



King County

Metropolitan King County Council Growth Management and Natural Resources Committee

Agenda Item: 6
Proposed Ord: 2008-0281
GMPC Motions 08-1, 08-2 and 08-3

Name: Rick Bautista
Date: June 10, 2008

Attending: Paul Reitenbach, DDES

SUBJECT:

Ordinance adopting proposed amendments to the Countywide Planning Policies (CPPs) to adjust the potential annexation areas (PAAs) for the cities of SeaTac, Federal Way, Milton, Kirkland and Redmond.

GROWTH MANAGEMENT PLANNING COUNCIL:

The Growth Management Planning Council (GMPC) is a formal body comprised of elected officials from King County, Seattle, Bellevue, the Suburban Cities, and Special Districts. The GMPC was created in 1992 by interlocal agreement, in response to a provision in the Washington State Growth Management Act (GMA) requiring cities and counties to work together to adopt CPPs.

Under the GMA, the CPPs serve as the framework for each individual jurisdiction's comprehensive plan. This is to ensure countywide consistency with respect to land use planning efforts.

As provided for in the interlocal agreement, the GMPC developed and recommended the CPPs, which were adopted by the King County Council and ratified by the cities. Subsequent amendments to the CPPs follow the same process: recommendation by the GMPC, adoption by the King County Council, and ratification by the cities.

Amendments to the CPPs become effective when ratified by ordinance or resolution by at least 30% of the city and county governments representing at least 70% of the population of King County.

NOTE: A city is deemed to have ratified an amendment to the CPPs unless it has taken legislative action to disapprove within 90 days of adoption by King County.

APPLICABLE POLICY DIRECTION:

The Growth Management Planning Council evaluates proposed amendments to city PAAs using the following three CPPs (LU-31, LU-32 and LU-34):

LU-31 *In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that*

unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

- LU-32** *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.*
- LU-34** *Several unincorporated areas are currently considering local governance options. Unincorporated Urban Areas that are already urbanized and are within a city's potential annexation area are encouraged to annex to that city in order to receive urban services. Where annexation is inappropriate, incorporation may be considered.*

King County evaluates proposed amendments to city PAAs using the following Comprehensive Plan text and policies:

There are 216,000 people living in urban unincorporated King County, as reported in the 2003 Annual Growth Report. This population is equivalent to the second largest city in the state. The land base in these areas is primarily residential, with limited amounts of commercial and retail development. Much of the urban unincorporated area is made up of geographically isolated islands surrounded by cities, or adjacent to the urban growth boundary. Because these areas are scattered across the county, the efficient provision of services is difficult. The lack of a substantive tax base exacerbates these difficulties, and the cost of serving these areas reduces the amount of money available for regional services, and for local services in rural areas. Therefore, King County has a strong fiscal interest in seeing the remaining urban unincorporated areas annexed within the next several years.

The annexation of urban unincorporated areas is also good public policy. The State Growth Management Act and the regionally adopted Countywide Planning Policies stipulate that counties are the appropriate providers of regional services, and of local services to the rural area. For their part, cities are the appropriate providers of local urban services to all areas within the designated urban growth boundary. This logical split of government services is in part a reflection of the greater taxing authority afforded to cities by the State Legislature. County taxing authority remains similar to what was historically adopted in the state constitution. Annexation is a means to achieve the desired governmental service and land use vision set forth in regional policy and state law.

Although it is the policy of the county to promote annexation, its ability to do so is extremely limited. State laws provide the cities, county residents and property owners with the authority to initiate the annexation process. A successful annexation initiative depends on establishing a collaborative and ongoing dialogue between the three affected interest groups: residents, the county, and the affected city. King County has a long history of engaging in annexation discussions with urban unincorporated area residents, and will continue to do so. The county will also continue to work collaboratively with the cities to plan for orderly and timely governance transitions.

The policies in this section are intended to guide the county's decision making on annexation-related issues to ensure the needs of citizens in the urban unincorporated area are considered, and that a smooth transition from county to city government occurs.

U-201 *In order to meet the Growth Management Act and the regionally adopted Countywide Planning Policies goal of becoming a regional service provider for all county residents and a local service provider in rural areas, King County shall encourage annexation of the remaining urban unincorporated area. The county may also act as a contract service provider where mutually beneficial.*

U-202 *To help create an environment that is supportive of annexations, King County shall work with cities and with Unincorporated Area Councils, neighborhood groups, local business organizations, public service providers and other stakeholders on annexation-related activities. King County will also seek changes at the state level that would facilitate annexation of urban unincorporated areas.*

U-203 *The Interim Potential Annexation Areas Map adopted by the Growth Management Planning Council illustrates city-designated potential annexation areas (PAAs), contested areas (where more than one city claims a PAA), and those few areas that are unclaimed by any city. For contested areas, the county should attempt to help resolve the matter, or to enter into an interlocal agreement with each city for the purpose of bringing the question of annexation before voters. For unclaimed areas, King County should work with adjacent cities and service providers to develop a mutually agreeable strategy and time frame for annexation.*

U-204 *King County shall support annexation proposals that are consistent with the Countywide Planning Policies and the Washington State Growth Management Act, and when the area proposed for annexation is wholly within the annexing city's officially adopted PAA, and is not part of a contested area.*

U-205 *King County shall not support annexation proposals that would:*

- a. Result in illogical service areas;*
- b. Create unincorporated islands unless the annexation is preceded by an interlocal agreement in which the city agrees to pursue annexation of the remaining island area in a timely manner;*
- c. Focus solely on areas that would provide a distinct economic gain for the annexing city at the exclusion of other proximate areas that should logically be included;*
- d. Move designated Agricultural and/or Forest Production District lands into the Urban Growth Area; or*
- e. Apply zoning to maintain or create permanent, low-density residential areas, unless such areas are part of an urban separator or are environmentally constrained, rendering higher densities inappropriate.*

U-206 *King County shall favor annexation over incorporation as the preferred method of governance transition. King County will not support incorporations when the proposed incorporation area is financially infeasible.*

U-207 *King County shall work with cities to jointly develop preannexation agreements to address the transition of service provision from the county to the annexing cities. The development of such agreements should include a comprehensive public involvement process. Pre-annexation agreements may address a range of considerations, including but not limited to:*

- a. Establishing a financing partnership between the county, city and other service providers to address needed infrastructure;*
 - b. Providing reciprocal notification of development proposals in PAAs, and opportunities to identify and/or provide mitigation associated with such development;*
 - c. Supporting the city's desire, to the extent possible, to be the designated sewer or water service provider within the PAA, where this can be done without harm to the integrity of existing systems and without significantly increasing rates;*
 - d. Assessing the feasibility and/or desirability of reverse contracting in order for the city to provide local services on the county's behalf prior to annexation, as well as the feasibility and/or desirability of the county continuing to provide some local services on a contract basis after annexation;*
 - e. Exploring the feasibility of modifying development, concurrency and infrastructure design standards prior to annexation, when a specific and aggressive annexation timeline is being pursued;*
 - f. Assessing which county-owned properties and facilities should be transferred to city control, and the conditions under which such transfers should take place;*
 - g. Transitioning county employees to city employment where appropriate;*
 - h. Ensuring that land use plans for the annexation area are consistent with the Countywide Planning Policies with respect to planning for urban densities and efficient land use patterns; provision of urban services, affordable housing, and transportation; the protection of critical areas; and the long-term protection of urban separators;*
 - i. Continuing equivalent protection of cultural resources, and county landmarks and historic resources listed on the King County Historic Resource Inventory;*
 - j. Maintaining existing equestrian facilities and establishing equestrian linkages;*
- and*

k. Establishing a timeline for service transitions and for the annexation.

As part of its annexation initiative, King County will explore new options for revenue generation to make the provision of services to urban unincorporated areas financially sustainable. If annexation is not occurring at a pace consistent with the intent of these policies, the county may consider utilizing its land use authority to encourage new development that will generate higher tax revenues.

U-208 King County shall consider initiating new subarea planning processes for the urban unincorporated areas to assess the feasibility of allowing additional commercial, industrial and high-density residential development through the application of new zoning.

ORDINANCE SUMMARY:

Proposed Ordinance 2008-0281 would adopt three motions (see Attachment 1) approved by the GMPC on April 16, 2008. The staff report for that GMPC meeting is included as Attachment 2.

MOTION 08-1 (MAP AMENDMENT: CITIES OF FEDERAL WAY AND MILTON PAA)

Motion 08-1 would amend the PAAs of the cities of Federal Way and Milton by moving one parcel from the Milton PAA into the Federal Way PAA. The parcel is undeveloped. The reason for the change appears to be because the development of the site most likely (and logical) service provider would be Federal Way, given the current pattern of road and residential development around the parcel. The motion results from a joint request by the cities and each city has amended their respective comprehensive plans to reflect the change.

Analysis: The proposed change is consistent with the CPPs, GMA, King County Comprehensive Plan.

MOTION 08-2 (MAP AMENDMENT: CITIES OF KIRKLAND AND REDMOND PAA)

Motion 08-1 would amend the PAAs of the cities of Kirkland and Redmond by moving a small subdivision and a city of Kirkland park from the Redmond PAA into the Kirkland PAA. The movement of the subdivision into the Kirkland PAA came at the request of and is supported by the residents of the subdivision. The motion results from a joint request by the cities and each city has amended their respective comprehensive plans to reflect the change.

Analysis: The proposed change is consistent with the CPPs, GMA, King County Comprehensive Plan.

MOTION 08-3 (MAP AMENDMENT: CITY OF SEATAC PAA)

Motion 08-3 would amend the PAA of the city of SeaTac to include a sizable portion of the North Highline urban unincorporated area. The area lies generally east of Des Moines Memorial Drive South, southerly of South 116th Street and west of the city of Tukwila. The land is primarily developed with residences, with higher density residential development and commercial development located along Des Moines Memorial Drive South and on the easterly part of the area abutting the city of Tukwila.

The amended PAA would overlap an area that has already been claimed by both the cities of Burien and Seattle, in changes to their respective comprehensive plans. In October 2007, the GMPC passed Motion 07-02 passed to recognize the overlap of the Burien and Seattle PAAs. Motion 07-2 was transmitted to council as part of Ordinance 16056 but was not included in the final adoption.

Analysis: See discussion related to GMPC Motion 07-2 later in the staff report. Note: Executive staff indicate that the city has since reversed its PAA designation and, if so, this motion may be deleted from the proposed ordinance.

SUMMARY OF POTENTIAL AMENDMENTS:

The staff notes that Section 1 of the ordinance is a set of findings that either add nothing to the understanding of the legislation or refer to old actions unrelated to the actions to be taken under the proposed ordinance. Staff suggests that this section be deleted (see Attachment 3).

The staff report also includes information on the following three motions (each unanimously approved by the GMPC in 2007) that were originally part of Ordinance 16056 but excised for further review in committee. The committee may also consider the following amendments to this proposed ordinance to one or all of the motions (see Attachments 4, 5 and 6):

MOTION 07-1 (MAP AMENDMENT: CITY OF SAMMAMISH PAA)

Motion 07-1 reflects and approves City of Sammamish amendments to the city comprehensive plan to include five areas within their PAA.

- Area 1 is a small subdivision that was created as part of the "Oatfield" 4-to-1 proposal, which is accessed and served by utilities through the city. NOTE: The open space created by the 4-to-1 proposal remains rural.
- Area 2 are the offices of the NE Sammamish Sewer and Water District, which provides utility services to the city.
- Area 3 is a mix of developed and undeveloped land between the city and the Rural Area.
- Area 4 is a small subdivision between the city and the Rural Area.
- Area 5 is primarily the Aldarra Golf Course, with some residential development on the westerly portion.

Analysis: Since these unincorporated urban areas are all adjacent to and receive utility services that come through Sammamish and there is no other city that could annex or serve them, their inclusion within that city PAA is consistent with the CPPs, GMA, King County Comprehensive Plan.

MOTION 07-4 (MAP AMENDMENT: CITY OF COVINGTON PAA)

Motion 07-4 reflects and approves a City of Covington amendment to the city comprehensive plan to include three areas within their PAA.

- Area 1 is a park that was transferred to the city approximately four years ago.
- Area 2 is Tahoma High School which receives sewer and water service through the city.
- Area 3 land is currently zoned and used for mining and is part of a current mining operation, the majority of which is already within the city limits.

Analysis: Since these unincorporated urban areas are all adjacent to and receive utility services that come through Covington and there is no other city that could annex or serve them, their inclusion within that city PAA is consistent with the CPPs, GMA, King County Comprehensive Plan.

MOTION 07-2 (MAP AMENDMENT: CITIES OF BURIEN AND SEATTLE PAA OVERLAP)

GMPC Motion 07-2 amends the PAA map to show the entire North Highline area (with the exception of the current overlap of the Seattle/Tukwila PAAs¹) as within the designated PAA of both the cities of Burien and Seattle.

Burien and Seattle Actions

In the last ten years, the North Highline area has been the subject of several studies regarding governance options. King County, Burien and Seattle, as well as the North Highline community

¹ Approximately ten years ago, the Interim PAA Map was amended in the northeast corner of North Highline urban unincorporated area along the Duwamish to reflect a 100+ acre "overlap" in the designated PAAs of the cities of Tukwila and Seattle. The remainder of the North Highline is still reflected as a "gap" of unincorporated urban area which is not in the GMPC-ratified PAA of any city.

itself have all conducted studies to analyze financial and service delivery issues related to governance.

In 2006, discussions of governance options for North Highline began to gather steam. Early on, the cities of Tukwila and Sea-Tac² indicated that they had no further interests in North Highline, beyond the PAAs they have already identified.

However, discussions between Seattle, Burien, King County, and residents of North Highline continued. Staff from these jurisdictions met with special districts, including those providing fire, sewer, water and school services, as well as with neighborhood and business organizations.

In November 2006, Burien designated all of the North Highline area as its PAA. However, in May 2007, the Burien city attorney was directed to develop legislation that would concede the previously-designated PAA overlap between Tukwila and Seattle. Burien was expected to but did not adopt such legislation by the end of 2007.

In December 2006, Seattle likewise voted to designate all of North Highline as a PAA in the Seattle Comprehensive Plan. Although the Seattle City Council adopted a resolution in May 2007 including a reconsideration of the 2006 designation of the North Highline PAA as a possible Comprehensive Plan amendment, such a change was not adopted.

Growth Management Hearings Board Decision

Burien and Seattle appealed each other's actions to the Central Puget Sound Growth Management Hearings Board, which issued its decisions on the two appeals (*Seattle v. Burien* and *Burien v. Seattle*) in July 2007. **Note:** In an earlier decision in which two other cities both designated the same area as a potential annexation area, the Hearings Board had decided that the first city to designate has the right to the designation.

However, in the Seattle-Burien cases, the Hearings Board abandoned their prior "first-in-time" rationale in favor of emphasizing cooperative and coordinated planning. The Hearings Board latest decision was based in part on a recent Court of Appeals ruling which said "There is no logical reason to conclude that two municipalities may not identify the same area of land for potential annexation simply because one or the other has already done so."

The Hearings Board ruled that neither city had taken an action that was clearly erroneous and that their respective actions comply with the GMA. The ruling further deferred to the County to interpret how such PAA disputes should be resolved and how PAAs should be designated.

Lastly, the Hearings Board recognized that the 'interim' label for the PAA map allows the process to remain fluid and collaborative as jurisdictions work through the issues relating to contested areas.

Additional GMPC Actions

Recognizing that there was a need to address challenges created by overlapping PAAs, the GMPC met to discuss the issue April 16, 2008 (see Attachment 7). At the meeting, the GMPC directed staff to:

- Prepare policy amendments to allow for the annexation within the overlap area, should the city proposing annexation demonstrate a "good faith effort" to negotiate an alternative boundary with affected jurisdictions, and
- Clarify the actions that constitute a "good faith effort".

The GMPC also expressed a preference that policy amendments apply narrowly to the overlap in the North Highline area.

² SeaTac subsequently took steps to amend their PAA. See discussion of GMPC Motion 08-3.

NOTE: A meeting of the GMPC is scheduled for June 18, 2008 to review and consider policy amendments that staff were directed to develop (see Attachment 8 – which is attached for informational purposes only).

Analysis

The creation of overlapping PAAs is legal based on recent Court of Appeals and Growth management Hearings Board decisions. It should be understood that this effectively creates a stalemate since no jurisdiction can unilaterally act to annex land within the overlap area.

However, such a stalemate may be preferable to one where NO jurisdiction will lay claim to the North Highline area. The ultimate solution to the overlap issue may reside with actions or steps now being discussed by the GMPC. It should be noted that Policy U-208 (highlighted text below) recognizes the possibility of such overlaps and the role the county could play in resolving them. The steps being undertaken in the GMPC is consistent with the policy.

U-203 The Interim Potential Annexation Areas Map adopted by the Growth Management Planning Council illustrates city-designated potential annexation areas (PAAs), contested areas (where more than one city claims a PAA), and those few areas that are unclaimed by any city. For contested areas, the county should attempt to help resolve the matter, or to enter into an interlocal agreement with each city for the purpose of bringing the question of annexation before voters. For unclaimed areas, King County should work with adjacent cities and service providers to develop a mutually agreeable strategy and time frame for annexation.

ATTACHMENTS:

1. Proposed Ordinance 2008-0281 with attached GMPC Motions
2. April 16, 2008 GMPC staff report (Motions 08-1, 08-2 and 08-3)
3. Amendment 1 (delete ordinance findings)
4. Amendment 2 (GMPC Motion 07-1)
5. Amendment 3 (GMPC Motion 07-4)
6. Amendment 4 (GMPC Motion 07-2)
7. April 16, 2008 GMPC staff report (North Highline overlap)
8. June 18, 2008 GMPC staff report and proposed motions (North Highline overlap)



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 19, 2008

Ordinance

Proposed No. 2008-0281.1

1 AN ORDINANCE adopting amendments to the
 2 Countywide Planning Policies; amending the interim
 3 potential annexation areas map and ratifying the amended
 4 Countywide Planning Policies for unincorporated King
 5 County; and amending Ordinance 10450, Section 3, as
 6 amended, and K.C.C. 20.10.030 and Ordinance 10450,
 7 Section 4, as amended, and K.C.C. 20.10.040.

8
 9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Findings: The council makes the following findings:

11 A. The metropolitan King County council adopted and ratified the Growth
 12 Management Planning Council recommended King County 2012 - Countywide Planning
 13 Policies (Phase I) in July 1992, under Ordinance 10450.

14 B. The metropolitan King County council adopted and ratified the Phase II
 15 amendments to the Countywide Planning Policies on August 15, 1994, under Ordinance
 16 11446.

17 C. The Growth Management Planning Council met on April 26, 2006 and
18 September 20, 2006 and voted to recommend amendments to the King County
19 Countywide Planning Policies, amending the interim potential annexation areas map as
20 shown in Attachment A to this ordinance and designating Overlake an Urban Center as
21 shown on Attachment B to this ordinance. The Growth Management Planning Council
22 also approved an amendment to Countywide Planning Policy LU-25b to allow
23 adjustments of growth targets as municipal incorporations are approved.

24 SECTION 2. Ordinance 10450, Section 3, as amended, and K.C.C. 20.10.030 are
25 each hereby amended to read as follows:

26 A. The Phase II Amendments to the King County 2012 Countywide Planning
27 Policies attached to Ordinance 11446 are hereby approved and adopted.

28 B. The Phase II Amendments to the King County 2012 - Countywide Planning
29 Policies are amended, as shown by Attachment 1 to Ordinance 12027.

30 C. The Phase II Amendments to the King County 2012 - Countywide Planning
31 Policies are amended, as shown by Attachment 1 to Ordinance 12421.

32 D. The Phase II Amendments to the King County 2012 - Countywide Planning
33 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 13260.

34 E. The Phase II Amendments to the King County 2012 - Countywide Planning
35 Policies are amended, as shown by Attachments 1 through 4 to Ordinance 13415.

36 F. The Phase II Amendments to the King County 2012 - Countywide Planning
37 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 13858.

38 G. The Phase II Amendments to the King County 2012 – Countywide Planning
39 Policies are amended, as shown by Attachment 1 to Ordinance 14390.

Ordinance

40 H. The Phase II Amendments to the King County 2012 – Countywide Planning
41 Policies are amended, as shown by Attachment 1 to Ordinance 14391.

42 I. The Phase II Amendments to the King County 2012 – Countywide Planning
43 Policies are amended, as shown by Attachment 1 to Ordinance 14392.

44 J. The Phase II Amendments to the King County 2012 - Countywide Planning
45 Policies are amended, as shown by Attachment 1 to Ordinance 14652.

46 K. The Phase II Amendments to the King County 2012 - Countywide Planning
47 Policies are amended, as shown by Attachments 1 through 3 to Ordinance 14653.

48 L. The Phase II Amendments to the King County 2012 - Countywide Planning
49 Policies are amended, as shown by Attachment 1 to Ordinance 14654.

50 M. The Phase II Amendments to the King County 2012 - Countywide Planning
51 Policies are amended, as shown by Attachment 1 to Ordinance 14655.

52 N. The Phase II Amendments to the King County 2012 - Countywide Planning
53 Policies are amended, as shown by Attachments 1 and 2 to Ordinance 14656.

54 O. The Phase II amendments to the King County 2012 – Countywide Planning
55 Policies are amended, as shown by Attachment A to Ordinance 14844.

56 P. The Phase II Amendments to the King County 2012 - Countywide Planning
57 Policies are amended as shown by Attachments A, B and C to Ordinance 15121.

58 Q. The Phase II Amendments to the King County 2012 - Countywide Planning
59 Policies are amended, as shown by Attachment A to Ordinance 15122.

60 R. The Phase II Amendments to the King County 2012 - Countywide Planning
61 Policies are amended, as shown by Attachment A to Ordinance 15123.

62 S. Phase II Amendments to the King County 2012 - Countywide Planning
63 Policies are amended, as shown by Attachments A and B to Ordinance 15426.

64 T. Phase II Amendments to the King County 2012 - Countywide Planning
65 Policies are amended, as shown by Attachments A, B and C to Ordinance 15709.

66 U. Phase II Amendments to the King County 2012 - Countywide Planning
67 Policies are amended, as shown by Attachments A, B and C to this ordinance.

68 SECTION 3. Ordinance 10450, Section 4, as amended, and K.C.C. 20.10.040 are
69 each hereby amended to read as follows:

70 A. Countywide Planning Policies adopted by Ordinance 10450 for the purposes
71 specified are hereby ratified on behalf of the population of unincorporated King County.

72 B. The amendments to the Countywide Planning Policies adopted by Ordinance
73 10840 are hereby ratified on behalf of the population of unincorporated King County.

74 C. The amendments to the Countywide Planning Policies adopted by Ordinance
75 11061 are hereby ratified on behalf of the population of unincorporated King County.

76 D. The Phase II amendments to the King County 2012 Countywide Planning
77 Policies adopted by Ordinance 11446 are hereby ratified on behalf of the population of
78 unincorporated King County.

79 E. The amendments to the King County 2012 - Countywide Planning Policies, as
80 shown by Attachment 1 to Ordinance 12027 are hereby ratified on behalf of the
81 population of unincorporated King County.

82 F. The amendments to the King County 2012 - Countywide Planning Policies, as
83 shown by Attachment 1 to Ordinance 12421, are hereby ratified on behalf of the
84 population of unincorporated King County.

Ordinance

85 G. The amendments to the King County 2012 - Countywide Planning Policies, as
86 shown by Attachments 1 and 2 to Ordinance 13260, are hereby ratified on behalf of the
87 population of unincorporated King County.

88 H. The amendments to the King County 2012 - Countywide Planning Policies, as
89 shown by Attachment 1 through 4 to Ordinance 13415, are hereby ratified on behalf of
90 the population of unincorporated King County.

91 I. The amendments to the King County 2012 - Countywide Planning Policies, as
92 shown by Attachments 1 through 3 to Ordinance 13858, are hereby ratified on behalf of
93 the population of unincorporated King County.

94 J. The amendments to the King County 2012 - Countywide Planning Policies, as
95 shown by Attachment 1 to Ordinance 14390, are hereby ratified on behalf of the
96 population of unincorporated King County.

97 K. The amendments to the King County 2012 - Countywide Planning Policies, as
98 shown by Attachment 1 to Ordinance 14391, are hereby ratified on behalf of the
99 population of unincorporated King County.

100 L. The amendments to the King County 2012 - Countywide Planning Policies, as
101 shown by Attachment 1 to Ordinance 14392, are hereby ratified on behalf of the
102 population of unincorporated King County.

103 M. The amendments to the King County 2012 - Countywide Planning Policies, as
104 shown by Attachment 1 to Ordinance 14652, are hereby ratified on behalf of the
105 population of unincorporated King County.

106 N. The amendments to the King County 2012 - Countywide Planning Policies, as
107 shown by Attachments 1 through 3 to Ordinance 14653, are hereby ratified on behalf of
108 the population of unincorporated King County.

109 O. The amendments to the King County 2012 - Countywide Planning Policies, as
110 shown by Attachment 1 to Ordinance 14654, are hereby ratified on behalf of the
111 population of unincorporated King County.

112 P. The amendments to the King County 2012 - Countywide Planning Policies, as
113 shown by Attachment 1 to Ordinance 14655, are hereby ratified on behalf of the
114 population of unincorporated King County.

115 Q. The amendments to the King County 2012 - Countywide Planning Policies, as
116 shown by Attachments 1 and 2 to Ordinance 14656, are hereby ratified on behalf of the
117 population of unincorporated King County.

118 R. The amendments to the King County 2012 – Countywide Planning Policies, as
119 shown by Attachment A to Ordinance 14844, are hereby ratified on behalf of the
120 population of unincorporated King County.

121 S. The amendments to the King County 2012 - Countywide Planning Policies, as
122 shown by Attachments A, B and C to Ordinance 15121, are hereby ratified on behalf of
123 the population of unincorporated King County.

124 T. The amendments to the King County 2012 - Countywide Planning Policies, as
125 shown by Attachment A to Ordinance 15122, are hereby ratified on behalf of the
126 population of unincorporated King County.

127 U. The amendments to the King County 2012 - Countywide Planning Policies, as
128 shown by Attachment A to Ordinance 15123, are hereby ratified on behalf of the
129 population of unincorporated King County.

130 V. The amendments to the King County 2012 - Countywide Planning Policies, as
131 shown by Attachments A and B to Ordinance 15426, are hereby ratified on behalf of the
132 population of unincorporated King County.

133 W. The amendments to the King County 2012 - Countywide Planning Policies,
134 as shown by Attachments A, B and C to Ordinance 15709, are hereby ratified on behalf
135 of the population of unincorporated King County.

136 X. The amendments to the King County 2012 - Countywide Planning Policies, as

Ordinance

137 shown by Attachments A, B and C to this ordinance, are hereby ratified on behalf of the
138 population of unincorporated King County.

139

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments A. Motion 08-1, B. Motion 08-2, C. Motion 08-3

April 16, 2008

Sponsored By: Executive Committee

/pr

MOTION NO. 08-1

A MOTION to amend the Interim Potential Annexation Area Map in the Countywide Planning Policies.

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities.

WHEREAS, the attached PAA map amendment removes tax parcel number 3221049162 from the Potential Annexation Area of the City of Milton and adds the same tax parcel to the PAA of the City of Federal Way.

WHEREAS, the attached PAA map amendment is supported by the City of Milton, the City of Federal Way, and King County.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

1. Amend the Interim Potential Annexation Area Map by including the unincorporated urban areas shown on attachment A of this motion, tax parcel number 3221049162, within the Potential Annexation Area of the City of Federal Way, and remove the same tax parcel from the City of Milton PAA.
2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

ADOPTED by the Growth Management Planning Council of King County on April 16, 2008 in open session and signed by the chair of the GMPC.

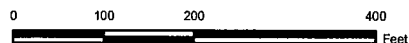
Ron Sims, Chair, Growth Management Planning Council



City of Federal Way Interim PAA Map Amendment Attachment A

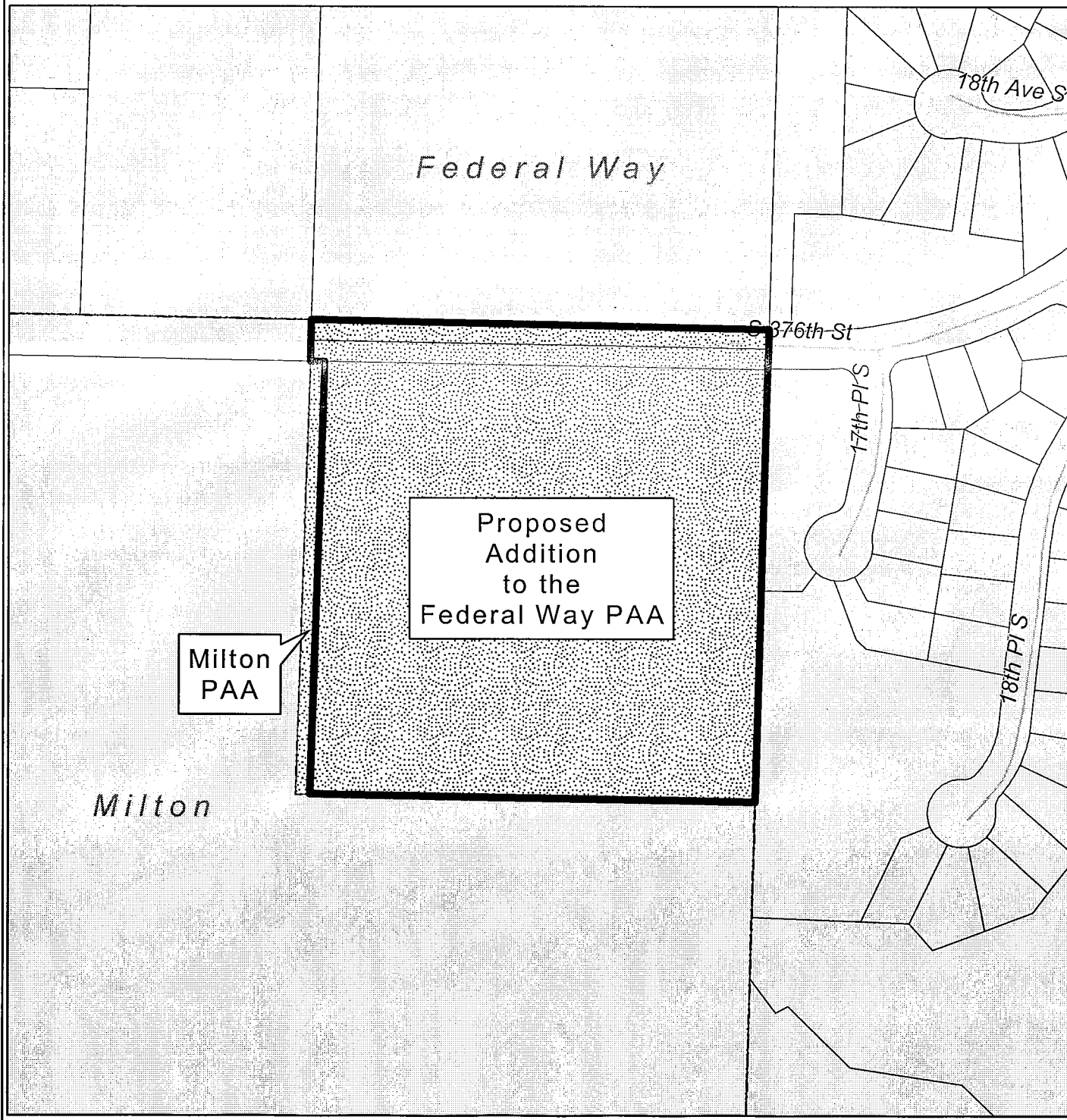


The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

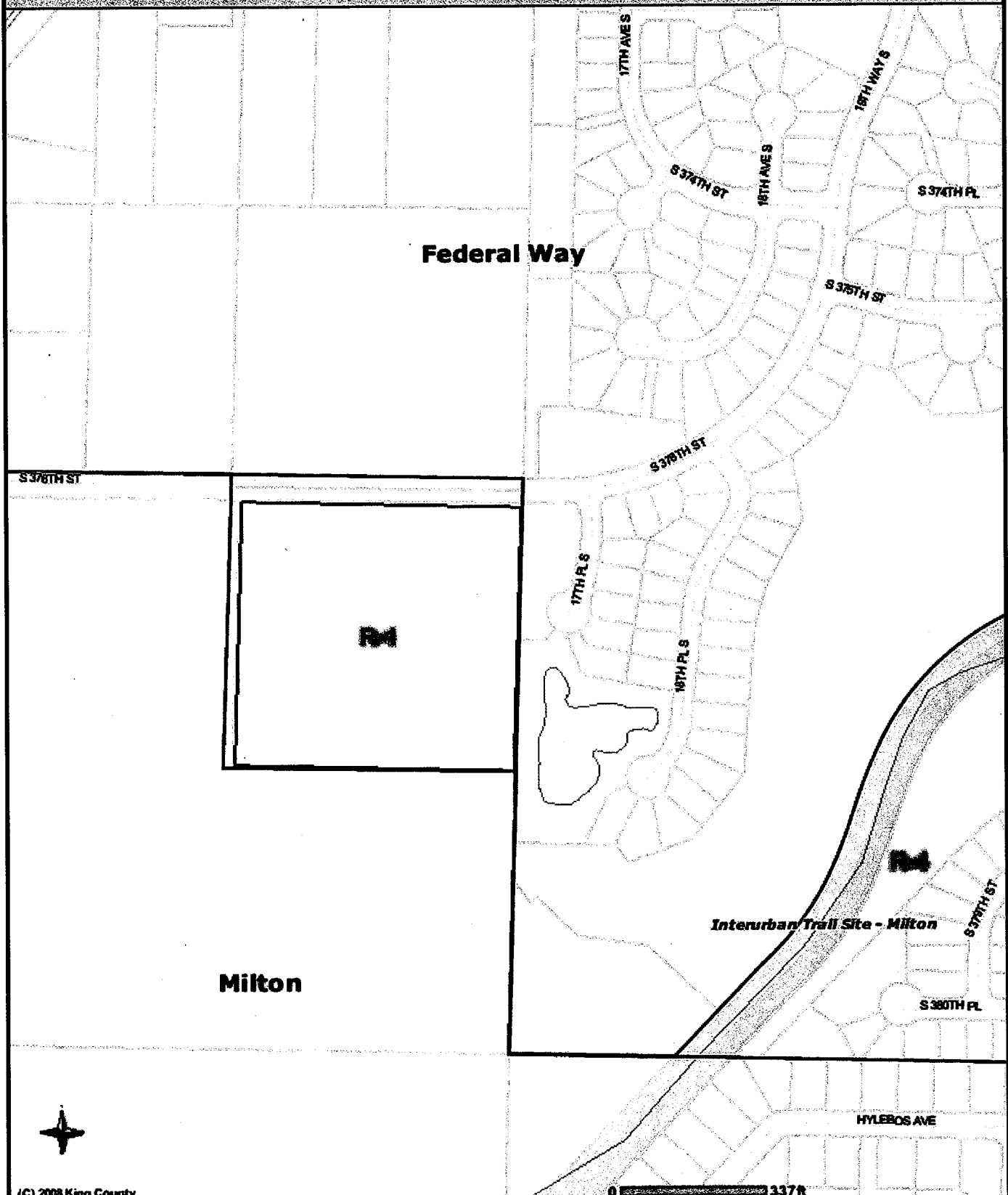


- Urban Growth Boundary
- Incorporated Areas
- Unincorporated Urban Areas

M:\P\GIS\Map\20080320_FW_PAA.mxd
MCCOMBSP\ddes707\GIS-M\m\ps\200803\mccombsp_20080320_FW_PAA.pdf



GMPC Motion 08-1 (Milton and Federal Way PAA)



(C) 2008 King County

COMMENTS: Area to be moved to the Federal Way PAA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 6/6/2008 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



GMPC Motion 08-1 (Milton and Federal Way PAA)



(C) 2008 King County

COMMENTS: Area to be moved to the Federal Way PAA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 6/6/2008 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



April 16, 2008

Sponsored By: Executive Committee

/pr

MOTION NO. 08-2

A MOTION to amend the Interim Potential Annexation Area Map in the Countywide Planning Policies.

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities.

WHEREAS, the attached PAA map amendment removes 56 from the Potential Annexation Area of the City of Redmond and adds the same 56 acres to the PAA of the City of Kirkland.

WHEREAS, the attached PAA map amendment is supported by the City of Kirkland, the City of Redmond, and King County.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

1. Amend the Interim Potential Annexation Area Map by including the unincorporated urban areas shown on attachment A of this motion, within the Potential Annexation Area of the City of Kirkland, and remove the same properties from the City of Redmond PAA.
2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

ADOPTED by the Growth Management Planning Council of King County on April 16, 2008 in open session and signed by the chair of the GMPC.

Ron Sims, Chair, Growth Management Planning Council

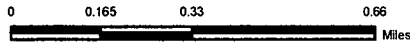


City of Kirkland Interim PAA Map Amendment Attachment A

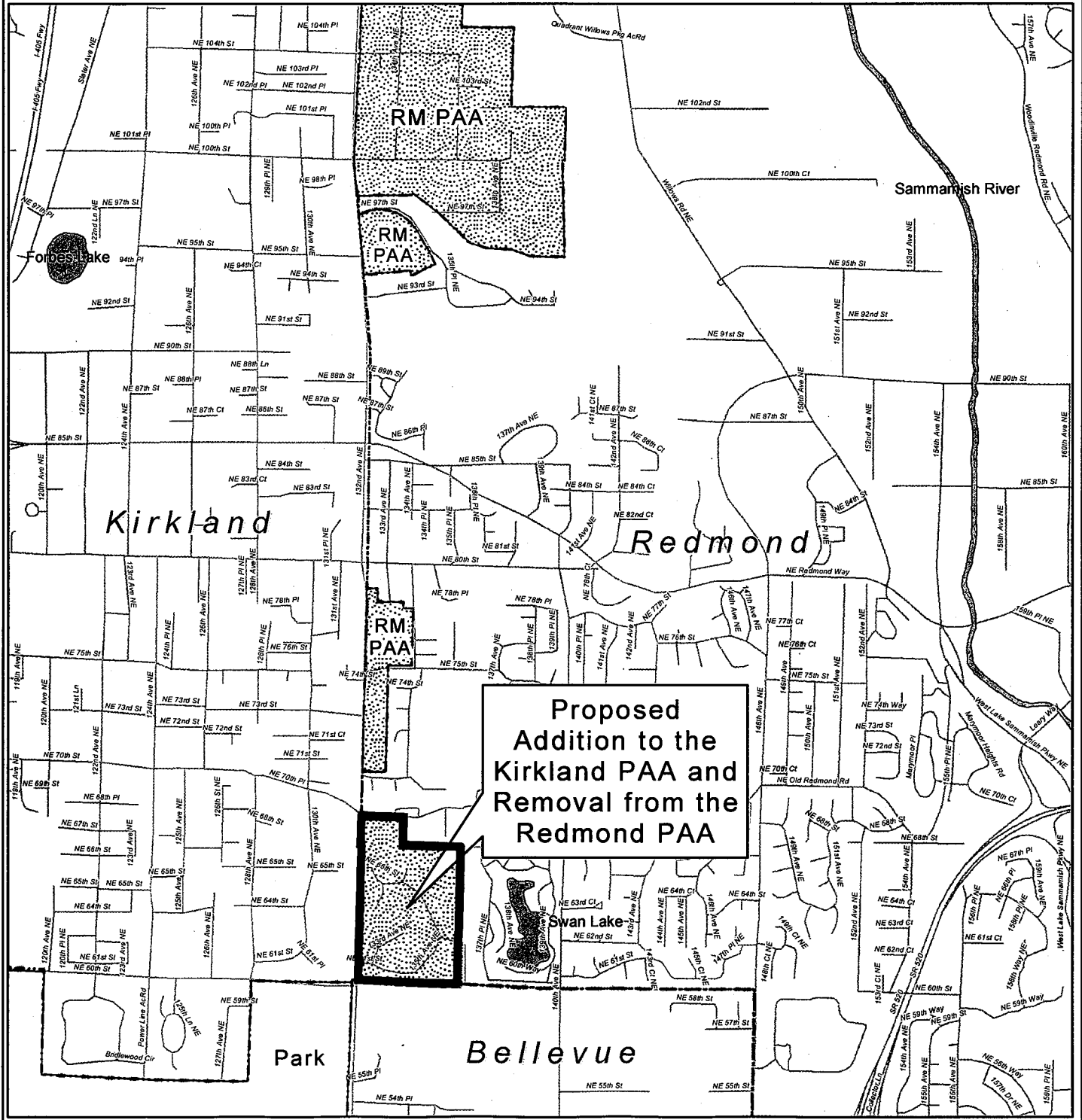


The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

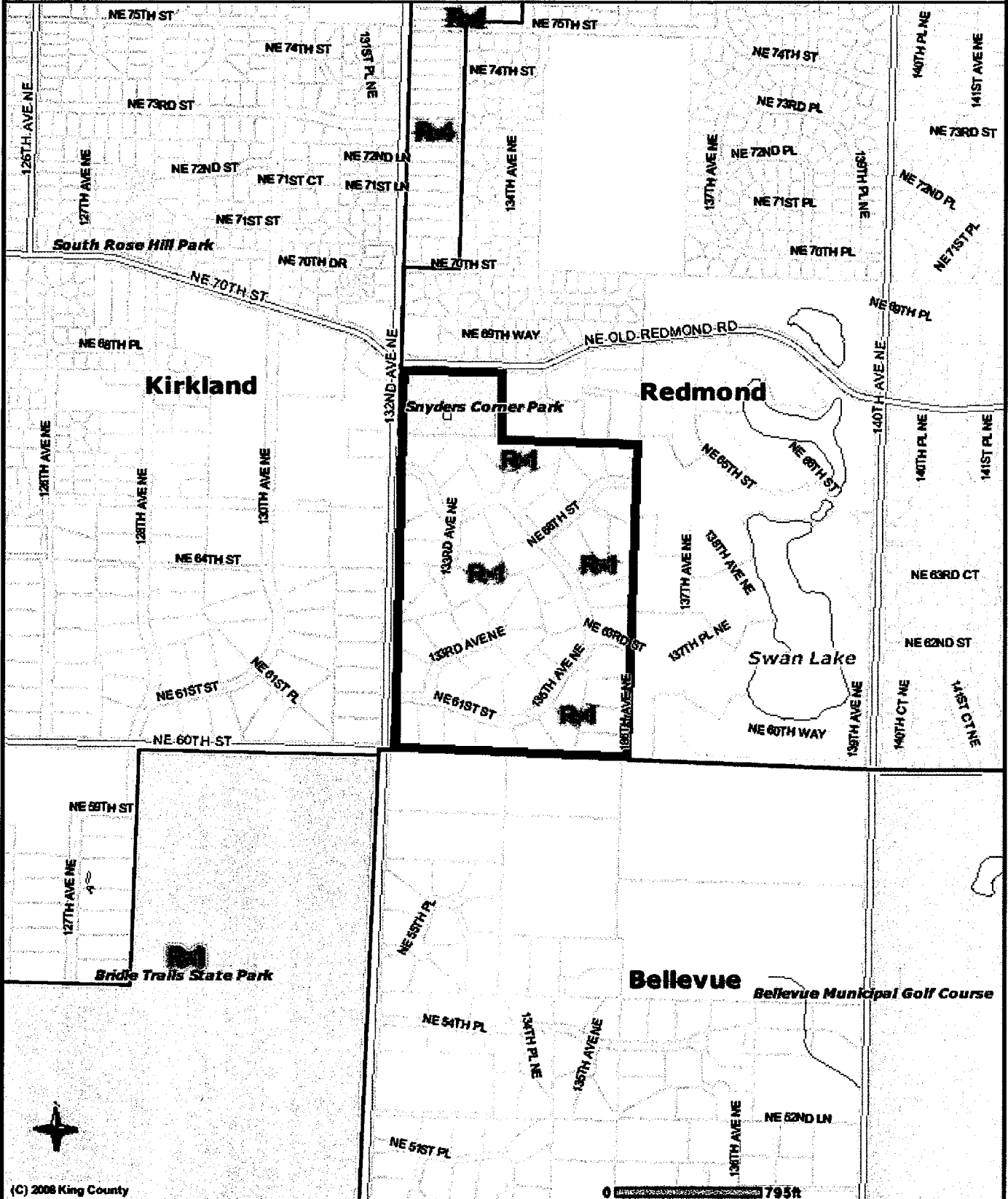
- Urban Growth Boundary
- Incorporated Areas
- Unincorporated Urban Areas



N:\P\Arch\Mapa\20080324_KI_PAA.mxd
MCOOMBSP 160657071G15-M\Mapa\20080324_KI_PAA.pdf



GMPC Motion 08-2 (Kirkland and Redmond PAA)



(C) 2008 King County

COMMENTS: Area to be moved to the Kirkland PAA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits, resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 6/6/2008 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



GMPC Motion 08-2 (Kirkland and Redmond PAA)



(C) 2008 King County

COMMENTS: Area to be moved to the Kirkland PAA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 6/6/2008 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



King County

4/12/08

Sponsored By: Executive Committee

/pr

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

MOTION NO. 08-3

A MOTION to amend the interim Potential Annexation Area map in the Countywide Planning Policies.

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities.

WHEREAS, the unincorporated urban area known as North Highline has been designated a PAA by more than one city.

WHEREAS, the City of SeaTac has also designated a portion of the North Highline area, shown on the attached map, as their Potential Annexation Area.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

1. Amend the Interim Potential Annexation Area Map by including a portion of the unincorporated urban area known as North Highline, shown on attachment A of this motion, as an overlap – an area claimed by more than one city as a PAA.
2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

ADOPTED by the Growth Management Planning Council of King County on April 16, 2008 in open session, and signed by the chair of the GMPC.

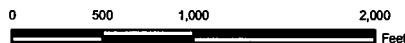
Ron Sims, Chair, Growth Management Planning Council



City of SeaTac Interim PAA Map Amendment Attachment A



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

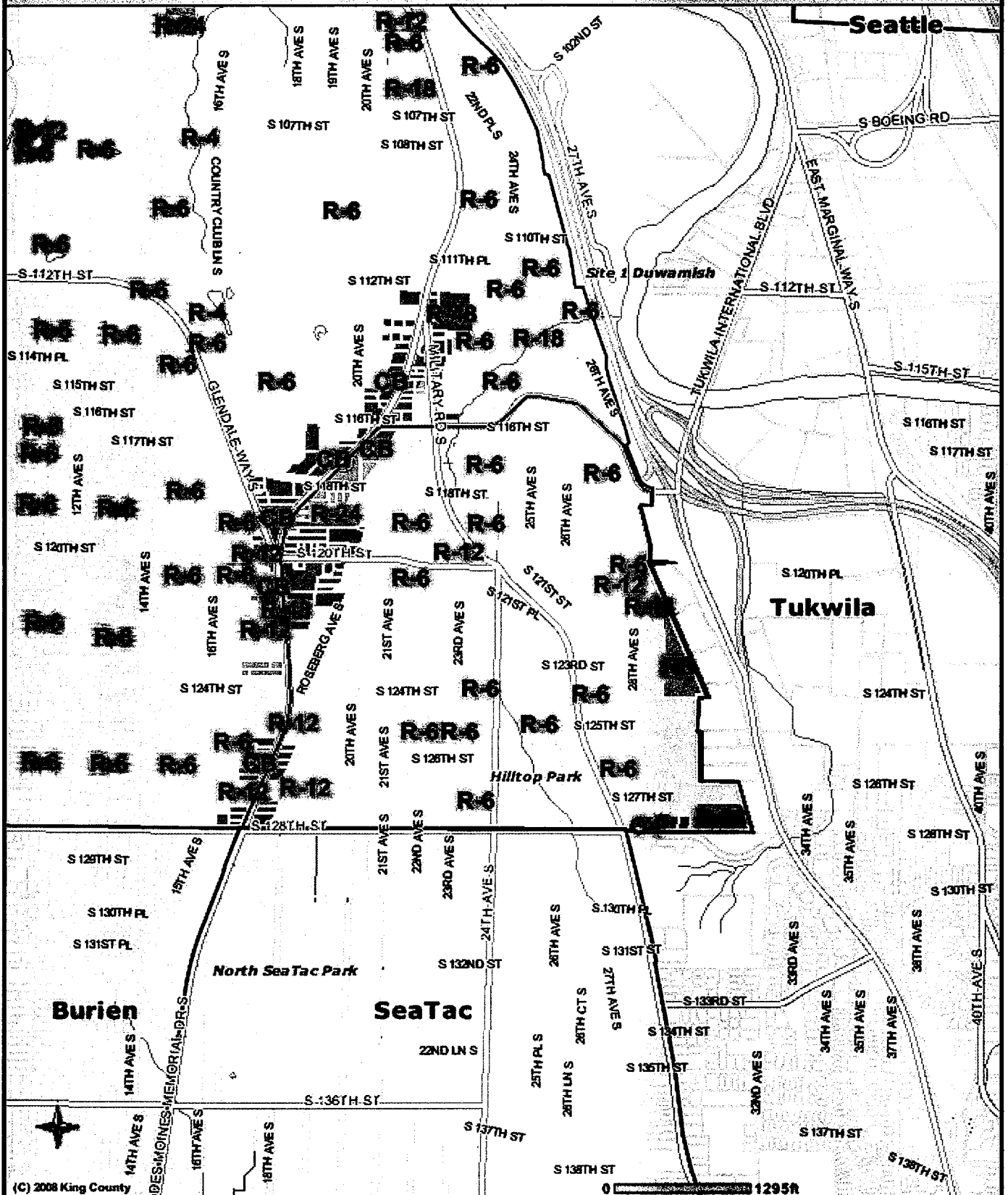


M:\Paul\ArcMap\120080324_ST_PAA.mxd
MCCOMBSP\1ddw707\GIS-M\map\120080324\inc\combsp_20080324_ST_PAA.pdf

- Urban Growth Boundary
- Incorporated Areas
- Unincorporated Urban Areas



GMPC Motion 08-3 (SeaTac PAA)



(C) 2008 King County

COMMENTS: Area of North Highline to be added to the SeaTac PAA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



GMPC Motion 08-3 (SeaTac PAA)



COMMENTS: Area of North Highline to be added to the SeaTac PAA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



Council Meeting Date: April 16, 2008**Agenda Item: II.**

**GROWTH MANAGEMENT PLANNING COUNCIL AGENDA ITEM
KING COUNTY, WASHINGTON**

AGENDA TITLE: Proposed Amendments to the Interim Potential Annexation Area Map.

PRESENTED BY: Paul Reitenbach

EXECUTIVE SUMMARY

Several cities have requested amendments to the Interim Potential Annexation Area map. The first three of these proposals reflect agreement by the respective cities and King County and are recommended for approval at this meeting. The fourth proposal requires some direction from the GMPC for consideration at a future meeting.

Applicable Countywide Planning Policies:

LU-31 In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

LU-32 A city may annex territory only within its designated potential annexation area. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed.

The proposed Interim PAA Map amendments are summarized below:

1. A proposal to move a single parcel of land and the adjacent road right of way from the PAA of the City of Milton to the City of Federal Way PAA. The parcel is 9.7 acres in size. Both cities have submitted letters in support of the proposed amendment. This proposal is consistent with applicable Countywide Planning Policies and is supported by King County.

Staff recommendation: Approve Motion 08-1, modifying the PAA boundaries of the cities of Milton and Federal Way.

2. A proposal to move an existing neighborhood comprised of 48 lots on 56 acres from the City of Redmond PAA to the City of Kirkland PAA. Both Planning Directors have indicated city support for this proposal. This proposal is consistent with applicable Countywide Planning Policies and is supported by King County.

Staff recommendation: Approve Motion 08-2, modifying the PAA boundaries of the Cities of Redmond and Kirkland.

3. A proposal by the City of SeaTac to designate a PAA in the area known as North Highline. This PAA designation would overlap an already overlapping PAA designation by the Cities of Burien and Seattle. While two other cities have already designated PAA's for the area SeaTac is proposing to designate, there is no ratified PAA designation in the Countywide Planning Policies by any city for the North Highline area. The effect of this designation will be that SeaTac will be able to participate in future PAA negotiations between Seattle, Burien and Tukwila.

Staff recommendation: Approve Motion 08-3, acknowledging the designation by the City of SeaTac and encouraging active negotiations between all affected cities and King County to resolve the North Highline PAA overlap.

4. A proposal by the City of Maple Valley to include one unincorporated urban area adjacent to city limits within Maple Valley's PAA, while not addressing other unincorporated urban areas adjacent to city limits. Since Maple Valley is adjacent to the Rural Area, no other city is or will likely ever be adjacent to these unincorporated urban areas. Currently, Maple Valley has no designated PAA in the Countywide Planning Policies.

Options for resolution are:

- a. Direct staff to prepare a motion designating the requested PAA and leave the resolution of the remaining unincorporated urban areas for a later date; or
- b. Hold designation of the Maple Valley PAA until the city is willing to designate all adjacent unincorporated urban areas as its PAA.

1

10 June 2008

rb

Sponsor: _____

Proposed No.: 2008-0281

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-0281, VERSION 1**

2 Delete all language starting on page 1, line 10 through page 2, line 23.

3 Renumber remaining ordinance section.

4

5

6

7 **EFFECT:** Deletes outdated findings.

2

10 June 2008

rb

Sponsor: Reagan Dunn

Proposed No.: 2008-0281

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-081, VERSION 1**

2 Delete all language starting on page 7, line 136 through page 8, line 138 and insert:

3 X. The amendments to the King County 2012 - Countywide Planning Policies, as
4 shown by Attachment A to Ordinance 16056, are hereby ratified on behalf of the
5 population of unincorporated King County.

6 Y. The amendments to the King County 2012 - Countywide Planning Policies, as
7 shown by Attachments A, B, C and D of this ordinance, are hereby ratified on behalf of
8 the population of unincorporated King County.

9

10 On page 8 after “**Attachments**”, insert “D. Motion 07-1”

11

12 **EFFECT:**

- 13 1. Reflects adoption of Ordinance 16056, and
- 14 2. Adds references to Attachment D, which is GMPC-adopted Motion 07-1
- 15 (Sammamish PAA)

**GROWTH MANAGEMENT PLANNING COUNCIL AGENDA ITEM
KING COUNTY, WASHINGTON**

AGENDA TITLE: Amending the Interim PAA Map to designate the PAA for the City of Sammamish

PRESENTED BY: Kameron Gurol, City of Sammamish, Paul Reitenbach, King County

EXECUTIVE SUMMARY

The Sammamish City Council has taken action to include all adjacent unincorporated urban areas not designated as a Potential Annexation Area (PAA) by another city within the City of Sammamish's Potential Annexation Area.

These areas are currently shown on the Interim PAA map as a "gap" or unincorporated urban area which is not in the PAA of any city. Approval of Motion 07-1 would recognize the action of the Sammamish City Council and resolve several unclaimed unincorporated urban areas on the Interim PAA map.

APPLICABLE COUNTYWIDE PLANNING POLICIES

- LU-31** In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.
- LU-32** 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.
- LU-34** Several unincorporated areas are currently considering local governance options. Unincorporated Urban Areas that are already urbanized and are within a city's potential annexation area are encouraged to annex to that city in order to receive urban services. Where annexation is inappropriate, incorporation may be considered.

Including the unincorporated urban areas shown on attachment A of Motion 07-1 within the City of Sammamish Potential Annexation Area is consistent with the Countywide Planning Policies. The Growth Management Act, the King County Comprehensive Plan, and the City of Sammamish Comprehensive Plan also support this PAA designation. There is no other city that could annex or serve these unincorporated urban areas, which are all adjacent to Sammamish.

STAFF RECOMMENDATION

Approve Motion 07-1.



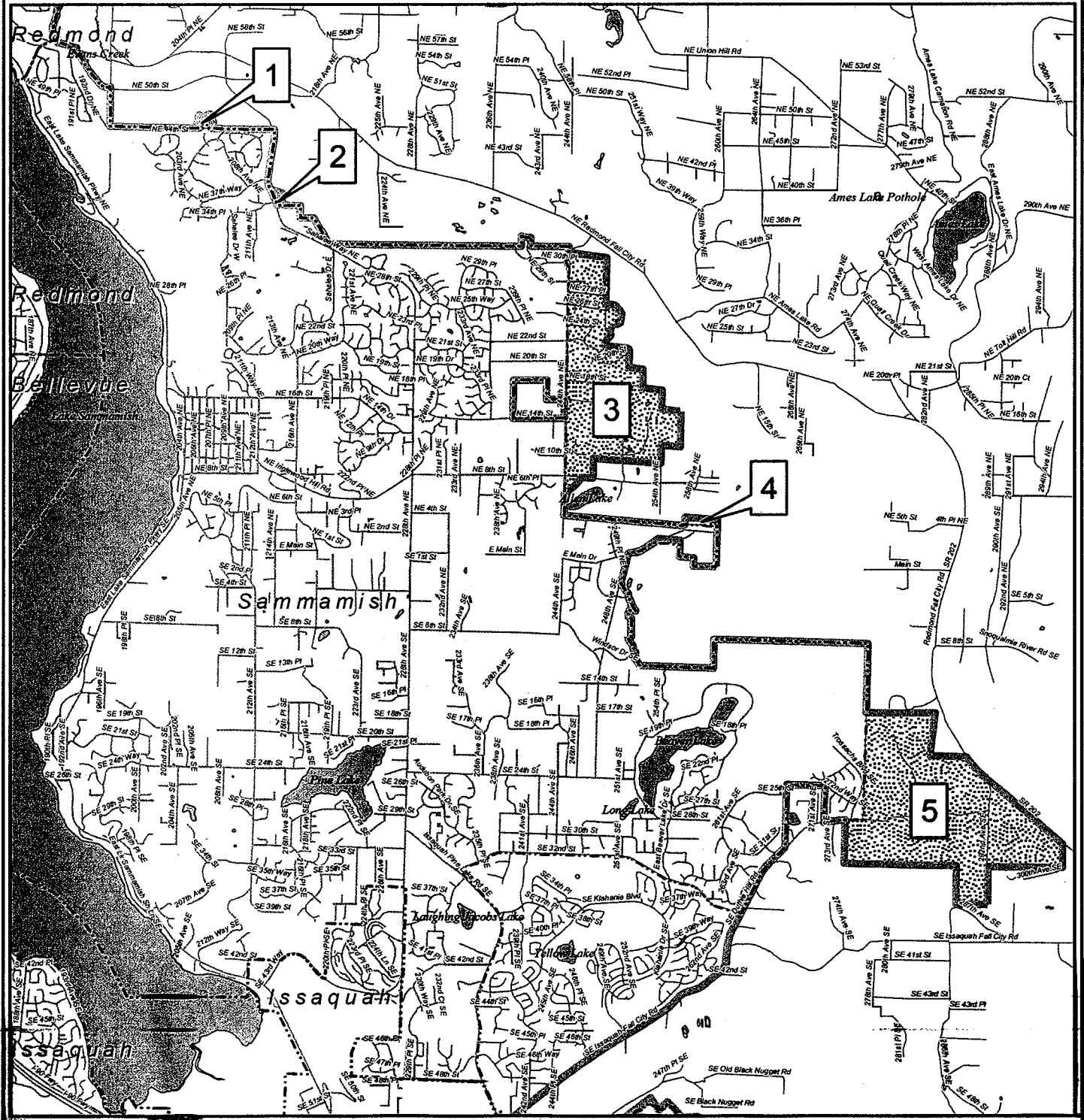
Interim PAA Map Amendment

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

- Urban Growth Boundary
- Incorporated Areas
- Unincorporated Urban Areas

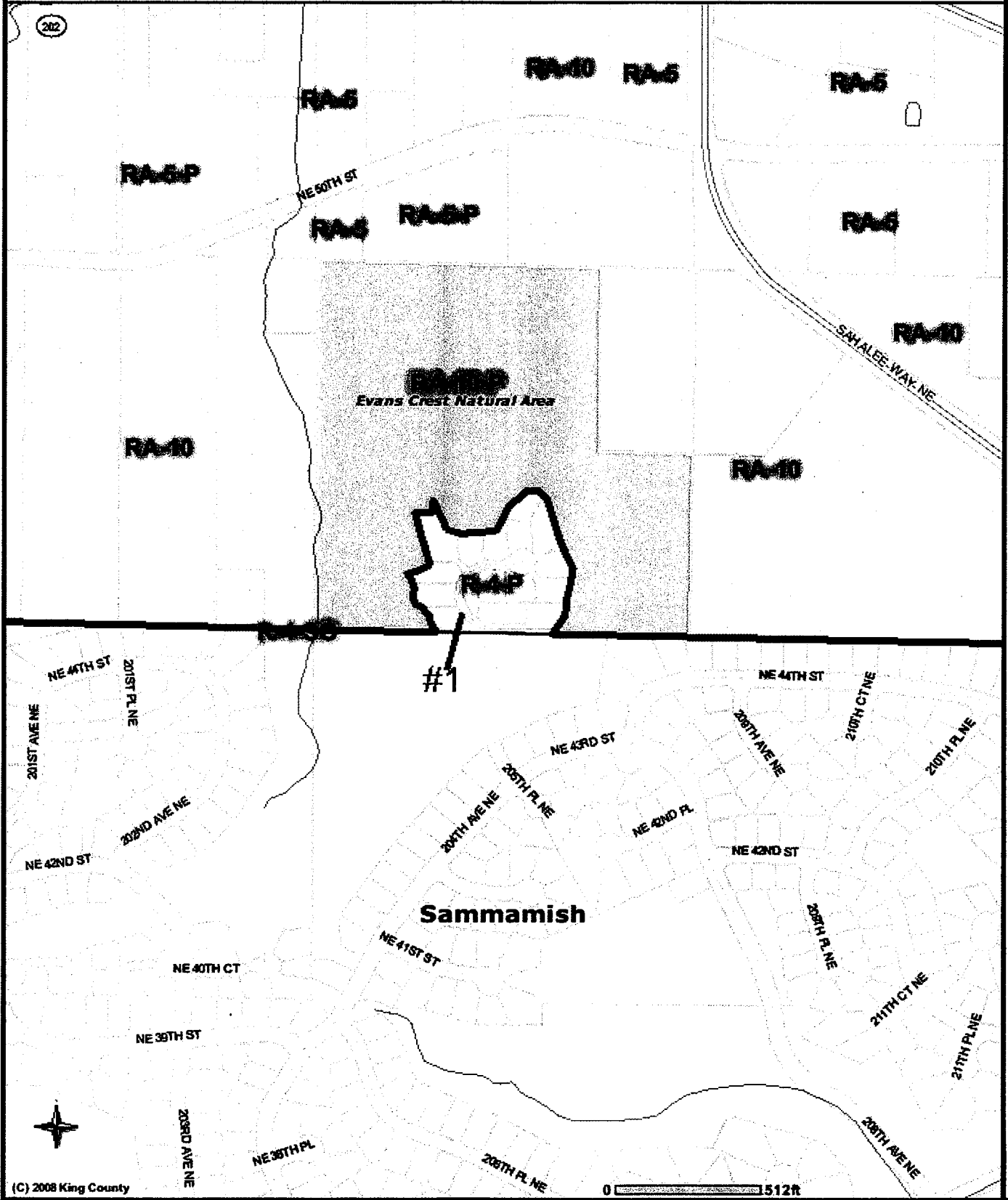


m:\paa\arcmaps\20070504_sammamishPAA.mxd
MCOOMBSP\tdes\707\GIS-M\maps\200603\mcombsp_20070504_sammamishPAA.pdf



iMAP

202



(C) 2008 King County

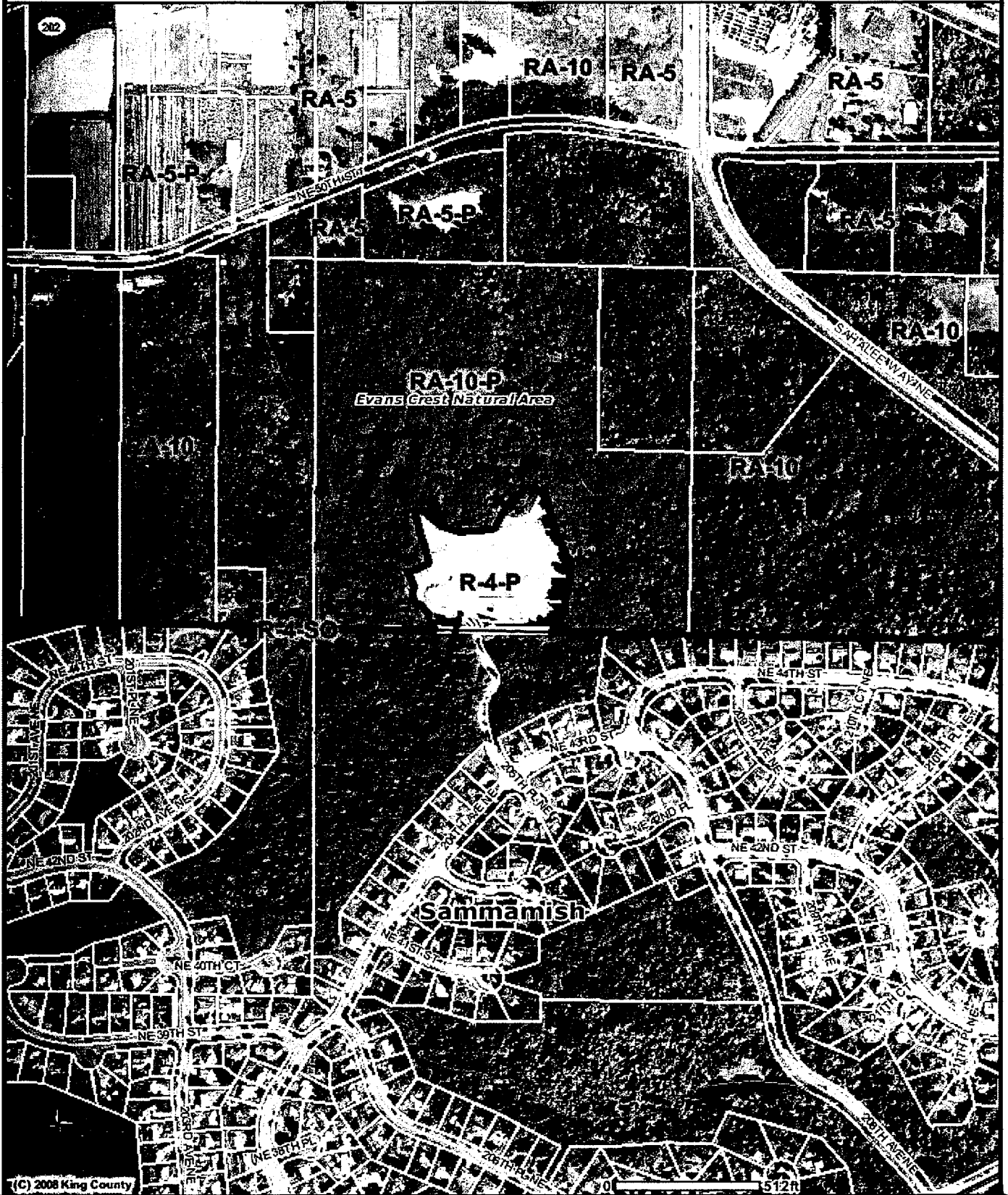
COMMENTS: Sammamish PAA Adjustment 1

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or reliance of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008 Source: King County iMAP - Property Information (<http://www.metrokc.gov/SIS/iMAP>)



iMAP



(C) 2008 King County

COMMENTS: Sammamish PAA Adjustment 1

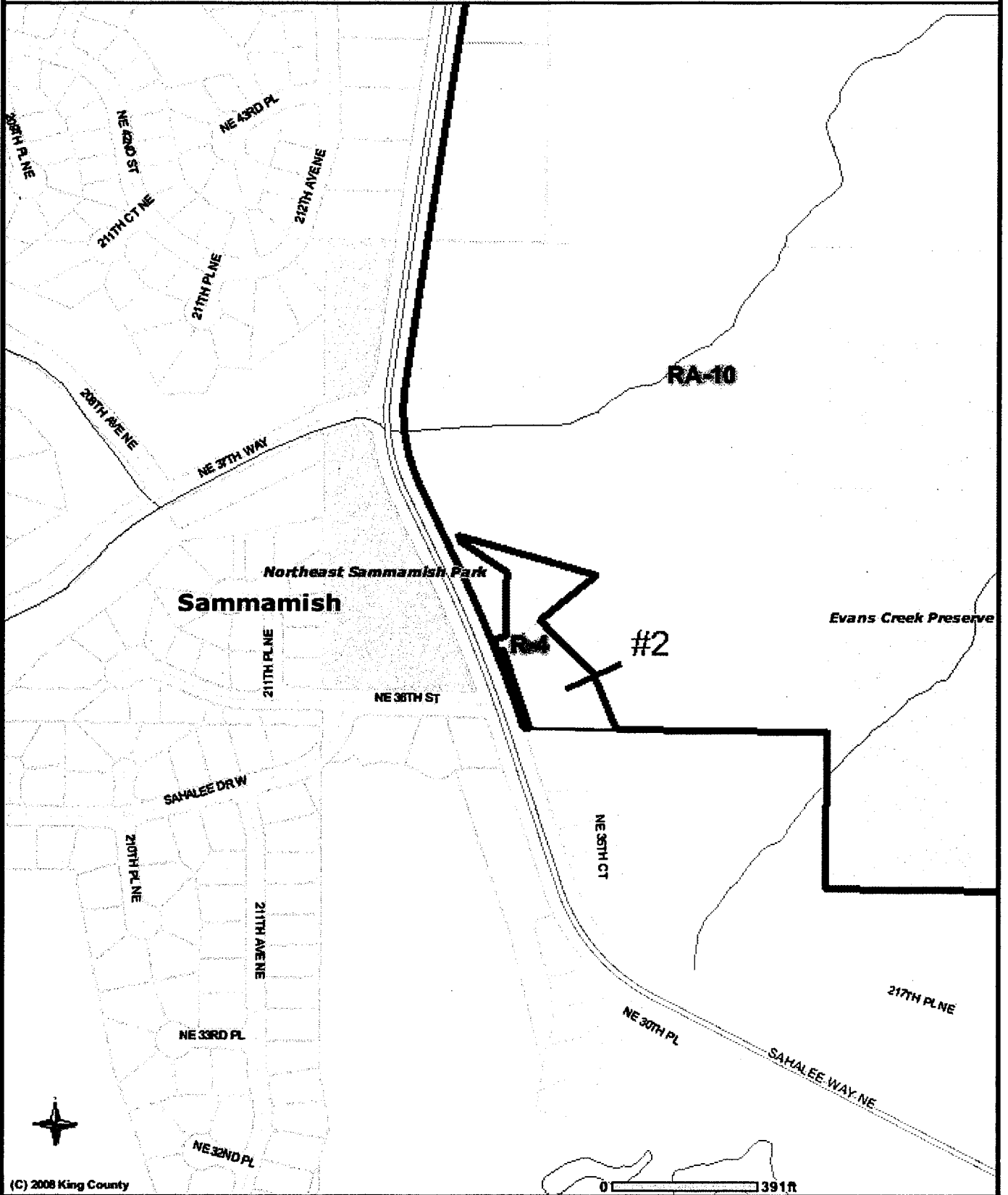
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



(C) 2008 King County

COMMENTS: Sammamish PAA Adjustment 2 (NE Sammamish Sewer and Water District Offices)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



King County

iMAP



(C) 2008 King County

COMMENTS: Sammamish PAA Adjustment 2 (NE Sammamish Sewer and Water District Offices)

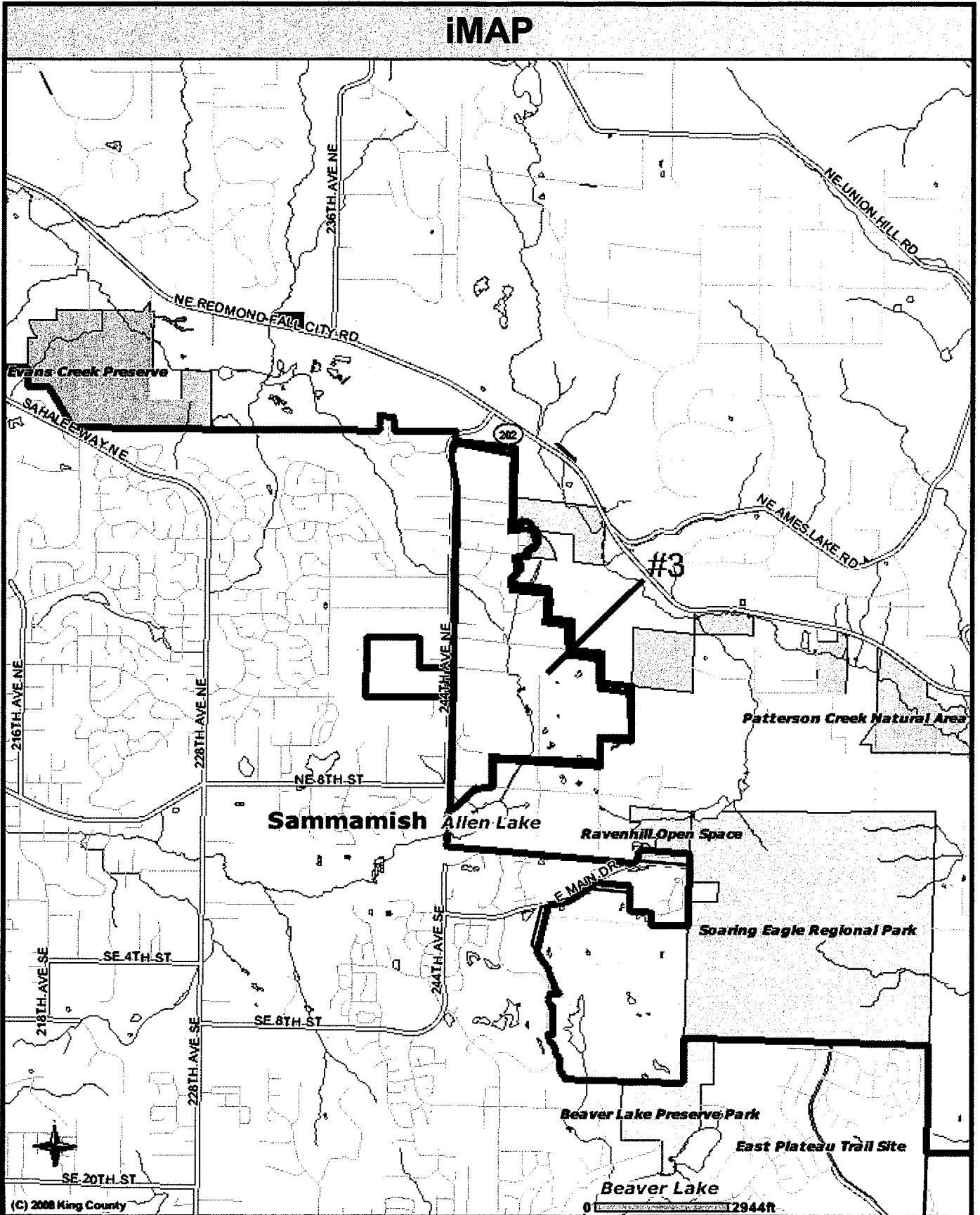
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



(C) 2008 King County

0 12944ft

COMMENTS: Sammamish PAA Adjustment 3

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



iMAP



(C) 2008 King County

COMMENTS: Sammamish PAA Adjustment 3

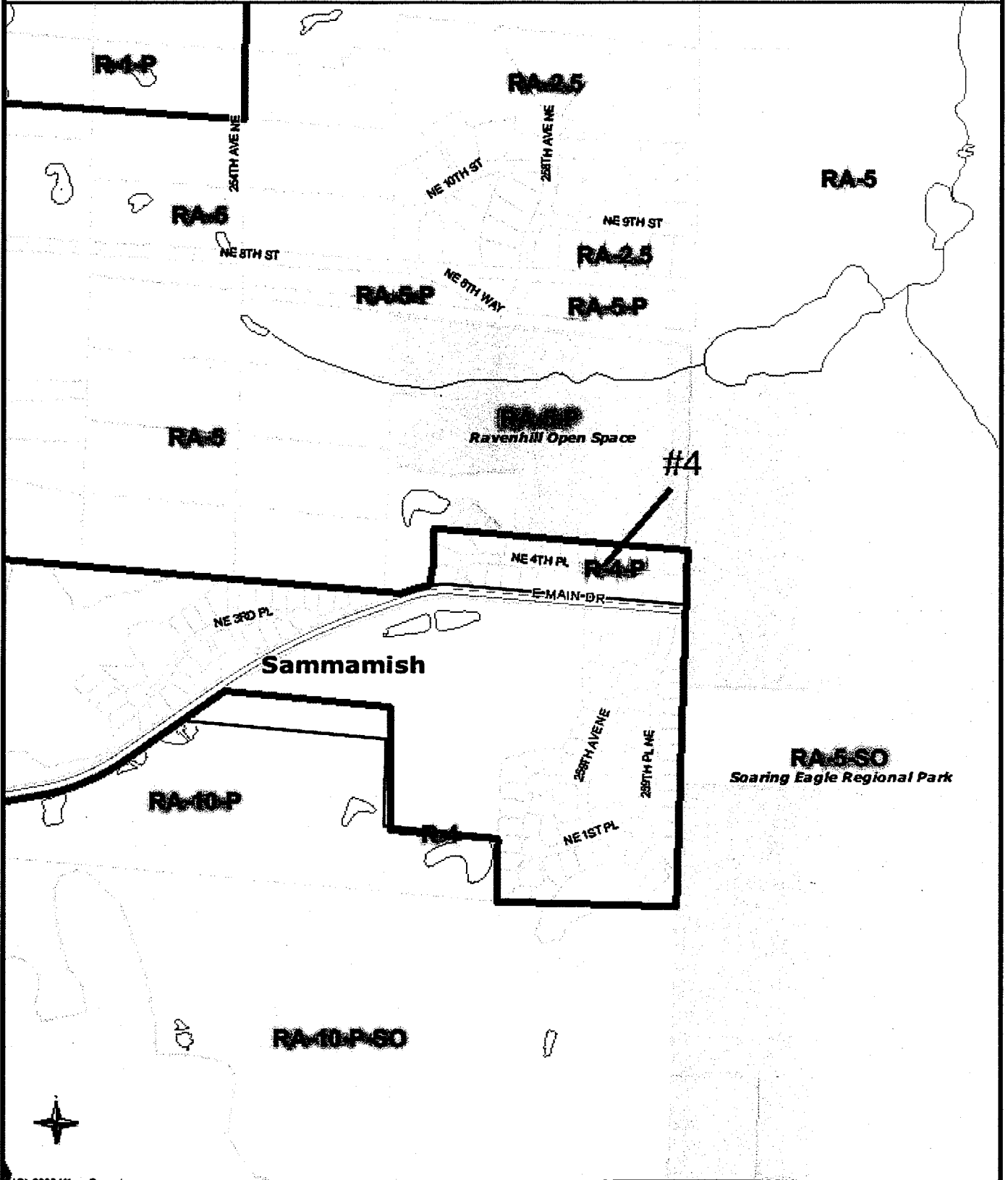
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



(C) 2008 King County

0 654ft

COMMENTS: Sammamish PAA Adjustment 4

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008 Source: King County iMAP - Property information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



(C) 2008 King County

654ft

COMMENTS: Sammamish PAA Adjustment 4

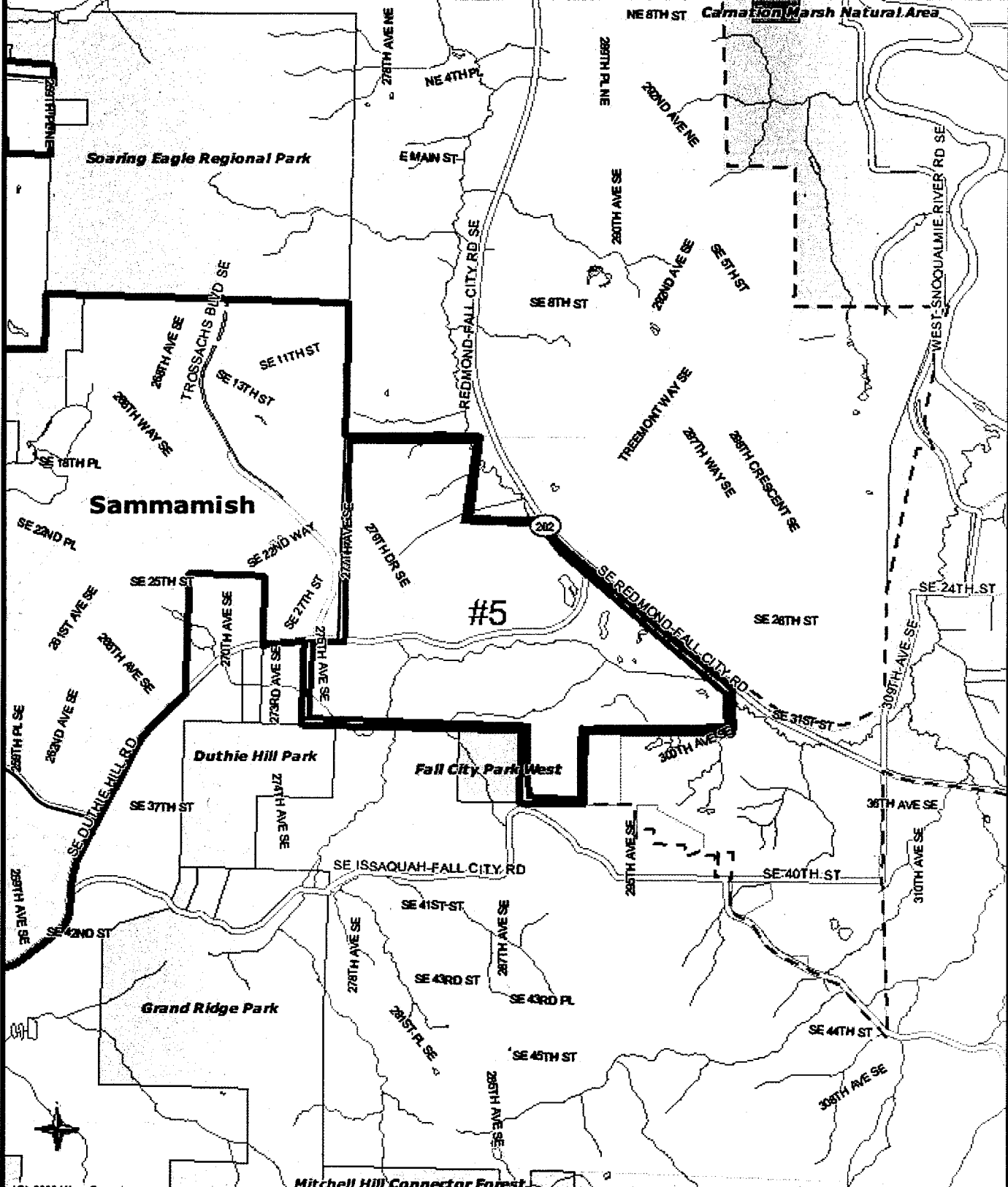
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



(C) 2008 King County

Mitchell Hill Connector Forest

0 12460ft

COMMENTS: Sammamish PAA Adjustment 5 (Aldarra Golf Course)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008 Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



(C) 2008 King County

Mitchell Hill Connector Forest

0 2460'

COMMENTS: Sammamish PAA Adjustment 5 (Aldarra Golf Course)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP/>)



3

10 June 2008

rb

Sponsor: _____

Proposed No.: 2008-0281

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-081, VERSION 1**

2 Delete all language starting on page 7, line 136 through page 8, line 138 and insert:

3 X. The amendments to the King County 2012 - Countywide Planning Policies, as
4 shown by Attachment A to Ordinance 16056, are hereby ratified on behalf of the
5 population of unincorporated King County.

6 Y. The amendments to the King County 2012 - Countywide Planning Policies, as
7 shown by Attachments A, B, C and D of this ordinance, are hereby ratified on behalf of
8 the population of unincorporated King County.

9

10 On page 8 after “**Attachments**”, insert “D. Motion 07-4”

11

12

13

14 **EFFECT:**

- 15 1. Reflects adoption of Ordinance 16056, and
- 16 2. Adds reference to Attachment D , which is GMPC-adopted Motion 07-4
- 17 (Covington PAA).

**GROWTH MANAGEMENT PLANNING COUNCIL AGENDA ITEM
KING COUNTY, WASHINGTON**

AGENDA TITLE: Amending the Interim PAA Map to designate the PAA for the City of Covington

PRESENTED BY: David Nemens, City of Covington, Paul Reitenbach, King County

EXECUTIVE SUMMARY

The Covington City Council has taken action to include adjacent unincorporated urban areas not designated as a Potential Annexation Area (PAA) by another city within the City of Covington's Potential Annexation Area.

These areas are currently shown on the Interim PAA map as a "gap" or unincorporated urban area which is not in the PAA of any city. Approval of Motion 07-4 would recognize the action of the Covington City Council and resolve several unclaimed unincorporated urban areas on the Interim PAA map.

APPLICABLE COUNTYWIDE PLANNING POLICIES

- LU-31** In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.
- LU-32** 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.
- LU-34** Several unincorporated areas are currently considering local governance options. Unincorporated Urban Areas that are already urbanized and are within a city's potential annexation area are encouraged to annex to that city in order to receive urban services. Where annexation is inappropriate, incorporation may be considered.

Including the unincorporated urban areas shown on attachment A of Motion 07-4 within the City of Covington Potential Annexation Area is consistent with the Countywide Planning Policies. The Growth Management Act, the King County Comprehensive Plan, and the City of Covington Comprehensive Plan also support this PAA designation. There is no other city that could annex or serve these unincorporated urban areas, which are all adjacent to Covington.

STAFF RECOMMENDATION

Approve Motion 07-4.






King County

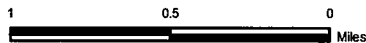
Interim PAA Map Amendment

Attachment A

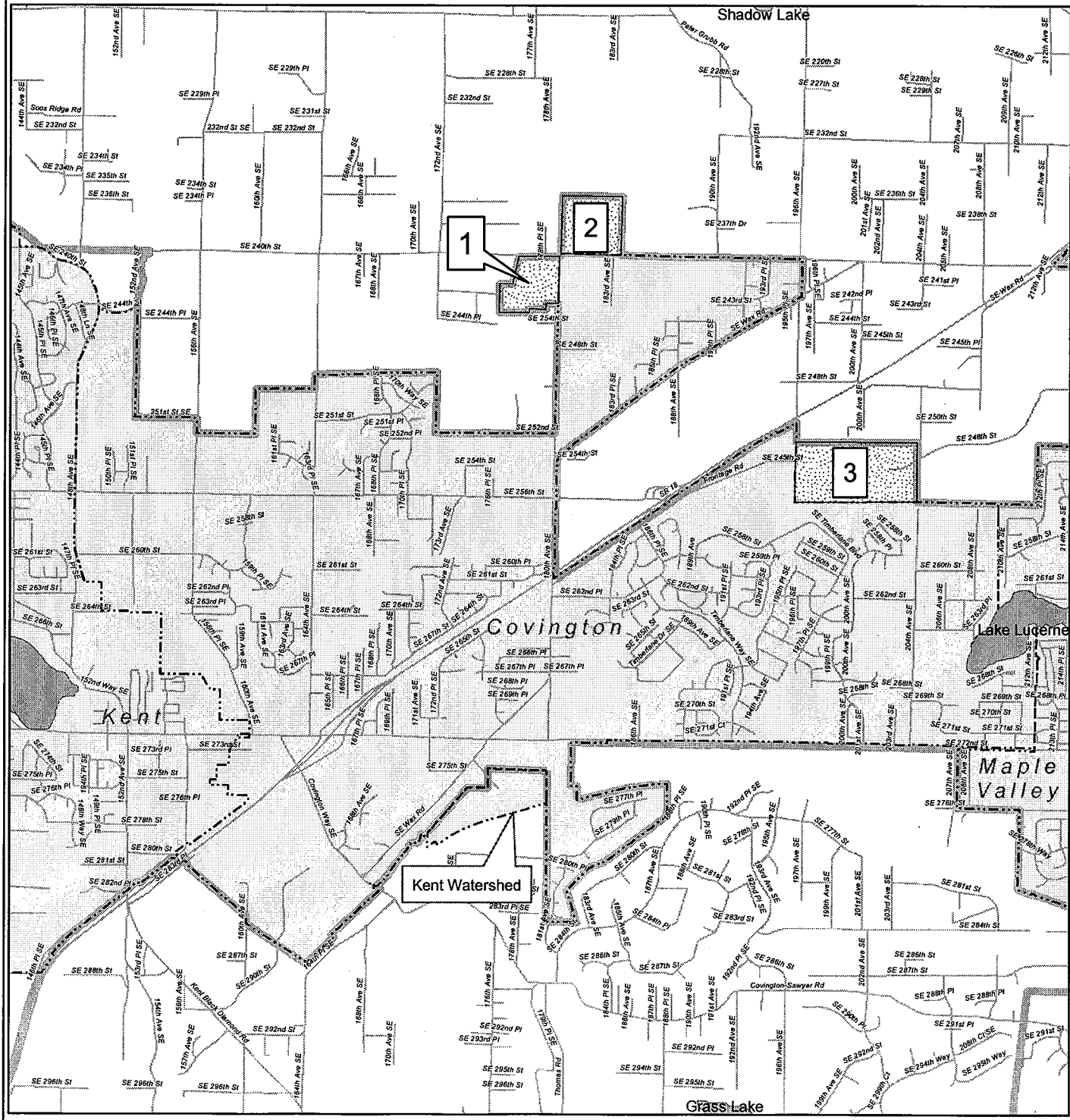


The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

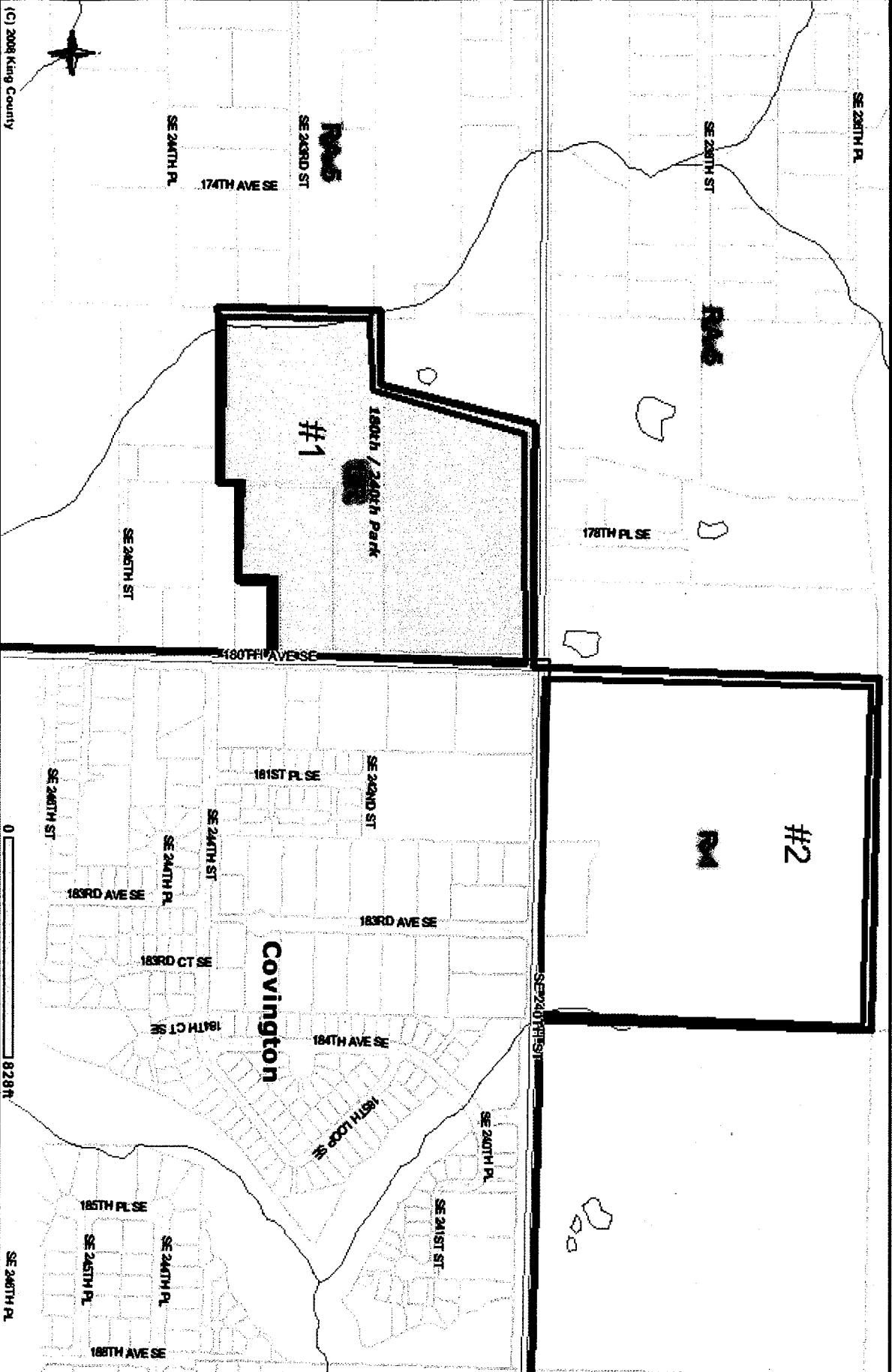
-  Urban Growth Boundary
-  Incorporated Areas
-  Unincorporated Urban Areas



M:\Holly\PROJECTS\ArcMap\20070823_Covington_PAA.mxd
 ORR\H\odes707\GIS-M\maps\20070823_Covington_PAA.pdf



IMAP



(C) 2008 King County

COMMENTS: Covington PAA Adjustments #1 (Park) and #2 (Tahoma High School)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Page: 5/12/2008 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)

0 828ft



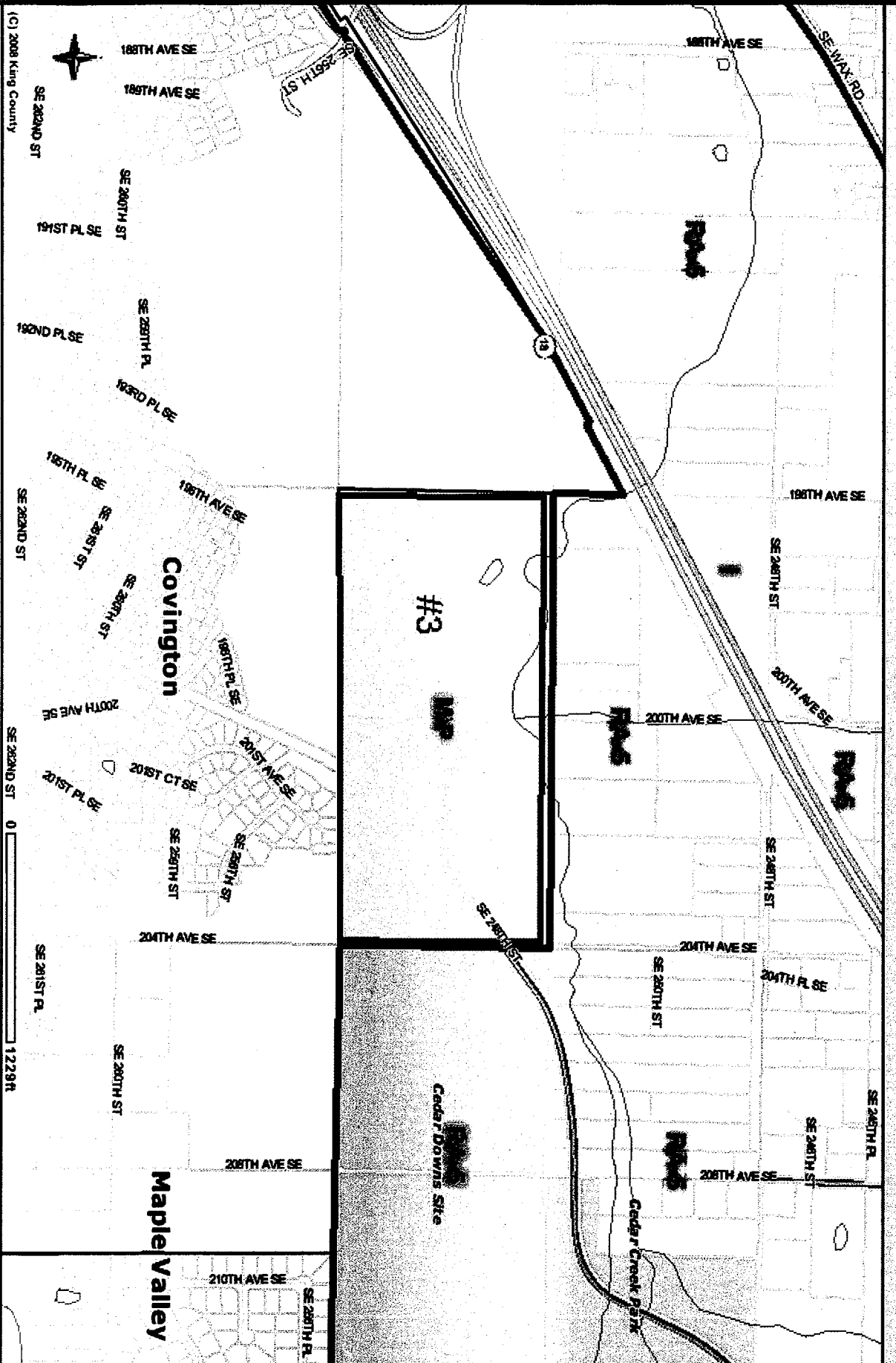


(C) 2008 King County
COMMENTS: Covington PAA Adjustments #1 (Park) and #2 (Tahoma High School)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.
Page: 5/12/2008 Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



COMMENTS: Covington PAA Adjustment #3 (Lakeview Asphalt Plant)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 5/12/2008 Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



iMAP



COMMENTS: Covington PAA Adjustment #3 (Lakeview Asphalt Plant)

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

4

10 June 2008

rb

Sponsor: _____

Proposed No.: 2008-0281

1 **AMENDMENT TO PROPOSED ORDINANCE 2008-081, VERSION 1**

2 Delete all language starting on page 7, line 136 through page 8, line 138 and insert:

3 X. The amendments to the King County 2012 - Countywide Planning Policies, as
4 shown by Attachment A to Ordinance 16056, are hereby ratified on behalf of the
5 population of unincorporated King County.

6 Y. The amendments to the King County 2012 - Countywide Planning Policies, as
7 shown by Attachments A, B, C and D of this ordinance, are hereby ratified on behalf of
8 the population of unincorporated King County.

9

10 On page 8 after “**Attachments**”, insert “D. Motion 07-2”

11

12 **EFFECT:**

- 13 1. Reflects adoption of Ordinance 16056, and
- 14 2. Adds references to Attachment D, which is GMPC-adopted Motion 07-2 (Burien-
- 15 Seattle PAA Overlap)

**GROWTH MANAGEMENT PLANNING COUNCIL AGENDA ITEM
KING COUNTY, WASHINGTON**

<p>AGENDA TITLE: City of Burien/City of Seattle Potential Annexation Area Overlap PRESENTED BY: Paul Reitenbach, King County, Scott Greenberg, Burien and Tom Hauger, Seattle</p>

EXECUTIVE SUMMARY

In 2006, the Burien and Seattle City Councils both amended their Comprehensive Plans to designate the North Highline unincorporated area as a Potential Annexation Area to their respective cities. All of North Highline is currently shown on the Countywide Planning Policies Interim PAA map as a “gap” or unincorporated urban area which is not in the PAA of any city, except for a 100+ acre area that was previously designated an overlapping PAA by both Seattle and Tukwila. Burien and Seattle appealed each other’s actions adopting the PAA designation to the Central Puget Sound Growth Management Hearings Board, which issued its decisions on the two appeals (*Seattle v. Burien* and *Burien v. Seattle*) in July.

The City of SeaTac is also looking at the possibility of designating a portion of North Highline as a PAA (covering land already designated a PAA by Seattle and Burien).

The purpose of this agenda item is to provide the GMPC an opportunity to address the two competing claims on the Interim Potential Annexation Area map in the CPPs.

APPLICABLE COUNTYWIDE PLANNING POLICIES

- LU-31** In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.
- LU-32** 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.

LU-34 Several unincorporated areas are currently considering local governance options. Unincorporated Urban Areas that are already urbanized and are within a city's potential annexation area are encouraged to annex to that city in order to receive urban services. Where annexation is inappropriate, incorporation may be considered.

BACKGROUND

The North Highline area has been the subject of studies regarding governance options for years. King County, Burien and Seattle, as well as the North Highline community itself have all conducted studies over about the last ten years to analyze financial and service delivery issues, as well as governance options.

The Countywide Planning Policies Interim PAA Map currently shows an "overlap" to reflect the fact that both Tukwila and Seattle have both designated an area in the northeast corner of North Highline as a potential annexation area for their respective cities. This overlap has existed on the map for the past decade.

City Actions in the Area

In 2006, Seattle, Burien, King County, Tukwila, Sea-Tac and residents of North Highline again began discussions about potential annexation of North Highline. Tukwila and Sea-Tac indicated that they had no further interests in North Highline, beyond PAAs they have already identified. But Seattle, King County and Burien continued to discuss possible actions that could occur in the area. Jurisdiction staff met with special districts, including those providing fire, sewer, water and school services, as well as with neighborhood and business organizations.

In August 2006, the Mayor of Seattle recommended that all of North Highline be designated a PAA in Seattle's Comp Plan. The Seattle City Council voted in favor of that designation in December 2006.

The Burien City Council designated all of the North Highline area as its PAA in November 2006. In May 2007, the Burien City Council directed its attorney to concede the area along the Duwamish that had been previously been designated a PAA by both Tukwila and Seattle – the existing red area on the Interim PAA map. The Burien City Council is expected to adopt legislation clarifying that its PAA does not include the Seattle/Tukwila overlap area by the end of 2007.

Each of these two cities appealed the other's North Highline PAA designation to the Central Puget Sound Growth Management Hearings Board. The Board's decision in these two cases is described below.

In May 2007, Seattle City Council adopted a resolution outlining topics for analysis as possible Comprehensive Plan amendments later this year. Among those topics is reconsideration of the 2006 designation of the North Highline PAA. One reason given for including that topic in the resolution was to allow the City to respond to a possible adverse ruling by the Growth Management Hearings Board. The Mayor has recommended that this amendment not be approved. The City Council will take its action on 2007 Comprehensive Plan amendments in December.

The City of SeaTac has a proposal on its Comprehensive Plan Amendment docket to designate the southeast corner of North Highline as a PAA. The City will not take action on this proposal until later this year.

Growth Management Hearings Board Decision

In an earlier decision in which two cities both designated the same area as a potential annexation area, the Growth Management Hearings Board had decided that the first city to designate has the right to the designation. However, after hearing arguments, including from King County staff, in the Seattle-Burien cases, the Board declared that prior holding “a relic of a bygone GMA era,” and it abandoned the “first-in-time” rationale, in favor of emphasizing cooperative and coordinated planning. The Board quoted a Court of Appeals ruling which said “[T]here is no logical reason to conclude that two municipalities may not identify the same area of land for potential annexation simply because one or the other has already done so.”

The Board ruled that neither city had taken an action that was clearly erroneous, and that the actions comply with the GMA. The ruling further said that the Board was deferring to the County to interpret how such PAA disputes should be resolved and how PAAs should be designated. The Board recognized that GMPC has named the map in the CPPs ‘interim’ to allow the process to remain fluid and collaborative as jurisdictions work through the issues relating to contested areas.

STAFF RECOMMENDATION

Staff recommends that GMPC adopt Motion 07-2, amending the interim Potential Annexation Area map in the CPPs to show North Highline as an area which both Seattle and Burien have designated as a PAA, except for the current Seattle/Tukwila overlap, which will remain as it is.

9/15/07

Attachment A

Sponsored By:

Executive Committee

/pr

1

MOTION NO. 07-2

2

A MOTION to amend the interim Potential Annexation Area map in the Countywide Planning Policies.

3

4

5

6

7

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities.

8

9

10

11

WHEREAS, the unincorporated urban area known as North Highline has been designated a PAA by more than one city.

12

13

14

WHEREAS, the attached PAA map amendment is supported by the City of Burien, the City of Seattle, and King County.

15

16

17

18

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

19

20

21

22

1. Amend the Interim Potential Annexation Area Map by including the unincorporated urban area known as North Highline, shown on attachment A of this motion, as an overlap – an area claimed by more than one city as a PAA.

23

24

25

26

2. This amendment is recommended to the Metropolitan King County Council and the Cities of King County for adoption and ratification.

27

28

29

ADOPTED by the Growth Management Planning Council of King County on

30

October 3, 2007 in open session, and signed by the chair of the GMPC.

31

32






33

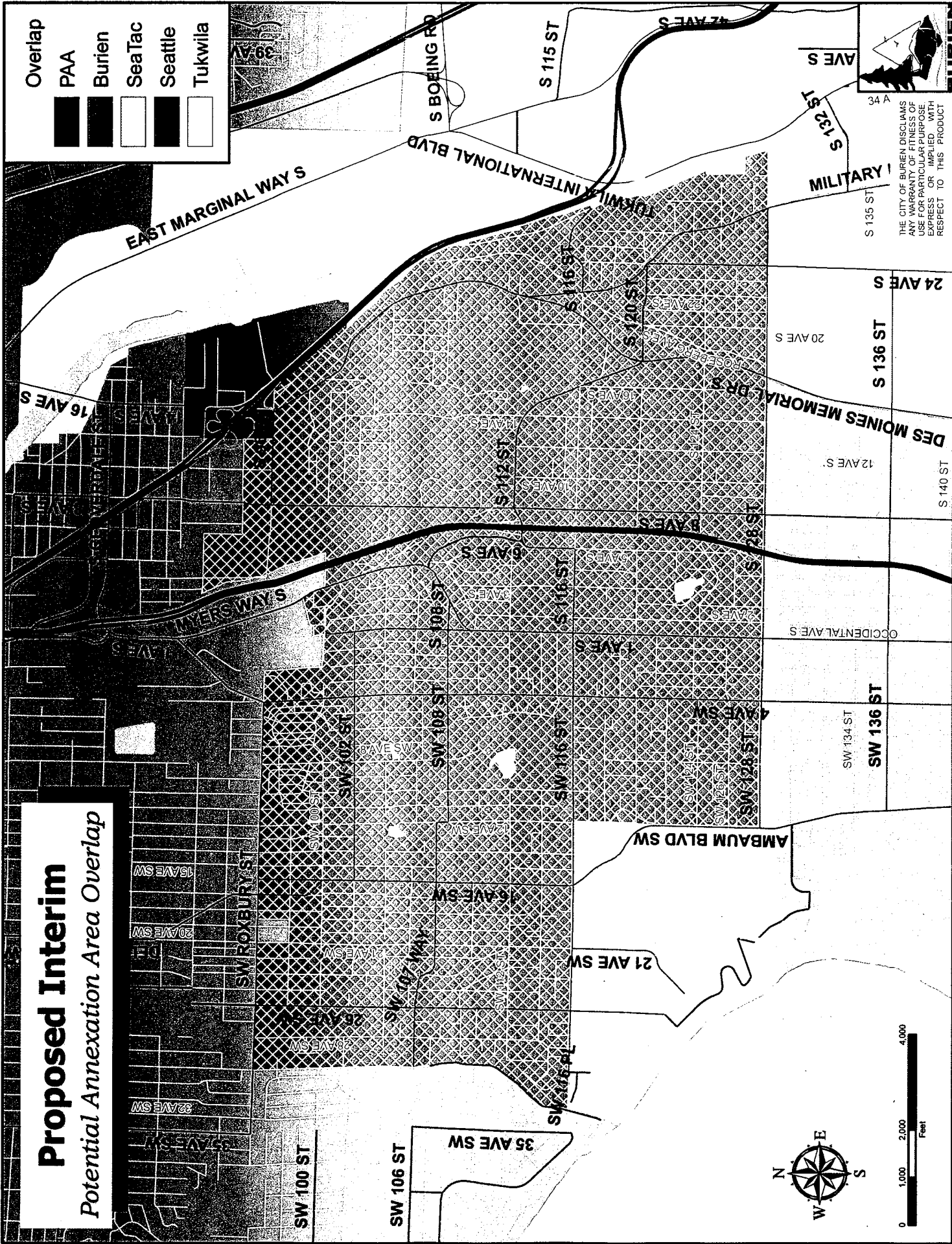
34

Ron Sims, Chair, Growth Management Planning Council

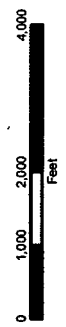
Proposed Interim Potential Annexation Area Overlap

Overlap

-  PAA
-  Burien
-  SeaTac
-  Seattle
-  Tukwila



THE CITY OF BURDEN DISCLAIMS ANY LIABILITY FOR ANY AND ALL USES OF THIS PRODUCT, INCLUDING BUT NOT LIMITED TO, ANY USE FOR PARTICULAR PURPOSES, EXPRESS OR IMPLIED, WITH RESPECT TO THIS PRODUCT.



Council Meeting Date: April 16, 2008

Agenda Item: III.

**GROWTH MANAGEMENT PLANNING COUNCIL AGENDA ITEM
KING COUNTY, WASHINGTON**

<p>AGENDA TITLE: Process for resolving Potential Annexation Area overlaps PRESENTED BY: Elissa Benson, King County</p>

EXECUTIVE SUMMARY

The Countywide Planning Policies (CPPs) prevent the annexation of Urban Areas that have been designated by more than one city as a Potential Annexation Area (PAA). These “overlap” areas are reflected on the Interim Potential Annexation Area map and adopted by the cities and county as part of the CPPs. The intent of defining overlap areas seems to have been to highlight inconsistencies in city plans and encourage collaboration and coordinated planning. However, the continued existence of overlaps after nearly 20 years of countywide planning suggests other strategies may be necessary to facilitate the resolution of overlaps, and the annexation of urban unincorporated areas.

The GMPC staff team has worked together to develop several options and a recommendation for resolving PAA overlaps. The goal of the April 16th meeting is to review and discuss these options, the staff recommendation and any other alternative approaches. The GMPC is tentatively scheduled to vote on a CPP amendment during the next GMPC meeting in September, if the Council reaches a general agreement on the direction it would like to pursue at the April 16, 2008 meeting.

County Executive Ron Sims requested this agenda item following adoption by the GMPC of Motion 07-2, which amended the interim Potential Annexation Area (PAA) map to show North Highline as an area that both Seattle and Burien have designated as a PAA. Under current policies, unincorporated urban areas may not be annexed unless they are in the PAA of only one specific city. Establishing a process for resolving PAA overlaps is intended to facilitate progress on the annexation of North Highline and to address overlapping designations that emerge in the future.

APPLICABLE COUNTYWIDE PLANNING POLICIES

RF-5 In order to transition governmental roles so that the cities become the provider of local urban services and the County becomes the regional government providing countywide and rural services, unincorporated Urban Growth Areas are encouraged to annex or incorporate within the 20-year timeframe of these policies. To achieve this goal, all cities that have identified potential annexation areas shall enter into interlocal

agreements with King County that includes a plan for development standards and financing of capital and operating expenditures during the period prior to annexation.

- LU-31** In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.
- LU-32** 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.
- LU-34** Several unincorporated areas are currently considering local governance options. Unincorporated Urban Areas that are already urbanized and are within a city's potential annexation area are encouraged to annex to that city in order to receive urban services. Where annexation is inappropriate, incorporation may be considered.
- LU-37** All jurisdictions shall cooperate in developing comprehensive plans which are consistent with those of adjacent jurisdictions and with the Countywide Planning Policies.

BACKGROUND

Annexation & Potential Annexation Area Designation Process

The annexation process, as defined by state law, is highly complex, giving direct authority over annexations to a range of stakeholders, including the annexing city, unincorporated citizens, and Washington State Boundary Review Boards (BRB), if the annexation is contested. Cities and a majority of citizens as voters or landowners must consent to annexation. The BRB has the authority to approve, deny, or modify the boundaries of a proposed annexation in contested cases.

The Growth Management Planning Council plays an indirect, but influential, role in annexation by recommending Countywide Planning Policies (CPPs), adopted by the county council and ratified by cities, that establish a framework for annexation in King County. These policies are considered by the Washington State Boundary Review Board for King County in its evaluation of annexation proposals. If an annexation proposal is deemed inconsistent with the CPPs, then the BRB, under state law, may deny the proposal.

Under the current CPPs, unincorporated urban areas may not be annexed unless they are in the PAA of one specific city. This policy has been interpreted by staff from the BRB, county, and cities to preclude the annexation of Urban Areas that are within the designated PAA of more than one city.

The CPPs are silent on how overlaps are to be resolved. As a result, overlaps can remain unresolved and communities unincorporated indefinitely. Absent further clarification of CPP policies regarding the resolution of overlap, the current PAA designation process favors inaction and the status quo. The cities and county have tried to mediate overlaps, but the loose framework, open timeline, and the lack of clear alternative to negotiation have limited success.

The options proposed aim to refine the process for resolving “overlaps” to better align practices with CPP goals. In particular, staff focused on preserving the intent of LU-31 and retaining the collaborative nature of PAA designations, but also sought adjustments to ensure annexations could be achieved within the 20-year timeframe targeted in RF-5.

SUMMARY OF OPTIONS

The GMPC staff team has developed three options for resolving overlapping potential annexation area designations. Each of the options below assigns authority to resolve overlaps to a distinct stakeholder group. This additional authority extends only to the PAA designation process, and in no way compels cities or unincorporated citizens to annex. The options simply provide an avenue to move forward with the annexation process, if the parties desire.

Option #1: Status Quo.

Currently, the GMPC recommends modification to the Interim Potential Annexation Area Map to reflect an overlap when more than one city designates the same territory as a potential annexation area. The cities causing the overlap are encouraged to bring their plans into alignment by negotiating non-overlapping annexation boundaries. The CPPs do not provide guidance or a framework for the negotiation process. Overlaps remain unresolved, and communities unincorporated, until one city agrees to remove or modify its designation.

Option #2: GMPC Adjudicates the Dispute.

When more than one city designates the same territory as a potential annexation area, rather than recognize the overlap, the GMPC recommends that only a single city’s designation be recognized on the Interim Potential Annexation Area map. This action, if approved by the County Council and ratified by the cities, would allow the annexation process to proceed as it would for other interim potential annexation areas. Guidelines for selecting a single PAA could be developed consistent with CPP framework policies and state law, including factors the BRB considers in its review of annexation proposals.

Option #3: Allow conditional annexation of overlap areas.

When overlaps occur, any city contributing to the overlap may proceed with annexation of the PAA, if certain conditions are met. This option effectively allows the overlap to be resolved by citizens within the PAA. If the citizens prefer annexation by an alternative city, they can reject the annexation proposal of the initiating city.

With option #3, staff has identified two policy criteria that cities would follow in advance of the annexation of an overlap area. Either policy criteria or both could be part of clarifying amendments to the CPPs

Criteria A: The city proposing annexation should demonstrate a good faith effort to negotiate an alternative boundary with affected jurisdictions.

Criteria B: The city pursuing annexation of the overlap area should receive a citizen petition to initiate an annexation election. The petition will meet the regulations established for all citizen-initiated annexation elections.

If annexation of an overlap area is contested, the Boundary Review Board would have the authority to rule on whether the annexation is consistent with the CPPs, including determining if the criteria placed on the annexation of overlap areas have been satisfied.

Staff Recommendation

Staff recommends that the GMPC pursue Option 3A, allowing the annexation of overlap areas when a city has attempted to negotiate in good faith an alternative boundary. This option encourages collaborative planning consistent with the intent of the CPPs, but prevents stalemates that may unnecessarily delay progress on the region's annexation goals. Staff did not recommend Criteria B, requiring that the annexation of overlap areas be initiated by a citizen-petition. Citizens retain the right to file an annexation petition, if desired. However, placing a requirement on citizens in overlap areas that is not required of citizens in areas designated by a single city seemed unnecessary. Also, this could be a disincentive to annexation, since unincorporated citizens could choose not to circulate a petition, which would allow the area to remain unincorporated.

Recommended Policy Amendments:

LU-31: In collaboration with adjacent counties and cities and King County, and in consultation with ~~residential groups~~ citizens in affected areas, each city shall designate a potential annexation area. ~~Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap.~~ Within the potential annexation area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

LU-32: The designated potential annexation areas of each city shall be reflected on the Interim Potential Annexation Area Map, including areas where the PAA designations overlap. 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. Where PAAs overlap, the affected cities and the county should attempt to establish alternative non-overlapping PAA boundaries through a process of negotiation. Absent a negotiated resolution, a city may annex territory within its designated portion of a PAA overlap.

At the staff level, there was discussion that the recommended option as drafted may have the unintended consequence of being interpreted as opening the door to cities designating areas that have been considered the PAA of other cities. That is not the intended effect of the recommendation as the CPP amendment would not change the existing authority and discretion of the GMPC to accept future overlaps or not.

Council Meeting Date: June 18, 2008

Agenda Item: II.

**GROWTH MANAGEMENT PLANNING COUNCIL AGENDA ITEM
KING COUNTY, WASHINGTON**

<p>AGENDA TITLE: Process for resolving Potential Annexation Area overlaps PRESENTED BY: Elissa Benson, King County & Scott Greenberg, SCA</p>

EXECUTIVE SUMMARY

At the April 16, 2008 GMPC meeting, the GMPC directed staff to prepare policy amendments to allow for the annexation of unincorporated North Highline, designated in the Countywide Planning Policies (CPPs) as an overlap area, should the city proposing annexation demonstrate a “good faith effort” to negotiate an alternative boundary with affected jurisdictions. Further, the GMPC directed staff to clarify the actions that constitute a “good faith effort” in order to eliminate ambiguity in the policy language and process. The Council also expressed a preference for any policy amendments to apply narrowly to the North Highline Overlap Area, and not, more generally, to the resolution of overlap areas that may emerge in the future.

This staff report reviews the applicable CPPs the staff considered in developing policy amendments, provides background on annexation process and the North Highline overlap, and recommends a policy amendment to allow a city to proceed with annexation following a good faith effort to negotiate a resolution.

The goal of the June 18 GMPC meeting is to review proposed CPP amendments consistent with GMPC direction from the April 16 meeting, and if appropriate, adopt a motion to recommend the CPPs be amended to provide a mechanism for a city to move forward with the annexation of North Highline.

BACKGROUND

Annexation & Potential Annexation Area Designation Process

The annexation process, as defined by state law, is highly complex, giving direct authority over annexations to a range of stakeholders, including the annexing city, unincorporated citizens, and Washington State Boundary Review Boards (BRB), if the annexation is contested. Cities and a majority of citizens as voters or landowners must consent to annexation. The BRB has the authority to approve, deny, or modify the boundaries of a proposed annexation in contested cases.

The Growth Management Planning Council plays an indirect, but influential, role in annexation by recommending Countywide Planning Policies (CPPs), adopted by the county council and ratified by cities, that establish a framework for annexation in King County. These policies are considered by the Washington State Boundary Review Board for King County in its evaluation of annexation proposals. If an annexation proposal is deemed inconsistent with the CPPs, then the BRB, under state law, may deny the proposal.

The following CPPs serve as the underlying policy structure for the region with regard to the broad vision for division of government services between King County and the cities and the associated framework for identification of potential annexation areas.

Applicable Countywide Planning Policies:

- RF-5** In order to transition governmental roles so that the cities become the provider of local urban services and the County becomes the regional government providing countywide and rural services, unincorporated Urban Growth Areas are encouraged to annex or incorporate within the 20-year timeframe of these policies. To achieve this goal, all cities that have identified potential annexation areas shall enter into interlocal agreements with King County that includes a plan for development standards and financing of capital and operating expenditures during the period prior to annexation.

- LU-31** In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

- LU-32** 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.

- LU-34** Several unincorporated areas are currently considering local governance options. Unincorporated Urban Areas that are already urbanized and are within a city's potential annexation area are encouraged to annex to that city in order to receive urban services. Where annexation is inappropriate, incorporation may be considered.

- LU-37** All jurisdictions shall cooperate in developing comprehensive plans which are consistent with those of adjacent jurisdictions and with the Countywide Planning Policies.

Under the current CPPs, unincorporated urban areas may not be annexed unless they are in the PAA of one specific city. This policy has been interpreted by staff from the BRB, county, and cities to preclude the annexation of Urban Areas that are within the designated PAA of more than one city.

The CPPs are silent on how overlaps are to be resolved. As a result, overlaps can remain unresolved and communities unincorporated indefinitely. Absent further clarification of CPP policies regarding the resolution of overlaps, the current PAA designation process favors inaction and the status quo. The cities and county have tried to mediate overlaps, but the loose framework, open timeline, and the lack of clear alternative to negotiation have limited success.

In 2006, following a six-month, collaborative boundary evaluation process, the Burien and Seattle City Councils both amended their Comprehensive Plans to designate North Highline as a Potential Annexation Area to their respective cities. The cities then appealed each other's actions to the Central Puget Sound Growth Management Hearings Board, which ruled in July 2007 that neither city had taken an action that was clearly erroneous, and that the actions complied with the GMA. The ruling further said that the Board was deferring to the County to interpret how such PAA disputes should be resolved and how PAAs should be designated.

North Highline is presently the only area to be designated as an overlap area on the Interim Potential Annexation Area map. At its October 3, 2007 meeting, the GMPC took action to amend the Interim Potential Annexation Area map recognizing North Highline as an overlap area containing areas designated as PAAs by the cities of Seattle, Burien, and Tukwila. At its April 16, 2008 meeting, the GMPC adopted a motion adding SeaTac to the list of cities with PAAs located within North Highline. As of June 5, both motions are scheduled for committee hearing on June 10, 2008.

As part of the 2008 GMPC work plan, the staff to the GMPC developed options for resolving potential annexation overlaps, which were presented to the GMPC on April 16, 2008. The recommendation presented in this report reflects guidance provided to staff during the April 16 meeting. It is intended to provide an avenue to resolve the North Highline overlap by allowing a city to proceed with annexation after an effort to negotiated a solution fails. The specific direction of the GMPC was to draft proposed amendments that would allow cities with overlapping PAAs for the North Highline area to proceed with annexation processes only after a good faith effort at a negotiated resolution of the boundaries had failed. Further, "good faith effort" was to be set forth in a manner that was objective, measurable, and timely.

PROPOSED CPP AMENDMENTS

Broadly, the proposed policy amendments aim to refine the process for resolving the North Highline "overlap" to better align practices with CPP goals and the direction of the GMPC. Both LU-31 and LU-32 would be amended to accomplish these objectives.

PROPOSED AMENDMENT TO POLICY LU-31

LU-31 In collaboration with adjacent counties and cities and King County, and in consultation with ~~residential groups~~ citizens in affected areas, each city shall designate a potential annexation area in the city's comprehensive plan. After recommendation by the GMPC and ratification pursuant to policy FW-1, Step 9, the Interim Potential Annexation Area Map shown in Appendix 2 shall be amended to show each city's approved PAA. Each ~~potential annexation area shall be specific to each city.~~ Potential annexation areas shall not overlap, except as allowed under policy LU-32. Within the potential annexation

area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

Policy LU-31 sets forth the overall process for designation of proposed PAAs. In the proposed amendment, staff focused on preserving the intent of LU-31 and retaining the collaborative nature of PAA designations, proposes insertion of language to clarify the steps of the PAA designation process, and deletes language that would not allow PAAs to be specific to one city to address the circumstance in North Highline. While North Highline is not specifically mentioned, the insertion of exception language sets forth the basis for the changes proposed in policy LU-32.

The amendment in no way compels cities or unincorporated citizens to annex, it simply provides an avenue to move forward with the annexation of North Highline, if the parties desire. The Interjurisdictional Staff Team recommends the proposed amendment to LU-31 as drafted.

PROPOSED AMENDMENT TO POLICY LU-32

At the April 16 meeting, GMPC members provided additional direction regarding amendments to allow for resolution of the North Highline PAA overlap. That direction was to outline specify what constitutes good faith effort; to ensure that the process is timely; and that the changes only apply to the North Highline overlap. Staff developed two versions of the amendment for consideration by the GMPC.

The first version provides for a specified process and timeline for seeking a negotiated resolution of PAA overlaps.

LU-32 A city may annex territory only within its designated potential annexation area as shown on Appendix 2, the Interim Potential Annexation Area Map. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed.

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

1. The city proposing annexation has, at least 30 days prior to filing a Notice of Intent to annex with the Boundary Review Board, contacted in writing the cities with the PAA overlap and the county to provide notification of the city's intent to annex and to request a meeting or formal mediation to discuss boundary alternatives, and;
2. The cities with the PAA overlap and the county have either:

- a. Agreed to meet but failed to develop a negotiated settlement to the overlap within XX days of receipt of the notice, or;
- b. Declined to meet or failed to respond in writing within 30 days of receipt of the notice.

The resolution process presented in this amendment puts the onus of developing a negotiated resolution on the affected cities rather than the city proposing annexation. This seems consistent with the CPP's goals to encourage action toward annexation, while still promoting collaboration. Affected parties retain the right to contest a proposed annexation at the Boundary Review Board, which, in its review of the proposal, will consider whether the proposed annexation is consistent with the GMA and CPPs, including determining if the criteria placed on the annexation of overlap areas have been satisfied by the annexing city. Given the collaborative nature of the CPPs, the amendment presumes that when a meeting or mediation is requested by affected cities that all jurisdictions will make an effort to honestly, sincerely, and fully discuss problems and matters in conflict, and to explore solutions to those problems or conflicts. **However, staff was not able to come to consensus as to what would constitute a reasonable period (stated as a number of days from the time of initial notification) by which a negotiated settlement has to be reached or deemed un-resolvable allowing a city could move forward with an annexation proposal before the Boundary Review Board. Staff discussion included 30, 60, and 90 days. If the GMPC determines that establishing a time frame for negotiations is preferable, the GMPC should decide the specific period and make the appropriate perfecting amendment to the proposal. This could be done through a verbal amendment to the amendment.**

As a less prescriptive alternative policy, a second option was developed as follows:

LU-32 A city may annex territory only within its designated potential annexation area as shown on Appendix 2, the Interim Potential Annexation Area Map. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed.

The following applies only within the North Highline unincorporated area. Where PAAs overlap prior to January 1, 2009, the cities with the PAA overlap and the county should attempt to establish alternative non-overlapping PAA boundaries through a process of negotiation. Absent a negotiated resolution, a city may annex territory within its designated portion of a PAA overlap as shown on the Interim Potential Annexation Area Map and detailed in the city's comprehensive plan.

The second amendment option does not specify the process or timing a city must follow to demonstrate that a good faith effort was made to resolve the overlap through negotiation.

Staff have drafted two motions reflecting the two alternatives discussed in the staff report. The amendments to LU-31 are identical in both motions. The key difference is the approach taken to amend policy LU-32.

June 18, 2008

Sponsored By:

Executive Committee

/pr

MOTION NO. 08-4

A MOTION by the Growth Management Planning Council of King County recommending the amendment of the Countywide Planning Policies by revising existing policies LU-31 and LU-32 to provide a mechanism for a city to move forward with the annexation of all or a portion of North Highline.

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities; and

WHEREAS, the unincorporated urban area known as North Highline has been designated a PAA by more than one city; and

WHEREAS, a mechanism is needed to resolve this PAA overlap.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

Amend Sections III, C-3, (Joint Planning and Urban Growth Areas around Cities) of the King County Countywide Planning Policies as follows:

LU-31 In collaboration with adjacent counties and cities and King County, and in consultation with ~~residential groups~~ citizens in affected areas, each city shall designate a potential annexation area in the city's comprehensive plan. After recommendation by the GMPC and ratification pursuant to policy FW-1, Step 9, the Interim Potential Annexation Area Map shown in Appendix 2 shall be amended to show each city's approved PAA. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap, except as allowed under policy LU-32. Within the potential annexation area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

LU-32 A city may annex territory only within its designated potential annexation area as shown on Appendix 2, the Interim Potential Annexation Area Map. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed.

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

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

ADOPTED by the Growth Management Planning Council of King County on June 18, 2008 in open session.

Ron Sims, Chair, Growth Management Planning Council

June 18, 2008

Sponsored By: Executive Committee

/pr

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

SUBSTITUTE MOTION NO. 08-4

A MOTION by the Growth Management Planning Council of King County recommending the amendment of the Countywide Planning Policies by revising existing policies LU-31 and LU-32 to provide a mechanism for a city to move forward with the annexation of all or a portion of North Highline.

WHEREAS, Countywide Planning Policies LU-31 and LU-32 anticipate the collaborative designation of Potential Annexation Areas (PAA) and the eventual annexation of these areas by cities; and

WHEREAS, the unincorporated urban area known as North Highline has been designated a PAA by more than one city; and

WHEREAS, a mechanism is needed to resolve this PAA overlap.

BE IT RESOLVED THAT THE GROWTH MANAGEMENT PLANNING COUNCIL OF KING COUNTY HEREBY MOVES AS FOLLOWS:

Amend Sections III, C-3, (Joint Planning and Urban Growth Areas around Cities) of the King County Countywide Planning Policies as follows:

LU-31 In collaboration with adjacent counties and cities and King County, and in consultation with ~~residential groups~~ citizens in affected areas, each city shall designate a potential annexation area in the city's comprehensive plan. After recommendation by the GMPC and ratification pursuant to policy FW-1, Step 9, the Interim Potential Annexation Area Map shown in Appendix 2 shall be amended to show each city's approved PAA. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap, except as allowed under policy LU-32. Within the potential annexation area, the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.

1
2
3
4
5
6
7
8
9
10
11
12
13

14
15
16
17
18
19
20
21
22
23

24

25

26
27
28
29
30
31

LU-32 A city may annex territory only within its designated potential annexation area as shown on Appendix 2, the Interim Potential Annexation Area Map. All cities shall phase annexations to coincide with the ability for the city to coordinate the provision of a full range of urban services to areas to be annexed.

The following applies only within the North Highline unincorporated area. Where PAAs overlap prior to January 1, 2009, the cities with the PAA overlap and the county should attempt to establish alternative non-overlapping PAA boundaries through a process of negotiation. Absent a negotiated resolution, a city may annex territory within its designated portion of a PAA overlap as shown on the Interim Potential Annexation Area Map and detailed in the city's comprehensive plan.

ADOPTED by the Growth Management Planning Council of King County on June 18, 2008 in open session.

Ron Sims, Chair, Growth Management Planning Council