

**BEFORE THE
WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SPOKANE COUNTY**

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|-----------------------------|---|------------------------|
| In the Matter of | } | FILE No. 536-99 |
| ANNEXATION OF 160 ACRES TO | } | |
| TO THE TOWN OF ROCKFORD | } | RESOLUTION AND HEARING |
| (DASHIELL ET AL ANNEXATION) | } | DECISION |

HEARING DECISION

BRB 536-99: Proposed Annexation of 160 Acres to the Town of Rockford (Dashiell et al Annexation) is hereby DENIED by the Washington State Boundary Review Board. This action is based upon the following findings pursuant to RCW 36.93.170, "Factors to be considered by the Board", RCW 36.93.180, "Objectives of the Boundary Review Board", and RCW 43.21C and WAC 197-11, "State Environmental Policy Act", and RCW 36.70A, "Growth Management Act".

LEGAL DESCRIPTION

The proposed annexation area is legally described as the southwest 1/4 of Section 29, Township 23 North, Range 45 E.W.M., in Spokane County, Washington.

RESOLUTION

WHEREAS, pursuant to the provisions of the Revised Code of Washington (RCW 36.93.100), the Washington State Boundary Review Board for Spokane County is required to review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 whenever its jurisdiction is invoked.

WHEREAS, the annexation process was initiated when property owners of more than seventy-five percent of the assessed value of the area petitioned the Town of Rockford to annex 160 acres to the Town.

WHEREAS, the Town of Rockford held an informal meeting with the initiating parties on December 8, 1998 to discuss the proposal.

WHEREAS, it was determined that the petition needed to be revised and on December 16, 1998, a revised petition was submitted to the Town Council.

WHEREAS, the Town Council forwarded the petition to the City Plan Commission and the Plan Commission conducted a public hearing on January 5, 1999 and recommended that the annexation be approved with the zoning of single family/urban.

WHEREAS, the Town of Rockford issued an environmental checklist and Mitigated DNS (Determination of Nonsignificance) on January 28, 1999 for the proposal. A fourteen day review period followed the issuance of the checklist.

WHEREAS, comments on the Mitigated DNS and Checklist were received from Freeman School District, Washington State Department of Transportation, Washington State Department of Ecology, and Jon Galow, Town of Rockford Consulting Engineer.

WHEREAS, the Town Council of the Town of Rockford considered the petition at its January 6, 1999 meeting and conducted a public hearing which was continued to its March 3, 1999 meeting.

WHEREAS, the Town Council conducted a public hearing and voted to table the motion until the land for the wastewater treatment plant was acquired and an agreement with Fire District No. 11 was reached.

WHEREAS, the Town Council conducted a special meeting on March 11, 1999 to approve the acquisition of eight acres from Mr. Dullanty for the wastewater treatment facility and set up a meeting to discuss the interlocal agreement with Fire District No. 11.

WHEREAS, a Notice of Intention was filed with the Boundary Review Board on April 6, 1999 by the Town of Rockford proposing the annexation of 160 acres including approximately 150 acres of agricultural land and a grass seed processing facility.

WHEREAS, the Notice of Intention was then circulated to affected agencies and interested parties on April 6, 1999 for review and comments within a 45-day period ending May 21, 1999.

WHEREAS, on April 12, 1999, the Spokane County Commissioners invoked the Board's jurisdiction in the matter pursuant to RCW 36.93.100 (3).

WHEREAS, the Boundary Review Board set a public hearing for May 18, 1999 at 7:00 PM in the multi-purpose room of Freeman High School, 14626 South Jackson Road in south Spokane County and directed its Planner to advertise the hearing.

WHEREAS, public notice procedures pursuant to RCW 36.93.160 were carried out including: notice to affected jurisdictions thirty days prior to the public hearing (April 14, 1999), publication of legal notices in the Spokesman Review (April 18, 1999; May 2, 1999; and May 14, 1999), posting of notices (April 20, 1999) in at least ten places in the proposed area and other public places;

WHEREAS, the Boundary Review Board toured the site of the proposed annexation on May 11, 1999.

WHEREAS, prior to the public hearing, the Board received the following exhibits:

Exhibit No. 1: Petition dated April 6, 1999 signed by property owners requesting the Boundary Review Board invoke its jurisdiction regarding the Rockford annexation proposal.

Exhibit No. 2: Petition dated April 12, 1999 signed by property owners requesting the Boundary Review Board invoke its jurisdiction regarding the Rockford annexation proposal.

Exhibit No. 3: Letter dated April 9, 1999 requesting the Boundary Review Board invoke its jurisdiction, submitted April 12, 1999 by Spokane County Board of County Commissioners.

Exhibit No. 4: Letter dated May 3, 1999 endorsing the annexation as long as the annexation will not infringe on its property, submitted by Livedalen Farms.

Exhibit No. 5: Letter dated May 10, 1999 including a copy of an article in the Spokesman Review pertaining to Rockford businesses, submitted by Jane Dashiell.

Exhibit No. 6: Newspaper article from the February 2, 1990 edition of the Standard-Register regarding the proposed golf course, submitted by Paul and Jane Dashiell.

Exhibit No. 7: Newspaper article from the April 15, 1999 edition of the Valley Voice regarding the proposed golf course and housing project, submitted by Paul and Jane Dashiell.

Exhibit No. 8: Letter dated May 10, 1999 asking the Boundary Review Board to address growth management and an assessment of the economic impact of the annexation, submitted by a Concerned Citizen of Spokane County and Rockford.

Exhibit No. 9: Spokane County Interim Development Regulations Designating Interim urban Growth Areas, describing Joint Planning Areas, Page 1 and 2, submitted by Spokane County.

Exhibit No. 10: Findings & Decision – IUGAs describing the addition of land to Rockford's IUGA, Page 22 and 23, submitted by Spokane County.

Exhibit No. 11: Letter dated January 21, 1996 from the Town of Rockford to the Board of County Commissioners regarding the enlargement of the Interim Urban Growth Area for the Town of Rockford, submitted by Spokane County.

Exhibit No. 12: Letter with attachments dated January 30, 1997 from Kathy Marcus, Westland Planning Services to the Board of County Commissioners regarding the enlargement of the Interim Urban Growth Area for the Town of Rockford, submitted by Spokane County.

Exhibit No. 13: Shoreline Map submitted on May 10, 1999 by the Town of Rockford.

Exhibit No. 14: Flood Plain Map submitted on May 10, 1999 by the Town of Rockford.

Exhibit No. 15: Fire District 11 total assessed value of proposed annexation area, submitted on May 10, 1999 by the Town of Rockford.

Exhibit No. 16: Chapter IV – Principle Zone Regulations, Section 4 – Single Family Residential/Open Space Zone, Page 11, 12 and 13, submitted on May 12, 1999 by the Town of Rockford.

Exhibit No. 17: Domestic Water Supply Table submitted on May 12, 1999 by the Town of Rockford.

Exhibit No. 18: Wastewater, Table III-1: Summary of Current and Future Design Flows, submitted on May 12, 1999 by the Town of Rockford.

Exhibit No. 19: Site Plan Map submitted on May 4, 1999 by Paul and Jane Dashiell.

Exhibit No. 20: USGS Soil Type Map submitted on May 12, 1999 by the Town of Rockford.

Exhibit No. 21: Letter dated May 17, 1999 providing comments on the proposed annexation, submitted by Spokane County Division of Long Range Planning.

Exhibit No. 22: Memo dated May 18, 1999 regarding phone conversation with Sam Torterelli, Union Pacific Railroad, submitted by Susan Winchell.

Exhibit No. 23: Memo dated May 18, 1999 regarding phone conversation with Chris Miller, Natural Resources Conservation District, submitted by Susan Winchell.

WHEREAS, a public hearing was held on May 18, 1999 and all Board members were present and all proceedings were recorded by a court reporter;

WHEREAS, the Board Planner administered an oath to those planning to testify and presented a staff report on the proposal.

WHEREAS, public testimony was given by:

1. Ed Baune, Town Council Member for the Town of Rockford
2. Micki Harnois, Planner for the Town of Rockford
3. Howard Brutschy, Public Works Director for the Town of Rockford
4. Scott Kuhta, Planner for Spokane County Long Range Planning
5. Paul Dashiell, Petitioner for the Proposed Annexation
6. Verne Hutchinson, Fairfield, WA.
7. Kenny Davis, Greenacres, WA.
8. Stanley Primmer, Town of Rockford
9. Keith Hellstrom, Spokane, WA.
10. Allen Reilly, Cheney, WA.
11. Delbert W. Primmer, Hayden, Id.
12. Peter Abbey, Greenacres, WA.
13. Clint Stevenson, Rockford, WA.
14. Dick Dullanty, Rockford, WA.

WHEREAS, the following exhibits were received at the public hearing:

Exhibit No. 24: Comments dated May 18, 1999 in favor of the Rockford Annexation, submitted by Richard E. Dullanty.

Exhibit No. 25: Amended Water Agreement between Warren Developments, Inc. and the City of Deer Park dated May 18, 1999, submitted by Micki Harnois.

WHEREAS, the Boundary Review Board closed the public hearing and set a time to deliberate and make a decision on the proposal at its next regular meeting.

WHEREAS, a special meeting to deliberate and make a decision on the proposal was set for Thursday, June 10, 1999 at 3:00 PM in the Spokane County Public Works Building Hearing Room, 1026 West Broadway, Spokane instead of the regular meeting time.

WHEREAS, notice was given to affected jurisdictions and interested parties of record regarding the special meeting set for June 10, 1999.

WHEREAS, the Boundary Review Board considered all testimony and exhibits, the State Environmental Policy Act (RCW 43.21C and WAC 197-11) submittals, adopted plans and policies of the Growth Management Act, considered each factor (RCW 36.93.170), and determined which objectives were met or not met by the proposal (RCW 36.93.180) and voted five (5) in favor and none (0) against to disapprove the proposal.

WHEREAS, the Boundary Review Board is entering its written decision concerning this matter, pursuant to RCW 36.93.160 (4), and is adopting and filing its decision with the Board of County Commissioners and the Clerk of each governmental unit directly affected on or before June 25, 1999.

FINDINGS

BRB 536-99: Proposed Annexation of 160 Acres to the Town of Rockford (Dashiell et al Annexation) was DISAPPROVED by the Washington State Boundary Review Board. This action is based upon the following findings pursuant to RCW 36.93.170, "Factors to be considered by the Board", RCW 36.93.180, "Objectives of the Boundary Review Board", and RCW 43.21C and WAC 197-11, "State Environmental Policy Act", and RCW 36.70A, "Growth Management Act".

FACTORS (RCW 36.93.170)

The Boundary Review Board considered all of the factors identified in RCW 36.93.170 which include, but were not limited to the following:

Population and Territory

Population density

The area proposed for annexation is predominately agriculture with no residential uses. A nine-hole golf course and 32 single family units are proposed for the area. The population density of the annexation area with development as proposed would be .47 persons per acre and one unit per five acres. The population of the Town of Rockford is 525 and the existing population density is 1.24 persons per acre. There is no existing population within the proposed annexation area. The land area proposed for annexation is 160 acres and the total land area of Rockford is 425 acres. The population densities for other Spokane County cities and towns are listed below:

| City/Town | 1998 Population | Acres | Population Density |
|---------------------------------|------------------------|--------------|---------------------------|
| Spokane | 188,800 | 37,547 | 5.00/acre |
| Millwood | 1,680 | 425 | 4.00/acre |
| Cheney | 8,495 | 2,319 | 3.66/acre |
| Medical Lake | 3,830 | 2,335 | 1.64/acre |
| Fairfield | 624 | 388 | 1.60/acre |
| Airway Heights | 4,460 | 3,224 | 1.38/acre |
| Rockford | 527 | 425 | 1.24/acre |
| Spangle | 250 | 231 | 1.08/acre |
| Rockford with annexation | 591 | 585 | 1.01/acre |
| Deer Park | 2,920 | 4,359 | 0.67/acre |

| | | | |
|---------|-----|-----|-----------|
| Waverly | 115 | 259 | 0.44/acre |
|---------|-----|-----|-----------|

The Board received testimony at the public hearing that the population of Rockford had declined in recent years. The Board also noted that Rockford has one of the lower population densities in Spokane County and it would be even lower with annexation as proposed. The Board determined that this indicated that the proposed annexation set back one of its objectives in that the proposal is not urban in character.

Land Area and Uses

The current land use of the proposed annexation area is predominately agriculture with a grass processing facility, railroad tracks, gravel yard, and sewage lagoons. The area is surrounded by agriculture on three sides and the Town of Rockford boundary on the west. State Highway 27 generally runs along the eastern boundary of the annexation area and the Union Pacific Railroad with regular train service, crosses the area in an east to west direction.

Proposed development plans include a nine-hole golf course with thirty-two single family homes. It is intended that the area will continue to be utilized as agriculture until the property is sold to a land developer.

The Board determined that the existing land uses could not be considered urban in character and the proposed land uses would continue this same type of development. The Board was also concerned with the access to the property with both railroad and highway crossings.

Comprehensive Plans and Zoning

The land is currently under the jurisdiction of Spokane County and is designated Semi-Rural Plus in the County's adopted comprehensive plan. The area is zoned Semi-Rural Residential - SRR-5 (one unit per five acres). The area surrounding the proposed annexation is designated by Spokane County as Rural on the north and south and Exclusive Agriculture on the west. Development of the site as a golf course is allowed under current County zoning of Semi-Rural Plus . The Town of Rockford has zoned the area on the east as industrial.

In September 1997, the Town of Rockford adopted its Growth Management Plan. The Plan designates 140 acres of the annexation area as Other Uses; 15 acres as Mixed Use-Residential and Commercial; and 5 acres as Public and Quasi-Public.

These land use designations are described in Rockford's Growth Management Plan as follows:

Mixed Use - Residential and Commercial - This classification reflects those portions of the Town and its Urban Growth Area on the west side of Highway 27 where existing land use patterns and highway exposure promote a compatible mixture of residential and commercial development.

Public and Quasi-Public - This designation reflects all existing public and quasi-public land use throughout the Town and its Urban Growth Area. It is not intended to envision the location of additional public and quasi-public uses that will likely be developed in future years. It is the intent of the Land Use Element that future parks and other public and quasi-public uses will be permitted in the other usage designations described herein.

Other Uses - This classification reflects a unique opportunity for a regional golf course amenity and additional sewage treatment facilities for the Town in the Urban Growth Area west of Highway 27. This special designation would insure future viability and integrity of the golf course and sewer treatment facilities and would promote compatible peripheral uses such as single family housing.

The Town of Rockford intends to zone the 160 acres as Open Space/Residential (O). The purpose of this zone is to allow for the maintenance of agricultural production as a viable and active enterprise and provide for low intensity residential housing on lots compatible with the current residential pattern of the Town of Rockford. Permitted uses in this zone are single family homes, mobile homes, accessory buildings and uses (garages, swimming pools, etc.), cultivation of land for agriculture, raising of livestock, and outdoor recreational uses (i. e. golf course). Commercial uses related to agriculture are allowed with a conditional use permit. Other commercial uses are prohibited in this zone.

Growth Management Plans

As a part of the planning required under the Growth Management Act, the Town of Rockford has proposed an Interim Urban Growth Area intended to contain the 20-year projected growth for the city. The area including the proposed annexation was added to the IUGA late in the planning process. Correspondence documenting the addition of this property is listed as Exhibits 10, 11, and 12.

Service Agreements

The Town of Rockford, in its resolution accepting the annexation, describes the interlocal agreement between the Town and Fire District No. 11 which stipulates that the Town will reimburse Fire District No. 11 the tax monies for which they are entitled and revenue compensation will be reviewed on an annual basis. The agreement also states that a study will be conducted concerning the annexing of the Town of Rockford to the Fire District at a future time. The Board was concerned that the Service Agreement with the Fire District had not been finalized, but noted that this was not a prerequisite for annexation.

Interlocal Agreements

The County has not entered into agreements with the cities and towns to determine a smooth transition of services upon annexation. As the final Growth Management Plan for the County nears completion, it is expected that interlocal agreements will be in place.

Per capita assessed valuation

The assessed valuation of the 160-acre area is \$856,480. Property owners are listed below:

| Parcel No. | Property Owner | Final Assessment |
|-------------------|--|-------------------------|
| 53293.9005 | WA State Dept. of Transportation, Real Estate Services | \$7,300 |
| 53293.9008 | Town of Rockford, PO Box 49, Rockford, WA 99030 | \$5,700 |
| 53293.9012 | Dye Seed Ranch, RR 1, Box 99, Pomeroy, WA 99347 | \$155,600 |

| | | |
|------------|---|-----------|
| 53293.9016 | Paul and Mary Jane Dashiell, 23311 South Arnold Street, Fairfield, WA 99012 | \$9,800 |
| 53293.9018 | Rockford Pharms, PO Box 41, Rockford, WA 99030 | \$34,060 |
| 53293.9019 | Paul and Mary Jane Dashiell, 23311 South Arnold Street, Fairfield, WA 99012 | \$1,720 |
| 53293.9020 | Seeds, Inc., PO Box 866, Tekoa, WA 99033 | \$642,300 |

TOTAL Assessed Value \$856,480

Total Petition Amount \$687,880

Petition Percentage 80.3%

The Board concluded that except for the agriculture-related industries of the seed processing plants, the assessed value reflects that most land is not urban in character.

Topography, natural boundaries and drainage basins, proximity to other populated areas

The topography of the proposed annexation area contains steep slopes with some gentle valley areas. Rock Creek crosses through the northwest corner and flood plain maps indicate a flood zone along Rock Creek. Parcels within this zone require a flood plain permit from Spokane County before building permits can be issued.

Significant wetlands have been identified in the northeast corner area according to the Spokane County Inventory. These are Rock Creek and an area around the Town's sewage lagoons.

The predominant soil types found in the area are as follows:

Freeman silt loam, 5 to 20 percent slopes, severely eroded (FaB3) is found in the southwest quarter of the proposed annexation area. More than fifty percent of the surface layer of this soil type have been removed by erosion. Fertility is medium to low. Surface runoff is rapid, and the erosion hazard is severe.

Freeman silt loam, 20 to 30 percent slopes, severely eroded (FaC3) is found in the southeast quarter. More than fifty percent of the surface layer of this soil type have been removed by erosion. Surface runoff is rapid, and the erosion hazard is severe.

Bernhill silt loam, 0 to 20 percent slopes, (BaB) is located north of the railroad tracks and south of Rock Creek. This soil is well drained and moderately permeable. Surface runoff is slow to medium, and the hazard of erosion is slight to moderate.

The annexation area is separated from the populated areas of Rockford by State Highway 27 and is approximately fourteen miles from Spokane and twelve miles from the Spokane Valley.

The Board was concerned with the lack of storm water management for the steep slopes and highly erodable soils.

The existence and preservation of prime agricultural soils and productive agricultural uses

The area is predominately agriculture and has been used for agriculture for many years. Crops grown include blue grass, wheat, and soy beans. With the recent limit on field burning, sod grass crops are not thought to be as economically viable.

The Board noted that testimony indicated that the proposed annexation area is not good farmland, but other testimony indicated that adjacent lands were good farmland and would continue to be farmed. With annexation, the adjacent farmer would need assurance of access to the property.

The likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years

Urban growth is defined by the state law as "growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources."

In the process of planning under the Growth Management Act, population forecasts were prepared by the Office of Financial Management for each county. In Spokane County, the total growth projection was allocated to each city and town and the unincorporated areas of the County. The allocation for the Town of Rockford was a 273 increase in population over the next twenty years. Areas adjacent to Rockford are projected to have a low rate of growth and are located outside of the IUGA.

The Board noted that there is a platted development south of town within the IUGA that would be a more logical area for future growth. The Board also noted that testimony received indicated that retail in the Town was declining and while growth would continue in the Spokane metro area, it was not as assured for the Rockford area.

Location and most desirable future location of community facilities

A nine-hole golf course and a portion of the Town's sewage lagoons are proposed to be located within the annexation area. The sewage lagoon is under construction with approximately one-third of it located within the annexation area. The sewage lagoon is adjacent to two others serving the Town.

The property owners have indicated that this area is the most desirable future location of the proposed golf course. They cite the fact that traffic has increased on Highway 27 giving the site more visibility and it would enhance the economic viability of the Town. Difficulties to the location include the Union Pacific Railroad tracks bisecting the proposed golf course and relatively steep slopes.

The Board was again concerned with access due to the fact that the railroad bisected the annexation area and proposed golf course. The Board also noted that by crossing the highway, the Town would be divided physically. There was also concern that the proposed golf course as a destination, would not achieve the desired affect of supporting retail establishments in the Town due to the distance of the Town from the highway.

Municipal Services

Need for municipal services

Urban governmental services, as defined by the state law, include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

At present, private wells and septic systems serve the site. Fire District No. 11 provides fire protection and the Spokane County Sheriff provides police services. The State Department of Transportation provides maintenance of Highway 27, the only public road in the annexation area. The area is within Freeman School District and the Spokane County Library District.

The level of services provided to the area is at a nonurban level at present. With annexation, the Town foresees little change in the services to the area by the Town. Property owners would be required to install and maintain a private well for domestic water and irrigation water if a golf course is developed. A water rights permit for a private well over 5,000 gallons per day must be applied for with a minimum two-year processing time. Connection of the area to the Town's sewage treatment facility when expanded could occur after its first year of operation. Road maintenance, planning and zoning, and other municipal services would shift to the Town of Rockford upon annexation.

The Town contracts with the Spokane County Building Department for issuance of building permits and inspections and with the Spokane County Sheriff for police protection. These contracts could be expanded to include the annexation area.

The Board was concerned with the Town's ability to provide municipal services to the proposed annexation area. A new well was proposed for the 32 residences, but testimony from the Town indicated that it not possible to supply water for the proposed golf course. Regarding the wastewater treatment facility, the Town's Capital Facility Plan includes the expansion, but the Department of Ecology will not permit the use of effluent for the golf course. In addressing the need for municipal services, the Board

determined that the vast majority of the area proposed for annexation has no need for municipal services and will not benefit by annexation to the Town of Rockford.

Effect of ordinances, governmental codes, regulations and resolutions on existing services

The Town of Rockford proposes to annex the area using the petition method. The Town has obtained the owners signatures of the required seventy-five percent of the assessed valuation of property. A covenant has been added to the deed of property owned by Rockwood Pharms and Paul and Mary Jane Dashiell declaring that these properties "will hereby be subject to an agriculture use and an agricultural processing use as now existing, and all subsequent future owners of said land . . . will be subject to that use and covenant and agree not to sue arising out of the continuance of that use as now exists."

Present cost and adequacy of governmental services and controls in the area

The area as presently developed is receiving adequate services from Spokane County and Fire Protection District No. 11. With urban growth, an urban level of service would be required. Within the Town of Rockford, approximately fifty percent of the roads area paved and approximately seventy-five percent of the homes are connected to the sewer system. Development in the proposed annexation area would be required to meet town standards and codes.

The Board was concerned that the costs of providing services to the area were not presented and that the level of services currently provided was adequate for the area.

Prospects of governmental services from other sources

The area is within Rockford's IUGA and as such would receive urban services from the Town if development occurs. At this time, the Town contracts with Spokane County for many services and could expand these contracts upon annexation.

The Board noted that the Town of Rockford did not present testimony addressing how it would provide urban services to the proposed annexation area. In addition, it was again noted that the Fire District and Spokane County were providing an adequate level of services at present.

Probable future needs for such services and controls

Mitigation measures were identified in the Town's Determination of Non-Significance and are listed below:

- (a) The developer shall be responsible for the analysis of the intersection of SR 27 and the approach to the site south of the bridge over Rock Creek.
- (b) The developer must ensure that storm water runoff be collected and disposed of in an "environmentally" safe manner.
- (c) A flood analysis must be done at the expense of the developer. This will identify the floodplain through the entire site (i.e. how flow enters, flows through and exits the boundaries of the site). Flood analysis will take into account appropriate upstream and downstream characteristics that may impact the floodplain within the site.

- (d) Flood analysis will show impact of any planned modifications of the floodplain (i.e. channelization, excavation, fill, etc). Modification of the floodplain must show no impact to upstream and downstream properties.
- (e) The Freeman School District transportation supervisor must study the site for suitable school bus stops.
- (f) The developer shall be responsible for obtaining a plan done by a licensed engineer, excavator, or architect which addresses the mitigation of soil erosion.
- (g) The developer shall be responsible for an analysis of the impact of the Union Pacific Railroad on future activity on the site.

The Board was concerned that the Town had not adequately studied the affects of the proposal or was adequately able to handle those future needs. In addition, urban use on a property with steep slopes and infrastructure problems such as the railroad going through it, would require a lot of study. The Board determined that since the area was not urban in character and the proposed development was not urban in character, there was no need for additional municipal services to the area.

Probable effect of proposal on cost and adequacy of services and controls in area and adjacent area

The level of services in the area is adequate for the land as it is being used at this time. The effect of the proposal on adjacent land uses is undetermined.

The Board noted that the proposal calls for 32 homes and in the exhibits it notes the cost of an 18-hole golf course at \$18 million. The Board was concerned that it did not seem credible that 32 homes could carry the burden of \$9 million for a golf course. In addition, testimony of the Town indicated that the Town does not have the capability to take this on without more in-depth study.

The effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units

Tax revenues based upon the \$856,480 assessed value would not be received by Spokane County and Fire District No. 11. The amount of tax received by Fire District No. 11 from the annexation area was \$1,664.59 in 1998. An agreement between the Town and Fire District No. 11 to compensate for the loss of revenue is pending.

The effect of the proposal on adjacent areas, on mutual economic and social interests, and on the local government structure of the county

The proposed annexation may create future pressure for commercial and residential development which could adversely impact the provision of urban services.

OBJECTIVES (RCW 36.93.180)

Preservation of natural neighborhoods and communities

The proposed annexation area is presently used for agriculture and surrounded by agricultural uses. Development of a golf course would continue to provide open space for the area.

The Board determined that this objective does not apply.

Use of physical boundaries, including but not limited to bodies of water, highways and land contours

The 160-acre area uses the quarter section line as its boundary with the existing town limits on the east and an unpaved field road on the south. State Highway 27 runs through the northeast corner; Union Pacific Railroad lines bisect the area running east-west; Rock Creek runs through the northeast corner of the area; and power transmission lines divide the area running from north to south.

In reviewing the boundaries proposed, the Board determined that the Town of Rockford lies east of Highway 27 and it would be quite significant to add 160 acres west of Highway 27. The Board noted that this was not using a physical boundary that has been in place for many years. In addition, the physical features present on the property such as the railroad, creek, and highway were not used. The Board determined that this objective was not met.

Creation and preservation of logical service areas

The proposed annexation area receives no urban services. To receive water, a private well would have to be put in by the developer to accommodate any residential or recreational uses.

The Board noted that the Town of Rockford has not offered adequate evidence of the ability to finance and extend municipal services to the area. The Board determined that this objective was not met.

Prevention of abnormally irregular boundaries

The boundaries of the Town are not abnormally irregular at present. The Board determined that this objective did not apply.

Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas

The Board determined that this objective did not apply.

Dissolution of inactive special purpose districts

The Board determined that this objective did not apply.

Adjustment of impractical boundaries

The boundaries of the Town could be considered impractical at this time in that Highway 27 sweeps in and out of the Town on the west with the Seeds Inc. building divided by the Town boundary. The Board determined that this objective was not met.

Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character

The Town of Rockford is an incorporated area proposing to annex an adjacent area which is presently agricultural in character. It was designated as within the Town's Interim Urban Growth Area. Proposed uses for the area of a golf course and 32 single family homes could be accommodated within existing county zoning.

The Board determined that the proposal could not be considered urban in character because of the population density, land uses, assessed valuation, need for municipal services, and therefore, this objective would be set back by the proposal.

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.

This area is not designated by the County for agriculture; however, the land is currently used for agriculture. The soils are comparable to those designated for exclusive agriculture. Adjacent land is designated as rural and exclusive agriculture by the County.

The Board determined this objective did not apply to the proposed annexation area.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT (RCW 36.70A)

Decisions of the Boundary Review Board are required to be consistent with the planning goals, plans and policies of the Growth Management Act. In December 1994, the County adopted the policies to be used as a framework for each city's, town's, and the county's comprehensive plan. In April of 1997, the County adopted Interim Development Regulations which designate Interim Urban Growth Areas (IUGA).

In its findings in its adoption of the IUGA, the Board of County Commissioners reviewed the late addition to its IUGA requested by the Town of Rockford and determined in Finding No. 35: During the course of the Board's January 22nd public hearing, as well as in a January 30, 1997 letter, the Town of Rockford requested that an additional 112 acres of unincorporated land west of the town be included in their extra-territorial IUGA/JPA along with the 213 acres recommended by the Steering Committee. The requested addition is for land that would predominately be used to provide a new sewer treatment facility for Rockford and a golf course recreational amenity. The Town will need to demonstrate through its comprehensive planning process . . . that they have the capacity and resources to provide adequate urban services to the added area. The proposed use for the additional 112 acres as a location for a capital facility and recreational facility doesn't warrant a modification to the population allocation for Rockford.

Also applicable to the annexation proposal of Rockford is the reference to Joint Planning Area Designation and Process, Section 3 of the Interim Development Regulations. The relevant parts areas follows:

Section 3. Joint Planning Area Designation and Process. Joint planning areas are hereby designated adjacent to cities and towns as shown on the map of interim urban growth areas. This designation indicates areas that may be appropriate for future expansion of their corporate limits.

(a) The designation of joint planning areas is made for the purpose of facilitating the development of comprehensive plans and final urban growth areas.

(b) This section is intended to establish a framework for cooperative planning by the county, cities, towns and service providers for designated joint planning areas in the development of detailed plans for these areas and in the execution of interlocal agreements between these parties.

(c) No city or town should be permitted to annex areas within a joint planning area until that city or town has entered into an interlocal agreement with affected special purpose districts consistent with the Countywide Planning policies.

The Board referred to the testimony of Spokane County (Exhibits 9 and 21) and noted that in the Spokane County Commissioners Finding No. 35 of the Interim Development Regulations, that "The Town will need to demonstrate through its comprehensive planning process . . . that they have the capacity and resources to provide adequate urban services to the added area. In light of this and previous discussion, the Board determined that this proposal did not comply.

THEREFORE BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY that based upon the record, testimony and exhibits in File No. 536-99 and the above findings and conclusions, the proposed annexation is hereby denied.

ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY by a vote of five (5) in favor and none (0) against on this 14th day of June 1999, and signed by me in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

Lawrence Stone, Chair

ATTESTED TO and filed by me on this _____ day of June, 1999.

Susan M. Winchell, AICP, Planner