

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

In the Matter of:	}	FILE No. 555-01
	}	
PROPOSED INCORPORATION	}	RESOLUTION AND
OF THE CITY OF SPOKANE VALLEY	}	HEARING DECISION

BRB 555-01: Proposed Incorporation of the City of Spokane Valley is hereby **MODIFIED** 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 36.70A, the Growth Management Act.

LEGAL DESCRIPTION

The incorporation area as modified by the Boundary Review Board is legally described in Appendix A.

RESOLUTION

WHEREAS, a notice of the proposed incorporation was filed with the County Commissioners on August 24, 2000 together with a one hundred dollar filing fee and an affidavit from Ed Mertens, the person submitting the notice stating that he is a registered voter in the incorporation area;

WHEREAS, on September 5, 2000, the County Commissioners adopted Resolution 0-0767 forwarding the Notice of Incorporation to the Boundary Review Board;

WHEREAS, the Boundary Review Board scheduled a public meeting on Monday, September 11, 2000 at 7:00 pm in the Spokane Valley to allow persons favoring and opposing the proposed incorporation an opportunity to state their views.

WHEREAS, public notice procedures pursuant to RCW 35.02.015 were carried out: publication of legal notices in the Spokesman Review (August 27, 2000, September 3, 2000 and September 10, 2000) at least once ten days prior to the public meeting, in addition, notice was mailed to affected jurisdictions and interested parties thirty days prior to the public meeting (August 9, 2000);

WHEREAS, approximately 50 persons attended the meeting, public comments and questions were made and discussed, and the following persons were asked to give presentations:

- Susan Winchell, Director, Boundary Review Board and Peter Fortin, Consultant;
- Ed Mertens, proponent for the Spokane Valley incorporation, describing the proposed boundaries;

WHEREAS, the Boundary Review Board directed its staff to prepare an incorporation study of the proposed City of Spokane Valley;

WHEREAS, a petition for incorporation of a non-charter code city with a council-manager form of government and an estimated population of 90,000 to be called the City of Spokane Valley was circulated and submitted to the County Auditor on March 8, 2001;

WHEREAS, on March 19, 2001, the County Auditor notified the Board of County Commissioners that the petition was sufficient;

WHEREAS, a Notice of Intention was filed by the Boundary Review Board Director on May 31, 2001 in File No. 555-01: Proposed Incorporation of the City of Spokane Valley and pursuant to RCW 36.93.153, the jurisdiction of the Board was invoked;

WHEREAS, on June 14, 2001, affected agencies and interested parties were sent copies of the Notice of Intention to review;

WHEREAS, on July 10, 2001, affected agencies and interested parties were sent copies of the Spokane Valley Incorporation Study to review;

WHEREAS, the Boundary Review Board set a hearing date for Wednesday, August 8, 2001 at 7:00 PM at the Neville Auditorium in the Spokane Valley to follow the adoption of the Urban Growth Area by Spokane County;

WHEREAS, the Board directed its Director to advertise for the hearing and include adjacent areas that may be added in any modifications to the proposal;

WHEREAS, public notice procedures pursuant to RCW 36.93.160 (1) were carried out: notice to affected jurisdictions and interested parties thirty days prior to the public hearing (July 3, 2001), publication of legal notices in the Spokesman Review (July 8, 2001, July 20, 2001, and July 22, 2001) and the Valley News Herald (July 11, 2001 and July 18, 2001) three times prior but not later than five days before the hearing and posting of notices (July 13, 2001) in at least ten places in the proposed area and other public places;

WHEREAS, prior to the public hearing Exhibit Nos. 1 - 27, as listed in Appendix B, were received and considered by the Board;

WHEREAS, the Board held a special meeting on July 23, 2001 which was advertised pursuant to RCW 42.30.080 to inspect the proposed incorporation area;

WHEREAS, the public hearing was held on August 8, 2001 at 7:00 PM in the Neville Auditorium in the Spokane Valley, all proceedings were recorded, approximately 75 people were in attendance and all Board members were present;

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

WHEREAS, the Board Director then introduced the proponents of the proposal: Philip Rudy and Ed Mertens who gave a presentation on the merits of the proposal;

WHEREAS, affected government agency representatives then testified:

- John Mercer, City of Spokane Planning Director
- Mark Grover, Fire Chief for Spokane County Fire District 1
- Larry Rider, Assistant Fire Chief for Spokane County Fire District 1

WHEREAS, public testimony on the incorporation was given by:

- Jack Riley, P.O. Box 13474, Spokane, WA 99213
- Loyd Peterson, 3001 N. Joel Court, Otis Orchards, WA 99027
- Margaret DeCroff Milsap, 1426 N. Bowdish, Opportunity, WA 99206
- Mike Donahue, 18809 E. Fairview Court, Otis Orchards, WA 99027
- Tony Lazanis, 10625 E. Trent, Spokane, WA 99206
- Harold Kellams, 1424 S. Eastern, Spokane, WA 99212
- Annette Remshard, 1705 N. McMillan Lane, Greenacres, WA 99016
- Scott McClay, 2222 S. Collins Court, Spokane, WA 99216
- Tom Herman, 8703 E. Maringo Drive, Spokane, WA 99212
- Cary Driskell, 12704 E. Nora, Spokane, WA 99216
- Wayne Frost, 3320 N. Argonne Road, Spokane, WA 99212
- R.A. Hansen, 15102 E. Indiana, Spokane, WA 99216
- Richard Behm, 3626 S. Ridgeview, Spokane, WA 99206
- Pete Higgins, 20221 E. 8th, Greenacres, WA 99016
- Donna Blomberg, 4508 N. Dick Road, Spokane, WA 99212
- Dennis Scott, 24324 E. Pinehurst Lane, Liberty Lake, WA 99016
- Alan Carlson, Spokane, WA
- Brian Sayrs, 1011 N. Malvern Circle, Liberty Lake, WA 99016

WHEREAS, Exhibit Nos. 28 - 32, as listed in Appendix B, were received during the public hearing, held on August 8, 2001, and considered by the Boundary Review Board;

WHEREAS, the Boundary Review Board considered all testimony and in order to sufficiently review all materials submitted as exhibits, to hear from additional persons and entities affected by the proposal, and to accommodate the scheduled adoption of the Urban Growth Area by Spokane County, continued the public hearing to Monday, August 27, 2001 at 7:00 pm;

WHEREAS, notice was given to affected jurisdictions and interested parties of record prior to the continued public hearing on the proposal and possible modifications (August 14, 2001);

WHEREAS, the Board received Exhibit Nos. 33 - 45, as listed in Appendix B, prior to the continuation of the hearing;

WHEREAS, the continued public hearing was held, all proceedings were recorded and all Board members were present;

WHEREAS, the Board Director administered the oath to those planning to testify and reviewed exhibits received since the last hearing;

WHEREAS, public testimony was given by:

- John Mercer, City of Spokane, Planning Director
- Bobby Williams, Fire Chief, City of Spokane Fire Dept.
- Lloyd Petersen, 3001 N. Joel Court, Otis Orchards
- Annette Remshard, 1705 N. McMillan Lane, Greenacres
- Raymond Hanson, 2031 S. Parkwood Circle, Spokane
- Iris Kiger, 9618 E. Maringo Drive, Spokane
- John Gray, 4521 E. 2nd Avenue, Spokane
- Ed Mertens, 1310 N. Pierce, Spokane
- Pete Higgins, 20221 E. 8th, Greenacres
- Bill Crawford, 15615 E. 4th Avenue #10, Veradale
- John Wittemberg, 2109 N. Bessie, Spokane
- Gayle Puu Carroll, 11823 E. 38th Avenue, Spokane
- Don Kachinsky, 716 S. Koren Road, Spokane
- Tony Lazanis, 10625 E. Trent Avenue, Spokane

WHEREAS, Exhibit Nos. 46 - 55, as listed in Appendix B, were received during the August 27, 2001 continued public hearing and were considered by the Boundary Review Board;

WHEREAS, Dr. Phillip Rudy, speaking for the proponents, requested the Board not make its decision until the written decision adopting the Urban Growth Area was signed by the County Commissioners and he stated that the proponents were aware that because of the delay, the matter would not be on the November ballot;

WHEREAS, the Board continued the public hearing to a special meeting on October 2, 2001 at 7:00 PM in the Neville Auditorium in the Spokane Valley to accommodate the delayed adoption of the Urban Growth Area by Spokane County;

WHEREAS, notice was given to affected jurisdictions and interested parties of record prior to the continued public hearing (September 13, 2001);

WHEREAS, the Board received Exhibit Nos. 56 - 67, as listed in Appendix B, prior to the continuation of the hearing;

WHEREAS, the continued public hearing was held, all proceedings were recorded and all Board members were present;

WHEREAS, the Board Director administered the oath to those planning to testify and presented a staff report on alternative boundaries;

WHEREAS, public testimony was given by:

- Mike Donahue, 18809 Fairview Court, Otis Orchards
- Walter Bonsack, 20409 E. 1st Avenue, Greenacres
- Laletta Sartain, 5304 E. Cataldo, Spokane
- Annette Remshard, 1705 N. Mcmillan Lane, Greenacres
- Loyd Petersen, 3001 N. Joel Court, Otis Orchards
- Dennis Scott, 24324 E. Pinehurst Lane, Liberty Lake
- Ed Mertens, 1310 N. Pierce, Spokane
- Cary Driskell, 12704 E. Nora, Spokane

WHEREAS, the Board continued the public hearing to its regular meeting on November 5, 2001 at 3:00 pm in the Spokane County Public Works Hearing Room in Spokane to allow proponents a closing statement;

WHEREAS, the Board received Exhibit Nos. 68 – 83 including the Spokane County Findings and Decision adopting the Urban Growth Area, as listed in Appendix B, prior to the continuation of the hearing;

WHEREAS, the continued public hearing was held, all proceedings were recorded and all Board members were present;

WHEREAS, the Board Director administered the oath to those planning to testify and presented a staff report on alternative boundaries;

WHEREAS, public testimony was given by:

- Dennis Scott, 24234 E. Pinehurst Lane, Liberty Lake
- Tom Gregory, 10909 E. 23rd, Spokane
- Dan Sander, 8315 E. Bridgeport, Millwood
- Cary Driskell, 11014 E. 21st, Spokane
- Pete Higgins, 20221 E. 8th Avenue, Greenacres
- Ed Mertens, 1310 N. Pierce, Spokane

WHEREAS, Exhibit Nos. 84 - 86, as listed in Appendix B, were received during the public hearing, held on November 5, 2001, and considered by the Boundary Review Board;

WHEREAS, the Boundary Review Board closed the public hearing and began its deliberations;

WHEREAS, the Boundary Review Board directed its staff to compile information in several areas to be considered further for possible modification to the proposed incorporation: the Yardley area, Alcott area, Carnahan, Ponderosa, undeveloped areas on the southern and eastern boundary, Otis Orchards, Northwood, and Pasadena Park;

WHEREAS, the Board continued the deliberations to a special meeting on November 19, 2001 at 3:00 pm in the Spokane County Public Hearing Room in Spokane;

WHEREAS, at the special meeting on November 19, 2001, the Boundary Review Board took action to remove territory of the proposed incorporation outside of the Urban Growth Area;

WHEREAS, the Boundary Review Board considered each factor (RCW 36.93.170), and determined which objectives were met or not met by the proposal or an alternative (RCW 36.93.180);

WHEREAS, the Board considered proposed alternative boundaries and modifications to the proposal;

WHEREAS, the Washington State Boundary Review Board for Spokane County based its decision on all testimony, evidence and exhibits presented at the public hearing and the information contained in BRB File No. 555-01 and decided that the proposal as submitted did not meet its objectives and therefore, modified the proposal to include the south half of the Ponderosa neighborhood, additional parcels in the Carnahan and Morningside areas, and to exclude the Pasadena Park neighborhood and undeveloped areas on the southern and eastern boundaries;

WHEREAS, the Boundary Review Board modified the boundaries of the proposed City of Spokane Valley, which are described in Appendix A, by a vote of five (5) in favor and zero (0) against;

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 on or before December 14, 2001.

FINDINGS

Pursuant to RCW 36.93.150 (2), the Washington State Boundary Review Board for Spokane County modified BRB 555-01: Proposed Incorporation of the City of Spokane Valley. 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 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 are not limited to the following:

POPULATION AND TERRITORY

Population density

The estimated 2001 population for the City of Spokane Valley as originally proposed was 82,135 people with a population density of 1,825 people per square mile based on a land area of 45 square miles. After the land area outside of the Urban Growth Area was removed the estimated 2001 population was 81,617 with a population density of 1,954 people per square mile based on a land area of 41.77 square miles.

The Board considered population density to be an important factor in its decision to modify the proposal. Subsequently, the Board modified the proposal to exclude undeveloped and less dense areas containing more rural land uses and including areas, which were more urban in character containing significant additional residential uses. The projected population of the proposed city as modified would be 80,693 with a population density of 2,092 persons per square mile based on a land area of 38.5 square miles.

Land area and uses

The proposed City of Spokane Valley contains a wide range of land uses. Industrial uses are concentrated in the eastern portion of the proposed city, in the area identified as Yardley, and north of I-90 between Argonne Road and Sullivan Road. Agricultural uses can be found in the easterly section of the proposed city with some agricultural uses scattered throughout other residential areas. Commercial corridors are found along Sprague Avenue, Pines, Sullivan and Argonne/Mullan Roads. Urban density residential land use is concentrated in the Opportunity, Dishman, Veradale, and East Spokane areas. Small acreage residential, mixed with some higher density residential can be found in the Greenacres and Otis Orchards areas of the proposed new city.

The Board considered this an important factor in its decision to modify the proposal by excluding the less developed areas on the south and east boundaries and including the developed urban areas adjacent to the proposed city boundary of Ponderosa, Carnahan, and Morningside. In direct correlation to this factor, the Board did not

exclude the Yardley area because of its existing urban character containing residential, commercial, and industrial land uses.

Comprehensive Plans and Development Regulations

Within the boundary of the incorporation proposal, the Spokane County Comprehensive Land Use Plan designations are diverse. Approximately 90 percent of the originally proposed incorporation area was within the Urban Growth Area (UGA) designated in the 2001 Comprehensive Plan. The Yardley and Alcott areas designated as City of Spokane Joint Planning Areas were included in the original proposal as was the area designated within the Pasadena Park Neighborhood/Community Plan.

Zoning classifications within the area, and described by the Spokane County Zoning Code, vary from intense Heavy Industrial (I-3) and Regional Business (B-3) to the least intense General Agricultural (GA) designation. The area outside of the UGA was removed by the Board eliminating Rural and Agricultural designations.

The Board considered the adopted comprehensive plans and zoning an important factor in its decision and modified the proposal to exclude land outside of the designated Urban Growth Area and the Pasadena Park Neighborhood and to include land urban in character within the Urban Growth Area and developed as urban residential: Ponderosa, Carnahan, and Morningside areas.

Applicable Service Agreements

As a part of the comprehensive plan that a new City of Spokane Valley would prepare is the establishment of service agreements with the affected special purpose districts (i.e., Fire District No. 1, and Spokane County Library District) and Spokane County. These agreements can include policies for the continuation of services, annexation, County planning and zoning in its Urban Growth Area, and revenue sharing.

Applicable Interlocal Agreements

The interlocal agreement between the City of Spokane and Fire District 1 includes the process agreed to by the two entities for eventual annexation of the area by the City of Spokane; mitigation when annexation occurs; and joint planning of facilities and services. The Board considered this timeline an important factor in its decision to not exclude the Yardley and Alcott areas from the new city in that the area would remain unincorporated for at least two years according to the agreement.

Per capita assessed valuation

The originally proposed city had an estimated 2001 taxable assessed value of real property of \$4,450,000,000. Using a 2001 population of 82,135 people, the estimated per capita assessed value was \$53,120. With the area outside of the Urban Growth Area removed, the per capita assessed value increased to \$53,364.

The Board considered this an important factor in its decision to leave the Yardley area within the boundaries and modify the proposal by adding more developed areas and removing less urban areas. The 2001 taxable assessed value of real property for the

modified proposal is \$3,962,605,256 and the per capita assessed value of the modified proposal is \$53,376.

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

The proposed city is relatively flat with slopes in northern and southern portions. The incorporation area contains a large number of drainage basins and wetland areas, which have been identified. A major portion of the proposed city is over the Spokane Valley/Rathdrum Prairie Aquifer. The proposed City of Spokane Valley lies directly east of the City of Spokane, which is the County's largest urban area and is the second largest city in Washington with a 2000 population of 195,629. The Board modified the proposal to extend the use of the Spokane River as a natural boundary north of the Town of Millwood.

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

Much of the original landscape within the proposed city has been altered by human activity. Residential, commercial, and industrial activity has displaced much of the agricultural activity. The County has not designated areas within the boundaries for primarily agricultural uses; however, much of the eastern portion of the Spokane Valley contains various agricultural uses including farming and animal raising.

The Board considered this an important factor in its decision to modify the proposal by excluding rural and agricultural lands to the extent possible.

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

A growth rate of 9.7 percent was projected for the incorporation area for the next ten years based on the growth of the incorporation area from 1990 through 2000. Population projections for Spokane County and the City of Spokane were estimated as a part of the growth management planning process. For the table below, the 1990-2000 population growth rate was continued to 2010.

10-year Population Projection for the Spokane Valley Incorporation Area

	1990	2000	% Change	2010
Spokane County	361,333	417,939	13.5	453,881
Unincorporated Area	165,443	199,135	16.9	232,788
Incorporated Area	195,890	218,804	10.5	221,093
City of Spokane	177,165	195,629	9.4	214,018
<i>City of Spokane Valley*</i>	<i>74,081</i>	<i>81,277</i>	<i>9.7</i>	<i>89,425</i>

**As originally proposed.*

The Board considered population growth as an important factor in its decision to modify the proposal by excluding areas with rural residential zoning whenever possible.

Location and most desirable future location of community facilities

Community facilities within the incorporation area include recreation facilities such as parks and golf courses, public service facilities such as the transit station, post offices, fire stations, cemeteries, schools, a hospital and churches. With incorporation, municipal buildings and maintenance facilities would be required.

MUNICIPAL SERVICES

Need for municipal services

Governmental services are provided to the area, at present, by a combination of special purpose districts, Spokane County, the City of Spokane and private companies. The Board considered this an important factor in its decision. The Board modified the boundaries to include adjacent urban areas requiring urban services and reduced the total non-urban lands, which do not require municipal services or do not have them available. For this reason, the Ponderosa, Carnahan, Morningside, and Yardley areas, which require full urban services, were included in the incorporation boundaries.

The Board was concerned that a substantial portion of the proposed City of Spokane Valley was not completely sewered and would be the only new city to incorporate without sewers in place creating a financial burden to the new city. The existing wastewater treatment plant will soon be at capacity and an alternative treatment facility is planned to serve the Spokane Valley. The Board was concerned that the planning for this facility would be delayed by a change in wastewater management and the expense of the new facility would be another burden to the new city.

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

Initially the new city could contract for a county level of service by policy and ordinance. If that were the case, there would be a minimal effect on the present level of service to the area. With incorporation, fire protection service would have to be negotiated between Fire District 1 and Fire District 8, considering both fire districts serve the proposed new city.

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

Proponents have stated that more local control over the Valley's future development was a reason for the incorporation effort. The Board acknowledged the proponents concern over local control of services. As part of the Spokane Valley incorporation study staff developed a survey in an attempt to identify Valley residents' satisfaction with existing service providers. The survey was published in the Valley Voice edition of the Spokesman Review in November 2000. Five hundred responses were received and the results were compiled and analyzed. The results of the survey expressed that Valley residents' were for the most part satisfied with municipal services.

Prospects of governmental services from other sources

The new city would provide some new services to the area in the form of general government functions. Those services initially would be legislative, administrative,

planning, legal and finance. Other services may be contracted with Spokane County, City of Spokane, special purpose districts, or private enterprises. The new city council would make many of these decisions if incorporation occurs.

Probable future needs for such services and controls

Future needs will depend on the demand for a higher level of service or desire to have greater control over municipal services of the city.

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

There are a number of impacts of the incorporation of the Spokane Valley that affect the cost and adequacy of services in the incorporation area and adjacent unincorporated areas. The Board considered this factor in evaluating alternative boundaries for the proposal by excluding areas that were non-urban in nature to prevent future fiscal strains from providing urban services to less densely developed areas.

The revenue available to the new city as modified was estimated at \$27,668,847 for 2001 and \$29,365,288 for 2003 for the General Budget and \$2,288,416 for 2001 and \$2,437,964 in 2003 for Capital Improvements. Expenses for the new city were estimated at \$32,724,101 for 2001 and \$34,500,262 for 2003 to provide the same level of services to Spokane Valley residents. Capital improvements for the Spokane Valley planned by Spokane County for 2002 – 2006 amount to \$27,952,000. The Board determined that the new city would have other revenue mechanisms available (i.e. a utility tax) and its budget could be balanced and the city could be financially viable.

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

Spokane County would be the most affected government unit by the incorporation of a city in the Spokane Valley. The total revenue loss to Spokane County would be approximately \$18 million or 18 percent of the County General Fund and a loss of \$9 million to the Road Fund or 15 percent of the County Road Fund. In addition to this, state and federal road grants and community development grants would be reduced. The Board also considered the impacts of the proposal and its alternatives on the special purpose districts and the City of Spokane. An estimated revenue loss of \$169,179 to Fire District 8 would result from the incorporation as modified. Negotiation between Fire District 1 and Fire District 8 could be made in order to continue providing adequate fire protection.

THE EFFECT OF THE PROPOSAL ON ADJACENT AREAS, ON MUTUAL ECONOMIC AND SOCIAL INTERESTS, AND ON THE LOCAL GOVERNMENT STRUCTURE OF THE COUNTY

The impacts of the incorporation of a new city in the Spokane Valley on Spokane County government could be significant, however, testimony from Spokane County officials did not establish the impact to be great enough to be considered a significant factor. Revenue losses would most likely be made up with contractual agreements for County services.

OBJECTIVES (RCW 36.93.180)

Preservation of natural neighborhoods and communities

The Spokane Valley has had a distinct identity since its beginnings as orchard lands and small farms. Several communities can still be generally defined with the incorporation proposal: East Spokane, Yardley, Alcott, Orchard Avenue, Trentwood, , Chester, Irvin, Ponderosa, Northwood, Pasadena Park, Opportunity, Veradale, Greenacres, and Otis Orchards. Distinct industrial and commercial areas can also be identified: the Trentwood area including Kaiser and Spokane Industrial Park, Mirabeau, the Sprague Avenue, Argonne/Mullan, Pines and Sullivan Road commercial corridors.

Testimony received indicated that the boundaries proposed for the new city divided the communities of, Carnahan, and Ponderosa and isolated other urban areas such as Pasadena Park. The Board determined that the Pasadena Park area should be excluded because of its unique character.

The Board determined that the southern part of the Ponderosa area and the remaining portion of the Carnahan area should be included because the original boundary divided these neighborhoods.

The Board ruled that as modified, the proposal would better meet this objective (RCW 36.93.180 (1)).

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

Fire district boundaries were originally used to define the new city. These are not physical boundaries in some areas and the Board was concerned that it was difficult for the County to service roads in the area. The Board modified the proposal because the Spokane River separated the Pasadena Park area from the rest of the Spokane Valley and to alleviate some of the road maintenance and service concerns of Spokane County.

The Board ruled that if modified by excluding Pasadena Park and using the Spokane River as a boundary and making road modifications recommended by the County Engineer, this objective would be met by (RCW 36.93.180 (2)).

Creation and preservation of logical service areas

The new city would annex to the fire district immediately upon incorporation maintaining that service area. Water purveyors were assumed to remain serving their existing service areas. The Board was concerned that other service providers both within the new city and the County would have illogical service areas leading to increased cost and staff time (i.e. road maintenance, police protection). By modifying the proposal to include adjacent urban areas and exclude undeveloped areas, the Board determined that these service problems would be alleviated. The Yardley area remained within the

proposed city boundaries due to its existing urban character and existing industrial uses that require urban level of services. In addition, the Board determined that removing Yardley would create an island of County land causing service delivery problems.

The Board ruled that as modified, this objective would be met by the proposal (RCW 36.93.180 (3)).

Prevention of abnormally irregular boundaries

The Board considered several modifications to the proposal. At the request of the City of Spokane, the Board was asked to consider excluding the Yardley area because the area is in the City's water and sewer service area, the City serves water to the area and has extended sewers to the area. Testimony received by the City of Spokane indicated that annexation was not currently proposed for that portion of Yardley that it currently served. Excluding only the City of Spokane's water and sewer service area would create an irregular boundary. The Board determined that the proposed western boundary of the new city was not abnormally irregular as proposed.

In the Pasadena Park area, the Board received testimony stating that the proposed boundary was irregular, the roads used as boundaries divided the community, and the eastern boundary was not distinct. The Board determined that the eastern boundary was abnormally irregular and modified the boundary to use the Spokane River as the boundary in that area.

In other areas, the Board followed recommendations of the County Engineer to use road rights-of-way and not divide parcels.

The Board determined that by modifying the boundaries this objective would be met better than the original proposal (RCW 36.93.180 (4)).

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 estimated population for the proposed City of Spokane Valley is 80,700, which would rank it as one of the larger cities in the State of Washington. The Board determined that modifying the proposal meets this objective (RCW 36.93.180 (5)).

Dissolution of inactive special purpose districts

The Board determined that this objective did not apply.

Adjustment of impractical boundaries

The Board considered modifications to the original boundaries to meet this objective with the constraint of the state law limiting modifications to ten percent of the land area after the territory outside of the Urban Growth Area is removed. The Board adjusted the boundaries to allow more consistency for service providers, more efficient provision of urban services, and better management of resources.

The Board determined that the modified boundaries met this objective (RCW 36.93.180 (7)).

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

Urban character is defined by population distribution and density, land uses, and availability of services. The population density for the area as proposed is low when compared to other cities in Spokane County and Washington. The Board modified the proposal by eliminating areas of very low population density, non-urban land uses, and those lacking in urban services and included adjacent areas of higher densities, urban land uses, and full urban services.

The Board determined that as modified, the population density would increase from 1,855 persons per square mile to 2,096 persons per square mile; the percentage of vacant land uses would decrease from 24 percent to 20 percent; and the area receiving full urban services would increase accordingly.

Therefore, the Board determined that this objective would be better met with modification (RCW 36.93.180 (8)).

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

No lands in the proposed incorporation area are designated for agricultural or rural purposes although portions of the area include land, which is suitable for agricultural purposes and is currently used for that purpose. The Board determined that this objective was not applicable to its decision (RCW 36.93.180 (9)).

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. 555-01 and the above findings and conclusions, is hereby modifying the proposed incorporation.

ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY by a vote of ____ in favor and ____ against on this 10th day of December, 2001 and signed by me in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

Rob Nebergall, Chair

John Hagney, Vice Chair

Doug Beu, Board Member

Lawrence Stone, Board Member

Daniel Turbeville III, Board Member

ATTESTED TO and filed by me on this 13th day of December, 2001.

Susan M. Winchell, Director
Boundary Review Board

