

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

In the Matter of	}	FILE No. 559-02
ANNEXATION OF 329.8 ACRES	}	
TO THE CITY OF LIBERTY LAKE	}	RESOLUTION AND
(LIBERTY LAKE MEADOWS)	}	HEARING DECISION

HEARING DECISION

BRB 559-02: Proposed Annexation of 329.8 Acres to the City of Liberty Lake (Liberty Lake Meadows) 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

All that certain real property located in the County of Spokane, State of Washington and consisting of the following:

The East Half of Section 11, Township 25 North, Range 45 East, W.M.; EXCEPT that portion lying northerly of the southerly right of way of PSH No. 2 (I-90).

That portion of Government Lot 9 in Section 2, Township 25 North, Range 45 East, W.M. lying southerly of the southerly right of way of PSH No. 2 (I-90).

That portion of Government Lot 10 in Section 1, Township 25 North, Range 45 East, W.M., lying southerly of the southerly right of way of PSH No. 2 (I-90) and northerly of the southerly right of way of Appleway Avenue Number 2312.

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 by the City Council of the City of Liberty Lake adopted Resolution No. 02-44 on May 7, 2002 requesting that the area be considered for annexation by the Boundary Review Board.

WHEREAS, a Notice of Intention was filed as BRB 559-02 with the Boundary Review Board on June 12, 2002 to add 329.8 Acres to the City of Liberty Lake.

WHEREAS, the Notice of Intention was then circulated to affected agencies and interested parties on June 19, 2002 for review and comments within a 45-day period ending July 26, 2002.

WHEREAS, property owners and registered voters in the area proposed for annexation were notified by mail of the proposal on June 20, 2002.

WHEREAS, on July 9, 2002, Spokane County invoked the Board's jurisdiction pursuant to RCW 36.93.100 (1).

WHEREAS, the Boundary Review Board set a public hearing for August 19, 2002 at 7:00 PM at the Liberty Lake Sewer and Water District Office, 22510 East Mission, Liberty Lake and directed its Director 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 (July 18, 2002), publication of legal notices in the Spokesman Review (July 28, 2002; August 4, 2002; and August 11, 2002); Valley News Herald (July 26, 2002; August 2, 2002; and August 9, 2002); and Liberty Lake Splash (August 8, 2002 and August 15, 2002) and posting of notices (July 31, 2002) in at least ten places in the proposed area and other public places;

WHEREAS, on July 18, 2002 property owners and registered voters of the area were notified by mail of the public hearing.

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

Exhibit No 1

Letter dated July 9, 2002 from the Spokane County Board of County Commissioners invoking the Boundary Review Board's jurisdiction.

Exhibit No. 2

Assessment of Urban Services for Proposed Annexation Areas submitted by the City of Liberty Lake on August 16, 2002.

Exhibit No. 3

Comments received August 16, 2002 regarding sewer service considerations submitted by Kevin Cooke, Spokane County Division of Utilities.

WHEREAS, the Board held a special meeting on August 5, 2002 which was advertised pursuant to RCW 42.30.080 to inspect the proposed incorporation area;

WHEREAS, a public hearing was held on August 19, 2002 at 7:00 PM at the Liberty Lake Sewer and Water District Office, 22510 East Mission, Liberty Lake and all proceedings were recorded by a court reporter and all Board members were present;

WHEREAS, the Board Director administered an oath to those planning to testify.

WHEREAS, public testimony was given by:

- 1) Doug Smith, Planning and Community Development Director, City of Liberty Lake
- 2) Jim Frank, Greenstone Corporation
- 3) Scott Kuhta, Division of Long Range Planning, Spokane County
- 4) Doug Chase, Spokane County Parks and Recreation
- 5) Kevin Cooke, Spokane County Division of Utilities
- 6) Shirley Welch, 1509 N. Aladdin Road, Greenacres
- 7) David Arnold, 1508 N. Aladdin Road, Greenacres
- 8) Fred Clark, 1514 N. Aladdin Road, Greenacres
- 9) Jerry Neal, Suite 1400 Bank of America, Spokane County
- 10) M. Jay Stopher, 1505 N. Holl Road, Greenacres
- 11) Dennis Calvin, 20215 E. Augusta Court, Greenacres
- 12) Steve Peterson, Mayor for the City of Liberty Lake
- 13) John McBride, 20201 E. Augusta, Greenacres
- 14) Judi Williams, PO Box 629, Liberty Lake
- 15) Wayne Frost, Inland Empire Paper, 3320 N. Argonne, Spokane
- 16) Kevin T. Stopher, 20118 E. Augusta Court, Greenacres

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

Exhibit No. 4

Letter dated August 19, 2002 from Scott Kuhta , Spokane County Division of Long Range Planning, outlining the concerns Spokane County had regarding the annexations.

Exhibit No. 5

Information packet received August 19, 2002 submitted by Doug Smith, Planning and Community Development Director for the City of Liberty Lake.

Exhibit No. 6

Sewer Basin Study received August 19, 2002 submitted by Jim Frank, Greenstone Corporation.

Exhibit No. 7

Map received August 19, 2002 submitted by Kevin Cooke, Spokane County Utilities.

Exhibit No. 8

Petition of 61 names received August 19, 2002 submitted by John McBride requesting to remain unincorporated.

Exhibit No. 9

Letter dated August 14, 2002 from Robert Ashcraft, Consolidated Irrigation District stating Consolidated Irrigation District will be able to provide domestic, municipal, industrial and irrigation water service to the proposed area (BRB 560-202).

WHEREAS, the Boundary Review Board continued the public hearing to Tuesday, August 27, 2002 at 2:00 pm in the Spokane County Public Works Building Hearing Room, 1026 West Broadway, Spokane to allow additional testimony.

WHEREAS, a continued public hearing was held on August 27, 2002 at 2:00 PM at the Spokane County Public Works Hearing Room and all proceedings were recorded by a court reporter 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, public testimony was given by:

- 1) Cheryl Bratton, 1615 N. Glenbrook, Greenacres, WA 99016
- 2) Shirley A. Welch, 1509 N. Aladdin, Greenacres, WA 99016
- 3) Lee Mellish, 22510 E. Mission, Liberty Lake, WA 99019
- 4) Dick Solberg, 1819 N. Glenbrook Road, Greenacres, WA 99016
- 5) Jerry Neal, 1400 S. Bank of America, Spokane, WA 99201
- 6) Judi Williams, PO Box 629, Liberty Lake, WA 99109
- 7) Doug Smith, 1421 N. Meadowwood Lane, Liberty Lake, WA 99019
- 8) Wayne Frost, 3320 N. Argonne Road, Spokane, WA 99212
- 9) Dick Edwards, 312 W. 32nd, Spokane, WA 99203

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

Exhibit No. 10

Letter dated August 22, 2002 from Tom Power, Greenstone, providing corrections to the record of the August 19, 2002 public hearing.

Exhibit No. 11

An Index of Ordinances adopted by the City of Liberty Lake submitted on August 23, 2002 by the City of Liberty Lake.

Exhibit No. 12

Supplemental information on BRB 559-02 submitted by Jim Frank, Greenstone, on August 23, 2002.

Exhibit No. 13

Summary of Urban Services for BRB 559-02 submitted by Jim Frank, Greenstone, on August 23, 2002.

Exhibit No. 14

Supplemental information on BRB 560-02 submitted by Jim Frank, Greenstone, on August 23, 2002.

Exhibit No. 15

Summary of Urban Services for BRB 560-02 submitted by Jim Frank, Greenstone, on August 23, 2002.

Exhibit No. 16

Letter submitted on August 23, 2002 by Jim Frank, Greenstone, describing proposed development in the annexation area of BRB 560-02.

Exhibit No. 17

Overhead of River Crossing Conceptual Master Plan submitted by Jim Frank, Greenstone, on August 27, 2002.

Exhibit No. 18

Overhead of planned development submitted by Jim Frank, Greenstone, on August 27, 2002.

WHEREAS, the Boundary Review Board considered all testimony and exhibits, 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 with a vote of three (3) in favor and two (2) against, directed its staff to prepare a written decision to approve the proposal.

WHEREAS, the Board set a special meeting for September 5, 2002 at 3:00 pm at the Spokane County Public Works Hearing Room which was advertised pursuant to RCW 42.30.080 to take action on its written decision;

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 October 4, 2002.

FINDINGS

BRB 559-02: Proposed Annexation of 329.8 Acres to the City of Liberty Lake (Liberty Lake Meadows) 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 (RCW 36.70A).

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 irrigated agriculture with one residence. The population density of the annexation area would be less than one person per acre. The population of the City of Liberty Lake is 3,654 and the existing population density is .7 persons per acre. The land area proposed for annexation is 329.8 acres and the total land area of Liberty Lake is 2,560 acres. To give some perspective, the population densities for other Spokane County cities and towns are listed below:

Population Density of Spokane County Cities (2000)

Name of City	2000 Population	Land Area (Sq Miles)	Population Density
Spokane	195,629	59	3,315/sq mi
Spokane Valley	80,700	38	2,124/sq mi
Cheney	8,832	4	2,154/sq mi
Airway Heights	4,500	5	900/sq mi
Medical Lake	3,758	4	1,043/sq mi
Liberty Lake	3,654	4	913/sq mi
<i>Liberty Lake with annexation</i>	<i>3,654</i>	<i>4.5</i>	<i>812/sq mi</i>
Deer Park	3,017	6	479/sq mi
Millwood	1,649	1	2,356/sq mi

Land Area and Uses

The current land use of the proposed annexation area is irrigated agriculture with one residential unit. The area is surrounded by the City of Liberty Lake on the south and west with single family housing on the south and undeveloped property owned by Agilent Technologies on the west; on the north by Interstate 90 and the

Centennial Trail; and on the east with five to ten acre residential property. Appleway Avenue runs east-west through the northern portion of the annexation area.

Testimony indicated that proposed development plans include a mix of residential, commercial, and industrial uses. No specific development plans were presented.

Comprehensive Plans and Zoning

The land is currently under the jurisdiction of Spokane County and is designated Light Industrial in the County's adopted comprehensive plan and is within the Spokane County Urban Growth Area. The area is zoned Light Industrial (I-2). The area surrounding the proposed annexation is designated by Spokane County as Rural Conservation on the north and east.

In August 2001, the City of Liberty Lake incorporated and has three years from that date to adopt its Growth Management Plan. Testimony from the City Planner indicated that the City of Liberty Lake would have its comprehensive plan completed in eighteen months and at that point public hearings would be conducted. Testimony also indicated that the City was soliciting public comment on future annexation areas and that process would be completed during the next week.

The City of Liberty Lake intends to adopt Spokane County's 1981 comprehensive plan, which would designate the property as light industrial. Mr. Frank stated the industrial category of the comprehensive plan and development regulations in place in Spokane County in 2001 was adopted by the City of Liberty Lake and allows a variety of uses and allows mix use development within the industrial comp plan category.

As a part of the planning required under the Growth Management Act, the City of Liberty Lake will propose an Urban Growth Area intended to contain the 20-year projected growth for the city and a capital facilities plan identifying needed facilities and services; cost of facilities and services; and source of financing.

Service agreements entered into under RCW 36.115 or 39.34

The City of Liberty Lake has not entered into service agreements with service providers.

Interlocal agreements between a county and its cities

The City of Liberty Lake has not entered into an interlocal agreement with Spokane County.

Per capita assessed valuation

The assessed valuation of the 330-acre area is \$436,880. Property owners are listed below:

Parcel No.	Property Owner	Final Assessment
55111.9001	Liberty Lake Meadows LLC, 15425 E Mission, Liberty Lake, WA 99019	\$14,170
55111.9002	Liberty Lake Meadows LLC, 15425 E Mission, Liberty Lake, WA 99019	\$920
55024.9005	Heggem, Peder R. Bypass Trust, 11318 E 25 th Ave., Spokane, WA 99206-5690	\$291,270
55013.9010	Hollow Ventures, PO Box 9818, Spokane WA 99209-9818	\$45,000
55114.9017	Liberty Lake Meadows LLC, 15425 E Mission, Liberty Lake, WA 99019	\$56,040

TOTAL Assessed Value \$407,400

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

The topography of the proposed annexation area is relatively flat with some steep slopes located in the eastern portion of the site at the base of Kramer Hill. Currently, runoff from Kramer Hill is absorbed on site into the existing agricultural use. Once the site is developed, on-site and off-site drainage will be needed to accommodate the runoff from Kramer Hill.

No wetlands have been identified in the area according to the Spokane County Inventory.

There are eight soil types found in the area; the Garrison series (Gga, GgB, and GnB), a gravely loam, is the dominant soil association, and covers 75% of the site. In the upper eastern portion, there is a narrow band of Hardesty silt loam (HhA); Phoebe sandy loam (PsB), in the southeastern quadrant; and Spokane (SuE, Stc) along the toe slopes of Kramer Hill forming the eastern edge of the site and the outcrop in the southeast quadrant. These soils are generally suitable for development, especially the Garrison series, which covers 75% of the site. The Spokane soils have severe constraints for development and are listed in the Spokane County Critical Areas Ordinances as an erosion hazard.

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

The site is currently used for agricultural land with approximately 80 acres GgA and UhA soil, which is classified as prime agricultural soil. Spokane County's Comprehensive Plan, however, for the Industrial category does not have any policies regarding retention of prime farmland.

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 process for cities and towns was done prior to the City of Liberty Lake's incorporation resulting in no population allocation at this time.

Exhibit 5 indicated that the City of Liberty Lake would increase in population at 6.5% annually with a ten-year projected population of 8,410.

Location and most desirable future location of community facilities

There are no community facilities located in the proposed annexation area. The Centennial Trail is located north of the area; Exhibit 12 indicates that the area will include parks, open space features and an extension to the trail and pedestrian system.

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 1 provides fire protection and the Spokane County Sheriff provides police services. The State Department of Transportation provides maintenance of Interstate 90. The area is within Central Valley School District and the Spokane County Library District.

The level of services provided to the area is at a non-urban level at present. Testimony indicated that with annexation, the City will need to obtain water rights and upgrade the current sewer treatment plant in order to provide water and sewer for the development. The property currently has irrigation water rights that could be transferred for domestic water rights to help provide water to the development. The water supply for the Liberty Lake Sewer District is composed of five wells, two storage tanks, and approximately 28 miles of distribution lines.

The site is within the Liberty Lake Future Water Service Area and Sewer Service boundaries, but not within the District's current boundaries.

Road maintenance, planning and zoning, and other municipal services would shift to the City of Liberty Lake upon annexation. The City currently contracts with Spokane County for signalization and road striping; all other services are provided in house.

The City of Liberty Lake has not prepared a capital facilities plan projecting the level of service to be provided, facilities required, and how the services and facilities are to be financed. Exhibit 5 describes the levels of service adopted by Spokane County and facilities required for the area.

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

The City of Liberty Lake adopted ordinances and regulations in effect for Spokane County on August 31, 2001 (Exhibit 11).

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

Services and controls are presently adequate in the annexation area. The present cost of providing services to the area is borne by Spokane County and special purpose districts. Fire District 1 is currently providing fire services to the area; Fire 1 has noted it has capacity to serve Liberty Lake to full build out. There will be increased traffic, which will necessitate expansion and conceivably the development of new roads. Future development will presumably add school age children to Central Valley School District. Liberty Lake provides its own police services. The addition of new households to the City of Liberty Lake will likely increase criminal activity such as burglary, vandalism, domestic abuse, and other violence necessitating an increase in law enforcement.

Prospects of governmental services from other sources

Governmental services other than those provided by special purpose districts, could continue to be provided by Spokane County. With the annexation of the area to Liberty Lake, the City would be the logical provider of other services.

Probable future needs for such services and controls

The City of Liberty Lake testified that it was in the process of identifying service needs and controls as it develops its comprehensive plan.

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

The level of services in the area will be increased in the areas of fire protection, law enforcement, water and sewer services, and road maintenance according to testimony of the City of Liberty Lake. The proposal will have an effect on adjacent land uses with the contrast of densities associated with the new single-

family residential housing and the existing rural residential development to the east of the proposed development.

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

Spokane County would not receive tax revenues based upon the \$436,880 assessed value. The City of Liberty Lake is annexed to Fire District 1 and Spokane County Library District which would include the annexation of new territory.

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 may 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 irrigated agriculture and surrounded by industrial, commercial and residential uses. There is one resident, and at this time there is no neighborhood or community in the annexation area, however, the land parcel is contiguous to the City of Liberty Lake and this property is a natural overflow area.

The Board determined that this objective was met by the proposal.

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

The 330-acre area uses Interstate 90 as the northern boundary; Mission Avenue as the southern boundary; Kramer Hill is a natural boundary to the east; and Simpson Road is the western boundary.

The Board determined that this objective was met by the proposal.

Creation and preservation of logical service areas

The proposed annexation area presently receives no urban services. The nearest service providers will need to supply the required urban services to the proposed development upon negotiation with the City of Liberty Lake. The area is within the future service area of the Liberty Lake Sewer District for water and sewer service.

The Board determined that this objective was met by the proposal.

Prevention of abnormally irregular boundaries

The addition of the annexation area would not create abnormal or irregular boundaries.

The Board determined that this objective was met by the proposal.

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 City of Liberty Lake is an incorporated area proposing to annex an adjacent area, which is presently agricultural in character. It was designated within the Spokane County Urban Growth Area (UGA) and the area is zoned Light Industrial. The proposed uses for the area are industrial, commercial and single family homes.

The Board determined that this objective was met 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 long term productive agricultural and resource use in its comprehensive plan.

The Board determined that this objective did not apply.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT (RCW 36.70A)

Decisions of the Boundary Review Board are required to be consistent with the planning goals of the Growth Management Act, and the Countywide Planning Policies and the Urban Growth Area adopted in the Spokane County Growth Management Plan.

One of the elements of a growth management plan is a plan for capital facilities. The City of Liberty Lake has three years to develop its Growth Management Plan including a Capital Facilities Plan. The purpose of the Capital Facilities Plan

(CFP) is to develop fiscal policies for adequate urban services and public facilities that are consistent with the land use element and concurrent with development in order to maintain the level of service (LOS). LOS standards must be developed for each urban service, public facility and future developments.

The City of Liberty Lake provided information that it was able to provide an urban level of services to the annexation area through the special purpose districts and enhanced city services.

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. 559-02 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 5th day of September, 2002, and signed in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

ATTESTED TO and filed by me on this 5th day of September, 2002.

Susan M. Winchell, AICP
Director

**WASHINGTON STATE BOUNDARY REVIEW BOARD
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MINORITY OPINION

RCW 36.93.160 (4) allows dissenting members of the Board to have a written dissent included as a part of the decision. In this matter, one Board member dissented for the following reasons:

FACTORS (RCW 36.93.170)

Population density

Adding 329.8 acres to Liberty Lake further dilutes a sparse population to acreage ratio - currently 820 people per square mile.

Comprehensive Plans and Zoning

Violates 35A.63.260 - Each code city shall provide to the county assessor a copy of code city's comprehensive plan - plan is not in place - just because they are working on a plan does not mean they are in compliance.

Service agreements entered into under RCW 36.115 or 39.34

Applicable service agreements not discussed with Liberty Lake Sewer and Water.

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

In Liberty Lake's Notice of Intention the projection is -0- people, -0- residences in 20 years.

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

The effect of proposal on costs and adequacy of services and the effect on the finances of Liberty Lake and the county were not addressed.

OBJECTIVES (RCW 36.93.180)

Does not advance any of objectives RCW 36.93.180.

Doug Beu, Boundary Review Board Member