

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

**IN RE: CITY OF BURIEN
North Highline Area “Y”
Proposed Annexation
King County, Washington**

FILE NO. 2332

I. PUBLIC HEARING OVERVIEW

In October, 2011, the City of Burien, the proponent, filed a Notice of Intention with the Boundary Review Board to annex North Highline Area “Y” at 2045 acres (File No. 2332.)

The North Highline Annexation Area “Y” is located immediately adjacent to the northern boundary of the City of Burien. The North Highline Annexation “Y” Area northernmost boundary is primarily formed by SW Roxbury Street and generally by South 96th Street (if extended.) The southern boundary is formed by South 107th Street, South 108th Street, South 116th Street, SW 112th Street and SW 116th Street. The western boundary of the site is variously formed by the City of Seattle corporate boundary (at approximately 30th 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 City of Burien invoked the jurisdiction of the Boundary Review Board for the purpose of providing the affected citizens a public hearing before an independent body in order to obtain information and comment upon the proposed North Highline Area “Y” Annexation.

The City of Burien also reported to the Boundary Review that there will be an election to enable citizens within the North Highline Area “Y” to ultimately decide whether or not to join the City of Burien.

The Board held Special Meetings/Public Hearings on January 9, 2012, and January 10, 2012 to consider the proposal by the City of Burien to annex North Highline Area “Y.” The Public Hearings were concluded on January 10, 2012. On January 23, 2012, the Board conducted a Special Meeting to deliberate and come to a preliminary decision in the matter of File No. 2332.

The Board reviewed File No. 2332 in accord with RCW 36.93. (Local Governments – Boundaries – Review Boards.) The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives.) The Board also considered RCW 36.70A, the Growth Management Act, the King County Comprehensive Plan, the City of Burien Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

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

At the Special Meeting to deliberate and come to a preliminary decision in the matter of File No. 2332, the Board found the following:

- The record for File No. 2332 contains sufficient documentation (e.g., legal analyses, technical reports, fiscal studies), evidence of community information programs, and certification of petitions and/or legislative action to complete its review of the North Highline Area “Y” Annexation.

- On the basis of the testimony, evidence, and exhibits presented at said hearing, and the matters on record in said **File No. 2332**, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention.**, **The Board further strongly encourages the City of Burien and North Highline Fire Districts (No. 2 and No. 11) to immediately move forward to establish Interlocal Agreements to ensure continuing fire protection services and emergency services to the City of Burien in general and the North Highline “Y” Area, the “Sliver by the River Area”, and the “Marine Delta Area” in particular.**
- The legal description of the North Highline Area “Y” is attached hereto and marked as “Exhibit I”, together with a map showing the boundaries of the area herein marked as “Exhibit II.”

II. FINDINGS

RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL

The Boundary Review Board finds the following Factors (RCW 36.93.170) to be applicable to the proposal for annexation of North Highline Area “Y” (2045 acres) into the City of Burien. The key issues related to each applicable element are as follows:

RCW 36.93.170 (1) POPULATION AND TERRITORY

The Board considered the following factors to be applicable: Population Density; Proximity to Other Populated Areas; Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; Likelihood of Significant Growth in the Area During the Next Ten Years; and Population Density/Proximity to Other Populated Areas.

The record demonstrates that the North Highline Area “Y” and the existing City of Burien are urban communities that share similar features, including, but not limited to: demographic characteristics, economic characteristics, built communities, and natural environments.

While the City of Burien and North Highline Area “Y” include numerous neighborhoods which are populated by various demographic groups, the communities as a whole are populated by persons who share many similar characteristics. Several witnesses expressed common goals for quality of life in the communities in which they reside and conduct business.

The Burien Comprehensive Plan identifies North Highline Area “Y” as lying within the City’s Potential Annexation Area. The North Highline Area “Y” Annexation is consistent with City’s Comprehensive Plan “Land Use Element” policies supporting inclusion of urban areas within the City for local governance. The City of Burien Comprehensive Plan identifies the City’s commitment and resources to govern the North Highline Area.

The record demonstrates that the North Highline “Y” Area will likely experience a stable populace in the short-term. Continuing growth is anticipated over the next ten years. As such, the Burien Comprehensive Plan provides for growth at urban levels of density generally consistent with the existing built environment and the natural environment. For example, Burien’s Comprehensive Plan provides:

- Policy AN 1.1: Designates North Highline Area “Y” as being within the City’s Potential Annexation Area
- Policy AN 1.2: Establishes provisions for land use and zoning designations of the North Highline “Y” Area
- Policy AN 1.3: Establishes requirements for plans and programs to provide services to areas annexed to the City of Burien.

The record demonstrates that North Highline Area “Y” is an urban community that is generally unified with respect to its land area and its built community. It is substantially developed with single-family homes and multi-family residences. There is also sizeable commercial property within North Highline Area “Y” boundaries. Public facilities and open spaces are also present in the North Highline Area.

The record demonstrates that, upon annexation of the North Highline Area “Y”, the City will develop plans including specific land use/zoning designations and zoning for this community to permit future residential development that will be generally similar to and compatible with existing density/design

standards for residential uses, commercial uses, and public facilities/open spaces permitted in North Highline Area “Y.” Burien representatives testified that the City will work with citizens of the area to determine specific long range land use designations and zoning requirements for the North Highline Area “Y”.

The record further demonstrates that the City of Burien is prepared to immediately provide development review services and general administrative services to the community under local, regional, and state standards. The City will assume responsibility for land use management through the City’s Comprehensive Plan and land use regulations.

Annexation of the North Highline Area “Y” will allow immediate implementation of consistent and coordinated development standards throughout the community. This action will enhance opportunities to bring new residents and businesses to the North Highline Area “Y.”

The North Highline “Y” Area and the City of Burien are linked by natural features such as topography, drainage basins, open space, and other ecosystems. The record demonstrates that the City of Burien Comprehensive Plan provides support for the natural environment through guidelines and regulatory controls.

Upon annexation the City is prepared to provide environmental review (including evaluation and regulation of environmentally sensitive areas) for new development, redevelopment, and protection of sensitive areas. The City of Burien will support the preservation of environmentally sensitive areas through its Comprehensive Plan, Critical Areas Ordinance, open space preservation programs, storm water/flood control programs and various regional and state regulatory authorities. Burien has adopted the King County Surface Water Design Manual (2005) for provision of storm water management.

The record demonstrates that the State Growth Management Act (RCW 36.70A) also supports the North Highline Area “Y” Annexation. The proposed action is consistent with RCW 36.70A.20 which calls for annexation of urban areas into communities which can accommodate these areas through community planning goals, services, facilities, and infrastructure, and environmental preservation. (Please also see following section “Consistency with Growth Management Act.)

King County defines the entire proposed North Highline Area “Y” Annexation (2045 acres) as Urban Growth Area. The record demonstrates that the proposed annexation is consistent with the King County Comprehensive Plan and Countywide Planning Policies for annexation of and service to urban territories. (Please also see following section “Consistency with King County Comprehensive Plan.)

RCW 36.93.170 (2) Municipal Services

The Board finds the following factors to be applicable: need for municipal services; effects of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; probable future need for such services; costs; effect on the finance, debt structure and contractual obligations; and prospects of government services from other sources, and rights of other affected governmental units. Following is a brief review of key issues related to these factors:

The record demonstrates that, North Highline Area “Y” is an urban community that is substantially developed with residential uses, comprising primarily single-family homes and some multi-family dwelling units.

Approximately 14,350 people reside in the North Highline Area “Y”. Sizeable commercial areas, public facilities (e.g., schools), and public open spaces are also located within the boundaries of the North Highline Area “Y.” Thus, North Highline Area “Y” requires a full array of municipal services and facilities.

In anticipation of moving forward with this annexation, the City of Burien commissioned an independent Fiscal Analysis from Berk & Associates.

The record demonstrates that the Berk Study is a policy planning document that examines effects of annexation of North Highline Area “Y” from 2013 – 2022. The Fiscal Analysis addresses immediate fiscal impacts and analyzes the longer term fiscal impacts to the community. The Analysis considers both a full array of expenditures and various revenue streams upon the community.

The Berk Study examines various elements required for governance and service to North Highline Area “Y.” The Study addresses City of Burien plans – together with fiscal resources – to govern and serve North Highline Area “Y” in a manner equivalent to governance and services provided to the existing municipality by King County. A comprehensive range of public utilities, public facilities and public services are planned to be provided to the residents and businesses of North Highline Area “Y.”

The Berk Study reports that the City of Burien has present-day fiscal opportunities and challenges arising from the current economic climate. The Study reports that, upon annexation in 2013, the City of Burien would have sufficient resources to serve the North Highline “Y” Area. The residents and businesses would bring additional revenues (e.g., taxes and fees) to the community. The Berk Study finds that the North Highline Area “Y” would also generate additional service and capital facility requirements.

The record demonstrates that with respect to the general economic climate, the City faces an environment in which the cost of municipal governance and services may grow faster than tax and fee revenues. To the extent that future costs could exceed revenues, the City will have to make overarching decisions and implement steps to bring revenues and costs in line through establishment of a balanced budget for the entire jurisdiction – including the North Highline “Y” Area.

The record demonstrates that taxes and fees from properties in North Highline Area “Y” will bring fiscal benefits to the community-at-large. The City plans to meet funding requirements for the North Highline “Y” Area, in part, through existing funds and/or dedicated user fees. For example, upon annexation, property owners will contribute to the funding of governance and services costs through property taxes (which are anticipated to be slightly reduced from taxes currently paid by residents), standard service fees, regular and special levies, and other user fees. Recently adopted sales tax streaming regulations would likely benefit the community as well.

The Berk Study recites that the City would plan to address these requirements, in substantial part, through the State of Washington’s provision of a sales tax credit supporting annexations. These funds will defray the City’s incremental costs at the time of annexation of North Highline Area “Y” and into the future. City officials have reported that Burien will not proceed with annexation of North Highline Area “Y” if this sales tax rebate is not available from the State of Washington.

Appropriate apportionment of fiscal benefits and costs on a “fair share” basis between the existing municipality and the North Highline “Y” Area will further ameliorate fiscal challenges and benefit the greater City of Burien.

The Berk Study notes that the City of Burien has confirmed policies – through the Comprehensive Land Use Plan, Comprehensive Service Plans, and other regulatory authorities – to provide coordinated governance and service to all properties within its corporate boundaries.

City of Burien representatives have provided to the Board a record sufficient for the Board to determine that the City of Burien proposal for the North Highline Area “Y” is consistent with the authorities and criteria established in the Burien Comprehensive Plan. For example, Burien’s Comprehensive Plan Policy AN 1.3 establishes requirements for plans and programs to provide services to areas annexed to the City of Burien.

Upon annexation, the City of Burien will govern North Highline Area “Y” properties under unified regulatory authorities administered by a single local government unit. The City will assume responsibility for providing services, either directly or by contract, to the North Highline “Y” Area.

Services for the built environment would include, but are not limited to oversight/provision of residential development, commercial development, policing, fire protection, emergency aid, potable water, wastewater, storm water management, and transportation facilities.

The record demonstrates that the City of Burien will assume responsibility for protection of environmentally sensitive areas (e.g., variable terrain, open spaces) through the Comprehensive Plan, Critical Areas Ordinance, Storm Water Management Plan, and other local, regional, and state guidelines.

The Board finds that governance and service to the North Highline “Y” Area would be improved by placing this entire area under a single municipal jurisdiction for provision of public services. Services would be equal to – or improved from – the services currently provided by King County.

The State Growth Management Act (RCW 36.70A) also supports the North Highline Area “Y” Annexation. The proposed action is consistent with RCW 36.70.20A which addresses community planning goals, for urban growth, services and infrastructure, and environmental preservation. RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities. RCW 36.70A.110 (4) states that “(in) general, cities are the units of local government most appropriate to provide urban ...services.” RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas. (Please also see following section “Consistency with Growth Management Act.”)

The record demonstrates that King County supports the North Highline Area “Y” Annexation pursuant to the King County Comprehensive Plan/Countywide Planning Policies. The proposed annexation is consistent with policies calling for annexation of urban areas by local governments.. This action reportedly creates a logical municipal service area. The City can provide more cohesive policies, standards, programs, cohesive operations, and efficient, economic control of services. Thus, services will be more effective, more efficient, and less costly to both government and citizens of North Highline Area “Y. (Please also see following section “Consistency with King County Comprehensive Plan.”)

The record demonstrates that the City of Burien will be required to work with the North Highline Fire District (No. 2 and No. 11) to establish Interlocal Agreements to ensure the ongoing provision of services and appropriate benefits (e.g.,pensions) to both entities. Negotiations are reportedly underway to achieve these Agreements.

The Boundary Review Board strongly encourages the City of Burien and North Highline Fire Districts (No. 2 and No. 11) to immediately move forward to establish Interlocal Agreements to ensure continuing fire protection services and emergency services to the City of Burien including the North Highline “Y” Area, the “Sliver by the River Area”, and the “Marine Delta Area.”

The record demonstrates that the City is committed to taking necessary steps to efficiently coordinate governance and service to North Highline Area “Y” under unified regulatory authorities administered by a single local government.

RCW 36.93.170 (3) Effects of Proposal

The Board considers mutual economic and social interests, and local government structure effects to be applicable to the City of Burien North Highline Area “Y” Annexation. Following is a brief review of key issues related to these factors.

The City of Burien shares mutual social and economic links with the adjacent North Highline Area “Y.” North Highline Area “Y” is immediately adjacent to both the City of Burien and the City of Seattle. Citizens of North Highline Area “Y” utilize facilities in the City of Burien – including libraries, schools, parks and recreation programs. Many citizens shop in Burien and use professional services (e.g., medical care, personal care) in the City. Citizens travel local and arterial roads through the City. Utility services are coordinated under the aegis of regional service providers.

To address the mutual social and economic factors relating to annexation of the North Highline “Y” Area, the City of Burien cites the independent fiscal analysis provided by Berk & Associates. The Berk Study is reported to be based upon a plan to provide North Highline Area “Y” citizens with governance services and facilities equivalent to those systems provided to the existing City of Burien.

The Berk Study offers a fiscal analysis of benefits and costs that the City would incur in providing immediate and long-term governance and service to North Highline Area “Y” as a part of the greater City of Burien. The Berk Study examines impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units.

Findings from the Berk Study give reasonable assurance that existing and anticipated municipal funds, together with regional funds, and state funds (e.g., Washington State sales taxes available pursuant to SSB 6686), will have sufficient resources to ensure governance and service to the North Highline Area “Y” and to maintain services to the greater City of Burien.

The record demonstrates that annexation by the City of Burien of the North Highline Area “Y” – with sufficient resources – is an appropriate, timely action in order to permit citizens to participate in local governance by the City of Burien, to develop properties under City of Burien regulations and to receive efficiently coordinated public services (e.g., water services, sewer services, policing, emergency services) from the City of Burien. The City is committed to taking the necessary steps to govern and serve the North Highline Area “Y.”

The record demonstrates that the City is committed to taking the necessary steps (e.g., establishing funding, hiring staff members) to ensure equivalent levels of service for the North Highline Area “Y” both at current development and at estimated maximum development.

With annexation, citizens would benefit from a governance system linking North Highline Area “Y” to the City of Burien, for land use planning, service planning, fiscal planning and planning for public amenities to serve the community. More specifically, North Highline Area “Y” residents would receive basic services, infrastructure, and facilities immediately upon incorporation. The City would also provide for parks, surface water management facilities, and other similar facilities. Additional enhancements to levels of service would occur over time to address community interests and as permitted by available resources.

The State Growth Management Act (RCW 36.70A) also supports the North Highline Area “Y” Annexation. The proposed action is consistent with RCW 36.70A.20 which calls for annexation of urban areas into communities which can accommodate these areas through community planning goals, services, facilities, and infrastructure, and environmental preservation. (Please also see following section “Consistency with Growth Management Act.”)

King County defines the entire proposed North Highline Area “Y” Annexation (2045 acres) as an Urban Growth Area. King County Comprehensive Plan/Countywide Planning Policies encourage local governance of communities. Annexation of the North Highline Area “Y” is also consistent with the King County policies which call for transfer of urban lands to local jurisdictions at the earliest feasible date.

King County Comprehensive Plan policies favor the North Highline Area “Y” for governance by the City of Burien based upon social and economic connections. (Please also see following section “Consistency with King County Comprehensive Plan.”)

The record demonstrates that the quality of life in North Highline Area “Y” would be improved by placing this entire area under a single municipal jurisdiction. Coordinated integration of citizens of the North Highline Area “Y” into Burien would preserve social organization, support economic health, and protect public safety and welfare.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

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

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

Key Growth Management Act policies that guide the provision of public services and that are relevant to the proposed North Highline Area “Y” include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (2) Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling low-density development.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen Participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (16) calls for each county to designate an urban growth area.
- RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities
- RCW 36.70A.110 (4) states that “(in) general, cities are the units of local government most appropriate to provide urban ...services.”
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

The record demonstrates that annexation of North Highline Area “Y” into the City of Burien addresses Growth Management Act (GMA) criteria for governance of urban areas. This action is supported by RCW 36.70A requiring community planning goals for urban growth, services and infrastructure, and environmental preservation. The GMA calls for local jurisdictions to govern urban lands. GMA supports timely incorporation of urban lands to local jurisdictions.

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

CONSISTENCY WITH THE KING COUNTY COMPREHENSIVE PLAN/ COUNTYWIDE PLANNING POLICIES

King County Comprehensive Plan/Countywide Planning Policies support annexation of North Highline Area “Y” to Burien.

King County defines the proposed annexation area as Urban Growth Area and its Potential Annexation Area (PAA.) The King County Plan establishes cities as the appropriate units to govern, develop, and serve Urban Areas. King County Comprehensive Plan policies call for near-term annexation of lands within the Urban Growth Area to facilitate governance and service.

Of key importance are the King County Comprehensive Plan policies that call for King County to work with cities to address transition of services from county to cities. To that end, the proposed North Highline Area “Y” Annexation complies with other established King County Comprehensive Plan/Countywide

Planning Policies as well, including, but not limited to:

- FW-13: Cities are the appropriate providers of local urban services to Urban Areas.
- RF-5: Transitions from regional to local government are encouraged to take place in a timely manner and based upon interlocal agreements between appropriate jurisdictions.
- LU-34: Unincorporated urban areas within a city's Potential Annexation Area are encouraged to annex to receive urban services.
- LU-37: Adjacent jurisdictions shall cooperate in developing consistent comprehensive plans.

Further, annexation is appropriate under Countywide Policy CO-1, when a jurisdiction has "identified and planned for (a) full range of urban services."

As proposed, the annexation would achieve considerable advancement of the goals established in the County Comprehensive Plan and the Growth Management Act that promote local jurisdiction of urban growth areas.

CONSISTENCY WITH THE CITY OF BURIEN COMPREHENSIVE PLAN

The City of Burien has provided to the Board information sufficient for the Board to determine that the City proposed North Highline Area "Y" Annexation is consistent with the elements and criteria established in the City of Burien Comprehensive Plan. For example, Burien's Comprehensive Plan provides:

- Policy AN 1.1: Designates North Highline Area "Y" as being within the City's Potential Annexation Area
- Policy AN 1.2: Establishes provisions for land use and zoning designations of the North Highline "Y" Area
- Policy AN 1.3: Establishes requirements for plans and programs to provide services to areas annexed to the City of Burien.

City officials have stated that the municipality is willing to undertake annexation in order to govern and provide services to the North Highline Area "Y" in a manner that is equivalent to governance and services provided to the entirety of the City of Burien.

RCW 36.93.180 OBJECTIVES

The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the North Highline Area "Y" Annexation as follows:

RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES

The Board finds that North Highline Area "Y" is a "neighborhood" as that term is defined by case law (i.e., "either geographically distinct areas or socially... distinct groups of residents".) North Highline Area "Y" exhibits many features that support its link with the City.

The Board finds that the citizens of the North Highline Area "Y" and the City of Burien share similar demographic, social, and economic profiles. The communities are linked by both built and natural geographic environments (e.g., array of land uses, open spaces, topography) and by social fabric (e.g., similar residential and business developments, open spaces, community activities.) Residents of the City and the North Highline Area "Y" use common community facilities – e.g., schools, roadways, community centers, shopping centers, parks, and recreation facilities. As such, the annexation of the North Highline Area "Y", composed of a sizeable area and substantial population, results in a more effective connection to the City of Burien.

More specifically, the North Highline Area "Y" is included in community planning programs to enable the City to guide growth and to provide coordinated services. The record demonstrates that annexation will allow the City of Burien to guide synchronized community development in a manner which considers both built lands and the critical natural areas.

Under City of Burien regulations, the North Highline Area “Y” would continue as a predominantly residential community with designations and zoning similar to that existing under King County. Additionally, the City of Burien would continue to support various commercial uses and public uses in the North Highline Area.

The City of Burien is prepared to provide development review and environmental review (e.g., protection of slopes, sensitive areas, and storm water management) to the North Highline Area “Y” based upon local, regional and state regulations to support preservation of this community.

Burien officials are committed to providing North Highline Area “Y” citizens with a voice and a vote in planning for the future development of the built community and preservation of environmentally sensitive areas.

The State Growth Management Act and King County Comprehensive Plan/Countywide Planning Policies support annexation of North Highline Area “Y.” This action is found to be consistent with other state, regional and local guidelines. The County has stated a preference for immediate annexation of urban areas to advance uniform governance for citizens of the North Highline Area “Y.”

The Board finds that annexation of the North Highline Area “Y” will preserve an existing, well-defined community and provide an appropriate connection to the greater City of Burien. As such, this action will advance preservation of natural neighborhoods and communities as defined in RCW 36.93.180 (1.)

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

The Board finds that the proposed North Highline Area “Y” Annexation is based upon physical boundaries. North Highline Area “Y” is contiguous to the northern border of the City of Burien. Other North Highline Area “Y” boundaries are formed primarily by the City of Seattle. The City of Tukwila also borders North Highline Area “Y.”

“Social neighborhoods” may also be the basis for boundaries. The record demonstrates that the North Highline Area “Y” shares a social affiliation with the City of Burien. As such annexation of the North Highline Area “Y” would further the establishment of a cohesive community.

Annexation of the North Highline Area “Y” advances the planning goals established by the State Growth Management Act for providing local governance to defined unincorporated urban territories.

The North Highline Area “Y” annexation is consistent with the King County Comprehensive Plan because this action achieves progress toward incorporation of the greater unincorporated area in King County.

The Board finds that annexation of the North Highline Area “Y” would advance annexation of lands defined by physical boundaries as set forth in RCW 36.93.180 (2.)

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

The Board finds that the proposed North Highline Area “Y” Annexation would create and preserve logical service areas throughout this community and the City of Burien.

The record demonstrates that the City of Burien Comprehensive Plan (approved by the State of Washington) specifically establishes the North Highline Area “Y” for annexation to the jurisdiction.

The City’s Comprehensive Plan establishes that the jurisdiction must govern built lands and the natural environment. The City must also provide basic services and facilities (e.g., potable water, wastewater management, surface water management facilities, ground water facilities, and other facilities.) The City of Burien annexation of North Highline Area “Y” will enable planning, design, and implementation of efficient, consistent, consolidated service programs throughout the greater community.

The record demonstrates that City of Burien will assume responsibility for land use management through the City’s Comprehensive Plan and land use regulations. The City of Burien will assume responsibility for

protection of environmentally sensitive areas through the Comprehensive Plan, Critical Areas Ordinance, Stormwater Management Plan, and other local, regional, and state guidelines. For example:

- The City will assume responsibility for provision and management of capital facilities (e.g., roadways, parks/recreation areas.) Acquisitions and improvements will be identified by means of a priority listing which reflects both necessity (i.e., public health, welfare and safety) and the interests of the citizens.
- The City will assume responsibility for providing police services to North Highline Area “Y” through a contract with the King County Sheriff’s Department.
- The City will assume responsibility for providing fire/emergency services to the North Highline properties through Interlocal Agreements with the North Highline Fire District (Fire Protection District No. 2 and Fire Protection District No. 11.)
- Roadways (including streets, storm water drains, and other right of way features) are generally fully operational. Funding is planned from various existing taxes and fees as well as anticipated sources (e.g., grants, development impact fees) for routine upgrades and maintenance and for future upgrades to facilities.
- Valley View District and Southwest Suburban Sewer District will continue to provide wastewater treatment services to the North Highline Area “Y.”
- King County Water District No. 20 and Seattle Public Utilities will continue to provide water services to the North Highline Area.
- Human services and law and justice services would be available to the citizens of the North Highline Area “Y.”
- City parks, recreation facilities, libraries and other community services would be available to the citizens of the North Highline Area “Y.”
- Children would continue to attend schools in the Highline School District.

The record demonstrates that the City plans to take the necessary direct steps (e.g., seeking funding, hiring staff members) to ensure equivalent – or improved -- levels of service for the North Highline Area “Y” both at current development and at estimated maximum development. The City can provide, either directly or by contract, for police, fire protection, water, storm water control, sewers, roadways, parks/recreation area, law and justice services, human services, libraries, and other public facilities/amenities. Coordinated governance and services should immediately benefit the citizens of the North Highline Area “Y”.

The record demonstrates that the City of Burien plans to develop a detailed future Capital Investment Program to ensure that the jurisdiction can provide improvements to levels of service over time as required to meet the needs/interests of the community and as permitted by available resources. The City will endeavor to remain flexible in order to coordinate/fund improvements to the community.

Further, the City intends to work with King County to obtain support for transition of service responsibilities from King County to the City of Burien (e.g., fire services, policing services, infrastructure management.)

Upon annexation of the North Highline Area “Y”, citizens will be notified of – and be invited to participate in – planning (and setting limitations) for future improvements to the community

The City of Burien will be required to work with the North Highline Fire District (No. 2 and No. 11) to establish Interlocal Agreements to ensure the ongoing provision of services and appropriate benefits to both entities. Negotiations are reportedly underway to achieve these Agreements.

The Boundary Review Board strongly encourages the City of Burien and North Highline Fire Districts (No. 2 and No. 11) to immediately move forward to establish Interlocal Agreements to ensure continuing fire protection services and emergency services to the City of Burien including the North Highline “Y” Area, the “Sliver by the River Area”, and the Marine Delta Area.”

The State Growth Management Act identifies cities as the logical providers of local governance and urban services (RCW 36.70A.) For example, RCW 36.70A.020 (1) encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently. RCW 36.70A.020 (11) calls for citizen participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts. RCW 36.70A.020 (12) ensures that adequate public services and facilities are available to serve land developments. RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities. RCW 36.70A.110 (4) states that “(in) general, cities are the units of local government most appropriate to provide urban ...services.” RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

King County Comprehensive Plan/Countywide Planning Policies and other County guidelines strongly support annexation of unincorporated urban areas such as the North Highline Area “Y” to local jurisdictions in order to provide citizens with more effective, efficient governance. The County reports that it lacks sufficient resources to manage land uses or serve properties in these urban areas.

The Board finds that annexation of North Highline Area “Y” to the City of Burien advances the creation and preservation of logical services areas consistent with RCW 36.93.180 (3.)

RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES

The record demonstrates that incorporation of the North Highline Area “Y” would provide a reasonable and regular boundary consistent with the definition established by the Burien Comprehensive Plan Potential Annexation Area. The North Highline Area “Y” boundaries are generally geometric in form and coincide with the established Urban Growth Area and with the boundaries of the City of Burien.

Further, the State Growth Management Act and the King County Comprehensive Plan/Countywide Planning Policies encourage the annexation of urban unincorporated areas into a local jurisdiction. The North Highline “Y” Area is considered to be appropriate for annexation to the City of Burien so that the community would benefit from more effective local governance.

The Board finds that annexation of North Highline Area “Y” to Burien achieves the boundaries necessary to facilitate coordinated land uses and provide for more effective, efficient services to the community consistent with RCW 36.93.180 (4.)

RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS

The State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions. Annexation to achieve local governance is preferred over incorporation of new communities. Annexation of the North Highline “Y” Area to the City of Burien would be preferred over incorporation of this territory.

The Board finds that annexation of North Highline Area “Y” to the City of Burien would, therefore, be consistent with RCW 36.93.180 (5.)

RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS

RCW 36.93.180 (6) is not applicable to File No. 2332.

RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES

The Board finds that the proposed North Highline Area “Y” comprises a substantial area of unincorporated land. Annexation of North Highline Area “Y” to the City of Burien would create more reasonable and practical boundaries necessary to achieve coordinated governance of the community. Specifically, upon annexation, North Highline Area “Y” – including the built environment and linked natural environment – will be placed under City jurisdiction, thus creating more practical boundaries for the effective local governance, directed planning activities (e.g., establishment of uniform land uses and development standards); preservation of environmentally sensitive areas; and the provision of coordinated public facilities and services.

The Board finds that annexation of North Highline Area “Y” to the City of Burien would, therefore, be consistent with RCW 36.93.180 (7.)

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

The Board finds that annexation of North Highline Area “Y” into the City of Burien is based upon the designation of this territory within the Urban Growth Area established by the State Growth Management Act and the King County Comprehensive Plan. The City of Burien Comprehensive Plan also establishes an “Urban” designation for North Highline Area “Y.”

The City of Burien annexation of the North Highline Area “Y” will promote uniform governance, development, and services appropriate for this urban territory. Coordinated governance and services should immediately benefit North Highline Area “Y” citizens. At annexation, North Highline Area “Y” citizens will be notified of – and invited to participate in the planning of -- future improvements to the community.

The Board finds that annexation of North Highline Area “Y” to the City of Burien is consistent with RCW 36.93.180 (8.)

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

RCW 36.93.180 (9) is not applicable to File No. 2332 as the North Highline Area “Y” lies in the Urban Growth Area as established for King County.

III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS

The Boundary Review Board conducted review and deliberation of File No. 2332 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan/Countywide Policies; City of Burien Comprehensive Plans, RCW 35.13 (Annexation of Cities); and other relevant regulations and guidelines. As prescribed by statutory mandate, the Boundary Review Board considered the following options:

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

The Boundary Review Board finds that the record for File No. 2332 is detailed and extensive. Affected parties have provided considerable materials supporting their positions. The Board reviewed the entire record to reach its decision for the proposed North Highline Area “Y” Annexation. The Board finds that the City of Burien’s proposed annexation of the North Highline Area “Y” is consistent with the provisions of Chapter 36.93 RCW, 36A.70 RCW, the King County Comprehensive Plan, the City of Burien Comprehensive Plan, and other applicable state, regional, and local standards. By way of example, but not limitation:

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

- **RCW.36.93:** The Board finds that the North Highline Area “Y” Annexation achieves criteria established in RCW 36.93.180 as follows:

RCW 36.93	NORTH HIGHLINE AREA “Y” (1680 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES CRITERION AS ANNEXATION INCLUDES PROPERTIES IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	ADVANCES CRITERION AS ANNEXATION IS CONSISTENT WITH ESTABLISHED BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS BURIEN CAN SERVE ENTIRE AREA TO PROTECT PUBLIC WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARIES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ADVANCES CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND TO STREAMLINE SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION ...OR ANNEXATION TO CITIES OF UNINCORPORATED URBAN AREAS	ADVANCES CRITERION AS SIGNIFICANT DESIGNATED URBAN AREA WILL BE INCORPORATED INTO A LOCAL JURISDICTION
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

- **State Growth Management Act** (Chapter 36.70A RCW) policies call for logical and orderly growth. RCW 36.93.157 mandates that Boundary Review Board decisions must be consistent with the Growth Management Act, including, but not limited to the following key provisions of the Act:
 - RCW 36.70A.020 Planning Goals
 - RCW 36.70A.110 Urban Growth Areas
 - RCW 36.70A.210 Countywide Planning Policies

The Board finds that annexation of North Highline Area “Y” advances the provisions of the RCW 36.70A by providing for effective local governance.

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

The Board finds that the proposed North Highline Area “Y” Annexation achieves the provisions of the King County Comprehensive Plan/Countywide Policies. Annexation of the North Highline Area “Y” would accomplish the balance that the County seeks from annexation of urban areas into local communities.

- **City of Burien Comprehensive Plan:** The City of Burien Comprehensive Plan also plans for logical and orderly growth of this community.. City plans support local governance to assure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed North Highline Area “Y” Annexation achieves the provisions of the City of Burien Comprehensive Plan. Annexation of the North Highline Area “Y” would accomplish that balance that the City seeks from annexation of urban areas into local communities.

IV. CONCLUSION

The Boundary Review Board finds that approval of the North Highline Area “Y” Annexation to the City of Burien advances the standards established in RCW 36.93. (Local Governments – Boundaries – Review Boards), the State Growth Management Act (RCW 36.70A), King County Comprehensive Plan, the City of Burien’s Comprehensive Plan, RCW 36.93, and other state and local guidelines for incorporation of urban areas.

The Boundary Review Board finds that approval of the City of Burien Notice of Intention to annex the North Highline Area “Y” is timely based upon the City of Burien’s current and historical commitment to guide development and provide municipal services to this area.

The Board further strongly encourages the City of Burien and North Highline Fire Districts (No. 2 and No. 11) to immediately move forward to establish Interlocal Agreements to ensure continuing fire protection services and emergency services to the City of Burien including the North Highline “Y” Area, the “Sliver by the River Area”, and the “Marine Delta Area.”

The Board finds that the North Highline Area “Y” Annexation will enable the City of Burien to provide a harmonious efficient plan for the governance of the built community, preservation of the environment, and protection of the public health and safety of the citizens.

(Note: Under state law, the City of Burien must adopt an Ordinance or Resolution affirming the North Highline Area “Y” Annexation following action by the Boundary Review Board and agreement by a vote of the citizens. Under state law, the City must confirm the action as approved by the Boundary Review Board. Alternatively, the Council may decide not to pursue the action. However, the City cannot modify the boundaries that have been approved by the Boundary Review Board.)

NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said **File No. 2332** be, and the same is, hereby **approved** as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of _____ in favor , _____ in opposition, and _____ abstentions, on this ___ day of _____, 2012, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

Mary Lynne Evans, Chair

FILED this _____ day of _____ , 2012 **BY:**

Lenora Blauman, Executive Secretary

EXHIBITS

EXHIBIT I CITY OF BURIEN NORTH HIGHLINE AREA “Y”: LEGAL DESCRIPTION OF ANNEXATION AREA BOUNDARIES

EXHIBIT II CITY OF BURIEN NORTH HIGHLINE AREA “Y”: MAP OF ANNEXATION AREA BOUNDARIES