

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

In the Matter of
ANNEXATION OF 25.29 ACRES
TO THE CITY OF SPOKANE
(Muirfield)

} FILE No. 584-04
}
} RESOLUTION AND
} HEARING DECISION

HEARING DECISION

BRB 584-04: Proposed Annexation of 25.29 Acres to the City of Spokane (Muirfield) 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", and RCW 36.09.157, "Decisions to be consistent with the Growth Management Act".

LEGAL DESCRIPTION

That portion of the South half of Section 35, Township 25 North, Range 43 East, W.M. generally situated between 37th Avenue and 42nd Avenue extended, being approximately 780 feet wide as measured in an east-west direction, and adjoining the East limit of the City of Spokane as established on 11/6/89; MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

The entire area contained solely within Muirfield Addition and Muirfield First Addition, including all of 37th Avenue adjoining the North plat boundary line of Muirfield Addition.

All properties situate in Spokane County, Washington.

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 when property owners of not less

than ten percent of the assessed value of property within an approximately twenty-five acre area of Moran Prairie notified the City of their intention to commence annexation proceedings;

WHEREAS, the Spokane City Council considered the ten percent petition at its March 29, 2004 meeting and adopted Resolution 04-2008 accepting the proposal for annexation;

WHEREAS, the City of Spokane issued an environmental checklist and Determination of Nonsignificance (DNS) on April 14, 2004 for the proposal;

WHEREAS, the City met with initiating owners and determined by Resolution 04-0043 that the City would accept the proposed annexation subject to specified conditions;

WHEREAS, owners of not less than seventy-five percent of the assessed value in the proposed annexation area signed a petition to annex to the City of Spokane;

WHEREAS, the seventy-five percent petition was certified by the Spokane County Assessor;

WHEREAS, the Spokane City Council conducted a public hearing on the proposed annexation on August 23, 2004 and adopted Resolution 04-081 indicating the City's intent to annex the area and directed its staff to file a notice with the Boundary Review Board;

WHEREAS, a Notice of Intention was filed with the Boundary Review Board on September 1, 2004 by the City of Spokane proposing the annexation of 25.29 acres containing 39 residences;

WHEREAS, the Notice of Intention was then circulated to affected agencies and interested parties on September 9, 2004 for review and comments;

WHEREAS, Fire District 8 invoked the Board's jurisdiction October 11, 2004;

WHEREAS, the Boundary Review Board at its October 11, 2004 meeting set a public hearing on the proposed annexation for November 16, 2004, at 7:00 pm at the Chase Middle School Library, 4747 East 37th Street in Spokane;

WHEREAS, the area proposed for annexation was posted with a Notice of Public Hearing on November 9, 2004 in at least ten places;

WHEREAS, property owners in the annexation area were mailed a notice of the public hearing on November 9, 2004;

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

(October 13, 2004), publication of legal notices in the Spokesman Review (October 17, 2004, October 31, 2004, and November 7, 2004);

WHEREAS, the Board held a special meeting on October 20, 2004 which was advertised pursuant to RCW 42.30.080 to inspect the proposed annexation area;

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

Exhibit No. 1

Letter submitted October 6, 2004 from Fire Protection District 8 requesting the Board's jurisdiction be invoked.

Exhibit No. 2

Letter submitted November 2, 2004 from Michael Wirt, Spokane County Library District regarding potential impacts of the proposed annexation.

Exhibit No. 3

Packet submitted November 10, 2004 from Monica Bramble, City of Spokane supporting the proposed annexation.

Exhibit No. 4

Memo submitted November 16, 2004 from Brenda Sims, Spokane County Stormwater Utility Manager commenting on the proposed annexation.

Exhibit No. 5

Affidavit of Posting of Public Notice submitted November 16, 2004 by City of Spokane.

WHEREAS, a public hearing was held on November 16, 2004 at 7:00 pm in the Library of Chase Middle School, 4747 East 37th Avenue in Spokane and all proceedings were recorded by a court reporter and four Board members were present;

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

WHEREAS, public testimony was given by:

- 1) Monica Bramble, City of Spokane
- 2) William Walkup, Fire Chief, Fire District No. 8
- 3) Clark Bergerud, 3909 South Custer Road
- 4) Bobby Williams, Fire Chief, City of Spokane
- 5) Dave Mandyke, Public Works Department, City of Spokane
- 6) James Rickman, City Attorney, City of Spokane

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

Exhibit No. 6

Packet submitted November 16, 2004 by Monica Bramble, City of Spokane supporting the annexation.

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 none (0) against, directed its staff to prepare a written decision to approve 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 December 23, 2004.

FINDINGS

BRB 584-04: Proposed Annexation of 25.29 Acres to the City of Spokane (Muirfield) 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 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 proposed annexation area is residential land zoned for residential uses with 39 residences and 98 people currently living there. The 20-year projected population for the annexation area is 98 people and 39 residences.

The population of the City of Spokane is 197,400 and the existing population density is 3,346 people per square mile. There are 39 residences and approximately 98 persons currently within the proposed annexation area. The land area proposed for annexation

is 25.29 acres and the total land area of Spokane is 59 square miles. The population density of the City of Spokane with the annexation area would not measurably change. 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 (2004)

Name of City	Population	Land Area (Sq Miles)	Population Density
Spokane	197,400	59	3,346/sq mi
Spokane with annexation	197,439	59	3,346/sq mi
Spokane Valley	83,950	38	2,209/sq mi
Cheney	9,855	4	1,714/sq mi
Millwood	1,645	1	1,645/sq mi
Medical Lake	4,120	4	1,026/sq mi
Liberty Lake	4,950	5	930/sq mi
Airway Heights	4,590	5	918/sq mi
Deer Park	3,045	6	508/sq mi

Land Area and Uses

The current land use of the proposed annexation area is 39 single-family homes with no proposed and little feasible modification of the current fabric. The area is currently low-density residential developed as the Muirfield subdivision and two five-acre home sites. There is institutional land to the northwest, low-density residential to the northeast, west, and south, and urban reserve to the east.

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). The City recommendation is for a comprehensive planning designations consistent with the surrounding area and the City of Spokane adopted Comprehensive Plan of low-density residential (4 to 10 dwelling units per acre).

The City of Spokane adopted its comprehensive plan on May 21, 2001.

Spokane County zoning for the annexation area is low density residential (UR 3.5) and medium residential (UR-7) on two parcels.

Service agreements entered into under RCW 36.115 or 39.34

The City of Spokane is negotiating agreements with Fire District 8 and the Spokane County Library District to facilitate the smooth transition of services and the revenue impacts on the districts. Exhibit 2 is a letter from the Spokane County Library District Director describing the agreement to be in place between the District, the City of Spokane, and the Spokane Public Library.

Interlocal agreements between a county and its cities

Spokane County has not finalized Interlocal agreements with its cities.

Per capita assessed valuation

The assessed valuation of the 25.29-acre area is \$8,760,400. Property owners are listed in Exhibit D of the Notice of Intention.

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

The topography of the proposed annexation area is relatively flat on the west but drops steeply (40 feet) in the east. The area is a part of the Browne's Mountain/Moran Prairie drainage basin with a stormwater facility on parcel number 35353.1812, owned by the Muirfield Homeowner's Association. The Stormwater Utilities Manager describes a process for integration of regional stormwater issues into development plans in the annexation properties in the Exhibit 4 memorandum.

The annexation area is directly south and east of the City of Spokane, approximately four miles from downtown Spokane.

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

The area is not used for agricultural purposes and is developed as single family residential.

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

The area proposed for annexation is surrounded by urban areas on the west and north and on the east by more rural areas which are outside of the Urban Growth Area. The area is within the Urban Growth Area and is fully developed with adjacent areas within the UGA projected to continue to develop at urban densities during the next ten years.

Location and most desirable future location of community facilities

There are no community facilities planned for the annexation. A library branch is located on 57th Avenue and a fire station was recently constructed on the Palouse Highway south of the area. Chase Middle School is directly north of the proposed 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 nonurban areas.

At present, the City of Spokane provides water and sewer service to both the annexation area. Fire District 8 provides fire protection and the Spokane County Sheriff provides police services. Waste Management Services provides solid waste collection and disposal. The area is within the Spokane School District and the Spokane County Library District.

The level of services provided to the developed area is at urban level at present. With annexation, the City of Spokane will provide municipal services; these services would include police protection, road maintenance and construction, planning and zoning, water and sewers. The City is in the process of finalizing an agreement with the Library District to allow it to continue to provide library services to the Moran Prairie area with annexation.

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

The City of Spokane proposes to annex the area using the petition method.

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

The area as presently developed is receiving adequate services from Spokane County and Fire Protection District 8. With annexation, an urban level of service would be provided by the City of Spokane. Future development in the proposed annexation area would be required to meet city standards and codes.

Prospects of governmental services from other sources

The area is within Spokane County's Urban Growth Area and currently receives water and sewer service from the City of Spokane. Aside from the City of Spokane and current service providers, there are no other service options for the area.

Probable future needs for such services and controls

The area is developed and will not have additional needs for services or controls.

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

The level of services in the area is adequate for the land as developed.

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 assessed value or the sales tax generated. In the annexation report prepared for the City of Spokane, an estimate of the effect of the annexation on city finances and services is presented. Fire District 8 would receive less tax revenues as a result of the annexation; however, the City is working on an agreement to allow the fire district revenues to gradually decrease.

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 would have minimal impacts on the adjacent areas, on mutual economic and social interests, or on the local government structure of the county.

OBJECTIVES (RCW 36.93.180)

Preservation of natural neighborhoods and communities

The proposed annexation area is a part of the Moran Prairie neighborhood which includes residents both in the city and in unincorporated Spokane County. The entire neighborhood is within the urban growth area and future annexation area of the City of Spokane.

The Board determined that this objective was met.

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

The 25-acre annexation area uses the city limits on the north and west and the urban growth area as defined by parcel lines on the south and east.

The Board determined this objective was met.

Creation and preservation of logical service areas

The proposed annexation area receives water and sewer services from the City of Spokane and is within the future annexation area of the City of Spokane as described in the city's comprehensive plan and capital facilities plan.

The Board determined that the proposal met this objective in that the City had demonstrated the provision and financing of urban services to the area and would improve the level of service.

Prevention of abnormally irregular boundaries

The boundaries at present are not abnormally 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 annexation area is developed as urban residential.

The Board determined that the area is essentially urban in character and the objective was met.

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.

CONSISTENCY WITH THE GROWTH MANAGEMENT ACT (RCW 36.70A)

Decisions of the Boundary Review Board are required to be consistent with the planning goals, Countywide Planning Policies, and Urban Growth Area developed under the Growth Management Act. In December 1994, the County adopted the Countywide Planning Policies to be used as a framework for each city's, town's, and the county's comprehensive plan. The City of Spokane adopted its comprehensive plan on May 21, 2001 which included this area in its future annexation area and planned for it in its capital facilities plan. On November 5, 2001, Spokane County adopted its Growth Management Plan and its Urban Growth Area.

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. BRB 584-04: Proposed Annexation of 25.29 Acres to the City of Spokane (Muirfield) is hereby APPROVED.

ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY by a vote of ____ in favor and ____ against on this 13th day of December, 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 thirteenth day of December, 2004.

Susan M. Winchell, AICP
Director