

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

In the Matter of	}	
FILE No. 579-04:	}	
ANNEXATION OF THE CITY OF SPOKANE	}	
VALLEY TO FIRE DISTRICT 8	}	
(VALLEY VIEW HILLS, MORNINGSIDE AND	}	
PONDEROSA)	}	
	}	RESOLUTION AND
and	}	HEARING DECISION
	}	
FILE NO. 580-04	}	
ANNEXATION OF THE CITY OF SPOKANE	}	
VALLEY TO FIRE DISTRICT 1	}	
(EXCLUDING FIRE DISTRICT 8 AREAS)	}	

**HEARING DECISION**

BRB 579-04: Proposed Annexation of the City of Spokane Valley to Fire District 8 (Valley View Hills, Morningside, and Ponderosa) and BRB 580-04: Proposed Annexation of the City of Spokane Valley to Fire District 1 (excluding Fire District 8 areas) are hereby **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", and RCW 36.09.157, "Decisions to be consistent with the Growth Management Act".

**LEGAL DESCRIPTIONS**

**BRB 579-04: Proposed Annexation of the City of Spokane Valley to Fire District 8 (Valley View Hills, Morningside, and Ponderosa)** The legal description in the Notice of Intention was modified to include portions of parcels in the Morningside area that were split between the two fire districts and includes the following lands:

**Valley View Hills Area:**

That portion of Fire District 8 within Sections 25 and 26, Township 25 North, Range 43 East, W.M., within the Spokane Valley City limits;

and

**Ponderosa Area:**

That portion of Fire District 8 within Sections 4 and 5, Township 24 North, Range 44 East, W.M., within the Spokane Valley City;

and

**Morningside Area:**

That portion of Fire District 8 within the Spokane Valley City limits and **east** of a line running southerly along the section line common to Sections 25, Township 25 North, Range 44 East and Section 30, Township 25, Range 45 East to the intersection with the north line of Lot 9, Block 5 of Morningside PUD Phase 1; thence southeasterly along the northerly lines of said Lot 9 and Lot 8 to the easterly most corner of said Lot 8; thence southwesterly along the line common to Lots 7 and 8 of said Block 5 to the northerly right-of-way of Daybreak Lane; thence along said r/w to the westerly most corner of Lot 6 of said Block; thence southwesterly to the northerly most corner of Lot 10, Block 4 of said PUD; thence Southwesterly and Southeasterly along the Westerly and Southerly lines of said Lot 10 to the Southerly most corner of Lot 10; thence continuing Southeasterly along the Southerly lines of Lots 11 and 12 of said PUD, common with the Northerly lines of Lots 1 and 2 of Morningside PUD Phase III, to the Easterly most corner of said Lot 2; thence Southwesterly along the line common to Lots 2 and 3 to the intersection with the Northerly Right-of-Way of Morningside Lane; thence along said R/W to the point of intersection of a Northerly projection of the line common to Lot 3 and Lot 4, Block 2 Morningside PUD Phase III; thence Southwesterly along said line to the intersection with the North line of Lot 1, Block 1 of Morningside PUD Phase 1; thence Southeasterly along said North line and the North lines of Lot 1, Block 3 and Tract D of Viewmont at Morningside PUD to a point lying on the Westerly Right-of-Way of Chapman Road; thence along said R/W to the intersection with the section line common to said Sections 25 and 30; thence Southerly along said section line.

**BRB 580-04: Proposed Annexation of the City of Spokane Valley to Fire District 1 (excluding Fire District 8 areas)** The original legal description was modified to include the following:

That portion of Spokane Valley Fire Protection District No. 1 located within the incorporated boundary of the City of Spokane Valley and **west** of a line running southerly along the section line common to Sections 25, Township 25 North, Range 44 East and Section 30, Township 25, Range 45 East to the intersection with the north line of Lot 9, Block 5 of Morningside PUD Phase 1; thence southeasterly along the northerly lines of said Lot 9 and Lot 8 to the easterly most corner of said Lot 8; thence southwesterly along the line common to Lots 7 and 8 of said Block 5 to the northerly right-of-way of Daybreak Lane; thence along said r/w to the westerly most corner of Lot 6 of said Block; thence southwesterly to the northerly most corner of Lot 10, Block 4 of said PUD; thence Southwesterly and Southeasterly along the Westerly and Southerly lines of said Lot 10 to the Southerly most corner of Lot 10; thence continuing Southeasterly along the Southerly lines of Lots 11 and 12 of said PUD, common with the Northerly lines of Lots 1 and 2 of Morningside PUD Phase III, to the Easterly most corner of said Lot 2; thence Southwesterly along the line common to Lots 2 and 3 to the intersection with the Northerly Right-of-Way of Morningside Lane; thence along said

R/W to the point of intersection of a Northerly projection of the line common to Lot 3 and Lot 4, Block 2 Morningside PUD Phase III; thence Southwesterly along said line to the intersection with the North line of Lot 1, Block 1 of Morningside PUD Phase 1; thence Southeasterly along said North line and the North lines of Lot 1, Block 3 and Tract D of Viewmont at Morningside PUD to a point lying on the Westerly Right-of-Way of Chapman Road; thence along said R/W to the intersection with the section line common to said Sections 25 and 30; thence Southerly along said section line.

## **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 Spokane Valley with the adoption of Resolution No. 04-003, dated January 20, 2004, requesting that the area be considered for annexation by the Boundary Review Board.

WHEREAS, the Board of Commissioners of Spokane County Fire District 8 concurs in and supports the annexation of a portion of the City of Spokane Valley into Spokane County Fire District 8 with the adoption of Resolution No. 04-02 on January 21, 2004, requesting that the area be considered for annexation by the Boundary Review Board;

WHEREAS, the Board of Commissioners of Spokane County Fire District 1 concurs in and supports the annexation of a portion of the City of Spokane Valley into Spokane County Fire District 1 with the adoption of Resolution No. 2004-220 on January 21, 2004 requesting that the area be considered for annexation by the Boundary Review Board;

WHEREAS, City of Spokane Valley issued an environmental checklist and DNS (Determination of Nonsignificance) on March 23, 2004 for the proposal. A fourteen day review period followed the issuance of the checklist.

WHEREAS, Notices of Intention were filed as BRB 579-04 and BRB 580-04 with the Boundary Review Board on April 14, 2004 to annex the City of Spokane Valley to Fire District 8 and Fire District 1 respectively;

WHEREAS, on that same date, April 14, 2004, the City of Spokane Valley invoked the Board's jurisdiction pursuant to RCW 36.93.100 (1);

WHEREAS, the Notices of Intention were then circulated to affected agencies and interested parties on April 15, 2004 for review;

WHEREAS, the Boundary Review Board set a public hearing for May 17, 2004 at 3:00 PM at the City of Spokane Valley Council Chambers, 11707 East Sprague Avenue, Spokane Valley 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 (April 15, 2004), publication of legal notices in the Spokesman Review (April 18, 2004 and April 25, 2004, May 9, 2004); Spokesman Review Valley Voice (April 24, 2004, May 1, 2004 and May 8, 2004) and Valley News Herald (April 23, 2004, April 30, 2004, and May 7, 2004); and posting of notices (May 3, 2004) in at least ten places in the proposed area and other public places;

WHEREAS, on May 6, 2004, residents of the area proposed for modification were notified by mail of the public hearing;

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

Exhibit 1 Fax received May 11, 2004 from Mark Grover, Fire Chief for Fire District No. 1, submitted a map indicating modification areas.

Exhibit 2 Letter submitted by Michael Wentz, Spokane County Assessor's Office commenting on the boundary modifications.

WHEREAS, a public hearing was held on May 17, 2004 at 3:00 PM at the City of Spokane Valley Council Chambers, 11707 East Sprague, Spokane Valley 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) Scott Kuhta, Planner, City of Spokane Valley
- 2) Mark Grover, Fire Chief for Fire District 1
- 3) Dan Blystone, Fire Chief for Fire District 8
- 4) Clark Snure, Attorney for Fire District 1 and Fire District 8

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

Exhibit 3 Scott Kuhta, City of Spokane Valley, submitted copies of his PowerPoint presentation.

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 five (5) in favor and zero (0) against, directed its staff to prepare a written decision to modify 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 June 25, 2004.

# FINDINGS

BRB 579-04: Proposed Annexation of the City of Spokane Valley to Fire District 8 (Valley View Hills, Morningside, and Ponderosa) and BRB 580-04: Proposed Annexation of the City of Spokane Valley to Fire District 1 (excluding Fire District 8 areas) were 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 36.09.157, "Decisions to be consistent with the Growth Management Act".

## FACTORS (RCW 36.93.170)

The Boundary Review Board is required to consider all of the factors identified in RCW 36.93.170, which include, but are not limited to the following:

### Population and Territory

#### POPULATION DENSITY

Within the proposed annexation area into Fire District 1, a 28,149-acre area, there are 32,077 homes for 80,193 inhabitants, which results in a population density of 2.8 persons per acre. Within the proposed annexation area into Fire District 8, a 651-acre area, there are 723 homes for 1,807 inhabitants, which results in a population density of 2.7 persons per acre.

#### LAND AREA AND USES

The existing land use for the proposed annexation area into Fire District 1 is rural, urban, and suburban. The area contains a typical mix of urban land uses as well as rural and suburban uses. Urban land uses in the area consist of single and multifamily dwellings; recreational areas; light manufacturing; commercial, including many retail stores; professional office buildings; business parks; schools; and undeveloped land suitable for residential, commercial, and industrial growth. Rural and suburban land uses include low density residential and agriculture.

The existing land use for the proposed annexation area into Fire District 8 is suburban residential development and vacant land. Most of the roads in the proposed annexation areas are paved.

#### COMPREHENSIVE PLANS, ZONING AND DEVELOPMENT REGULATIONS

The comprehensive planning designation for the proposed annexation into Fire District 1 includes all comprehensive-planning designations and the area is zoned to include all zoning designations as well. The comprehensive planning designation for the proposed annexation into Fire District 8 is low density residential. The area is currently zoned to include Urban Residential 3.5 (UR 3.5) and Urban Residential 7 (UR-7).

## **SERVICE AGREEMENTS AND INTERLOCAL ANNEXATION AGREEMENTS**

This factor are not applicable.

## **PER CAPITA ASSESSED VALUATION**

The assessed valuation of Fire District 1's annexation area is \$4.4 billion. The assessed valuation of Fire Districts 8's annexation area is \$122.7 million.

## **TOPOGRAPHY, NATURAL BOUNDARIES AND DRAINAGE BASINS, PROXIMITY TO OTHER POPULATED AREAS**

The proposed annexation area is relatively flat with moderate slopes (15 percent to 30 percent) within the Mirabeau area and south of Shelley Lake. Steep slopes (exceeding 30 percent) are located in the surrounding areas near Dishman Hills Natural Area, East Spokane (south of Eighth Avenue), southeast of Shelly Lake, and the Carlson Hill area. Because of the relative flatness of the valley floor, the annexation area contains a large number of drainage basins.

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

The City of Spokane Valley's Comprehensive Plan will identify prime agricultural soils and agricultural uses.

## **THE LIKELIHOOD OF SIGNIFICANT GROWTH IN THE AREA AND IN ADJACENT INCORPORATED AND UNINCORPORATED AREAS DURING THE NEXT TEN YEARS;**

The proposed annexation area is within the municipal boundaries of the City of Spokane Valley and the projected growth for the area is approximately 10,000 people over the next ten years.

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

The proposed annexation area has adequately located facilities and future facilities are outlined in the interim comprehensive plan. Once the City of Spokane Valley has developed and adopted their comprehensive plan, a capital facilities component will address future facilities and their locations. The location of fire stations is relevant to these annexations (Map 1).

## **Municipal Services**

### **NEED FOR MUNICIPAL SERVICES**

The City of Spokane Valley has a need for fire protection and emergency response services that are currently being provided by Fire Districts 1 and 8. To continue to provide these services, the City of Spokane Valley has alternatives which include annexation to Fire Districts 1 and 8; contract for services with either Fire District 1 or 8 or both districts; or provide its own fire protection and emergency response services. The annexation alternative proposed in these Notices of Intention would provide the same level of service and service provider at the same cost to property owners.

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

With annexation to the current Fire District, this factor would remain unchanged. With modification to include entire lots, there will be changes in the Fire District for the twelve lots affected.

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

The present level of service would remain adequate within the proposed annexation areas with this proposal.

**PROSPECTS OF GOVERNMENTAL SERVICES FROM OTHER SOURCES**

The City of Spokane Valley determined that annexing to existing fire protection districts would provide the best service to Spokane Valley citizens. Other options considered by Spokane Valley included forming a City Fire Department, contracting for fire protection services and annexing to a single fire protection district.

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

The City of Spokane Valley's Comprehensive Plan process will examine future needs.

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

The cost and adequacy of fire protection services would remain the same for Fire District residents and property owners both within and outside of the City of Spokane Valley. With a modification to the proposal, residents and property owners would be placed entirely within one fire district. At this time, the Spokane County Assessor has assigned two parcel numbers to each of these split lots and has divided the assessed valuation between the two parcel numbers (Table 1). The twelve lots currently divided would have a change in service provider and possibly in the cost of services if the modification changed their fire district.

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

All finances, tax levies, contractual obligations, and debt structure will remain unchanged for all parcels entirely within one of the districts. For the twelve divided parcels, there may be a change in the debt or contractual obligations if the proposal is modified.

For property owners in Fire Districts 1 and 8 outside of the City of Spokane Valley, there will be no significant changes to finances, debt structure, or contractual obligations.

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

The proposal will have a minimal effect on cost or adequacy of service for the adjacent areas within the two fire districts depending on the modifications made to the original proposal.

**OBJECTIVES (RCW 36.93.180)**

**PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES**

The annexations of the City of Spokane Valley to the two fire districts will preserve existing fire district boundaries and will continue the existing natural neighborhood and communities. Modification to the proposal by including entire lots would enhance this objective by allowing registered voters a distinct district for elections.

The Board determined that by modifying the proposal to include entire parcels in the Morningside area, this objective was met.

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

The proposals follow existing city and district boundaries. The Board determined that this objective did not apply.

**CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS**

The annexations of the City of Spokane Valley to the two fire districts will allow residents, business and property owners the same level of fire protection and emergency response service and would preserve the existing service areas. Modification to the proposal would create a more logical service area in that the divided lots would be clearly assigned to one of the fire districts for response.

The Board determined that by modifying the proposal to include entire parcels in the Morningside area, this objective was met.

**PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES**

The annexations will preserve existing fire district boundaries which currently divide lots. A modification to the proposal would prevent an abnormally irregular boundary for the designation of registered voters in Spokane County elections.

The Board determined that by modifying the proposal to include entire parcels in the Morningside area, this objective was met.

**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**

A modification to the proposal would prevent divided lots from continuing to exist allowing the property owners inclusion in one fire district.

The Board determined that by modifying the proposal to include entire parcels in the Morningside area, this objective was met.

**INCORPORATION AS CITIES OR TOWNS OR ANNEXATION TO CITIES OR TOWNS OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER**

The Board determined that this objective did not apply.

**PROTECTION OF AGRICULTURAL AND RURAL LANDS WHICH ARE DESIGNATED FOR LONG TERM PRODUCTIVE AGRICULTURAL AND RESOURCE USE BY A COMPREHENSIVE PLAN ADOPTED BY THE COUNTY LEGISLATIVE AUTHORITY**

The Board determined that this objective did not apply.

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. 579-04: Proposed Annexation of the City of Spokane Valley to Fire District 8 (Valley View Hills, Morningside, and Ponderosa) and File No. 580-04: Proposed Annexation of the City of Spokane Valley to Fire District 1 (excluding Fire District 8 areas) 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 14th day of June, 2004, and signed in authentication of its adoption on said date.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

\_\_\_\_\_  
Doug Beu, Chair

ATTESTED TO and filed by me on this fifteenth day of June, 2004.

\_\_\_\_\_  
Susan M. Winchell, AICP  
Director