

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

In the Matter of	}	FILE No. 550-00
ANNEXATION OF 783.80 ACRES	}	
TO FIRE DISTRICT NO. 10	}	RESOLUTION AND HEARING
PORTION OF SECTIONS 29 AND 30	}	DECISION
	}	

HEARING DECISION

BRB 550-00: Proposed Annexation of 783.80 Acres to Fire District No. 10 (Portion of Sections 29 and 30) is hereby **APPROVED** by the Washington State Boundary Review Board pursuant to RCW 36.93.170, "Factors to be considered by the Board", RCW 36.93.180, "Objectives of the Boundary Review Board", RCW 43.21C and WAC 197-11, "State Environmental Policy Act", and relevant portions of the Growth Management Act.

LEGAL DESCRIPTION

The proposed annexation area is legally described as Section 30, Township 26 North, Range 42 E.W.M., EXCEPT the Northwest quarter of the Northwest quarter and the Northeast quarter of the Northeast quarter;

And also, that portion of Section 29, Township 26 North, Range 42 E.W.M. described as follows: The East half of the Southeast quarter of the Northwest quarter; And also, the Southwest quarter, except the East half of the East half of the Northeast quarter of the Southwest quarter lying North of the Great Northern Rail Road right of way; And also, the Southeast quarter lying South of the North right of way line of the Great Northern Rail Road; Situate in County of Spokane, State of 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 fifty percent of the assessed value of the area petitioned Fire District No. 10 to annex 783.8 acres to the District.

WHEREAS, The Board of Directors of Fire District No. 10 passed Resolution 00-5 on June 6, 2000 supporting the annexation and forwarding the proposal to the Boundary Review Board.

WHEREAS, Fire District No. 10 issued an environmental checklist and DNS (Determination of Nonsignificance) on June 14, 2000 for the proposal. A fifteen day review period followed the issuance of the checklist.

WHEREAS, a Notice of Intention was filed as BRB 550-00 with the Boundary Review Board on June 27, 2000 to add 783.8 acres to Fire Protection District No. 10.

WHEREAS, the Notice of Intention was then circulated to affected agencies and interested parties on June 27, 2000 for review and comments within a 45-day period ending August 11, 2000.

WHEREAS, property owners in the area proposed for annexation were notified by mail of the proposal on June 27, 2000.

WHEREAS, the Boundary Review Board preliminarily reviewed the proposal at its July 10, 2000 regular meeting.

WHEREAS, on August 11, 2000, Fire Protection District No. 9 invoked the Board's jurisdiction pursuant to RCW 36.93.100 (1) on behalf of a homeowner in the area.

WHEREAS, the Boundary Review Board set a public hearing for October 9, 2000 at 3:00 PM at the Spokane County Public Works Hearing Room, 1026 West Broadway, Spokane 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 (August 31, 2000), publication of legal notices in the Spokesman Review September 10, 2000; September 24, 2000; and October 1, 2000) and posting of notices (September 19, 2000) in at least ten places in the proposed area and other public places;

WHEREAS, on August 31, 2000 property owners of the area were notified by mail of the public hearing.

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

Exhibit 1. Letter dated August 11, 2000 requesting that the Board invoke its jurisdiction submitted by Michelle Massey, property owner.

Exhibit 2. Letter dated September 25, 2000, from Greg Franson, property owner, supporting the annexation because Fire District No. 10 is the logical service provider and there would be lower insurance costs for home he is building.

Exhibit 3. Letter dated September 25, 2000, from Robert Anderson, Fire Chief, Fire Protection District No. 9, supporting the annexation to Fire District No. 10 provided that no islands of private property are left between the new boundaries and the state parks land.

Exhibit 4. Letter dated October 4, 2000, from Michelle Massey, property owner, describing her concern with the annexation process.

WHEREAS, a public hearing was held on October 9, 2000 at 3:00 PM in the Spokane County Public Works Hearing Room, 1026 West Broadway, Spokane and all proceedings were recorded by a court reporter;

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

WHEREAS, public testimony was given by:

- 1) Nick Scharff, Deputy Chief, Spokane County Fire District No. 10
- 2) Scott Kuhta, Spokane County Division of Planning
- 3) David Czinger, 3311 W. Horizon, Spokane, WA

WHEREAS, the Boundary Review Board considered all testimony and exhibits, the State Environmental Policy Act submittals (RCW 43.21C and WAC 197-11), 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 approve 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 November 17, 2000.

FINDINGS

BRB 550-00: Proposed Annexation of 783.8 acres to Fire Protection District No. 10 (Sections 29 and 30) was APPROVED by the Washington State Boundary Review Board for Spokane County. 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 relevant portions of the 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

Within the 783-acre area, there are three homes and one under construction for a total of 10 inhabitants, which results in a population density of 1 person per 78 acres. The majority of the 783-acre area is not populated.

Land Area and Uses

The area is predominantly forested and agricultural land with some steep slopes and rock bluffs centrally located. All of the roads in the proposed annexation area are unpaved except for a half mile portion of Old Trails Road providing access to the area from the south.

Comprehensive Plans, Zoning and Development Regulations

The land is currently under the jurisdiction of Spokane County and is outside the Interim Urban Growth Area and designated Rural in the County's adopted comprehensive plan. The area is currently zoned General Agriculture (GA) and Semi Rural Residential-5 (SRR-5) with a permitted maximum density of one unit per five acres.

Interim Development Regulations for Spokane County were adopted in March 1997. Levels of service for fire protection have not been established for areas outside of the Interim Urban Growth Area.

Service Agreements and Interlocal Annexation Agreements

These factors are not applicable.

Per Capita Assessed Valuation

The assessed valuation of the proposed annexation area is \$1,149,250.

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

The site's topographical features include areas of steep slopes and rock bluffs. The area also is adjacent to the Spokane River and has a seasonal stream, two seasonal lakes and a seasonal marsh. The proposed annexation area is approximately 7 miles from Airway Heights and approximately 7 miles from the City of Spokane.

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

The proposed annexation area is presently used for agriculture with some residential structures.

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

The proposed annexation area is not projected for a significant increase in population or land use intensity due to its location outside of the Interim Urban Growth Area and Rural comprehensive plan designation.

Location and most desirable future location of community facilities

The proposed annexation area is approximately 4 miles from Fire District No. 10's secondary facility and 7 miles from Fire District No. 10's primary facility located in Airway Heights. Fire District No. 9's station is located approximately 5 miles away, and is separated by Riverside State Park which prevents a contiguous relationship with the proposed annexation area.

MUNICIPAL SERVICES

Need for municipal services

The area is not receiving fire protection for structures and is not receiving emergency medical services. Fire protection for timber is provided by the Washington State Department of Natural Resources. There are currently three homes in the area and one under construction, one of which presently contracts separately with Fire District No. 9 for fire protection and emergency response services; the other homes and structures are unprotected.

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

This factor is not applicable.

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

At the present time, the Department of Natural Resources (DNR) serves forested areas for fire protection only. This includes protection for all properties for wild fires, brush fires, timber fires, etc. DNR does not provide fire protection for structures or provide emergency response services. The present level of service is adequate for most of the property included within the annexation area, however, with four homes that require specific fire protection, structural protection is lacking.

Prospects of governmental services from other sources

The Department of Natural Resources will continue to provide fire protection for fires, which do not involve structures. Fire District No. 9 officials stated that serving the area would negatively affect their insurance rating and felt that Fire District 10 would better serve the area. Fire District No. 9 officials also stated that the State Park conflicts with a contiguous relationship for the annexation.

Probable future needs for such services and controls

Development of the area under current land use regulations is limited due to the availability of services.

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

With annexation to a fire district, property owners would still continue to pay a Fire Patrol Assessment to DNR in addition to tax assessments of a fire district. There is a significant variance in tax rates between Fire Districts 9 and 10. The tax rates in Fire District No. 9 are \$3.04/\$1,000 assessed valuation compared to \$1.88 in Fire District No. 10, which equates to a variation of \$1.16.

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

This proposal would have minimal effects on other governmental units.

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

Annexation to Fire District No. 10 would result in an increase in taxes collected to Fire District No. 10.

OBJECTIVES (RCW 36.93.180)

Preservation of natural neighborhoods and communities

The area proposed for annexation is predominately rural timbered land with three homes, which are bordered by Riverside State Park. The area is isolated from other residential areas on the north by Riverside State Park. The Board determined that by including all of the privately-owned property between Riverside State Park and Fire District No. 10's boundaries, this objective was met.

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

The boundaries used to define the area are Fire District No. 10 boundaries on the south and west and Riverside State Park property on the north and east. Physical boundaries such as fencing and border markers distinguish the state park property from the annexation area, therefore, the Board determined that this objective was met.

Creation and preservation of logical service areas

The proposed annexation area is presently served for timber fire protection only by the Washington State Department of Natural Resources. Fire District No. 9 serves one home in the area through an individual contract agreement. Because Riverside State Park separates Fire District No. 9 from this service area, the Board determined that Fire District No. 10 would provide a more logical service area and therefore, this objective was met.

Prevention of abnormally irregular boundaries

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 Board determined that this objective did not apply.

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

The Board determined that this objective did not apply.

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

The land has been designated as Rural in the Spokane County Comprehensive Land Use Plan. The Board determined that the annexation to a Fire District would not prevent continued agricultural use and therefore, the objective was met.

GROWTH MANAGEMENT ACT

Decisions of the Boundary Review Board are required to be consistent with the Growth Management Act. The area is outside of the Interim Urban Growth Area as designated by Spokane County and a rural level of fire service is proposed. The Board determined that this annexation was consistent with the Growth Management Act provisions.

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. 550-00 and the above findings and conclusions, the proposed annexation is hereby APPROVED.

ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY by a vote of ____ in favor and ____ against on this 13th day of November, 2000, and signed by me in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

Robert Nebergall, Chair

ATTESTED TO and filed by me on this 14th day of November, 2000.

Susan M. Winchell, AICP
Director