

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

**IN RE:**           CITY OF SEATTLE  
                  Duwamish Area:  
                  (North Highline Area “Q” and South Park “Sliver”)  
                  Proposed Annexation

**FILE NO. 2358**

King County, Washington

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**I. PUBLIC HEARING OVERVIEW**

In August, 2014, the proponent, City of Seattle, filed a Notice of Intention with the Boundary Review Board to annex territory that is commonly referred to as Duwamish Area at 220 acres.

The Duwamish Annexation Area is located adjacent to and south of Seattle’s South Park neighborhood between the Duwamish River and State Route 99. More specifically, the Duwamish Area Annexation is located immediately south of the existing City of Seattle. The northern boundary of the entire Duwamish Area Annexation is formed by the southern boundary of the City of Seattle at Kenyon Street (if extended) and the Duwamish Waterway. The western boundary of the site is variously formed by the City of Seattle (generally east of Dallas Avenue South and by West Marginal Way. The eastern boundary is formed by the Duwamish Waterway and the City of Tukwila. The southern boundary is at South 101<sup>st</sup> Street.

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The City of Seattle 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 Duwamish Area Annexation.

On July 20, and August 13, 2015 the Board conducted a Public Hearing to consider the proposal by the City of Seattle to annex the Duwamish Area. On August 13, 2015, the Board closed the Public Hearing and conducted deliberations to come to a preliminary decision in the matter of File No. 2358 to provide staff with instructions to draft a proposed Resolution and Hearing Decision for the Duwamish Area Annexation.

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The Board reviewed File No. 2358 in accord with RCW 36.93. (Local Governments – Boundaries – Review Boards.) The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives.) The Board also considered RCW 36.70A, the Growth Management Act, the King County Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

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

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At the Special Meeting/Public Hearing of August 13, 2015, the Board completed the public hearing process, conducted deliberations, and reached a preliminary decision in the matter of File No. 2358. The Board found the following:

- The record for File No. 2358 contains sufficient documentation (e.g., legal analyses, technical reports), evidence of community information programs, certification of petitions, and/or legislative action to complete its review of the Duwamish Area Annexation.

- The record for File No. 2358 includes an Interlocal Agreement between the City of Seattle and the North Highline Fire District "to establish a mechanism to transfer specific revenues generated in the Duwamish annexation Area, after an annexation by the City, to the Fire District in order to help the Fire District maintain its fire protection and emergency response service level in its remaining service area. In addition, the Agreement establishes other terms and conditions in support of the City's annexation efforts before appropriate entities, employee transfer rights, assumption of liability, and transfer of assets.

The Interlocal Agreement will provide support for the District for ten years or to the point when the remainder of the territory served by the District (e.g., North Highline Area "Y") has been annexed to a local government. In addition, asset transfer is waived in order to support the District.

- On the basis of the testimony, evidence, and exhibits before the Board, and the matters on record in said **File No. 2358**, it is the decision of the Board to **approve** the proposed **Notice of Intention**.
- The legal description of the Duwamish Area is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

## II. FINDINGS

### RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL

RCW 36.93.170 identifies several Factors that the Board must consider in its review of a proposed municipal annexation. The Boundary Review Board finds the following factors to be applicable to the Notice of Intention for Annexation of Duwamish Area into the City of Seattle. The key issues related to each applicable element follows:

#### **RCW 36.93.170 (1) POPULATION AND TERRITORY**

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

The record demonstrates that the Seattle Comprehensive Plan identifies Duwamish Area as lying within the City's Potential Annexation Area. The proposed Duwamish Area addresses regional issues that the Board finds to be critical to this matter. These issues relate to the fact that Duwamish Area, comprising North Highline area "Q" and the South Park "Sliver", form an urban areas that is proposed as a single annexation to include adjacent and linked built communities (e.g., residences, commercial uses, industrial uses), common infrastructure, and connected natural environments (e.g., waterways, topography, drainage basins.) Further, the City of Seattle has demonstrated that it possesses the capacity and resources necessary to govern and serve current and future residents, commercial entities, and industrial uses.

The nearby North Highline Area "Y" is proposed for annexation in 2016 under a Notice of Intention (File No. 2358) presently under consideration by the Board.

The record demonstrates that the Notice of Intention for annexation of the Duwamish Area, as submitted, supports and advances the plan for governance and service to this community.

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The Board finds that, based upon the record for File No. 2358, the proposed annexation by the City of Seattle of the Duwamish Area will advance RCW 36.93.170 (1.)

#### **RCW 36.93.170 (2) Municipal Services**

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

The record demonstrates that the Duwamish Area is a developed, urban territory that requires a full array of urban services.

The evidence also shows that the City of Seattle has the capacity (funding, human resources, and equipment) necessary to provide municipal services such as policing, utilities and infrastructure to the Duwamish Area.

The Board notes that the City of Seattle and the North Highline Fire District have signed an Interlocal Agreement (Exhibit III) that supports current and future fire prevention and emergency medical services both to the Duwamish area and to the nearby North Highline Area "Y."

There are no other entities prepared to serve the Duwamish Area.

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The Board finds that, based upon the record for File No. 2358, the proposed annexation by the City of Seattle of Duwamish Area advances RCW 36.93.170 (2.)

### **RCW 36.93.170 (3) Effects of Proposal**

The Board finds mutual economic and social interests exist within the proposed annexation area. Following is a brief review of key issues related to these factors.

The record demonstrates that the proposed Duwamish Area annexation complies with RCW 36.93.170 (3.) This finding is based upon the City of Seattle's plan to address the numerous mutual social and economic links that exist between the Duwamish Area and the City of Seattle.

The record also establishes that the City of Seattle Duwamish Area shares mutual social and economic links with the adjacent South Park "Sliver", and North Highline Area "Y." The Duwamish Area is immediately adjacent to the City of Seattle. Citizens – residents and business owners – of the Duwamish Area utilize facilities in the greater communities including residences, workplaces, commercial services, personal services, waterways, libraries, schools, parks and recreation programs. Citizens travel local and arterial roads through the City. Other services including, but not limited to, policing, fire and emergency, and utilities are coordinated under the aegis of regional service providers.

With respect to the general economic environment affecting the Duwamish Area, the Board finds that the greater communities will achieve a stronger economic climate by working collaboratively to reach overarching decisions and implement steps to bring revenues and costs in line through establishment of a balanced budget. Appropriate apportionment of revenue and costs on a "fair share" basis among the citizens of the Duwamish Area will ameliorate fiscal challenges and benefit the greater City of Seattle. The Duwamish Area and the City of Seattle are also linked with respect to provision of utilities, infrastructure, and policing services.) Fire prevention and emergency services will be administered by the City of Seattle in conjunction with the North Highline Fire District under the aegis of a 2015 Interlocal Agreement (Exhibit III).

The record further demonstrates that there is considerable support from the Duwamish Area community for annexation to the City of Seattle. This proposed annexation – as compared to previous efforts to annex this territory – will bring benefits to the community and will be a welcome addition to the City of Seattle.

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The Board finds that, based upon the record for File No. 2358, the proposed annexation by the City of Seattle of the Duwamish Area advances the criteria established in RCW 36.93.170 (3.)

### **RCW 36.93.180 OBJECTIVES**

RCW 36.93.180 establishes several Objectives that the Board's decisions must advance. The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the Duwamish Area Annexation as follows:

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

The Board finds that Seattle's proposed annexation of Duwamish Area will preserve natural neighborhoods or communities as identified in Objective 1. The Duwamish Area is a natural

neighborhood and community (i.e., "either geographically distinct areas or socially... distinct groups of residents") as that term is contemplated in RCW 36.93, *et seq.*

The Duwamish Area annexation follows the boundaries of the Seattle Potential Annexation Area. The proposed Duwamish Area annexation recognizes and addresses the fact that the affected communities (South Park "Sliver" and North Highline Area "Q") have substantial links to the City of Seattle through geographic characteristics (e.g., terrain, open spaces, rights-of-way, ecosystems.)

"Social neighborhoods" may also form the basis for logical boundaries. The record demonstrates that the Duwamish Area shares social affiliation (e.g., socioeconomic characteristics, demographics, land uses, services, infrastructure) with the City of Seattle.

As such, the annexation of the Duwamish Area would result in logical physical boundaries and social neighborhoods. This action would provide for a more cohesive community by providing coordinated governance and service, thus eliminating difficult to serve unincorporated island areas.

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The Board finds that the proposed Duwamish Area annexation will advance RCW 36.93.180 (1) by preserving the Duwamish Area and enhancing geographic and social connections of the neighborhoods with the adjacent City of Seattle.

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

The record demonstrates that the proposed Duwamish Area Annexation follows Seattle's Potential Annexation Area borders, and that it shares boundaries with the City of Seattle. Further, the proposed annexation is based upon clearly delineated physical boundaries including roadways and the Duwamish Waterway.

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The Board finds that annexation of the Duwamish Area will advance RCW 36.93.180 (2) by establishing defined physical boundaries (i.e. a distinct geographic area) for this territory.

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

The record demonstrates that the Duwamish Area annexation will create and preserve a logical service area as established in Objective 3. The City's Notice of Intention reports that the City has planned to provide a full complement of urban services to the area (either directly or by contract) that are equivalent to those benefits provided to the existing City of Seattle.

Specifically, the record demonstrates that the City's Comprehensive Plan includes goals and policies for the provision of housing, transportation, utilities, infrastructure, open space and recreation, human services, and policing services.

The City will also provide fire protection and emergency medical services through an Interlocal Agreement (2015) with the North Highline Fire District. This Interlocal Agreement will remain valid for 10 years or until the time that other territory served by the Fire District joins a local government.

The evidence shows that the Duwamish Area (North Highline Area "Q" and the "Sliver") will receive more effective, efficient services as a single, unified community than it would receive if these communities remain unincorporated. No other entities are available and qualified to serve this area.

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The Board finds that annexation of the Duwamish Area to the City of Seattle advances the objective of the creation and preservation of logical services areas pursuant to RCW 36.93.180 (3.)

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

The Duwamish Area boundaries, as proposed, are not abnormally irregular. Rather, in accord with the provisions of Objective 4, the proposed annexation demonstrates the ways in which the Duwamish Area links the South Park "Sliver" and North Highline Area "Q" with respect to physical boundaries,

neighborhoods, service areas and jurisdictional boundaries. The record demonstrates that approval of the annexation will immediately reduce irregular boundaries of this Potential Annexation Area and, therefore, result in substantial progress toward annexation of the entire remaining Unincorporated Area.

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The Board finds that annexation of the Duwamish Area to Seattle will establish boundaries necessary to facilitate coordinated government and provide for more effective, efficient services to the affected communities. Approval of the annexation as submitted would advance the objective stated in RCW 36.93.180 (4.)

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

The record demonstrates that, in keeping with Objective 5, the Duwamish Area annexation discourages multiple incorporations. The State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions. Annexation to achieve local governance is preferred over incorporation of new communities.

The proposed Duwamish Area annexation does not encourage multiple incorporations. It will make progress toward linking territories within Potential Annexation Area.

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The Board finds that annexation of Duwamish Area to Seattle discourages multiple incorporations consistent with RCW 36.93.180 (5) and that approval of the annexation shall advance this objective.

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

The record demonstrates that Objective 6 is not directly applicable to File No. 2358 as this criterion addresses inactive special purpose districts.

However, Objective 6 may be considered of interest in that the annexation of the Duwamish Area will, through an Interlocal Agreement (Exhibit III), protect the North Highline Fire District which will continue to serve the Duwamish Area and surrounding communities.

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

The record demonstrates that in keeping with Objective 7, the Duwamish Area annexation will rectify impractical boundaries (i.e., built environment and natural environment) by including the territory in the City of Seattle. The City of Seattle has demonstrated that it has capacity and resources necessary to govern and serve the community with a full array of coordinated, funded independent programs and systems, as well as the coordination of fire prevention and emergency medical services established under the ILA with the North Highline Fire District (Exhibit III.)

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The Board finds that annexation of the Duwamish Area to the City of Seattle advances the objective stated in RCW 36.93.180 (7.)

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

As contemplated in Objective 8, the Board finds that the Duwamish Area is entirely within the King County Urban Growth Area and is located within the City of Seattle Potential Annexation Area. Further, the State Growth Management Act, King County Comprehensive Plan and Countywide Planning policies and the City of Seattle Comprehensive Plan, annexation all support inclusion of the Duwamish Area in the City of Seattle.

Annexation of the Duwamish Area into the City of Seattle will result in the coordination of jurisdictions and would promote uniform governance, development, and services appropriate for this urban territory. The Board finds that coordinated governance and services should immediately benefit Duwamish Area citizens.

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The Board finds that annexation of Duwamish Area to the City of Seattle advances the objective stated in RCW 36.93.180 (8.)

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

Objective 9 is not applicable to the Duwamish Area as this territory lies in the Urban Growth Area as established for King County. There are no agricultural or rural lands in the Duwamish Area.

**CONSISTENCY WITH THE KING COUNTY COMPREHENSIVE PLAN/  
COUNTYWIDE PLANNING POLICIES**

The Boundary Review Board is required to consider the King County Comprehensive Plan and Countywide Planning Policies in its review of proposed annexations.

The record demonstrates that the City of Seattle annexation of Duwamish Area, as proposed, satisfies and advances the relevant King County Comprehensive Plan policies and Countywide Planning Policies pertaining to transition of services from county to cities. Of key importance is King County Countywide Planning Policy LU-32 which states, in pertinent part:

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

In addition, the following provisions of the King County Comprehensive Plan Goals and Policies, together with Countywide Planning Policies are advanced by the proposed Duwamish Area Annexation:

U-102 Urban Growth Area designations demonstrate land and capacity to accommodate and serve area growth.

U-201; U-202; U-204; U-206: County encourages annexations of urban lands into local jurisdictions. Cities are the appropriate providers of local urban services to Urban Areas.

In addition, the Duwamish Area Annexation is consistent with King County Comprehensive Plan/Countywide Planning Policies relating to:

- Environment
- Development Patterns
- Housing
- Transportation
- Public Facilities and Services

The record demonstrates that, on balance, the proposed annexation is consistent with King County Comprehensive Plan and Countywide Planning Policies calling for annexation of urban communities to create logical municipal service areas. Planning for coordinated governance and service to the Duwamish Area is necessary to achieve the provisions of the County Comprehensive Plan and Countywide Planning Policies. These linked communities will benefit from planning and implementation of cohesive policies, standards, programs, and synchronized service operations. Coordination of governance and services will better protect public safety, health, and welfare.

This proposed action has clear economic benefits for the Duwamish Area. Further, the proposed annexation of adjacent North Highline Area “Y” will address economic conditions in the linked greater communities.

### CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

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

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

The record demonstrates that the key Growth Management Act policies guiding the provision of public services and are relevant to the proposed Duwamish Area include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities.
- RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ...services."
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

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The evidence shows that the applicable provisions of the State Growth Management Act (RCW 36.70A) supports the Duwamish Area Annexation.

Specifically, the City of Seattle has addressed Growth Management Act (GMA) criteria that are relevant to the Duwamish Area annexation. The proposed Duwamish Area annexation consider those GMA policies contained in RCW 36.70A.020, RCW 36.70A.110. – requiring planning goals for urban growth, provision of public services, provision of infrastructure, and preservation of environmentally sensitive areas that collectively apply to and affect the Duwamish Area and the neighboring communities. By the inclusion in the Duwamish Area of the South Park Sliver and North Highline Area "Q", this Notice of Intention considers those communities in accord with the provisions of RCW 36.70A. The Duwamish Area annexation will create an effective local governance or service plan for both the South Park Sliver and Area "Q." Further, the record demonstrates a clearly defined plan for maintenance of a quality level of governance, services, and infrastructure available to this community through its affiliation with the greater City of Seattle.

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The Board finds that the State Growth Management Act (RCW 36.70A) supports the annexation of the Duwamish Area to the City of Seattle.

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

The Boundary Review Board conducted review and deliberation of File No. 2358 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board concentrated on RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan and Countywide Policies; and other relevant regulations and guidelines. The Boundary Review Board considered the following options:

- Approval of the Duwamish Area Annexation as submitted by the City of Seattle, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan and Countywide Plan Policies.)
- Modification of the annexation of the Duwamish Area Annexation, if this action advances the provisions of RCW 36.93 and other applicable regulations (e.g., State Growth Management Act, King County Comprehensive Plan and Countywide Plan Policies.)

- Denial of the proposal if Duwamish Area Annexation, if annexation is found to be inconsistent with RCW 36.93 and sets back one or more of the objectives that are required to be advanced by the decision of the Board.

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The Boundary Review Board finds that the record for File No. 2358 is detailed and extensive. Jurisdictions and other affected parties have provided considerable evidence or testimony supporting their positions. The Board reviewed the entire record to reach its decision for the proposed Duwamish Area Annexation. The Board finds that the City of Seattle's proposed annexation of the Duwamish Area is consistent with the provisions of Chapter 36.93 RCW, 36A.70 RCW, the King County Comprehensive Plan, the King County Countywide Policies, and other applicable state, regional, and local standards. Approval of the proposal advances the objectives that are to be advanced by the decision of the Board. By way of example, but not limitation:

- RCW 36.93: The Board finds that the Duwamish Area Annexation advances criteria established in RCW 36.93.170 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 Duwamish Area Annexation addresses criteria established in RCW 36.93.180 as follows:

RCW 36.93	DUWAMISH AREA (220 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 SEATTLE 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	ADVANCES CRITERIA BY INCLUSION OF THE DUWAMISH AREA IN THE EXISTING CITY OF SEATTLE.
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 POTENTIAL ANNEXATION AREA.
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 specifies that Boundary Review Board decisions must be consistent with the Growth Management Act, including, but not limited to, the following key provisions of the Act:
  - RCW 36.70A.020                      Planning Goals
  - RCW 36.70A.110                    Urban Growth Areas
  - RCW 36.70A.210                    Countywide Planning Policies

This Act encourages local jurisdictions to govern urban lands when the provisions of RCW 36.70A are satisfied. RCW 36.70A calls for annexations to occur when a jurisdiction demonstrates necessary resources to govern and serve affected communities. The proposed City of Seattle annexation of the Duwamish Area meets the provisions of RCW 36.70A because the proposed action addresses the governance needs/requirements of the greater affected communities.

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

The Board finds that the proposed Duwamish Area annexation is consistent with County goals and policies that support transfer of urban unincorporated areas to local governments. The Duwamish Area Annexation also meets County goals which support coordination of governance and services to the greater community.

**C. CONFIRMATION OF PRELIMINARY DECISION**

Chair Kisielius called for a restatement of the motion for a preliminary decision with respect to the proposed annexation by the City of Seattle of the Duwamish Area.

*Action: Claudia Hirschey moved and Evangeline Anderson seconded a motion that the Boundary Review Board directs staff to prepare a Resolution and Hearing Decision approving the proposed Duwamish Area annexation for presentation to the Boundary Review Board for final action on September 10, 2015. The motion passed by a vote of ten in favor and none in opposition.*

**IV. CONCLUSION**

The Boundary Review Board will file the Hearing and Resolution Report for the City of Seattle Notice of Intention to annex the Duwamish Area (North Highline Area "Q" and the South Park "Sliver") on September 11, 2015. Filing of the Hearing and Resolution Decision Report will launch a 30 day appeal period to Superior Court.

Following the conclusion of the appeal period (October 10, 2015), the City of Seattle will work with King County to set a date for an election whereby the registered voters of the Duwamish Area can inform the City as to whether the Duwamish Area will join the City of Seattle.

NOW, THEREFORE,

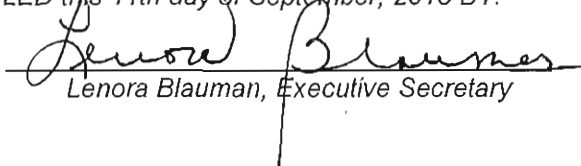
BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT the action proposed in the Notice of Intention contained in said File No. 2358 be, and the same is, hereby approved as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of 10 in favor, 0 in opposition, and 1 abstentions, on this 10th day of September 2015, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

  
Laura Kisielius, Chair

FILED this 11th day of September, 2015 BY:

  
Lenora Blauman, Executive Secretary

## EXHIBITS

- EXHIBIT I CITY OF SEATTLE DUWAMISH AREA; LEGAL DESCRIPTION OF ANNEXATION AREA BOUNDARIES
- EXHIBIT II CITY OF SEATTLE DUWAMISH AREA; MAP OF ANNEXATION AREA BOUNDARIES
- EXHIBIT III INTERLOCAL AGREEMENT – CITY OF SEATTLE/NORTH HIGHLINE FIRE DISTRICT (2015)

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WA State Boundary Review  
Board For King Co.**City of Seattle Annexation Description**

THOSE PORTIONS OF NW QUARTER OF SECTION 4 AND THE NE QUARTER OF SECTION 5, TOWNSHIP 23 NORTH, RANGE 4 E, W.M. , AND THE SW AND THE NW QUARTERS OF SECTION 33, TOWNSHIP 24 NORTH, RANGE 4 E, W.M. AND THE NE AND THE SE QUARTERS OF SECTION 32, TOWNSHIP 24 N, RANGE 4E, W.M.; DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE THREAD OF THE DUWAMISH WATERWAY WITH THE EXTENSION OF THE NORTH LINE OF TRACT 55 OF MOORE'S FIVE ACRE TRACTS AS RECORDED IN VOLUME 9 OF PLATS, PAGE 28, RECORDS OF KING COUNTY, WASHINGTON;

THENCE NORTHERLY ALONG THE THREAD OF THE DUWAMISH WATERWAY TO THE SOUTH LINE OF THE SW QUARTER OF SECTION 33, TOWNSHIP 24 N, RANGE 4E, W.M.;

THENCE CONTINUING NORTHERLY ALONG THE THREAD OF SAID DUWAMISH WATERWAY TO THE SOUTH LINE OF THE NW QUARTER OF SECTION 33, TOWNSHIP 24 N, RANGE 4E, W.M.;

THENCE CONTINUING NORTHERLY AND NORTHWESTERLY ALONG THE THREAD OF SAID DUWAMISH WATERWAY TO THE EAST LINE OF THE NE QUARTER OF SECTION 32, TOWNSHIP 24 N, RANGE 4E, W.M.;

THENCE CONTINUING NORTHWESTERLY ALONG THE THREAD OF SAID DUWAMISH WATERWAY TO THE EAST LINE OF THE PLAT OF RIVER PARK AS RECORDED IN VOLUME 7 OF PLATS, PAGE 41, RECORDS OF KING COUNTY, WASHINGTON, SAID LINE ALSO BEING THE EAST LINE OF THE LIMITS OF THE CITY OF SEATTLE IN 2014;

THENCE SOUTHERLY ALONG SAID EAST LINES TO THE SOUTH LINE OF SAID RIVER PARK;

THENCE EASTERLY ALONG THE SOUTH LINE OF BLOCK 8 OF THE EAST SOUTH PARK ADDITION AS RECORDED IN VOLUME 14 OF PLATS, PAGE 13, RECORDS OF KING COUNTY, WASHINGTON, AND ALONG THE LINE OF THE LIMITS OF THE CITY OF SEATTLE IN 2014, TO THE WEST LINE OF SAID EAST SOUTH PARK ADDITION AND THE LINE OF THE LIMITS OF THE CITY OF SEATTLE IN 2014;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID EAST SOUTH PARK ADDITION AND THE LINE OF THE LIMITS OF THE CITY OF SEATTLE IN 2014 TO THE CENTER LINE OF DALLAS AVENUE SOUTH AND THE LIMITS OF THE CITY OF SEATTLE IN 2014 ;

THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF DALLAS AVENUE SOUTH AND THE LIMITS OF THE CITY OF SEATTLE IN 2014 TO THE WEST LINE OF THE NW QUARTER OF SECTION 33, TOWNSHIP 24 N, RANGE 4 E, W.M., AT THIS POINT THE CENTERLINE OF DALLAS AVENUE SOUTH BECOMES THE NORTHERLY RIGHT OF WAY MARGIN OF DALLAS AVENUE SOUTH AND

THE NORTHERLY LINE OF SOUTH PARK HEIGHTS AS RECORDED IN VOLUME 8 OF PLATS PAGE 52, RECORDS OF KING COUNTY, WA, AND THE LIMITS OF THE CITY OF SEATTLE IN 2014;

THENCE CONTINUING SOUTHEASTERLY AND SOUTHERLY ALONG THE NORTHERLY AND EASTERLY RIGHT OF WAY MARGIN OF DALLAS AVENUE SOUTH AND THE LIMITS OF THE CITY OF SEATTLE IN 2014 TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY MARGIN OF SOUTH DONOVAN STREET;

THENCE CONTINUING SOUTHEASTERLY AND SOUTHERLY ALONG THE EASTERLY RIGHT OF WAY MARGIN OF VACATED DALLAS AVENUE SOUTH PER CITY OF SEATTLE VACATION ORDINANCE 37112 AND THE LIMITS OF THE CITY OF SEATTLE IN 2014 TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MCNATT'S FIRST ADDITION TO SOUTH PARK HEIGHTS AS RECORDED IN VOLUME 9 OF PLATS, PAGE 9, RECORDS OF KING COUNTY, WASHINGTON, SAID SOUTH LINE ALSO BEING THE LIMITS OF THE CITY OF SEATTLE IN 2014;

THENCE WESTERLY ALONG SAID SOUTH LINE AND EXTENDED AND THE SOUTH LINE OF SAID MCNATTS TO THE EAST LINE OF SOUTH PARK ADDITION AS RECORDED IN VOLUME 4 OF PLATS, PAGE 87, RECORDS OF KING COUNTY, WA, ALONG SAID LIMITS OF THE CITY OF SEATTLE;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID SOUTH PARK AND CITY OF SEATTLE TO THE EAST RIGHT OF WAY MARGIN OF 12<sup>TH</sup> AVENUE SOUTH;

THENCE SOUTHERLY ALONG THE EXTENSION OF SAID EAST MARGIN OF 12<sup>TH</sup> AVENUE SOUTH AND CONTINUING ALONG THE LIMITS OF THE CITY OF SEATTLE IN 2014 TO THE SOUTH RIGHT OF WAY MARGIN OF SOUTH CAMBRIDGE STREET EXTENDED EASTERLY.

THENCE WESTERLY ALONG THE EXTENSION OF SAID SOUTH MARGIN OF SOUTH CAMBRIDGE STREET EXTENDED AND ALONG THE LIMITS OF THE CITY OF SEATTLE IN 2014 ALSO BEING THE SOUTH LINE OF EXCELSIOR ACRE TRACTS NO. 2 AS RECORDED IN VOLUME 9 OF PLATS, PAGE 48, RECORDS OF KING COUNTY, WASHINGTON, TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY MARGIN OF STATE ROUTE 99;

THENCE LEAVING THE LIMITS OF THE CITY OF SEATTLE IN 2014, SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY MARGIN OF STATE ROUTE 99, TO THE INTERSECTION WITH THE EAST LINE OF TRACT 8 OF SAID MOORE'S FIVE ACRE TRACTS;

THENCE SOUTHERLY ALONG SAID EAST LINE TO THE NORTH RIGHT OF WAY MARGIN OF SOUTH 96<sup>TH</sup> STREET;

THENCE EASTERLY ALONG SAID NORTH MARGIN OF SOUTH 96<sup>TH</sup> STREET TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY MARGIN OF STATE ROUTE 99;

THENCE SOUTHEASTERLY ALONG SAID WESTERLY MARGIN OF STATE ROUTE 99 TO THE INTERSECTION WITH THE NORTH LINE OF SAID TRACT 55 OF MOORE'S FIVE ACRE TRACTS ;

THENCE EASTERLY ALONG SAID NORTH LINE OF SAID TRACT 55 AND THE EASTERLY EXTENSION OF SAID NORTH LINE TO THE INTERSECTION WITH THE THREAD OF SAID DUWAMISH WATERWAY AND THE POINT OF BEGINNING.







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**AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEATTLE,  
 WASHINGTON AND NORTH HIGHLINE FIRE DISTRICT**

**RECEIVED**

This Interlocal Agreement (“Agreement”) is made by and between the City of Seattle, Washington, a first-class city and municipal corporation of the State of Washington organized under the laws of the state of Washington (“the City”), and the North Highline Fire District, a municipal corporation organized under chapter 52.02 RCW and the laws of the state of Washington (the “Fire District”), collectively referred to as the “Parties,” pursuant to Chapter 39.34 RCW (Interlocal Cooperation Act).

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**RECITALS**

WHEREAS, on February 10, 2014, the Seattle City Council adopted Resolution 31502 calling for the annexation, by election, of contiguous unincorporated territory referenced as the Duwamish Annexation Area, identified in Exhibit A; and

WHEREAS, the Fire District has the authority to collect property taxes and benefit charges on property in the Duwamish Annexation Area and the proposed annexation of the Duwamish Annexation Area, by the City, would result in a loss of these revenues to the Fire District; and

WHEREAS, the resultant loss of revenue to the Fire District would impose a financial strain on the Fire District and require it to reduce the level of fire protection and emergency response services to the Fire District’s remaining service area; and

WHEREAS, the City and Fire District have held negotiations in an effort to find a solution to mitigate the financial impact of the City’s proposed annexation of the Duwamish Annexation Area; and

WHEREAS, under the terms negotiated by the parties, the City will make semi-annual payments, up to a period not to exceed ten (10) years, to the Fire District to mitigate the loss of revenues associated with the annexation of the Duwamish Annexation Area; and

WHEREAS, the Fire District will use the revenue to maintain its fire protection and emergency response service levels in the Fire District’s remaining service area; and



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WHEREAS, on June 15, 2015, the Fire District passed a motion to accept the terms and conditions as presented in the "Framework for Interlocal Agreement between the City of Seattle and the North Highline Fire District for the Duwamish Annexation Area," identified in Exhibit B; and

WHEREAS, the City and the Fire District desire to enter into this Agreement in order for the City to provide funding to mitigate the impact of revenues lost as a result of the annexation of the Duwamish Annexation Area and help the Fire District maintain its fire protection and emergency response service levels in its remaining service area after the effective date of the Duwamish Annexation Area by the City; and

WHEREAS, the City and the Fire District also desire to enter into this Agreement to establish other terms and conditions regarding representation in support of the City's annexation efforts before appropriate entities, employee transfer rights, assumption of liability, and transfer of assets; and

WHEREAS, the City and the Fire District are authorized under Chapter 39.34 RCW to enter into an interlocal agreement to carry out the terms and conditions of this agreement.

### AGREEMENT

NOW THEREFORE, in consideration of mutual benefits to be derived, to coordinate their efforts, and to mitigate the financial impact associated with the annexation of the Duwamish Annexation Area, the City and Fire District enter into this agreement.

The purpose of this Agreement is to establish a mechanism to transfer specific revenues generated in the Duwamish Annexation Area, after an annexation by the City, to the Fire District in order to help the Fire District maintain its fire protection and emergency response service level in its remaining service area. In addition the Agreement establishes other terms and conditions regarding representation in support of the City's annexation efforts before appropriate entities, employee transfer rights, assumption of liability, and transfer of assets.

All Exhibits attached to this Agreement are incorporated into this Agreement.

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**I. OBLIGATIONS OF THE CITY**

In the event of a successful annexation of the Duwamish Annexation Area by the City and after the effective date of the annexation established by resolution of the City, the following shall occur:

1. Payments to the Fire District. During the term of the Agreement, the City shall pay to the Fire District an amount equal to the lesser of: (a) the amount generated in the Duwamish Annexation Area that is based on the Fire District's combined property tax rate, as determined by the King County Assessor on an annual basis, plus the amount of the recently imposed benefit charge authorized under Chapter 52.18 RCW; or (b) the amount generated in the Duwamish Annexation Area, after the effective date of the annexation, based on the City's regular property tax rate as determined by the King County Assessor on an annual basis. A provision for a credit against the amount due under this Section is provided in Section I (4) of this Agreement.

2. Term of the Payments to the Fire District. The City shall make payments to the Fire District starting after the effective date of the annexation of the Duwamish Annexation Area, as established by City resolution, for a period not to exceed the lesser of:

- (a) A consecutive ten (10) year period after the effective date of the annexation of the Duwamish Annexation Area, as established by City resolution; or
- (b) Upon the annexation of the remainder of the Fire District's service area by another local government; or
- (c) Upon the annexation or assumption of the remainder of the Fire District's service area by another fire protection district.

3. Timing of Payments to the Fire District. The amount due from the City to the Fire District, as described in Section I (1) of this Agreement, shall be due and payable in two (2) equal payments on January 1<sup>st</sup> and July 1<sup>st</sup> of each calendar year beginning on the effective date of the annexation of the Duwamish Annexation Area.

4. Credit against amounts collected by the Fire District. There shall be credited against the amount paid by the City to the Fire District, under Section I (1) of this Agreement, the amount of North Highline Fire District property taxes and benefit charges that were levied and collected by King County and paid to the Fire District, on property located in the Duwamish Annexation Area for the tax year of the

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effective date of the annexation of the Duwamish Annexation Area. Except in no event, shall such credit exceed the amount the City would be required to pay the Fire District under Section I (1) in the tax year of the effective date of the annexation. The Fire District shall provide the City with adequate documentation to establish the amount of the credit against the payment required under Section I (1) of this Agreement.

## II. OBLIGATIONS OF THE FIRE DISTRICT

1. Support for the City's Duwamish Annexation Area Proposal. The Fire District shall support the City in its efforts to annex the Duwamish Annexation Area in any administrative hearings before the Washington State Boundary Review Board of King County and/or any other entity that has authority to approve or deny the proposed annexation of the Duwamish Annexation Area. This support shall include filing a written statement of support and may include verbal testimony or filing of declarations before appeal boards.

## III. OBLIGATIONS OF BOTH PARTIES

In the event of a successful annexation of the Duwamish Annexation Area by the City and after the effective date of the annexation established by resolution, the Parties agree to the following:

1. Assumption of Fire District Liability. The City is not required to assume a proportionate share of any of the Fire District's outstanding liabilities associated with the annexation of the Duwamish Annexation Area. Provided, however, this provision shall not be construed to alter the responsibility of the properties in Duwamish Annexation Area to continue to pay their share of outstanding indebtedness as provided under RCW 35.13.249 and RCW 35.13.270(5).

2. Transfer of Fire District Assets. Despite the provisions of RCW 35.02.200, the Fire District is not required to make a payment in cash, properties or contracts for fire protection services to the City that is associated with the annexation of the Duwamish Annexation Area. If, prior to the City annexing the Fire District's service area, there is a merger between the Fire District and the Burien-Normandy Park Fire Department, the City will work with the appropriate entity to develop an equitable asset transfer taking into consideration the increase in assets and liabilities associated with the merger.

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3. Transfer of Fire District Employees. In addition to the Fire District employee rights authorized in Chapter 35.13 RCW, the City shall consider the transfer of Fire District personnel classified as "Lieutenants" to City employment as "Lieutenants" in the Seattle Fire Department depending on: (i) the need for the position at the station; and (ii) qualifications of the individual. All Fire District fire protection personnel subject to loss of employment due to annexation may transfer into the City's civil service system under the provisions RCW 35.13.215 - .235.

#### IV. DURATION AND TERMINATION OF AGREEMENT

This Agreement shall become effective upon signatures of both parties and upon the effective date of the annexation as established by resolution by the City if the annexation is approved by the voters. This agreement shall not become effective if the annexation is not approved by the voters. The Agreement shall remain in full force and effect until the date of the payment of the last amount due to be paid under Section I (2) of this Agreement at which time this agreement terminates.

#### V. GENERAL TERMS

1. Dispute Resolution. If a dispute arises between the City and the Fire District concerning the performance of any provision of this Agreement or the interpretation thereof, and the City and the Fire District are unable to resolve their differences through informal discussions, the parties will endeavor to settle the dispute by mediation under such mediation rules as shall be agreeable to the parties. Such mediation will be non-binding but a condition precedent to having the dispute resolved pursuant to litigation.

In the event any action is brought to enforce any provisions of this Agreement, the parties agree to be subject to exclusive jurisdiction in King County Superior Court, and agree that in any such action venue shall lie exclusively in King County.

2. Relationship of Parties. The Parties to this Agreement are independent and nothing in this Agreement is intended to create a partnership, joint venture or other entity.

3. No Assignment. The terms, covenants and conditions set forth in this Agreement shall be deemed personal to the parties hereto and may not be assigned or transferred to any other person.

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4. No Third-Party Beneficiaries. This Agreement is solely for the benefit of the parties hereto, and no third party shall be entitled to claim or enforce any rights hereunder except as specifically provided herein.

5. Severability. In the event any part of this Agreement is declared void or invalid, the remaining portions of this Agreement shall not be affected, but shall remain in full force and effect.

6. Modification. The obligations of the parties to this Agreement may not be modified, amended or waived except by written agreement executed by both parties.

7. Notices. All notices, demands or other communications required or permitted to be given pursuant to the provisions of this Agreement shall be in writing and shall be considered as properly given if delivered personally or sent by United States Postal Service first class or overnight express mail or by overnight commercial courier service, postage and other charges prepaid. Notices so sent shall be effective three days after mailing, if mailed by first class mail, and otherwise upon receipt at the address set forth below, *provided, however,* that non-receipt of any communication as the result of any change of address of which the sending party was not notified or as the result of a refusal to accept delivery shall be deemed receipt of such communication, if addressed as follows, or as later designated in writing:

**City of Seattle**  
ATTN: Director, City Budget Office  
600 Fourth Avenue  
Post Office Box 94745  
Seattle, Washington 98124-4745

**North Highline Fire District**  
ATTN: Fire Chief  
1243 SW 112<sup>th</sup> Street  
Seattle, Washington 98146

8. Execution in Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute but one and the same contract.

9. Entire Agreement. The parties hereto agree that this Agreement constitutes the only agreement between them with respect to financial mitigation in the event of annexation of the Duwamish

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Annexation Area by the City, and no oral representations or no prior written extrinsic to this Agreement shall have any force or effect.

10. Administration. The Director of the Seattle City Budget Office is the administrator responsible for administering the tasks undertaken in accordance with this agreement. This agreement does not create any separate legal or administrative entity or a joint board.

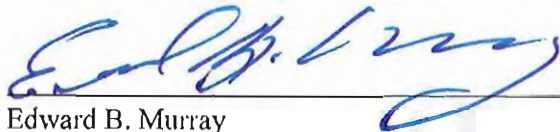
11. Property Ownership. All property presently owned or hereafter acquired by either party to enable it to perform its obligations under this agreement shall remain the property of that party at the termination of this agreement. No property will be jointly owned as a result of this agreement.

12. Financing. The City and the Fire District shall each finance their own activities to fulfill their obligations under this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement.

THE CITY OF SEATTLE

NORTH HIGHLINE FIRE DISTRICT





Edward B. Murray  
Mayor of Seattle

Ray Austin  
Chair, Board of Commissioners

Date: 8-11-15

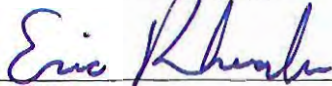
Date: 7-22-15

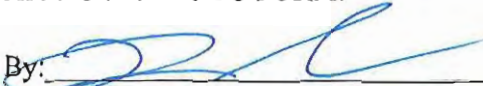
According to City Council adoption of Ordinance No. \_\_\_\_\_

According to Board of Commissioners adoption of Motion dated 7-22-15

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By:   
Eric Rhoades  
Assistant City Attorney

By:   
Brian Snure  
North Highline Fire District Attorney