WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SPOKANE COUNTY

NOTICE OF INTENTION

BRB 638-11

Proposed Annexation of 380 Acres to the City of Airway Heights
(East of Hayford Rd)

Proponent: City of Airway Heights

Date of Filing: July 13, 2011

Date of Preliminary Review: August 8, 2011

Date 45-day Period for Request for Review Elapses: August 26, 2011
WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SPOKANE COUNTY

NOTICE OF INTENTION

1. Name of City, Town, or Special Purpose District  City of Airway Heights

2. Action Sought: Annexation of Property East of Hayford Road to the City of Airway Heights.
   (If water or sewer extension outside corporate limits, state the size of water line ______ size of sewer lines____)

3. Reason for seeking action To serve existing large urban residential developments and high intensity commercial developments adjacent to the City of Airway Heights.

4. Briefly describe proposal Annexation of approximately 380 acres of urbanized unincorporated area immediately east of the city boundaries to the City of Airway Heights.

5. Method used to initiate the proposed action Letter from the Mayor to Spokane County and Fire District Inviting Participation in Formal Negotiations.

6. State statute under which action is sought RCW 35A.14.480

FACTORS THE BOARD MUST CONSIDER

Please respond to the factors the Board must consider as outlined in RCW 36.93.170.

POPULATION AND LAND USE

1. Please provide the following information:

<table>
<thead>
<tr>
<th>Proposed Area</th>
<th>Existing</th>
<th>20-year Projection</th>
<th>Existing</th>
<th>20-year Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>People</td>
<td>1,425</td>
<td>1,761</td>
<td>6,114</td>
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<td>Residences</td>
<td>757</td>
<td>970</td>
<td>1,589</td>
<td>2,049</td>
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<tr>
<td>Businesses</td>
<td>29</td>
<td>60</td>
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</tbody>
</table>

2. What source is the basis for these projections? The estimate of existing population and residences for the City of Airway Heights comes from the 2010 U.S. Census. The 20-year projection for the entity is based on the Spokane County population allocation. The projected population for the annexation area is based upon the 2011 Land Quantity Analysis and the Spokane County population allocation for the UGA.

3. Acres of the proposed area 380 acres Acres of the existing entity 3,297 acres

4. Assessed valuation of proposed area $101,515,760 Assessed Valuation of existing entity $294,063,655

5. Existing land use of the proposed area A mix of residential, commercial and industrial land uses including 121 single family homes (Sekani Subdivision), 682 multi-family units (Cedar Summit Estates, Deer Creek Apartments, Bentley Apartments), a Walmart store, Exxon fuel and convenience store, two multi-unit strip malls, a multiplex cinema, Dealers’ Auto Auction, and various small businesses and large lot residential uses.

6. Existing land use of the area surrounding the proposal Rural and mining to the north, City of Airway Heights to the west, light industrial and Spokane International Airport to the east, and light industrial to the south.

7. Is there residential, commercial, or industrial development that will be associated with this proposal? No. If yes, describe any projects being considered or proposed. __________________________________________________________________________
8. If the proposal is approved, will any changes in either the land use, zoning or the Comprehensive Plan designations within the next 18 months be required? The City Council will adopt an ordinance designating zoning and comprehensive plan categories in line with the City of Airway Heights Zoning and Comprehensive Plan for the annexation area at the same time as the Annexation Ordinance is adopted.

9. Has the proposed area been the subject of a land use action by Spokane County? Yes, there have been numerous land use actions within the proposed annexation area over the past twenty or more years.

10a. Spokane County Comprehensive Plan designation for the proposed area The Spokane County Comprehensive Plan land use designations for this area include Light Industrial, Community Commercial, Low Density and High Density Residential. All parcels are within the Urban Growth Area.

b. For surrounding areas The City of Airway Heights corporate boundaries are adjacent to the west. To the north the County Comprehensive Plan designation is Rural Traditional and Mining Zone, to the south the County designation is Light Industrial and to the east the County designation is Light Industrial and Regional Commercial.

11. Does your jurisdiction have an adopted comprehensive plan? Yes. Date adopted? Adoption December 18, 2006 (Ordinance C-645).

12. Describe this proposal's significance to the adopted comprehensive plan. The proposed area is within Spokane County's adopted Urban Growth Area and is identified as a Potential Annexation Area in the City of Airway Heights Comprehensive Plan.

13a. Spokane County zoning for the proposed area Light Industrial, Community Commercial, Low Density and High Density Residential.

b. For surrounding areas Rural Traditional and Mineral Zone to the north, Light Industrial and Regional Commercial to the east, Light Industrial to the south, City of Airway Heights to the east.

14. Has any portion of this area been previously reviewed by the Boundary Review Board? Yes. Numerous water and sewer service area extensions by the City of Spokane and three annexation proposals:
   BRB 425-92 Proposed Annexation by the City of Airway Heights (Hazelwood Road) – Denied
   BRB 562-02 Proposed Annexation by the City of Airway Heights (East of Flint Road) - Denied
   BRB 563-02 Proposed Annexation by the City of Spokane (West Plains UGA) – Withdrawn

15. Describe the topography, drainage basins and natural boundaries which are included in the area of the proposal and how each affects land use, accessibility and potential development. The topography of the annexation area is relatively flat. Drainage and permeability in the West Plains are dependent on localized conditions. The physical features should have relatively little effect on future developments in the area.

16. Is the proposed area within the Spokane County Urban Growth Area? Yes.

MUNICIPAL SERVICES

1. Name the existing service purveyors in the proposed area.
   Water: City of Spokane
   Police: Spokane County Sheriff
   Wastewater Treatment: City of Spokane
   School: Cheney School District
   Fire: Spokane County Fire District No. 10
   Library: Spokane County Library District.
Water Service

2. Is the proposed area within the future water service area of your jurisdiction according to the Spokane County Coordinated Water System Plan? No, all of the proposed area is within the City of Spokane's water service area.

3. Is the area included in your adopted Water System Plan? No. If not, please explain. The City of Spokane will continue to serve the area.

4. Water treatment plant or well that will serve this area Existing City of Spokane wells.

5. Current capacity and percentage used of this facility 282 Million gallons per day (mgd), 55% ______

6. Projected water treatment plant or well capacity required by proposal: N/A; currently served by City of Spokane Water.

7. Describe the seasonal variations in water supply and/or pressure within your jurisdiction. No seasonal variations exist in available supply or pressure.

8 a. Will increased capacity or other improvements become necessary if proposal is approved? No. Eventually improvements will be necessary as growth occurs.

b. Describe these improvements and how they will be financed. The annexation area has been served by the City of Spokane. A number of water system improvements are anticipated and will be identified through the in the City's Six Year Capital Plan for water. Improvements will be financed by rate payer funds and by future development.

9. Does your jurisdiction have an updated State Board of Health-approved Water System Plan? Yes, however this area will continue to be served by the City of Spokane.

Wastewater Management

10. According to the Spokane County Wastewater Management Plan, which future service area includes the proposal? City of Spokane.

11. Does your jurisdiction have a current DOE wastewater discharge permit? Yes, however, the City of Spokane will continue to serve the area...

12 a. Does your jurisdiction have a current NPDES permit? Yes, however, the City of Spokane will continue to serve this area.

b. Please explain any violations of the current NPDES permit in the past 18 months. Since Nov 2009, The City of Spokane's posted monthly CSO reports indicate eight (8) Dry Weather Overflows at eight different sites. All were reported to Ecology, corrective City action taken, and fines were not levied. Of the eight sites, the City's CSO Reduction Program has installed interim weir modifications at five; tanks are in final design and construction for two, and preliminary design is underway for one.

13. Wastewater treatment plant serving this area City of Spokane

13. Current capacity and percentage used of this facility 44 mgd with an approved Facility Plan to expand capacity to more than 50 mgd.
15. Projected wastewater treatment plant capacity required by proposal N/A; Service currently provided.

16a. Will increased capacity or other improvements become necessary if proposal is approved? No.

b. Describe these improvements and how they will be financed. N/A.

**Other Municipal Services**

17. Describe the service changes that will occur if the proposal is approved? Fire, police and most other governmental services will be assumed by the City of Airway Heights on the effective date of the annexation. Garbage Service will remain with Sunshine Disposal and Recycling for at least the next 7 years. There will be no change in school district service. Library service will be provided by the City of Airway Heights.

18. Does your jurisdiction have a current capital improvement/development plan? Yes. Is this proposal included in this plan? The ability of the City of Airway Heights to provide governmental services to this Urban Growth Area was evaluated in the Capital Improvement Plan adopted in 2007 with 2009 and 2011 updates. It includes annexation of this area as a City goal.

19. Describe the effect your jurisdiction's ordinances, governmental codes, regulations and resolutions will have on existing uses in the proposed area? The annexation and subsequent application of City Zoning and Land Use Designations to replace County Land Use and Zoning designations should have little or no effect on the existing uses in the proposed annexation area.

20. Are annexation covenants being required for this proposal? No.

21. Describe the prospects of governmental services from other sources? The City of Spokane will continue to provide water and sewer services upon annexation. Cross coverage for fire protection and EMS will continue with the Fire District No. 10 and the City of Spokane. Law enforcement will be provided by the City of Airway Heights with the City of Spokane and Spokane County providing assistance as a specific incident requires.

22. Describe the probable future needs for services and additional regulatory controls in the area? There is no anticipated need for additional regulatory controls other than those applied uniformly throughout the City.

23. Describe the probable effect of the proposal on the cost, adequacy of services and controls

a. In the proposed area? None anticipated.

b. In the adjacent area? No impact.

24. Describe the effect of the proposal on the finances, debt structure, contractual obligations and rights of all affected governmental units? The City of Airway Heights will be mitigating the impact of this annexation with Spokane County Fire District No.10 in accordance with existing interlocal agreements. The County currently collects county road taxes generated in the annexation area which would cease after annexation. Spokane County will lose a portion of the sales tax they currently collect within the area as well as a portion of the property tax they now collect.

**LOCAL GOVERNMENT**

1. Describe the effect of the proposal on adjacent areas? This annexation will have little or no effect on the adjacent land uses.
2. Describe the effect of the proposal on mutual economic and social interests? The area is located immediately adjacent the City of Airway Heights. Many of the services and facilities provided by the City are currently enjoyed by the residents of the annexation area. These include City parks, fire protection (by mutual aid agreement with FD 10) and police protection (by mutual aid agreement with the Spokane County Sheriff). After annexation the residents and property owners of this area will receive services at the same or higher levels as they now enjoy.

3. Describe the effect of the proposal on the local governmental structure of the county. Annexation would bring this area under the jurisdiction of the City of Airway Heights. There will be little effect on the governmental structure of the County resulting from this action. The County will have less area to provide Sheriff’s protection and fewer streets to maintain. The County will continue to collect a portion of the taxes generated in this area which will help support their continued delivery of regional services. This annexation is part of the transition of governance anticipated under the GMA, where counties become regional service providers, and cities are providers of urban services. The Interlocal Agreement entered into between Spokane County, the City of Airway Heights and the City of Spokane set the agreed upon effective date of the annexation as 1/1/12 in order to allow the County ample time to make whatever transitional adjustments might be needed.

ENVIRONMENTAL REVIEW
Describe the environmental review process completed for the proposed action. A SEPA review was conducted as a part of the Comprehensive Plan amendment process in 2008 and land uses were identified for the annexation area. A SEPA assessment was performed and coordinated with affected agencies prior to placing applicable zoning to the properties. The process of annexation is exempt from SEPA review.

GROWTH MANAGEMENT
Describe how the proposal is consistent with the Growth Management Act (RCW 36.70A). The annexation area is within an Urban Growth Area designated on the Spokane County and the City of Airway Heights Comprehensive Plans. It is consistent with the GMA requirement to encourage development and annexation within UGAs. It is also consistent with the premise that cities should be the providers of urban governmental services while counties should be the providers of rural and regional services.

OBJECTIVES OF THE BOUNDARY REVIEW BOARD
Describe fully which objectives of RCW 36.93.180 this proposal meets and which objectives this proposal does not meet. Give your reasons for each of the objectives chosen.

1. Preservation of natural neighborhoods and communities. This proposed annexation does not divide existing neighborhoods and adds the residents to the larger Airway Heights community. Residents attend the same schools, churches, recreational facilities as Airway Heights residents and frequent the same stores and restaurants forming a singular community.

2. Use of physical boundaries, including but not limited to bodies of water, highways and land contours. The boundaries of the proposed annexation are defined on the east by Deer Heights Road, the current corporate boundaries of Airway Heights on the west, the boundary of the Urban Growth Area on the north, and the boundary of Spokane International Airport on the south.
3. Creation and preservation of logical service areas. Service areas will not change for schools, water or sewer. The proposed annexation area is a logical extension for roads, library, parks, police, and fire/EMS services due to the proximity to the City of Airway Heights.

4. Prevention of abnormally irregular boundaries. This annexation area is contiguous to the City of Airway Heights and is within an Urban Growth Area. The annexation area would not create abnormally irregular boundaries.

5. Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas. N/A

6. Dissolution of inactive special purpose districts. There are no inactive special purpose districts in the annexation area.

7. Adjustment of impractical boundaries. The proposed annexation has no effect on impractical boundaries.

8. Incorporation as cities or towns or annexation to cities and towns of unincorporated areas which are urban in character. The proposed annexation allows for the addition into the City of Airway Heights of 405 acres of urban land, developed and/or planned for future urban development and served at an urban level.

9. 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. There are no agricultural or resource lands identified by Spokane County within the proposed annexation area.

I certify that the above is true and accurate and that I am an official or employee of the governmental jurisdiction seeking boundary change action or the proponent for the incorporation or formation.

Signature of person completing this form  Derrick Braaten
Date  2/6/11

Printed Name of Person Completing this Notice  Derrick Braaten
Title:  City Planner
Telephone:  (509) 244-2552
Mailing Address:  1208 S. Lundstrom St., Airway Heights, WA 99001
CITY OF AIRWAY HEIGHTS
ANNEXATION AREA
LEGAL DESCRIPTION

A parcel of land located in 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 NW corner of Section 19, T25N, R42E, W.M., thence easterly a distance of 50 feet, more or less, to the NW corner of Spokane County Parcel No. 25192.9023; said point also being a point on the East right-of-way (ROW) line of Hayford Road; thence southerly along the east ROW line of Hayford Road, a distance of 2649 feet, more or less, to the SW corner of Parcel No. 25192.9022 as recorded in the Spokane County Assessors Office, being the POINT OF BEGINNING;

Thence continuing easterly along the south property line of said parcel, a distance of 953 feet, more or less, to the SE corner of said parcel, thence easterly along the south property line of Parcel No. 25192.9023 as recorded in the Spokane County Assessors Office, a distance of 1321.41 feet, to the SE corner of said parcel, said point also being the NE corner of the SW ¼ of Section 19; thence southerly along the east line of the SW ¼ of Section 19, said line also being the west property line of Parcel No. 25194.9015, parcel No. 25194.9047, and Parcel No. 25194.9041, as recorded in the Spokane County Assessors Office, a distance of 2542.21, more or less, to the SW corner of Parcel No. 25194.9041, said point also being a point on the north ROW line of State Highway 2; thence southerly along the east line of the SW ¼ of Section 19, a distance of 100 feet, more or less, to the NE corner of the NW ¼ of Section 30, T25N, R42E, W.M.; thence southerly along the east line of said NE ¼ of Section 30, a distance of 50 feet, more or less, to the NE corner of Parcel No. 25302.0212, said point also being a point on the south ROW line of State Highway 2; thence southerly on the east property line of Parcel No. 25302.0212 and Parcel No. 25302.0211, a distance of 804 feet, more or less, to the SE corner of Parcel No. 25302.0211, thence southerly along the east line of Parcel No. 25302.0205 and Parcel No. 25302.0209 a distance of 1110 feet, more or less, to the SE corner of Parcel No. 25302.0209; thence westerly along the south line of said parcel, a distance of 536 feet, more or less, to SW corner of said parcel, said corner also being a point on the east property line of Spokane County Parcel No. 25302.0124, thence south along the east line of Parcel No. 25302.0124, a distance of 58 feet, more or less, to the SE corner of said parcel, thence westerly along the south property line of said parcel and the north property line of Parcel No. 25305.9043 a distance of 612 feet, more or less, to the NW corner of parcel 25305.9043, thence southerly along the west property line of said parcel a distance of 662 feet, more or less, to a point on the north property line Parcel No. 25303.9024, thence easterly along the north property line, of said parcel, a distance of 1,269 feet, more or less, to a point on the east line of the SW ¼ of Section 30, thence southerly along the east line of the SW ¼ of Section 30, a distance of 661 feet, more or less, to the SE corner of Parcel No. 25303.9024, as recorded in the Spokane County Assessors Office; thence southwesterly along the southeast line of said parcel a distance of 1,753.64 feet, more or less, to the NE corner of Spokane County Parcel No. 25303.9046, as recorded in the

*This legal description is intended to describe the general boundary of the annexation area and was developed from County Assessor information and is not a result of an actual survey. The meets and bounds are not mathematically accurate and should not be used for property transactions. The Engineer assumes no liability for uses of this document other than as a general description of the annexation area boundary.*
Spokane County Assessors Office; thence southerly along the east line of said parcel a distance of 386.43 feet; thence westerly along the south line of said parcel a distance of 493.77 feet to the NE corner of Spokane County Parcel No. 25303.9044, as recorded in the Spokane County Assessors Office; thence southerly along the east line of said parcel a distance of 100.00 feet; thence westerly along the south line of said parcel a distance of 239.58 feet to the NE corner of Spokane County Parcel No. 25303.9045, as recorded in the Spokane County Assessors Office; thence southerly along the east line of said parcel a distance of 100.00 feet; thence westerly along the south line of said Spokane County Parcel No. 25303.9045 to a point on the east ROW line of Hayford Road, said point also being the SW corner of said parcel; thence southerly along the east ROW line of Hayford Road, a distance of 643 feet, more or less, to a point on the west line of Spokane County Parcel No. 25310.9021; thence westerly a distance of 50 feet, more or less, to a point on the west ROW line of Hayford Road; thence northerly along the west ROW line of Hayford Road to the NE corner of Spokane County Parcel No. 15251.0148, as recorded in the Spokane County Assessors Office; thence westerly along the north property line of parcel number 15251.0148, a distance of 25.00 feet, more or less, to the SE corner of Parcel No. 15251.0305 as documented in BSP 06-01 as recorded in Book 2, page 92 and 93 of Binding Site Plans, Spokane County records; thence northerly along the west ROW line of Hayford Road, a distance of 600.59 feet, more or less, to the NE corner of Spokane County Parcel No. 15251.0303 as documented in BSP 06-01, said corner lying on the south ROW line of State Highway 2; thence northerly a distance of 188.69 feet, more or less, to the SE corner of Lot 1 SP 06-02 as recorded in Book 21, page 90 and 91 of Short Plats, Spokane County records; thence northerly along the west ROW line of Hayford Road, a distance of 535.20 feet, more or less, to the NE corner of Lot 4 SP 06-02; thence northerly along the west ROW line of Hayford Road, a distance of 76.27 feet, more or less, to the SE corner of Parcel No. 15244.0029, as recorded in the Spokane County Assessors Office; thence northerly along the east property line of said parcel, a distance of 571.52, more or less, also being the west ROW line of Hayford Road, to the NE corner of said parcel 15244.0029; thence northerly along the east ROW line of Hayford Road, a distance of 60 feet, more or less, to the NE corner of Spokane County Parcel No. 15244.0036, thence westerly along the north property line of said parcel, a distance of 25 feet, more or less, to the SE corner of Parcel No. 15244.0039; thence northerly along the east property line of said parcel a distance of 375 feet, to the NE corner of said parcel; thence westerly along the north property line of said parcel a distance of 40 feet, to the SE corner of Parcel No. 15244.0038, said point also being a point on the west ROW line of Hayford Road, thence northerly along the west ROW line of Hayford Road, a distance of 919 feet, more or less, to the NE corner of Spokane County Parcel No. 15244.0038, thence easterly a distance of 140 feet, more or less, to the POINT OF BEGINNING.

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