BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

In re:

CITY OF BOTHELL NEWBA II ANNEXATION PROPOSAL

BRB NO. 02-2011

FINDINGS AND DECISION

DECISION SUMMARY

The City of Bothell's Proposed NEWBA Annexation (BRB No. 02-2011) is hereby APPROVED.

PROCEDURAL HISTORY

On April 15, 2011, the City of Bothell (the “City”) filed a notice of intention with the Washington State Boundary Review Board for Snohomish County (the “Board”) proposing an election method annexation of approximately 3,608 acres located adjacent to and north, east, and west of the current city boundaries. The notice of intention was deemed legally sufficient by the Chief Clerk of the Board on April 19, 2011. The notice of intention states that the annexation area contains approximately 8,913 residences with a population estimated at 22,283 and an assessed valuation of $3.06 billion. The Bothell City Council initiated the annexation by Resolution 1265.

The Board’s jurisdiction was invoked by the City of Bothell, Snohomish County, and Snohomish County Fire District No. 1.
HEARING

On June 27, 2011, a quorum of the Board held a public hearing in public meeting room #2 on the first floor of the Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, WA. Notice of the hearing was given pursuant to RCW 36.93.160. During the hearing, the Board heard testimony from representatives of the City of Bothell, Snohomish County, Fire District No. 1, and members of the public. The Board considered all written material and other evidence that was timely submitted to the Board, including but not limited to the notice of intention and attachments, supplemental documentation submitted by the City of Bothell, written submittal from Fire District No. 1, material from Snohomish County, and items submitted by citizens who testified as well as those citizens unable to attend.

Following closure of the public hearing, the Board deliberated in open session. After discussing the annexation proposal, pertinent testimony, and other evidence in the record, the Board reached a 4:0 decision to approve the annexation.

On July 13, 2011, the Board met again at the same location to enter and file its written decision as set forth herein.

In approving the annexation proposal, the Board, as discussed more fully below, considered all of the factors identified in RCW 36.93.170 and the objectives stated in RCW 36.93.180, and determined that its decision is consistent with the Growth Management Act as required by RCW 36.93.157.
A. FACTORS

The Board considered all of the factors identified in RCW 36.93.170.

Sufficient evidence was presented to assure that public safety services, both police and fire, would be provided. The City has provided evidence which demonstrates that public safety service levels would remain the same or improve.

The City has carefully considered and addressed the effect of the proposal on adjacent areas, on mutual economic and social interests, and on local governmental structure within the county. The Notice of Intention and other evidence filed herein demonstrates how the City would discharge its economic and fiscal responsibility to provide urban level services to the proposed area.

Applicable interlocal agreements have been achieved with respect to the financing of solid waste services. The City and Snohomish County have a Master Annexation Interlocal Agreement. The City and Fire District No. 7 have also reached agreement. Discussions are ongoing with Fire District No. 1.

B. OBJECTIVES

The Board considered each of the nine (9) objectives set forth in RCW 36.93.180, whether each objective is applicable to this annexation, and, if so, whether it would be hindered or furthered.
1. Preservation of Natural Neighborhoods and Communities. This objective is furthered. Specifically, the proposal maintains natural neighborhoods and communities.

2. Use of Physical Boundaries, Including But Not Limited to Bodies of Water, Highways, and Land Contours. This objective is furthered. Specifically, the boundaries encompass nearly the entire Bothell MUGA utilizing physical boundaries where possible.

3. Creation and Preservation of Logical Service Areas. This objective is furthered. Specifically, a more logical service area is created by annexing nearly the entire Bothell MUGA.

4. Prevention of Abnormally Irregular Boundaries. This objective is furthered. Specifically, it brings in nearly the entire Bothell MUGA thus preventing any irregular boundaries.

5. Discouragement of Multiple Incorporations of Small Cities and Encouragement of Incorporation of Cities in Excess of Ten Thousand Population in Heavily Populated Urban Areas. This objective does not apply.

6. Dissolution of Inactive Special Purpose Districts. This objective does not apply.

7. Adjustment of Impractical Boundaries. This objective is furthered. Specifically, the proposal forms a practical boundary encompassing nearly the entire Bothell MUGA.
8. Annexation to Cities of Unincorporated Areas Which Are Urban in Character. This objective is furthered. Specifically, much of the area is already urban in character.

9. Protection of Agricultural and Rural Lands. This objective does not apply.

C. GROWTH MANAGEMENT ACT

RCW 36.93.157 requires that the Board's decision be consistent with the following sections of the Growth Management Act: RCW 36.70A.020 (GMA planning goals); RCW 36.70A.110 (county's designation of urban growth areas and potential annexation areas); RCW 36.70A.210 (county-wide planning policies).

All GMA planning goals were discussed and considered either during public testimony, deliberation, or as part of the written documentation. The Board's decision to approve the annexation is consistent with RCW 36.70A.020(1) because urban services will be provided in an efficient manner, RCW 36.70A.020(2) because sprawl will be reduced, RCW 36.70A.020(3) efficient multimodal transportation systems will be encouraged, RCW 36.70A.020(4) because the availability of affordable housing will be encouraged, RCW 36.70A.020(5) because economic development consistent with adopted comprehensive plans will be encouraged, RCW 36.70A.020(7) because permit application for both state and local governments will be processed in a timely and fair manner to ensure predictability, RCW 36.70A.020(9) because open space and
recreation will be encouraged, RCW 36.70A.020(10) because the environment will be protected and enhanced, RCW 36.70A.020(11) because the City did perform a comprehensive citizen participation effort designed to inform the public about the annexation and its effect on the residents in the proposed annexation area, and with RCW 36.70A.020(12) because the City has assured through long-term planning, concurrency reviews, mutual-aid agreements, and budgeting that a similar or better level of public safety service can be provided.

The decision is consistent with RCW 36.70A.110 in that the annexation proposal is within Snohomish County’s Southwest County UGA and within the adopted MUGA for the City. The decision is consistent with RCW 36.70A.210 in that the annexation proposal is generally consistent with Snohomish County county-wide planning policies OD-1 (promoting development within urban growth areas); OD-2 (allowing development within the incorporated and unincorporated portions of the UGA); and OD-9 (developing comprehensive plans, policies, and development regulations providing for the orderly transition of unincorporated to incorporated areas within UGAs).

DECISION

NOW THEREFORE, the Board finds:

1. The jurisdiction of the Board was properly invoked and the Board has jurisdiction over this matter.
2. The objectives of RCW 36.93.180 would be furthered by the proposal.

3. Consideration of all factors outlined in RCW 36.93.170 indicates the proposal provides for public facilities and services.

4. A decision to approve the proposed annexation is consistent with RCW 36.70A.020, RCW 36.70A.110 and RCW 36.70.210.

Based upon the above, a motion was made, seconded, and passed on a vote of 4 to 0 to APPROVE the City of Bothell's NEWBA II Annexation as submitted.

Adopted by the Washington State Boundary Review Board for Snohomish County by a vote of 3 to 0 this 13th day of July, 2011.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

MARK T. BEALES, CHAIR

FILED THIS 14th day of July, 2011.

Marsha Carlsen, Chief Clerk
NOTICE

Pursuant to RCW 36.93.160(5), this decision shall be final and conclusive unless within thirty (30) days from the date of this decision a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files a notice of appeal in the Superior Court.