

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

In the Matter of	}	FILE No. 560-02
ANNEXATION OF 645.8 ACRES	}	
TO THE CITY OF LIBERTY LAKE	}	RESOLUTION AND
(INLAND EMPIRE PAPER)	}	HEARING DECISION

HEARING DECISION

BRB 560-02: Proposed Annexation of 645.8 Acres to the City of Liberty Lake (Inland Empire Paper) is hereby **APPROVED AND MODIFIED** 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:

Government Lots 7 and 8 and the Southeast Quarter of Section 8, Township 25 North, Range 45 East W.M.; EXCEPT that portion conveyed to the Washington State Parks and Recreation Commission by deed recorded August 25, 1988 under Recording Number 8808250252.

Government Lots 5 and 6 and the South Half of the Southwest Quarter of Section 9, Township 25 North, Range 45 East W.M.; EXCEPT that portion conveyed to the Washington State Parks and Recreation Commission by deed recorded August 25, 1988 under Recording Number 8808250252.

That portion of the Northwest Quarter of Section 16, Township 25 North, Range 45 East, W.M., lying northerly of the southerly right of way of the former Chicago, Milwaukee, St. Paul and Pacific Railway right of way.

The Northeast Quarter of Section 17, Township 25 North, Range 45 East, W.M. lying north of the north right-of-way line of PSH No. 2 (I-90).

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 560-02 with the Boundary Review Board on June 6, 2002 to add 645.8 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 19, 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 Planner 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 modify and 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 560-02: Proposed Annexation of 645.8 Acres to the City of Liberty Lake (Inland Empire Paper) was APPROVED AND 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 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

Population density

The population of the City of Liberty Lake is 3,654 and the existing population density is 913 people per square mile. There are 140 residences and approximately 350 persons currently within the proposed annexation area. The land area proposed for annexation is 646 acres and the total land area of Liberty Lake is 2,560 acres. The population density of the City of Liberty Lake with the annexation area included is 801 persons per square mile. To give some perspective, the population densities for other Spokane County cities and towns are listed below:

Table 1: 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
Millwood	1,649	1	2,356/sq mi
Cheney	8,832	4	2,154/sq mi
Spokane Valley	80,700	38	2,124/sq mi
Medical Lake	3,758	4	1,043/sq mi
Liberty Lake	3,654	4	913/sq mi
Airway Heights	4,500	5	900/sq mi
Liberty Lake with annexation	4,004	5	801/sq mi
Deer Park	3,017	6	479/sq mi

Land Area and Uses

The current land use of the proposed annexation area is residential to the west, mixed commercial to the east, large tract residential across the river to the north, and rifle range to the south. The area is bordered by the City of Liberty Lake on the east, parcel lines to the south, Hodges Road to the west, and the Spokane

River to the north. Most of the area is currently being used for agricultural purposes with medium density residential located in the east central portion of the area bisected by Mission Road.

Proposed development plans are conceptual at this time, however, there is a combination of development types currently under consideration for the future. In the western most portion of the area north of Mission, there is a residential development being planned.

Comprehensive Plans and Zoning

The land is currently under the jurisdiction of Spokane County. The entire annexation area is within Spokane County's Urban Growth Area (UGA). There are three comprehensive planning designations within the area; urban activity centers, medium residential and light industrial. Urban activity centers are planned residential and commercial areas consisting of offices, recreation and cultural facilities, and shopping services. The medium residential category consists 6 to 15 dwelling units per acre. Light Industrial is intended for industrial areas that have a special emphasis and attention given to aesthetics, landscaping, and internal and community compatibility; consisting predominantly of industrial uses, but may incorporate office and commercial uses that support and compliment the industrial area.

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.

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 645.8-acre area is \$13,091,430. Property owners are listed in files of the Boundary Review Board office.

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

The topography of the proposed annexation area is relatively flat. The Spokane River borders the northern portion of the annexation area.

The predominant soil types found in the area are Garrison gravelly loam, 0 to 15 percent slopes, (GgA) and Garrison gravelly loam, 5 to 20 percent slopes, (GgB).

The annexation area is separated from the populated areas of Liberty Lake by Interstate 90, is approximately ten miles from Spokane, and will be contiguous to the Spokane Valley.

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 alpha, wheat, and barley.

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 City of Liberty Lake has not been developed due to the fact that it is a newly incorporated area.

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 14 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, Consolidated Irrigation District and 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 urban level at present. With annexation, the City of Liberty Lake will have to consider options for municipal services; these services would include police protection, road maintenance and construction, planning and zoning, and sewers. The current service providers will provide water, fire, schools and library services. Testimony indicated that with annexation, the City will need to upgrade the current sewer treatment plant in order to provide sewer for the development.

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. Development in the proposed annexation area would be required to meet town standards and codes.

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 mobile home 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 mostly agricultural land with medium residential consisting of manufactured homes located in the west central portion of the area. The Board received testimony from residents of the area regarding this objective

and determined that the community and neighborhood would not be split by the annexation because it was divided when the boundary for the City of Spokane Valley was set. Testimony was indicated that development would take place with or without the annexation and the neighborhood would be enhanced by more orderly development as shown in Exhibit 17 and 18.

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 646-acre area originally used the Spokane River as its northern boundary with Hodges road serving as the western boundary. The eastern and southeast boundary is contiguous with Liberty Lake and Interstate 90 bisects the southwestern boundary. The Board determined that the southern boundary was that the Interstate would provide a physical boundary as well as a more distinct division for service providers.

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

Creation and preservation of logical service areas

The proposed annexation area receives urban services from Spokane County and Consolidated Irrigation District. Upon annexation, the City of Liberty Lake would be the preferred service provider.

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 if modified.

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

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 is zoned urban activity center, medium residential and 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. 560-02 and the above findings and conclusions, the proposed annexation is hereby APPROVED AND MODIFIED.

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
FOR SPOKANE COUNTY**

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ANNEXATION OF 645.8 ACRES	}	
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(INLAND EMPIRE PAPER)	}	HEARING DECISION

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

Further dilutes ratio of people to land.

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. Liberty Lake does not have Urban Growth Areas yet adopted - why lower the bar for one city?

Service agreements entered into under RCW 36.115 or 39.34

No service agreements in place with county sewer which will service this area.

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)

Preservation of natural neighborhoods and communities

Testimony from many citizens that they feel more a part of the new City of Spokane Valley so we are tearing apart a community/natural neighborhood.

Creation and preservation of logical service areas

Multi-jurisdictional is a Red Herring - Inland Empire Paper added some land north of the freeway to Liberty Lake Incorporation at the 11th hour in a modification now they feel that they cannot develop in two jurisdictions. When Liberty Lake was developed it was part of the county but Mr. Franks developed at a higher standard - he certainly can do the same if the 645.8 acres is in the county.

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

Does not advance any of objectives RCW 36.93.180.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT (RCW 36.70A)

Until Liberty Lake has an approved comp plan annexations should not be allowed.

Doug Beu, Boundary Review Board Member