

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

IN RE:           CITY OF KENT  
                  Panther Lake Area  
                  Proposed Annexation  
                  King County, Washington

FILE NO. 2284

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**I. PUBLIC HEARING OVERVIEW**

In September of 2008 the City of Kent filed a Notice of Intention (File No. 2284) to annex 3345 acres, described as the Panther Lake Area. This Notice was based upon a Resolution adopted by Kent City Council approving a plan to incorporate the Panther Lake Area into the community. City officials reported that the proposal to annex the Panther Lake Area was made in response to a petition from citizens seeking to annex to the City of Kent.

The Panther Lake Area is located on the eastern edge of the City of Kent. The Panther Lake Area is an unincorporated territory located on the northeastern boundary of the City of Kent. The northern boundary of the site is formed by the City of Renton with the northernmost boundary located at South 192<sup>nd</sup> Street. The proposed annexation area is bordered on the west by the City of Kent with the westernmost boundary generally following 95<sup>th</sup> Avenue South. Similarly the site is bounded on the south by the City of Kent with the greater portion of the southernmost boundary generally following South 236<sup>th</sup> Street (with a small point at SE 240<sup>th</sup> Way). The site's eastern boundary is formed by Gary Grant/Soos Creek Park and adjacent Unincorporated King County.

The City of Kent invoked jurisdiction at the same time it filed the Notice of Intention. Its purpose in invoking jurisdiction was to provide citizens an independent forum to obtain information and comment upon the proposed Panther Lake Area Annexation.

The Resolution for the Panther Lake Area calls for an election to permit the citizens within the Panther Lake Area to ultimately decide whether or not to join the City of Kent.

The Board held a public hearing on October 28, 2008 to consider the proposal by the City of Kent to annex the Panther Lake Area (3345 acres).

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The Board reviewed File No. 2284 in accord with RCW 36.93. (Local Governments – Boundaries – Review Boards). The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives). The Board also considered RCW 36.70.A, the Growth Management Act, the King County Comprehensive Plan, the City of Kent Comprehensive Plan, together with other applicable state, regional, and local regulations and guidelines.

The Board finds that the record for File No. 2284 contains sufficient documentation (e.g., technical data, fiscal data), evidence of community information programs, and certification of petitions and/or legislative action to complete its review of the Panther Lake Area Annexation.

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On the basis of the testimony, evidence and exhibits presented at said hearing, and the matters on record in said **File No. 2284**, it is the decision of the Board to **approve** the action proposed in said **Notice of Intention**. The legal description of the Panther Lake Area is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

## II. FINDINGS

### **RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL**

The Board finds the following Factors (RCW 36.93.170) to be applicable to the City of Kent's proposed Panther Lake Area Annexation (approximately 3345 acres). Additional authorities applicable to the Panther Lake Area include, but are not limited to: RCW 36.70A, RCW 35.13, King County Comprehensive Plan/Countywide Policies, the Kent Comprehensive Plan and its enabling regulations (e.g., zoning code). These State and local authorities are intended to ensure reasonable development regulations and adequate public services to local communities.

A brief review of key issues related to each applicable element is presented below:

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

The Board finds the following factors to be applicable to this matter: Population Density/Proximity to Other Populated Areas/Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; Likelihood of Significant Growth in the Area During the Next Ten Years; and Population Density/Proximity to Other Populated Areas/Land Area/Land Uses. The following is a brief review of key issues related to these factors.

The Panther Lake Area lies within the Urban Growth Area established by King County. The King County Comprehensive Plan contemplates transfer of the Panther Lake Area to a local jurisdiction. County Policy LU-31 requires cities to designate potential annexation areas to include adjacent urban lands and eliminate unincorporated islands between cities. Policy LU-32 encourages cities to annex designated areas into city boundaries. King County Comprehensive Plan/Countywide Policies call for contiguous orderly growth of local jurisdictions (e.g., U-304, U-208, U-301, U-304.) Policies also establish cities as the providers of local governance, community planning, and urban services (e.g., FW-13, CO-1, CO-3; LU-31 - LU-34, LU-36).

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The Panther Lake Area would incorporate into the City of Kent all of those lands within the Urban Growth Boundary described in jurisdiction's Potential Annexation Area.

The Kent Comprehensive Plan "Annexation Element" addresses the Panther Lake Area. The Panther Lake Area is included in the "Annexation Element" of the City of Kent Comprehensive Plan and lies within the City's Potential Annexation Area. The Panther Lake Area Annexation is consistent with City's Comprehensive Plan policies supporting inclusion of urban areas within the City for local governance. The community is unified with respect to its specific physical elements (e.g., geographic features) and social elements.

The Panther Lake Area will likely experience continuing urban growth over the next ten years. This Area is an urban community that is substantially developed with single-family homes. There is remaining land that is suitable and permitted for redevelopment/new development with residential uses. There is sizeable commercial property within Panther Lake Area boundaries. Public facilities and open spaces are present in the Panther Lake Area.

The City of Kent Comprehensive Plan provides for the commitment and the resources to govern the Panther Lake Area. The Plan provides for growth at urban levels of density generally consistent with the existing built environment and the natural environment. The City will develop specific land use/zoning designations and zoning for this community to permit future residential development that will be generally similar to and essentially compatible with existing density/design standards for residential uses, commercial uses, and public facilities/open spaces permitted in Panther Lake. With annexation of the Panther Lake Area, there would be an opportunity to immediately implement consistent and coordinated development standards throughout the community.

Under the City's Comprehensive Plan, citizens of the Panther Lake Area will be provided with a full array of uniform public services, facilities and infrastructure.

The Panther Lake Area contains environmentally sensitive features (e.g., water bodies; watershed; wetlands; variable topography, drainage basins, natural habitat). Most notably, the Annexation Area includes Panther Lake and Big Soos Creek Regional Park. Portions of the environmentally sensitive lands require planning and management to ensure the protection of these critical areas. The Kent Comprehensive Plan provides support for the natural environment within the Panther Lake Area through guidelines and regulatory controls (e.g., critical areas ordinances; open space preservation; storm water/flood control programs) designed to protect sensitive areas.

Similarly, the Panther Lake Area Annexation would be consistent with policies supporting annexations in areas where urban infrastructure and services are available for development at urban densities and in areas contiguous to City boundaries (e.g., Annexation Policies and Land Use Policies). The Kent Comprehensive Plan includes policies addressing land development, service provision, and mutual social and economic benefits (e.g., LU-1.1; LU-1.4; LU-2, LU-6.1, LU-9, LU-13, LU-25.8; LU-26.3, LU-26.6; LU-31.5, LU-31.6, P&OS-2.1, CF-1,CF-1.3, CF-2, CF-2.3) applicable to the Panther Lake Area.

The State Growth Management Act (RCW 36.70A) also supports the Panther Lake Area Annexation. The proposed action would be consistent with RCW 36.70.20 which calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation.

#### **RCW 36.93.170 (2) MUNICIPAL SERVICES**

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

The evidence shows that the Panther Lake Area is an urban community requiring municipal services and facilities. Service goals and policies for urban areas are established by the State Growth Management Act and King County Comprehensive Plan. For example, King County FW-13 states that cities are the appropriate provider of local urban services to Urban Areas. Policies LU-27, LU-31, LU-32, CA-9, CA-10, U-205, and U-208 call for jurisdictions to plan for and coordinate land designations, land uses, and services. Further, annexation is appropriate under Countywide Policy CO-1, when a jurisdiction has "identified and planned for (a) full range of urban services."

Consistent with the State Growth Management Act and the King County Plan, the City of Kent has developed policies – through the City's Comprehensive Land Use Plan, Comprehensive Service Plans, and other regulatory authorities – for provision of services to all properties within its corporate boundaries. Upon annexation, the City of Kent would include the newly incorporated area in the municipality's Service Area. The City of Kent will provide (directly or by contract) a full array of public services.

More specifically, upon annexation, the City of Kent will include Panther Lake properties in its Service Area under unified regulatory authorities administered by a single local government unit. The City plans to provide services to the Panther Lake Area either directly or by contract with other providers.

The City of Kent will assume responsibility for land use management through the City's Comprehensive Plan and land use regulations. The City of Kent will assume responsibility for protection of environmentally sensitive areas (e.g., Panther Lake; Gary Grant/Soos Creek) through the Comprehensive Plan, Critical Areas Ordinance, Stormwater Management Plan, et al.

The City will assume responsibility for provision and management of capital facilities (e.g., roadways, parks/recreation areas). Acquisitions and improvements will be identified by means of a priority listing which reflects both necessity (i.e., public health, welfare and safety) and the interests of the citizens.

The City will assume responsibility for providing police services through the Kent Police Department and will continue to contract with King County Fire Protection District No. 37 to provide fire/emergency services to the Panther Lake Area.

Soos Creek Water and Sewer District and the City of Kent will continue to provide water services and wastewater treatment services to the area. The City will provide for a storm water management system.

The City will provide for law and justice services and a full range of human services. Libraries would be available to residents. Local/regional recreation facilities would be available to community members. The Kent School District would continue to administer school assignments.

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The Board finds that the City of Kent has prepared a Fiscal Feasibility Study which examined revenues/expenditures relating to governance and service of the Panther Lake Area. Sufficient funds are available both at current development and at full development to provide a full array of services/facilities to the community.

More specifically, the City has developed a basic plan to provide Panther Lake Area citizens with public services/facilities in a manner equivalent to the services/facilities provided to citizens within the existing City of Kent. Panther Lake Area residents would be provided services, infrastructure, and facilities at a basic level immediately upon incorporation. The City is committed to undertaking all necessary steps to ensure equivalent levels of service for the Panther Lake Area both at current development and as the community experiences growth.

Fiscal Feasibility Study findings indicate that a substantial portion of the costs for governance and services will be essentially offset by property taxes, standard service fees, and other revenues based on population. Panther Lake citizens would be assessed reasonable taxes and fees for both basic and enhanced services/facilities. For example, upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services.

The Fiscal Feasibility Study finds that the City realizes an estimated \$7,883,877 in revenue from a variety of taxes and fees provided in conjunction with the Panther Lake Annexation. The City would experience a first year annual cost of \$5,041,592 to govern and serve the Area at a level equivalent to that available to the currently incorporated community.

Study findings report that the citizens of Panther Lake will support annexation, in part, through property taxes, standard service fees, and other revenues based on population. For example, upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services. However, under the jurisdiction of the City of Kent, Panther Lake Area residents are estimated to save approximately \$37.00 per year as compared to taxes and fees paid to King County.

The anticipated revenue, together with an estimated \$6,025,000 to be provided to the City of Kent by the State of Washington pursuant to SSB 6686 (sales tax of up to 0.2% of sales tax revenue), would reportedly more than offset the expenditures that will occur with annexation of Panther Lake. By law, Kent must commence annexation before January 1, 2010 in order to qualify for those funds.

Thus, the Panther Lake Area would cause no significant impacts to City finances, debt structure, or rights of other governmental units at the time of annexation. Further, the City is prepared to provide improvements to levels of service over time as required to meet the needs of the community and as permitted by available resources.

With annexation to Kent, all services for the Panther Lake Area reportedly will be efficiently coordinated under unified regulatory authorities administered by a single local government unit. Services would be equal to – or improved from – the services currently provided by King County.

King County supports annexation of the Panther Lake Area. This action creates a logical municipal service area. The City can provide more cohesive policies, standards, programs, cohesive operations, and efficient, economic control of services. Thus, services will be more effective, more efficient, and less costly to both government and citizens of the Panther Lake Area.

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

The Board considers mutual economic and social interests, and local government structure effects to be applicable to the City of Kent Panther Lake Area Annexation. Following is a brief review of key issues related to these factors.

The evidence shows that the City of Kent has mutual social and economic links between the jurisdiction and the adjacent Panther Lake Area. Citizens of Panther Lake utilize facilities in the City of Kent – including libraries, schools, parks and recreation programs. Citizens shop in Kent and use professional services (e.g., medical care, personal care) in the City. Sales and business taxes will benefit both communities. Citizens travel local and arterial roads through the City. Utility services are coordinated under the aegis of a range of regional service providers.

Coordinated integration of citizens of the Panther Lake Area into Kent would preserve social organization, support economic health, and protect public safety and welfare.

The City of Kent Comprehensive Plan encourages local governance of communities. With annexation, citizens would participate in local governance including land use planning, service planning, fiscal planning and planning for public amenities to serve the community. Kent officials testified that the City is prepared to govern and to provide full services to this community.

King County Comprehensive Plan/Countywide Planning Policies encourage local governance of communities. Annexation of the Panther Lake Area is also consistent with the King County Annexation Initiative, which calls for transfer of urban lands to local jurisdictions at the earliest feasible date.

City representatives provided basic fiscal analyses related to the proposed Panther Lake Annexation. Studies particularly emphasized fiscal analyses (including an examination of benefits and costs) attendant upon providing immediate governance and service to the Panther Lake Area at a level equivalent to those benefits provided to the existing City of Kent.

The City is committed to taking the necessary steps (e.g., community planning, hiring staff members) to ensure equivalent levels of service for the Panther Lake Area both at current development and at estimated maximum development. For example, Panther Lake Area residents would receive basic services (e.g., infrastructure) and amenities immediately upon annexation. The City will provide for parks, surface water management facilities, ground water facilities, and other similar facilities. Additional improvements to levels of service would occur over time to address community interests and as permitted by available resources.

Study findings show that the governance and service of Panther Lake will be funded, in part, through property taxes, standard service fees, and other revenues based on population. For example, upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services. Findings from the Fiscal Study provide reasonable assurance that existing and anticipated municipal funds, together with regional funds, and state funds (e.g., sales taxes available pursuant to SSB 6686), will provide sufficient resources to assure governance of the Panther Lake Area in a manner that will address impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units.

**CONSISTENCY WITH THE GROWTH MANAGEMENT ACT**

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

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

Key Growth Management Act policies that guide the provision of public services and that are relevant to the proposed Panther Lake Area include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (2) Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling low-density development.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen Participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (1/6) calls for each county to designate an urban growth area.
- RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities
- RCW 36.70A.110 (4) states that “(in) general, cities are the units of local government most appropriate to provide urban ...services.”
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

Annexation of the Panther Lake Area into the City of Kent meets Growth Management Act criteria for governance of urban areas. This action is supported by the provisions of RCW 36.70.A which require community planning goals for urban growth, services and infrastructure, and environmental preservation. For example, the proposed Panther Lake Area Annexation is consistent with RCW 36.70A.020 (1), encouraging development in urban areas where there are adequate public services.

The Panther Lake Area Annexation is also consistent with RCW 36.70A.020 (12), which calls for public services to support permitted development. Annexation would also permit urban growth – and protection of environmentally sensitive areas – as envisioned in the Growth Management Act.

### **RCW 36.93.180 OBJECTIVES**

The Boundary Review Board has considered RCW 36.93.180 (Objectives), with respect to the Panther Lake Area Annexation as follows:

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

The Board finds that the Panther Lake Area is a “neighborhood” as that term is defined by case law, as “either geographically distinct areas or socially... distinct groups of residents”. The Panther Lake Area, in its entirety, exhibits many features that support its link with the City. The communities are characterized by similar and linked built environments and natural environments (e.g., Gary Grant/Soos Creek Parks).

The citizens of both communities share similar demographic, social, and economic profiles. Residents of the City and the Panther Lake Area use common community facilities – e.g., schools, roadways, community centers, shopping centers, parks, and recreation facilities.

The City of Kent Comprehensive Plan anticipates annexation of the Panther Lake Area. The City includes the Panther Lake Area in its Potential Annexation Area. The Panther Lake Area is included in community planning programs to enable the City to guide growth and to provide coordinated services.

The inclusion of a sizeable area and population serves to create a coordinated community and encourages a more effective connection to the City of Kent. Annexation will allow the City of Kent to guide synchronized community development in a manner which considers both built lands and the critical natural areas.

Kent officials are committed to providing Panther Lake Area citizens with a voice and a vote in planning for the future development of the built community and preservation of environmentally sensitive areas. City representatives demonstrate plans to effectively govern and serve this area as a part of a unified community.

King County officials support the annexation of the Panther Lake Area citing that this action would be consistent with state, regional and local guidelines. The County has indicated a preference for immediate annexation of urban areas to provide uniform governance for citizens of the Panther Lake Area. Annexation would permit the City of Kent to establish land use designations and zoning standards for Panther Lake. Under City of Kent regulations, the Panther Lake Area would be proposed to continue as a predominantly residential community with designations and zoning similar to that existing under King County. The City of Kent is prepared to provide development review and environmental review (e.g., protection of slopes, sensitive areas, and stormwater management) to the Panther Lake Area based upon local, regional and state regulations to support preservation of this community. Additionally, the City of Kent would continue to support various commercial uses and public uses in the Panther Lake Area.

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

The proposed Panther Lake Annexation Area is contiguous to the southeastern border of the City of Kent. Other Panther Lake boundaries are formed by the Urban Growth boundary line and the City of Renton. Although the Panther Lake Area possesses a rather unusual configuration, the lands within these borders complete the annexation of the Panther Lake Potential Annexation Area and are specifically established for annexation by Kent under the City's Comprehensive Plan (approved by the State of Washington.) Therefore, the Board finds that the lands within the Panther Lake Area Annexation would create (or enhance) clear physical boundaries.

"Social neighborhoods" may also be the basis for boundaries. The evidence shows that the Panther Lake Area shares a social affiliation with the City of Kent. As such annexation of the Panther Lake Area would further the establishment of a cohesive community.

The Panther Lake Area annexation is consistent with the King County Comprehensive Plan as this action achieves progress toward incorporation of the greater unincorporated area in King County.

Annexation of the Panther Lake Area advances the planning goals established by the State Growth Management Act for providing local governance to unincorporated urban territories.

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

The City of Kent Comprehensive Plan (including the Land Use Plan, Comprehensive Sewer and Water Plans, Transportation Element, Comprehensive Storm Water Management Plan) identifies the City as the provider of services for the Panther Lake Area. Annexation of the Panther Lake Area into the City of Kent will advance the creation and preservation of logical service areas.

The Panther Lake Annexation creates and preserves logical service areas by including a greater number of properties in the City's service area. Annexation of the Panther Lake Area will enable design and implementation of efficient, consistent, consolidated service programs throughout the greater community. More specifically:

- The City of Kent will directly provide or will contract with the King County Fire Protection District No. 37 to provide fire protection and emergency services. Services benefits and costs management have been designed based upon currently available municipal funding and future funding as projected in a fiscal analysis.
- The City of Kent will provide directly or by contract with Soos Creek Water & Sewer District for water service, wastewater treatment, and for storm water management. The City will coordinate stormwater services consistent with King County standards. Specific systems/facilities will be designed to address both the natural environment (e.g., basins, terrain) and the built environment (e.g., structures, roadways).
- City parks, recreation facilities, libraries and other community services would be available to the citizens of the Panther Lake Area. Children would continue to attend schools in Kent School District No. 415.

- Roadways (including streets, storm water drains, and other right of way features) are generally full operational. Funding is planned from various existing taxes and fees as well as anticipated sources (e.g., grants, development impact fees) for anticipated routine upgrades and maintenance and for future upgrades to facilities.

City officials have demonstrated that provision of public services to the Panther Lake Area would be improved by placing the entire area under a single municipal jurisdiction. Synchronized services and facilities (e.g., emergency services, water service, storm water and surface water management systems, wastewater treatment) will promote protection of the built environment and the natural environment.

King County strongly supports annexation of unincorporated urban areas like the Panther Lake Area to provide citizens with more effective, efficient governance. Countywide Planning policies encourage cities to annex (and provide services to) territory within their designated potential annexation area. Other policies establish cities as the appropriate units to govern, develop, and serve Urban Areas. The County lacks sufficient resources to manage land uses or serve properties in these urban areas.

The State Growth Management Act identifies cities as the logical providers of local governance and urban services.

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

The evidence shows that incorporation of the Panther Lake Area would provide a reasonable and regular boundary consistent with the Kent Comprehensive Plan Annexation Element. The proposed boundaries of the Panther Lake Area are not geometric in form; however, these boundaries do provide regularity based upon the fact that the borders of the Panther Lake Area are consistent with the Kent Potential Annexation Area. Similarly, the Panther Lake Area boundaries coincide with the established Urban Growth Area boundary and with the duly approved incorporated boundaries of the City of Kent.

The Board finds that annexation of the Panther Lake Area to Kent is consistent with the intent of this criterion to achieve the boundaries necessary to facilitate coordinated land uses and provide for more effective, efficient services to the community.

Further, under the King County Comprehensive Plan and the State Growth Management Act, the Panther Lake Area, as an unincorporated urban community, is encouraged to annex to a local jurisdiction. The Panther Lake Area, as an unincorporated community, does not benefit from effective governance.

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

The Board finds that both the State Growth Management Act and the King County Comprehensive Plan encourage governance of urban areas by local jurisdictions. Annexation to achieve local governance is preferred over incorporation of new communities. Annexation of Panther Lake to the City of Kent would, therefore, be consistent with RCW 36.93.180 (5).

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

RCW 36.93.180 (6) is not applicable to File No. 2284.

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

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

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

The Board finds that annexation of the Panther Lake Area into the City of Kent is based upon the location of this territory within the Urban Growth Area established by the King County Comprehensive Plan. The "Urban" designation established for the Panther Lake Area is also supported by the State Growth Management Act.

The City of Kent Comprehensive Plan includes the entire Panther Lake Area in its Potential Annexation Area. Annexation of the Panther Lake Area into Kent will promote uniform governance, development, and services appropriate for this urban territory. Coordinated governance and services should immediately benefit Panther Lake Area citizens. At annexation, Panther Lake Area citizens will be notified of – and invited to participate in the planning of -- future improvements to the community.

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

RCW 36.93.180 (9) is not applicable to File No. 2284 as the Panther Lake Area lies in the Urban Growth Area as established for King County.

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

The Boundary Review Board conducted review and deliberation of File No. 2284 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); King County Comprehensive Plan/Countywide Policies; City of Kent Comprehensive Plans, RCW 35.13 (Annexation of Cities); and other relevant regulations and guidelines. As prescribed by statutory mandate, the Boundary Review Board considered the following options:

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

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The Board finds that the record for File No. 2284 is detailed and extensive. Affected parties have provided considerable materials supporting their positions. The Board reviewed the entire record to reach its decision for the proposed Panther Lake Area Annexation. The Board finds that the City of Kent's proposed annexation of the Panther Lake Area is consistent with the provisions of Chapter 36.93 RCW. By way of example, but not limitation:

- The Panther Lake Area Annexation addresses criteria established in RCW 36.93.170 with respect to population, territory, comprehensive planning, land uses, natural environment, service needs and service capacity, and mutual social and economic needs.
- Additionally, the proposed Panther Lake Area was evaluated according to the criteria established in RCW 36.93.180 as follows:

<b>RCW 36.93</b>	<b>PANTHER LAKE AREA (3345 ACRES)</b>
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES CRITERION AS ANNEXATION INCLUDES ALL PROPERTIES IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	ADVANCES CRITERION AS IT IS CONSISTENT WITH ESTABLISHED COMPREHENSIVE PLAN BOUNDARIES

RCW 36.93	PANTHER LAKE AREA (3345 ACRES)
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS KENT CAN SERVE ENTIRE AREA TO PROTECT PUBLIC WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARIES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ADVANCES CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND TO STREAMLINE SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION ...OR ANNEXATION TO CITIES .... OF UNINCORPORATED URBAN AREAS	ADVANCES CRITERION AS THE ENTIRE DESIGNATED URBAN AREA IWILL BE INCORPORATED INTO A LOCAL JURISDICTION.
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS ...	DOES NOT APPLY

- State Growth Management Act (Chapter 36.70A RCW) policies call for logical and orderly growth. The Board finds that annexation of the Panther Lake Area advances the provisions of the RCW 36.70A by providing for effective local governance.
- The King County Comprehensive Plan/Countywide Policies and the Kent Comprehensive Plan also contemplate logical and orderly growth of communities. These County and City plans support local governance to assure balanced, sound, cost-effective governance for this community.

The Board finds that the proposed Panther Lake Area Annexation achieves the provisions of the King County Comprehensive Plan/Countywide Policies and the City of Kent Comprehensive Plan. Annexation of the Panther Lake Area would accomplish that balance that the County and the City seek from annexation of urban areas into local communities.

#### IV. CONCLUSION

The Boundary Review Board finds that approval of the Panther Lake Area Annexation to the City of Kent advances the standards established in the Growth Management Act, King County Comprehensive Plan, the City of Kent's Comprehensive Plan, RCW 36.93, and other state and local guidelines for incorporation of urban areas.

The Boundary Review Board finds that approval of the City of Kent Notice of Intention to annex the Panther Lake Area is timely based upon the City of Kent's current and historical commitment to guide development and provide municipal services to this area.

The Panther Lake Area Annexation will enable the City of Kent to provide a harmonious efficient plan for the governance of the built community, preservation of the environment, and protection of the public health and safety of the citizens.

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

NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said File No. 2284 be, and the same is, hereby **approved** as described in Exhibits attached hereto and incorporated herein by reference.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY by a vote of SIX in favor, 0 in opposition, and ONE abstentions, on this 13 day of November 2008, and signed by me in authentication of its said adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY



Claudia Hirshey, Chair

FILED this 14 day of November, 2008 BY:



Lenora Blauman, Executive Secretary

**EXHIBITS**

**EXHIBIT I      CITY OF KENT PANTHER LAKE AREA: LEGAL DESCRIPTION OF ANNEXATION AREA BOUNDARIES**

**EXHIBIT II     CITY OF KENT PANTHER LAKE AREA: MAP OF ANNEXATION AREA BOUNDARIES**

OCT 20 2008

WA State Boundary Review  
Board For King Co.

## Proposed Annexation Area

All those portions of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, and 17, Township 22 North, Range 5 East, W.M., and Sections 32 and 33, Township 23 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the east quarter corner of Section 6, Township 22 North, Range 5 East, W.M.;

thence southerly, along the east line of said section, to the easterly prolongation of the south right of way margin of South 200<sup>th</sup> Street;

thence westerly, along said prolongation, to the west right of way margin of 100<sup>th</sup> Avenue SE, the northeast corner of the Kent City Limits as established by Kent Ordinance #3099, as recorded under King County Recording Number 9305110613, and the TRUE POINT OF BEGINNING;

thence continuing westerly, along said south margin of South 200<sup>th</sup> Street and the north margin of said city limits, to the west right of way margin of 92<sup>nd</sup> Avenue South and the east line of the Kent City Limits as established by Kent Ordinance #1017, as recorded under King County Auditor's File Number 5024149;

thence northerly, along said west margin and said city limits, to the east west center of section line of said Section 6;

thence easterly, along said center of section line and said city limits, to the center of said Section 6;

thence northerly, along the north south center of section line and said city limits, to the north right of way margin of South 200<sup>th</sup> Street and the south line of the Renton City Limits as established by Renton Ordinance #5327, under King County Recording Number 20080109000833;

thence easterly, along said north margin and said Renton City limits, to the westerly right of way margin of SR 515 (108<sup>th</sup> Avenue SE) and the east line of the City of Renton City Limits as described in said Renton Ordinance #5327;

thence northerly, along said west margin and the Renton City Limits as described in said ordinance, to a point 40 feet west of Highway Engineer's Station 270+40, as shown on Washington State Department of Highways Right of Way Plan SR 515 MP 3.87 to MP 5.15, Renton Vicinity, SE 196<sup>th</sup> to Carr Road;

thence easterly to a point 40 feet east of Highway Engineer's Station 270+50 as shown on said right of way plan, also being the northerly margin of SE

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192<sup>nd</sup> Street and the south line of the City of Renton City Limits as described in said Renton Ordinance #5327;

thence easterly, along said north margin and the Renton City Limits as described in said ordinance, to the intersection of said north margin with the northerly extension of the east right of way margin of 124<sup>th</sup> Avenue SE, and the westerly boundary of Soos Creek Park;

thence along said westerly park boundary and the adjoining roadways the following courses and distances:

thence southerly, along said northerly extension and the east margin of said 124<sup>th</sup> Avenue SE, to the north line of the south half of the north half of Government Lot 2 of said Section 4;

thence easterly, along said north line, to the west margin of the Bonneville Transmission Line Easement (Covington-Seattle Line);

thence southeasterly, along said west margin, to the south line of Morford Park, as recorded in Volume 180 of Plats, pages 1-3, records of King County;

thence easterly, along said south line, to the west line of the east 450 feet of the south half of the south half of the southwest quarter of the northeast quarter of said Section 4;

thence southerly, along said west line, to the south line of the northeast quarter of said Section 4;

thence easterly, along said south line, to the west line of the northeast quarter of the southeast quarter of said Section 4;

thence southerly, along said west line, to the north line of Linda Highlands Division No. 1, as recorded in Volume 91 of Plats, page 25, records of King County;

thence generally easterly and southeasterly, along the northeasterly line of said plat, to the north line of Greystone, as recorded in Volume 154 of Plats, pages 40-41, records of King County;

thence easterly, along said north line, to the east line of said Section 4;

thence southerly, along said east line, 105.29 feet to the northwest corner of a tract of land conveyed to Charles R. Gardner by warrantee deed recorded under King County Recording Number 8507090815;

thence southeasterly, along the northeasterly line of said Gardner tract and said park boundary, S59°28'10"E 125.62 feet to an angle point in said northeasterly line;

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thence continuing along said northeasterly boundary and said park boundary, S30°36'37"E 834.39 feet, more or less, to the northwest right of way margin of SE 204th Way (SE Lake Youngs Way);

thence southeasterly, perpendicular to the centerline of said SE 204th Way, 100 feet, to the southeast right of way margin thereof;

thence northeasterly, along said southeast right of way margin, to the west line of the east 495 feet of the southwest quarter of the southwest quarter of said Section 3, also being the west boundary of said park;

thence along said park boundary, southerly along said west line, 50 feet to the northwest corner of a tract of land conveyed to Daniel John Overstreet by statutory warrantee deed recorded under King County Recording Number 9707311841;

thence along the northeasterly line of the Overstreet tract and said park boundary, S54°32'25"E 398.74 feet to the west line of the east 165 feet of the southwest quarter of the southwest quarter of said Section 3;

thence southerly, along said west line, to the north line of the south 528 feet of said section;

thence easterly, along said north line, to the west line of the southeast quarter of the southwest quarter of said Section 3;

thence southerly, along said west line, to the north right of way margin of SE 208th Street (H.C. Green Road, County Rd No. 329);

thence easterly, along said north margin, to the northerly extension of the east line of the west 270 feet of the northeast quarter of the northwest quarter of said Section 10;

thence southerly, along said northerly extension and the east line thereof, to the south line of the north half of the northwest quarter of the northeast quarter of the northwest quarter of said Section 10;

thence easterly, along said south line, to the east line of the west half of the northwest quarter of the northeast quarter of the northwest quarter;

thence southerly, along said east line, to the southeast corner of the west half of the northwest quarter of the northeast quarter of the northwest quarter;

thence westerly, along said south line, to a point on the east line of a tract of land conveyed to Karen J. Arango by Quit Claim Deed recorded under King County Recording Number 9601030485, described as the west 108.9 feet of

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the south 400 feet of the north 860 feet, as measured along the west line, of the northeast quarter of the northwest quarter of said Section 10, said point being 200 feet north of the southeast corner of said tract;

thence southerly, along said east line, 200 feet to the southeast corner of said tract;

thence westerly, along the south line of said tract, to the west line of the northeast quarter of the northwest quarter;

thence southerly, along said west line, to the north line of the south half of the north half of the southwest quarter of the northwest quarter of said Section 10;

thence westerly, along said north line, 100 feet, to the west line of the east 100 feet of the southwest quarter of the northwest quarter of said Section 10;

thence southerly, along said west line, and its southerly extension, to the south right of way margin of SE 216th Street (Albert Haverinen Road);

thence easterly, along said south margin, to the west boundary of the park property as described in warranty deeds recorded under King County Recording Numbers 9506090372, and 9506090371;

thence along said park boundary as established by said warrantee deeds, S08°38'08"W 155.90 feet;

thence S05°32'16"E 256.57 feet;

thence S05°03'27"E 179.40 feet;

thence S02°16'36"W 119.91 feet;

thence S13°50'14"E 114.38 feet;

thence S09°57'42"E 178.35 feet;

thence S10°45'26"E 264.27 feet;

thence S45°51'35"W 62.76 feet to the north line of the southeast quarter of the southwest quarter of said Section 10;

thence westerly, along said north line, to the west line of the southeast quarter of the southwest quarter of said Section 10;

thence southerly, along said west line, to the south line of said Section 10;

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thence easterly, along said south line, to the southerly right of way margin of SE 224th Street (Johnson Road NO. 328);

thence easterly, along said southerly margin, to the east line of the west quarter of the northeast quarter of the northwest quarter of said Section 15;

thence southerly, along said east line, to the south line of the northeast quarter of the northwest quarter of said Section 15;

thence easterly, along said south line, to the east line of King County Short Plat No. 280062, recorded under King County Recording Number 8010150859;

thence southeasterly, along said east line, to the east line of Lot B of King County Lot Line Adjustment No. L99L001, recorded under King County Recording Number 9903099010;

thence southeasterly, along said east line, to the south line of the northwest quarter of said Section 15;

thence easterly, along said south line, to the east line of the west half of said Section 15;

thence southerly, along said east line, to an intersection with the east right of way margin of 140<sup>th</sup> Avenue SE;

thence southerly, along said east right of way margin, to the north line of the south 522.00 feet of the northwest quarter of the southeast quarter of said Section 15;

thence easterly, along said north line, to the east line of the west 417.50 feet of the northwest quarter of the southeast quarter of said Section 15;

thence southerly, along said east line, to the north line of the southwest quarter of the southeast quarter of Section 15, Township 22 North, Range 5 East, W.M. and the north line of Country Club North, Division 2, as recorded in Volume 184 of Plats, Pages 18 through 20, records of King County and the Kent City Limits as established by Kent Ordinance #3344, as recorded under King County Recording Number 9706250235;

thence westerly, leaving said park boundary, along said north line and said city limits, to the north south center of section line of said Section 15;

thence continuing westerly along the north line of the south half of the southwest quarter of said Section 15 and said city limits, to the southeast corner of the north half of southeast quarter of Section 16, Township 22 North, Range 5 East, W.M.;

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thence continuing westerly, along the south line of said north half, to the westerly right of way margin of 132<sup>nd</sup> Avenue SE and the southeast corner of that portion of the Kent City Limits as established by Kent Ordinance #3562;

thence northerly, along the west margin of 132<sup>nd</sup> Avenue SE and said city limits, to the south line of the north half of the north half of the northeast quarter of the southeast quarter of said Section 16;

thence westerly, along said south line and said city limits, to the east line of the northwest quarter of the southeast quarter of said Section 16;

thence northerly, along said east line and said city limits, to the north line of the southeast quarter of said Section 16;

thence westerly, along said north line and said city limits, to the southeast corner of the northwest quarter of said Section 16;

thence westerly, along the south line of the southeast quarter of the northwest quarter of said Section 16 and said city limits, to the southwest corner of said subdivision;

thence northerly, along the west line of said subdivision and said city limits, to the northeast corner of the south half of the south half of the southwest quarter of the northwest quarter of said Section 16;

thence westerly, along the north line of said subdivision and said city limits, to the east line of the northeast quarter of Section 17, Township 22 North, Range 5 East, W.M. and the east line of the Kent City Limits as established by Kent Ordinance # 1940, as recorded under King County Recording Number 7509300621;

thence northerly, along the east line of said northeast quarter and said city limits, to the south line of the north half of the north half of the southeast quarter of the northeast quarter of said Section 17;

thence westerly, along said south line and said city limits, to the west right of way margin of 116<sup>th</sup> Avenue SE and the southeast corner of that portion of the Kent City Limits as established by Kent Ordinance # 2828, as recorded under King County Recording Number 8902070337;

thence northerly, along said west margin and said city limits, to the north line of the southeast quarter of the northeast quarter of said Section 17;

thence westerly, along said north line and the north line of said city limits and the north line of the Kent City Limits as established by Kent Ordinance #2048, as recorded under King County Recording Number 7710180759, to the west line of the southeast quarter of the northeast quarter of said Section 17;

thence southerly, along the west line of said subdivision and the city limits as established under said Ordinance #2048 and aforesaid Ordinance #1940, to the northwest corner of the northeast quarter of the southeast quarter of said Section 17;

thence continuing southerly, along the west line of said subdivision and said city limits to south line of the north 30.00 feet of the northwest quarter of the southeast quarter of said Section 17, also being the easterly prolongation of the south right of way margin of SE 232<sup>nd</sup> Street and the northeast corner of the Kent City Limits as established by Kent Ordinance #2727, as recorded under King County Recording Number 8708120082;

thence westerly, along said south line and said city limits, to the east line of the plat of Park Orchard Division No. 4, as recorded in Volume 68 of plats, pages 58 through 60, records of King County;

thence generally southerly, along the easterly line of said plat and said city limits, to the south line of the northwest quarter of the southeast quarter of said Section 17 and the Kent City Limits as established by Kent Ordinance #1506, as recorded under King County Recording Number 7505060484;

thence westerly, along the south line of said plat and said city limits, to the northeast corner of the southeast quarter of the southwest quarter of said Section 17 and the northeast corner of the Kent City Limits as established by Kent Ordinance #1290, as recorded under King County Recording Number 7505060500;

thence continuing westerly, along the north line of said subdivision and said city limits, to the southeast corner of the northwest quarter of the southwest quarter of said Section 17 and the southeast corner of the Kent City Limits as established by Kent Ordinance #1223 under King County Auditor's File Number 5668321;

thence northerly, along the east line of said subdivision and said city limits, to the northeast corner thereof;

thence westerly, along the north line of said subdivision, and the east line of the Kent City Limits as established by Kent Ordinance #2111, under King County Recording Number 7809011099, to the northeast corner of the lands described in said Ordinance #2111, also being the westerly right of way margin of SR 515 (also known as 104<sup>th</sup> Ave SE, also known as the Benson Road SE);

thence north, along said westerly margin and said city limits, to the southeast corner of the Kent City Limits as established by Kent Ordinance #2703, as recorded under King County Recording Number 8703191033;

thence generally northerly, along the west margin of said SR 515 and said city limits, to the south line of the north half of the northwest quarter of the northwest quarter of said Section 17;

thence westerly, along said south line and said city limits, to the east right of way margin of 100<sup>th</sup> Avenue SE;

thence northerly, along said east margin and said city limits and the Kent City Limits as established by Kent Ordinance #3210 as recorded under King County Recording Number 9504190117 and Kent Ordinance #3193 recorded under King County Recording Number 9411230694, to the north line of the southwest quarter of the northwest quarter of the southwest quarter of Section 8, Township 22 North, Range 5 East, W.M.;

thence westerly, along said north line and said city limits, to the northeast corner of the southeast quarter of the northeast quarter of the southeast quarter of Section 7, Township 22 North, Range 5 East, W.M.;

thence westerly, along the north line of said subdivision and said city limits, to the easterly right of way margin of 98<sup>th</sup> Avenue South;

thence southerly, along said east margin and said city limits, to the southerly right of way margin of South 218<sup>th</sup> Street;

thence westerly, along said southerly margin and said city limits and the Kent City Limits as established by Kent Ordinance #2611, as recorded under King County Recording Number 8606190789, to the southeast corner of the Kent City Limits as established by Kent Ordinance #2860, under King County Recording Number 8908240680, and the southerly prolongation of the west right of way margin of aforesaid 98<sup>th</sup> Avenue South;

thence northerly, along said west margin and its prolongation and said city limits, to the east west center of section line of said Section 7;

thence westerly, along said east west center of section line and said city limits, to the southeast corner of the southwest quarter of the northeast quarter of said Section 7 and the east line of the Kent City Limits as established by Kent Ordinance #2035, as recorded under King County Recording Number 7708020744;

thence northerly, along the east line of said subdivision and said city limits, to the northeast corner of said subdivision;

thence westerly, along the north line of said southwest quarter of the northeast quarter and said city limits, to the southeasterly right of way margin of South 212<sup>th</sup> Street;

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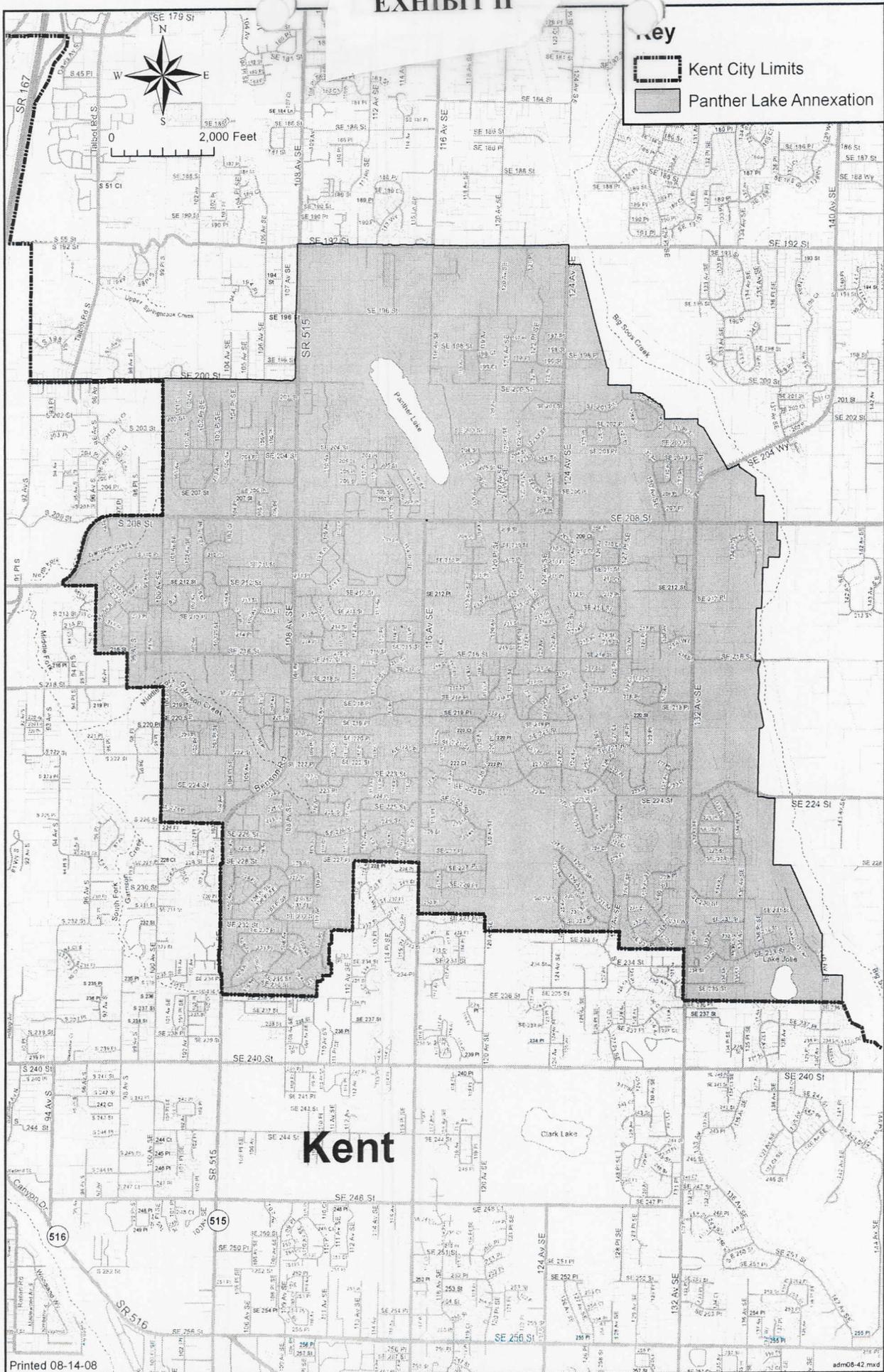
thence southwesterly, along said southeasterly margin and said city limits, to the west line of the east half of the northwest quarter of the northeast quarter of said Section 7 and a point on the Kent City Limits as established by Kent Ordinance #3099, as recorded under King County Recording Number 9305110613;

thence northerly, along said west line and said city limits, to the northwesterly right of way margin of said South 212<sup>th</sup> Street;

thence northeasterly and easterly, along said northwesterly margin, the northwesterly right of way margin of South 212<sup>th</sup> Way, the northerly right of way margin of South 208<sup>th</sup> Street and said city limits, to the westerly right of way margin of 100<sup>th</sup> Avenue SE;

thence northerly, along said westerly margin and said city limits, to the TRUE POINT OF BEGINNING.

# EXHIBIT II



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Panther Lake Annexation  
Proposed Annexation Area Boundary