North Highline “Y” Area Annexation meets this objective.

Objective 5: Discouragement of Multiple Incorporations.

The North Highline “Y” Area annexation will effectively discourage multiple incorporations of small cities. Annexation of the North Highline “Y” Area will prevent the incorporation of a small city. The City of Seattle’s annexation of the North Highline Annexation Area is the only feasible way to provide and fund the urban level of service that is expected of a city to the area’s residents and businesses.

Thus: The proposed North Highline “Y” Area Annexation meets this objective.

Objective 6: Dissolution of inactive special purpose districts.

This Objective does not apply to the North Highline “Y” Area Annexation. The proposed North Highline “Y” Area Annexation will not dissolve any inactive special purpose districts. However, if both the North Highline Annexation Area and the Duwamish Annexation Area approved by the Board in File No. 2358 are successful, all land within King County Fire Protection District No. 11 will have been annexed to the City of Seattle and the City will incorporate this Fire District into the Seattle Fire Department.

Thus: The proposed North Highline “Y” Area Annexation meets or furthers this objective.

Objective 7: Adjustment of Impractical Boundaries.

The proposed North Highline “Y” Area annexation achieves practical boundaries – i.e., physical boundaries reflecting the common geographical and social characteristics of the North Highline “Y” Area and the southern neighborhoods of the City of Seattle. The new boundaries will allow for the natural extension of Seattle’s boundaries to link neighborhoods.

The City of Seattle proposes to provide a uniform governance structure under which all of these neighborhoods enjoy a uniform level of quality urban services.

Objective 8:Annexation to cities...of unincorporated areas which are urban in character.

The North Highline “Y” Area is entirely urban in character. A full range of residential uses (e.g., single family homes, multi-family units), neighborhood and community businesses, and industrial uses exist in the North Highline “Y” Area communities. Basic services and amenities are designed to serve an urban community. It is anticipated that urban uses – and the services necessary to permit these uses -- will proliferate into the future in the North Highline “Y” Area.

Thus: The proposed North Highline “Y” Area Annexation meets this objective.

Objective 9: Protection of Agricultural and Rural Lands:

As the North Highline “Y” Area is highly urbanized, there are no agricultural areas located within the boundaries of the properties proposed annexation. Objective 9 is, therefore, not germane.

CONCLUSION

The City of Seattle is the only jurisdiction with the authority to annex the North Highline “Y” Area Annexation. Seattle is also the only City with the financial ability to provide an urban level of services to the North Highline Area. Seattle’s proposed North Highline “Y” Area Annexation satisfies the factors and objectives for Board approval and is consistent with GMA principles and Countywide Planning Policies. Finally, Seattle can provide residents and businesses of North Highline “Y” Area with the opportunity for a unified governance structure providing a comprehensive palate of urban services. The Board should approve this annexation to allow the citizens of North Highline “Y” Area to vote to decide whether to support or deny Seattle’s proposed annexation.

Board members expressed appreciation to the community and the governing units for their extensive participation in the planning for the North Highline “Y” Area annexation – and in their participation in the public review process.

RESTATEMENT OF MOTION

At the conclusion of the deliberation, Chair Toy called for a restatement of the motion in the matter of the City of Seattle Notice of Intention for the annexation of the North Highline “Y” Area.

Motion: *Claudia Hirschey moved and Ronald Little seconded a motion that the Board directs the Executive Secretary to prepare a preliminary Resolution and Hearing Report to approve the City of Seattle Notice of Intention for the North Highline “Y” Area Annexation (File No. 2367).*

The motion was approved by a vote of eight in favor and one in opposition.

Chair Toy stated that the Preliminary Resolution and Hearing Decision in the matter of File No. 2367 will be presented for final decision at the Regular Meeting to be held on Thursday, July 14, 2016 at 7:00 P.M.

Following the action of the Board, the final Hearing Report and Decision will be filed with King County and other agencies as required. Filing of the action triggers a 30 day appeal period, during which time an appeal of the Board’s decision may be filed in Superior Court.

VII ADJOURNMENT

The Special Meeting/Public Hearing was adjourned at 9:55 P.M.