

BOUNDARY REVIEW BOARD HEARING

Good evening. My name is **Chad Bates**, and I chair the Washington State Boundary Review Board for Snohomish County. I will be conducting tonight's hearing. With me this evening are board members **Mark Beales, Henry Veldman and Alison Sing**. **Copies of the agenda are located on the table at the entrance.**

Before we begin this session, there are a few items of housekeeping I would like to share with you. This is a **quasi-judicial proceeding**. As such, we will maintain some modicum of decorum throughout the evening.

- Please turn off your cell phones, pagers and electronic devices. If you need to take a call, please leave the hearing room. This a courtesy request on behalf of those who are attending this meeting and so the board members can concentrate on the discussion before them.
- I ask everyone to remain silent while board members are listening to tonight's testimony. You may hear comments or questions that do not align with your personal beliefs or side of the argument. Please refrain from indicating your dissatisfaction or support for what is being voiced. It is very important that the Board hear what is being said. The purpose of tonight's session is to hear from all interested parties while giving Board members an opportunity to ask questions and ask for clarification of the material being presented tonight and what was given to the board. Anyone wishing to testify must come to the podium. Comments from the audience will not be permitted.
- If there is any disruption in tonight's proceeding, the offending party will be asked to leave the hearing room and the building.

The public hearing this evening is on the **proposed Rhodora Annexation** by the **City of Lake Stevens**. This hearing has been advertised as required by law through the publishing of **legal notice** in *The Herald* on **September 2nd, September 9th, and September 16th, 2018**. Notices of the hearing were posted in the subject area for at least **five days** prior to this hearing.

For the purpose of the record, today is **Monday, October 1, 2018**. The board's jurisdiction was invoked by a **petition submitted by registered voters residing within the area being considered**. The board will hear the issues and receive testimony this evening. Depending upon the time at the close of the hearing, the board may then deliberate and render an oral decision tonight or may convene on **Wednesday, October 3rd, 2018** to deliberate and come to a decision. The board will **adopt its written decision on October 30th, 2018** at 4:00 p.m. in the BOE/BRB Hearing Room on the 2nd floor of this building. Upon adopting its written decision, there will be a **30-day appeal period** which will end on **November 29th, 2018**. Any appeal will be made to Superior Court.

By state statute the board may only consider the factors and objectives from the RCW in making its decisions. Where possible, I ask that you confine your testimony this evening to those relevant factors and objectives under **RCW 36.93.170** and **180**. A list of the factors and objectives is available on the table with the agendas.

The hearing will proceed as noted on the agenda.

Before we begin, let's see a show of hands of the citizens who want to testify tonight. We ask each speaker to not repeat what was stated by the previous speaker. Please indicate if you concur and offer something new for the Board to consider. If you have written testimony, you may submit this to the Chief Clerk when you testify, and it will be included in the record.

Ask for any disclosure from the Board members.

Ask the Clerk to swear in all those who plan to testify.

Now, I would like everyone who is scheduled to testify; including anyone who might be asked to clarify any testimony to now stand to be sworn in by the Clerk.

Conduct the hearing as outlined by the agenda (from your notebook).

After the City's rebuttal, ask for a motion to close the public hearing. **(Vote)**

Having just concluded the public hearing on the matter of **BRB No. 04-2018 City of Lake Stevens Rhodora Proposed Annexation**, the board will now deliberate and make an oral decision.

During the hearing, the board received testimony from representatives of the City of Lake Stevens, Snohomish County, as well as members of the public. The board considered all written material and other evidence, including but not limited to the notice of intent and attachments, and documents submitted by the City, County, and registered voters residing within the area being considered as well as written correspondence.

Deliberation Phase on BRB 04-2018 City of Lake Stevens Rhodora Proposed Annexation

Now, board members have you reviewed all the written materials in conjunction with this proposed annexation? [Chair asks each board member to affirm that they have reviewed the material.]

- Mr. Beales
- Mr. Sing
- Mr. Veldman

There are certain requirements specified in the **Growth Management Act** and the **Revised Code of Washington** that must be met before we can deliberate or make a decision on an annexation proposal

before this body. An affirmative response from each board member must be recorded before we can proceed.

The statutory requirements are as follows:

1. **RCW 36.93.157** states that decisions of a Boundary Review Board located in a county that is required or chooses to plan under RCW 36.70A.040 must be consistent with RCW 36.70A.020, 36.70A.110 and 36.70A.210. We will now address those issues.

2. **RCW 36.70A.020** establishes thirteen (13) planning goals that cover:
 - Urban growth
 - Reduce sprawl
 - Transportation
 - Housing
 - Economic development
 - Property rights
 - Permits
 - Natural resource industries
 - Open space and recreation
 - Environment
 - Citizen participation and coordination
 - Public facilities and services
 - Historic preservation

Board members, these are the thirteen specific goals identified in the state law; to determine whether this State statute has been met, I will ask board members to cite those specific goals that you felt were addressed in your review or were of particular note. Please share your observations for the record. Board members may concur or offer their own observations.

RCW 36.70A.110 states that the county choosing to plan under RCW 36.70A.040 shall designate an urban growth area within which urban growth shall be encouraged and outside of which

growth can occur only if it is not urban in nature. Does the annexation proposal before us satisfy the urban growth requirement?

3. **RCW 36.70A.210** states that county-wide planning policies must be established before an annexation proposal may be considered by the Boundary Review Board. Are county-wide planning policies in place?

Having now dispensed with the pre-requisites, the board will now consider if the annexation proposal meets or satisfies the requirements outlined in RCW 36.93.170 [Factors] and RCW 36.93.180 [Objectives].

RCW 36.93.170 [Factors]

The board is also required to discuss the factors outlined in RCW 36.93.170 that state the board shall consider the factors affecting such proposal, which shall include, but not limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter [35.63](#), [35A.63](#), or [36.70](#) RCW; comprehensive plans and development regulations adopted under chapter [36.70A](#) RCW; applicable service agreements entered into under chapter [36.115](#) or [39.34](#) RCW; applicable interlocal annexation agreements between a county and its cities; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on

existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

RCW 36.93.180 [Objectives]

There are nine specific objectives we must determine whether these objectives have been “furthered” or “hindered.” I have been asked by my fellow board members to have an opportunity to share their general observations and comments for the purpose of framing these objectives in a larger context of our deliberation process. The floor is now opened to the board.

Thank you, board members for your comments.

We will now discuss each objective in numerical order. I will ask all board members to please cite specific findings and observations for each objective before we proceed to the next one.

Throughout this process, the Chair will encourage board members to give their views; ask questions among themselves, the Chair or the Chief Clerk for clarification.

Note: Each board member must state publicly how they stand on each objective.

___ furthers the objective

___ hinders the objective

___ does not apply

As Chair, I may declare a specific objective or objectives as not being applicable; the board will be asked to concur or modify the declaration before moving on. If there are any disagreements, then poll each board member for their views.

The **nine (9) objectives** of the Boundary Review Board are:

1. Preservation of natural neighborhoods and communities;
2. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
3. Creation and preservation of logical service areas;
4. Prevention of abnormally 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;
6. Dissolution of inactive special purpose districts;
7. Adjustment of impractical boundaries;
8. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urbane in character; and
9. Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

Board Decision

After all the objectives and factors have been discussed; the Chair will summarize the preliminary findings. The Chair will ask board members if this reflects their assessment and whether they are comfortable making a motion on the annexation proposal. If so, the Chair will entertain a motion.

Decision Options:

Modify the annexation proposal

Approve the annexation proposal as presented

Deny the annexation proposal

A **motion** has been made and seconded to _____. Is there any discussion? Hearing none, all in favor signify by saying aye. Motion _____ on a (include Chair vote in count) ____:____ vote.

The Boundary Review Board will meet on **Tuesday, October 30, 2018** at **4:00 pm** in the BRB/BOE hearing room on the 2nd floor of this building to **adopt our written decision**.

THANK THE CITIZENS

On behalf of the Boundary Review Board, we want to extend our sincere thanks to everyone who attended or participated in tonight's public hearing.