

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

In the Matter of	}	FILE No. 562-02
ANNEXATION OF 598.06 ACRES	}	
TO THE CITY OF AIRWAY HEIGHTS	}	RESOLUTION AND
(HAZELWOOD)	}	HEARING DECISION

**HEARING DECISION**

BRB 562-02: Proposed Annexation of 598.06 Acres to the City of Airway Heights (Hazelwood) is hereby **DENIED** 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", and RCW 36.09.157, "Decisions to be consistent with 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:

A parcel of land located in the South half of Section 19 and in Section 30, Township 25 North, Range 42 East, W.M., in Spokane County, Washington, being more particularly described as follows:

Commencing at the Southwest corner of Section 19, thence northerly along the west section line to the Northwest corner of the Southwest quarter of Section 19, being the POINT OF BEGINNING:

Thence continuing Easterly along the North line of the Southwest quarter of Section 19 to the Northeast corner of the Southwest quarter of said section; thence Southerly along the East line of the Southwest quarter to the Southeast corner of the North half of the Southwest quarter of Section 19; thence Easterly along the South half of the Southeast quarter of Section 19 to a point on the west right of way line of Flint Road; thence Southerly along the West right of way line of Flint Road to a point on the South line of said section; thence Southerly a distance of 52.5 feet, more or less, to the Northeast corner of Parcel A as recorded in Book 78, book of Recorded Surveys on pages 52 and 53, Spokane

County records; thence Southerly along the East line of said Parcel A the following three recorded bearings and distance; South 2°19'25" East a distance of 651.14 feet, thence North 86°29'50" East a distance of 50.01 feet to a point Being on the East line of Section 30, Township 25 North, Range 42 East; thence South 2°19'25" East along the East line of said Section 30 a distance of 792.94 feet to the Northeast corner of Parcel B as recorded in said location; thence along the East and South lines of Parcel B the following three recorded bearings and distances: South 2°19'25" East a distance of 744.58 feet; thence South 63°58'51" West a distance of 987.87 feet; thence leaving the South line of Parcel B along a bearing of South 63°58'51" West to a point on the South line of the Northwest quarter of Section 30; thence Westerly along the North line of the Northwest quarter of Section 30 to the center of Section 30; thence Southerly along the East line of the Southwest quarter of Section 30 a distance of 660 feet; thence Southwesterly to a point being located North 61°56'45" East a distance of 459.57 feet from the Northeast corner of the South half of the Northwest quarter of Government Lot 4, this point also being the Northeast corner of Parcel No. 25303.9046, as recorded in the Spokane County Assessor's Office; thence South 00°27'27" East along the East line of said parcel a distance of 386.43 feet; thence South 88°37'57" West along the South line of said parcel a distance of 493.77 feet to the Northeast corner of Parcel No. 25303.9044, as recorded in the Spokane County Assessor's Office; thence South 00°27'27" East along the East line of said Parcel No. 25303.9044 a distance of 100.00 feet; thence South 88°37'57" South along the South line of said Parcel No. 25303.9044 a distance of 239.58 feet to the Northeast corner of Parcel No. 25303.9045, as recorded in the Spokane County Assessor's Office; thence South 00°27'27" East along the East line of said Parcel No. 25303.9045 a distance of 100.00 feet; thence South 88°37'57" West along the South line of said Parcel No. 25303.9045 to a point on the East right of way line of Hayford Road; thence Westerly to a point on the West right of way line of Hayford Road; thence Northerly along the West right of way line of Hayford Road to a point on the North line of the Southeast quarter of Section 24, Township 25 North, Range 42 East; thence Easterly to the POINT OF BEGINNING.

## **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 Airway Heights with the adoption of Resolution No. 2002-018 on July 1, 2002 requesting that the area be considered for annexation by the Boundary Review Board.

WHEREAS, a Notice of Intention was filed as BRB 562-02 with the Boundary

Review Board on July 30, 2002 to add 598.06 acres to the City of Airway Heights.

WHEREAS, on July 30, 2002, the City of Airway Heights invoked the Board's jurisdiction pursuant to RCW 36.93.100 (1).

WHEREAS, the Notice of Intention was then circulated to affected agencies and interested parties on August 1, 2002 for review and comments within a 45-day period ending September 13, 2002.

WHEREAS, interested residents, organizations, and businesses in the area proposed for annexation were notified by mail of the proposal on August 1, 2002.

WHEREAS, the Boundary Review Board set a public hearing for September 24, 2002 at 7:00 PM at Windsor School, 5504 West Hallett Road, Spokane 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 (August 26, 2002), publication of legal notices in the Spokesman Review (August 25, 2002; September 1, 2002; and September 8, 2002); and Cheney Free Press (September 5, 2002; September 12, 2002; and September 19, 2002).

WHEREAS, on September 12, 2002, the Boundary Review Board staff hosted a public workshop for residents, property owners, and affected agencies to describe the criteria that the Board uses in making its decisions;

WHEREAS, the Board held a special meeting on September 13, 2002 which was advertised pursuant to RCW 42.30.080 to inspect the proposed annexation area;

WHEREAS, on September 23, 2002 the City of Airway Heights requested that the Board postpone the public hearing process to allow affected parties to discuss differences and waived the 120-day review period.

WHEREAS, on September 23, 2003 the public hearing was cancelled and the public was notified through the media;

WHEREAS, the Boundary Review Board set a public hearing for January 7, 2003 at 7:00 PM at the City of Airway Heights Council Chambers, 13120 West 13th Avenue, Airway Heights 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 (December 5, 2002), publication of legal notices in the Spokesman Review (December 8, 2002; December 15, 2002; and December 29, 2002); and Cheney Free Press (December 5, 2002; December 19, 2002; and January 2, 2003); and posting of notices (December 18, 2002) in at least ten places in the proposed

area and other public places;

WHEREAS, on December 5, 2002, interested residents, organizations, and businesses 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 July 3, 2002 from Lars Gare, City Manager, City of Airway Heights invoking the Boundary Review Board's jurisdiction.

Exhibit 2 E-mail dated September 15, 2002 from Vincent Songaylo voicing strong opposition to annexation.

Exhibit 3 Letter dated September 17, 2002 from Stanley Schwartz, Attorney for the City of Airway Heights, requesting on behalf of the Cities of Spokane and Airway Heights that the Board delay the public hearing process and agreeing to waive the 120-day review period.

Exhibit 4 Letter dated September 17, 2002 from Michael Wirtz, Director, Spokane County Library District, providing facts related to the potential impacts of the proposed annexation on the District.

Exhibit 5 Letter dated January 7, 2003 from Gerry Gemmill, Planning Director, Spokane County, commenting on the consistency of the proposal with the Growth Management Act.

WHEREAS, the Board held a special meeting on January 6, 2003 which was advertised pursuant to RCW 42.30.080 to inspect the proposed annexation area;

WHEREAS, a public hearing was held on January 7, 2003 at 7:00 PM at the City of Airway Heights Council Chambers, 13120 West 13th Avenue, Airway Heights 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) Steve Roberge, Planner, City of Airway Heights
- 2) Patrick Rushing, Airway Heights City Council Member
- 3) Joe Martella, Airway Heights City Council Member
- 4) Mathew Pederson, Airway Heights City Council Member
- 5) Donald Mitchell, Airway Heights City Council Member
- 6) Dale R. Perry, Mayor of the City of Airway Heights
- 7) Scott Kuhta, Planner, Spokane County Division of Planning
- 8) Meg Arpin, Attorney for Spokane County Fire District 10
- 9) Mike Connelly, Attorney for the City of Spokane

- 10) Carmen Hagman, 1518 S. Hazelwood, Spokane
- 11) Kitty Archer, 1615 S. Hazelwood, Spokane
- 12) Francis Peine, 12616 W. 12th, Airway Heights
- 13) John Riley, Attorney for the City of Airway Heights

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

Exhibit 6 Packet submitted January 7, 2003 by the City of Airway Heights.

Exhibit 7 Testimony submitted January 7, 2003 by Spokane County Fire District No. 10.

Exhibit 8 Information submitted January 7, 2003 by the City of Spokane County.

Exhibit 9 Letter dated January 7, 2003 by Kitty Archer asking the Board to deny the proposal.

WHEREAS, the Boundary Review Board continued the public hearing to Tuesday, January 28, 2003 at 7:00 pm in the City of Airway Heights Council Chambers, 13120 West 13th Avenue, Airway Heights to allow additional testimony.

WHEREAS, a continued public hearing was held on Tuesday, January 28, 2003 at 7:00 pm in the City of Airway Heights Council Chambers, 13120 West 13th Avenue, Airway Heights and all proceedings were recorded by a court reporter and all Board members were present;

WHEREAS, Board member John Hagney recused himself from the proceedings citing a potential appearance of fairness concern;

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) John Riley, Attorney for the City of Airway Heights
- 2) Bill Grimes, Planning Consultant for the City of Airway Heights
- 3) Chuck Freeman, Public Works Director for the City of Airway Heights
- 4) Mike Connelly, Attorney for the City of Spokane
- 5) Meg Arpin, Attorney representing Spokane County Fire District 10
- 6) Scott Kuhta, Planner for Spokane County Division of Planning
- 7) Joe Martella, Box 172, Airway Heights
- 8) Kitty Archer, 1615 S. Hazelwood, Airway Heights

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 four (4) in favor and zero (0) against, directed its staff to prepare a written decision to deny 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 March 7, 2003.

## **FINDINGS**

BRB 562-02: Proposed Annexation of 598.06 Acres to the City of Airway Heights (Hazelwood) was DENIED 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 36.09.157, "Decisions to be consistent with 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 2002 population of the City of Airway Heights is 4,565 and the existing population density is 951 people per square mile. There are 20 residences and approximately 49 persons currently within the proposed annexation area. The land area proposed for annexation is 598.06 acres and the total land area of Airway Heights is 3,135 acres.

The population density of the City of Airway Heights with the annexation area included is reduced to 795 persons per square mile. To give some perspective, the 2000 population densities for other Spokane County cities and towns are listed below:

**Population Density of Spokane County Cities (2000)**

<b>Name of City</b>	<b>2000 Population</b>	<b>Land Area (Sq Miles)</b>	<b>Population Density</b>
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
Deer Park	3,017	6	479/sq mi

**LAND AREA AND USES**

The current land use of the proposed annexation area is low density residential along Hazelwood Road; industrial and commercial uses such as the Triumph site (formerly Boeing), auto auction facility, and other businesses along Highway 2 and Hayford Road; and vacant land. Proposed uses for the area include a business park and 792-unit apartment complex.

**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: mixed use; neighborhood commercial; and light industrial.

In November 2001, the Board of County Commissioners established Urban Growth Areas (UGA) for Spokane County. The Spokane County Comprehensive Plan includes an Urban Growth Area specifically for the City of Airway Heights (BOCC Resolution No. 1-1060). The UGA approved for Airway Heights is west and northwest of the City’s incorporated boundary. Airway Height’s annexation proposal is located east of the corporate boundary in the West Plains Joint Planning Area (JPA). The Board of County Commissioners designated this area as a multi-jurisdictional Joint Planning Area, where two or more jurisdictions jointly plan for growth.

Airway Height’s has amended its Comprehensive Plan, identifying the area proposed for annexation as a “planning area”. This amendment was not coordinated with either the City of Spokane or Spokane County or special purpose districts. The Growth Management Act specifically requires coordination and consistency with adjacent jurisdiction’s comprehensive plans (RCW 36.70A.100). The County-wide Planning Policies adopted by Spokane County outline a process for amendments to City comprehensive plans and urban growth areas. The City of Airway Heights did not follow the process adopted or receive the approvals and reviews required.

As a part of the planning required under the Growth Management Act, the City of Airway Heights is required to coordinate an Urban Growth Area and provide a capital facilities plan identifying needed facilities and services; cost of facilities and services; and source of financing. The City of Airway Heights did not prepare a capital facilities plan, which includes providing service to the proposed annexation area.

#### **SERVICE AGREEMENTS ENTERED INTO UNDER RCW 36.115 OR 39.34**

The City of Airway Heights has service agreements with the City of Spokane for sewer and water services for its existing corporate limits, but has no agreement in place regarding annexation of properties to the east of its boundaries. The City of Airway Heights does not have an agreement in place with Fire District 10 to serve the annexation area; Fire District 10 has a service agreement in place for the annexation area with another jurisdiction.

#### **INTERLOCAL AGREEMENTS BETWEEN A COUNTY AND ITS CITIES**

The City of Airway Heights has not entered into an interlocal agreement with Spokane County.

#### **PER CAPITA ASSESSED VALUATION**

The assessed valuation of the 598.06-acre area is \$31,378,000. 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 with distinct geological features. The two soil types found in the annexation area are Flood Gravel Deposits (Qfg) and Wanapum Basalt (Twp).

The pertinence of these geological features relates to development, in that there is a direct correlation with development and the need for municipal services such as sewer and water. In Exhibit 7-10, an article printed in the Cheney Free Press, there is discussion on how the recharge of water tables within the West Plains is very slow and water currently being pumped is the result of millions of years of accumulation. Development within the proposed annexation area could affect an existing residential well resulting from excavation and or runoff.

If that occurred there would be a need to provide water to the affected residences. Because the City of Airway Heights does not have a capital facilities plan, it could not demonstrate how it would provide water for residences.

## **THE EXISTENCE AND PRESERVATION OF PRIME AGRICULTURAL SOILS AND PRODUCTIVE AGRICULTURAL USES**

The vegetation in the area consists of grassland and grain crops found in the northern portion of the site. The soils within the area are Cheney gravely silt loam and Cheney stony silt loam. The Cheney soils are poorly drained and generally, they are non-agricultural and have a CLI rating of class 5 with a fertility and excessive moisture limitation. Textures usually range in the fine sand class, with a few pockets of a fine sandy loam. Slopes usually range from 0% to 1%. Landscape can be variable due to reworking by wind, and in these cases, the soils are found in association with the well drained (St. Thomas) and poorly drained (Cheney) members of the catena.

## **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. Kask Consulting, Inc. developed the City of Airway Height's population forecasts with an estimated increase in population of 84 percent from 1996-2018. This would equate to an increase in the residential population of 1,863. Fire District 10 presented written testimony contrary to this stating the majority of the population increase was associated with the correction facility and the potential of such an increase in future population is unjustifiable (Exhibit 7).

## **LOCATION AND MOST DESIRABLE FUTURE LOCATION OF COMMUNITY FACILITIES**

There are no community facilities planned for the annexation area.

# **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 non-urban areas.

At present, the City of Spokane provides water and sewer services to the City of Airway Heights and the proposed annexation area. Fire District 10 provides fire protection and the Spokane County Sheriff provides police services to the proposed annexation area. The area is within the Cheney School District and the Spokane County Library District.

The City of Airway Heights has not prepared a capital facilities plan identifying the level of service to be provided, the facilities required, and how the services and facilities are to be financed for the proposed annexation area.

The services provided to the area are presently at an urban level. With annexation, the City of Airway Heights will have to provide municipal services; these services would include police protection, road maintenance and construction, planning and zoning, water, and sewers.

Testimony indicated that with annexation, the City would need to increase its water and sewer capacity in order to provide water and sewer to the proposed annexation area.

Road maintenance, planning and zoning, police and other municipal services would shift to the City of Airway Heights upon annexation.

#### **EFFECT OF ORDINANCES, GOVERNMENTAL CODES, REGULATIONS AND RESOLUTIONS ON EXISTING SERVICES**

The City of Airway Heights proposes to annex the area using the election method requiring a vote of the registered voters living within the annexation area. Development in the proposed annexation area would be required to meet city standards and codes.

The City does not have an agreement with Fire District 10 to mitigate impacts to existing revenue of the district.

#### **PRESENT COST AND ADEQUACY OF GOVERNMENTAL SERVICES AND CONTROLS IN THE AREA**

Testimony indicated that services and controls are presently adequate in the annexation area. The present cost of providing services to the area is borne by Spokane County, City of Spokane, and special purpose districts. There will be increased traffic, which will necessitate expansion and conceivably the development of new roads. Future residential development will add school age children to Cheney School District. The City of Airway Heights provides its own police services. The addition of new businesses and households to the City of Airway Heights 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 city 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 the City of Spokane and Spokane County if agreements were established to do so. The City of Airway Heights has submitted in accordance with the Spokane County Coordinated Water System Plan, a request to adjust its service area to include the proposed annexation area. The area currently lies within the City of Spokane's Water Service Area and the City of Spokane is required to agree to any shift in its service area to the City of Airway Heights. Exhibits indicate that the City of Spokane does not intend to give up its water service area. The City of Airway Heights stated that it is its intention to provide water service to the area, but in addition to the City of Spokane's approval, it must develop future water sources.

Wastewater treatment is currently provided by the Spokane Regional Waste Water Treatment Plant (WWTP), which is owned and operated by the City of Spokane. The City of Airway Heights has an agreement with the City of Spokane for a limited amount of treatment capacity. The City of Airway Heights is also considering constructing its own treatment facility to provide capacity. If annexation were to occur, the City of Airway Heights would be obligated to provide municipal services to newly developing businesses and residences. The City of Airway Heights has not developed a capital facilities plan to demonstrate the feasibility of providing such services; interlocal agreements with the City of Spokane for essential services as water and sewer have not been established.

## **PROBABLE FUTURE NEEDS FOR SUCH SERVICES AND CONTROLS**

The need for sewer and water capacity would become necessary immediately, in that there are proposed developments in the area that would need such services. The City of Airway Heights has yet to prove how they would provide water and sewer to the area outside of establishing more capacity from the City of Spokane, which was not agreed upon. Increased demand for fire protection, schools and roads would eventually result from the industrial development of the area. The City of Airway Heights is dependent upon contracts to provide basic municipal services such as water and sewer.

## **PROBABLE EFFECT OF PROPOSAL ON COST AND ADEQUACY OF SERVICES AND CONTROLS IN AREA AND ADJACENT AREA**

The City of Airway Heights has not established a level of service for the area with reference to fire protection, law enforcement, water and sewer services, and road maintenance. Fire District 10 is currently providing fire services to the area; Fire 10 has noted there would be impacts to the fire district if annexation were to occur (Exhibit 10). Fire District 10 noted that the loss of revenues would have an effect on the ability of the District to provide service to the remainder of the land within its boundaries.

**THE EFFECT ON THE FINANCES, DEBT STRUCTURE, AND CONTRACTUAL OBLIGATIONS AND RIGHTS OF ALL AFFECTED GOVERNMENTAL UNITS**

Spokane County's Budget Office estimated approximately \$35,000 in sales tax revenue that Spokane County now receives would go to the City of Airway Heights. Spokane County would also not receive property tax revenues based upon the \$31,780,000 assessed value. Fire District 10 has expressed concerns regarding the loss of assessed value and its ability to provide services to the remainder of land within its boundaries. The Fire District made note that County Wide Planning Policy (CWPP) topic 3, No. 10, which specifies that cities are to negotiate agreements in order to mitigate impacts that may arise from annexation was not abide by (Exhibit No. 11).

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

The City of Airway Heights is proposing to annex an area served with water and sewer service by the City of Spokane. The annexation area is in the water and sewer service areas of the City of Spokane as adopted by the County Commissioners in the Coordinated Water System Plan and the Wastewater Management Plan respectively. There was no agreement between the City of Spokane and the City of Airway Heights on how utilities would be provided with the annexation.

**OBJECTIVES (RCW 36.93.180)**

**PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES**

The proposed annexation area contains 49 residents in 20 dwelling units. The Board received testimony and exhibits from residents of the area regarding this objective and determined that the proposed annexation area would not preserve a natural neighborhood or community

The Board determined that this objective was not met by the proposal.

**USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS AND LAND CONTOURS**

The 598-acre area is bounded by the City of Airway Heights on the west; Flint Road on the east; the Spokane Airport property lines on the south; and the Urban Growth Area boundary on the north.

The Board determined that this objective was not met.

**CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS**

The proposed annexation area receives urban services from Spokane County, special purpose districts, and the City of Spokane. Upon annexation, the City of Airway Heights would be responsible for providing urban services. The City of Airway Heights did not provide sufficient evidence that it could provide an urban level of services to the proposed annexation area. In addition, the adopted plans and policies, i.e. CWSP, identify the area as another jurisdiction's service area.

The Board determined that this objective was not met by the proposal.

**PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES**

The existing city boundary of Hayford Road on the east was not irregular. 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 City of Airway Heights is an incorporated area proposing to annex an adjacent area, which is presently developing in an urban manner. It was designated within the Spokane County Urban Growth Area (UGA). The proposed uses for the area are industrial, neighborhood commercial and mixed use commercial. The City of Airway Heights does not have a capital facilities plan in place to provide an urban level of service to this area as it develops.

The Board determined that this objective was not 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 (GMA), and the County Wide Planning Policies (CWPP) and the Urban Growth Area adopted in the Spokane County Growth Management Plan.

One of the required elements of a growth management plan is a Capital facilities plan. The City of Airway Heights has not developed a capital facilities plan for the proposed annexation area. 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). The CFP must include at least a 6-year capital improvement plan that details individual projects that are required to maintain LOS's within the funding capacity of the jurisdiction. LOS standards must be developed for each urban service, public facility and future developments.

Spokane County presented information in Exhibit 5 that Airway Heights' Urban Growth Area lies west and northwest of the City's incorporated boundary, as shown on the Urban Growth Area/Joint Planning Area map (Exhibit 5, Attachment A). They also stated that the property Airway Heights was proposing to annex is not within its Urban Growth Area as adopted by the Board of County Commissioners. It was actually located within the West Plains Joint Planning Area. Joint planning areas were developed as a multi-jurisdictional planning area, where two or more jurisdictions may be expected to jointly plan for growth. Spokane County documented further that Airway Heights had recently adopted an amendment to its Comprehensive Plan and neglected to coordinate with either the City of Spokane or Spokane County. The Growth Management Act as mentioned, requires consistency and coordination with adjacent jurisdictions comprehensive plans (RCW 36.70A.100).

Fire District 10 noted that Airway Heights neglected to follow CWPP 19 under topic No. 1-UGAs, which states cities must re-evaluate population allocation, land quantity analysis, and urban service delivery. The City of Airway Heights did not follow the prescribed planning process in that it did not present its Urban Growth Area to the Steering Committee for a recommendation to the Board of County Commissioners who would then approve or deny the proposed Urban Growth Area. The City of Airway Heights also neglected to coordinate its plan with stakeholders and various interested parties in order to establish negotiations in order to mitigate adverse impacts.

The Board received testimony from Spokane County, Fire District 10, and City of Spokane, stating that Airway Heights did not follow coordination envisioned by the County Wide Planning Policies and the Growth Management Act and in their opinion, the annexation proposal was not consistent with the Growth Management Act. The Board concurred with this assessment.

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. 562-02 and the above findings and conclusions, the proposed annexation is hereby DENIED.

ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY by a vote of \_\_\_\_ in favor and \_\_\_\_ against on this 3rd day of March, 2003, and signed in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

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ATTESTED TO and filed by me on this 3rd day of March, 2003.

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Susan M. Winchell, AICP  
Director