

BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW
BOARD FOR SNOHOMISH COUNTY

In re:

CROSS VALLEY WATER DISTRICT
ANNEXATION #13

BRB NO. 02-2010

DECISION

DECISION SUMMARY

Cross Valley Water District Annexation #13 (BRB No. 02-2010) is hereby

APPROVED.

PROCEDURAL HISTORY

On October 1, 2010, the Cross Valley Water District (the "District") filed a notice of intention with the Washington State Boundary Review Board for Snohomish County (the "Board") proposing a petition method annexation of approximately 276 acres located generally south of State Route 522. The notice of intention states that the annexation area contains an estimated 14 housing units and a population of approximately 35. The District initiated the annexation by resolution.

The Board's jurisdiction was invoked by Snohomish County (the "County"), a petition signed by 5% of the registered voters living within the annexation area, and by concurrence of the Board through a petition signed by 5% of the registered voters living with ¼ mile of the annexation boundary.

PUBLIC HEARING

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2 On January 12, 2011, a quorum of the Board held a public hearing in public
3 meeting room #2 of the first floor of the Robert J. Drewel Building, 3000 Rockefeller
4 Avenue, Everett, WA. Notice of the meeting was given pursuant to RCW
5 36.93.160. During the meeting, the Board heard testimony from representatives of
6 the the District, the County, Highbridge Road LLC, High Bridge Community
7 Association, and members of the public. The Board received and considered
8 written material and other evidence, including but not limited to the notice of
9 intention and attachments and petitions submitted by High Bridge Community
10 Association.
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DISCUSSION

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13 Following the closure of the public hearing on January 12, 2011, the Board
14 discussed the annexation proposal, pertinent testimony, and other evidence in the
15 record and reached a unanimous decision to approve the annexation. In approving
16 the annexation, the Board, as discussed more fully below, considered all of the
17 factors identified in RCW 36.93.170 and the objectives of RCW 36.93.180, and
18 determined that its decision is consistent with the growth management act pursuant
19 to RCW 36.93.157.
20

A. FACTORS

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22 The Board considered and discussed all of the factors identified in RCW
23 36.93.170. The Board found that the District's notice of intention adequately
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25

1 addressed the relevant statutory factors and supports its proposal to annex this
2 area.

3 The Board specifically considered the population and territory and
4 population density and the fact that the County and the District have both adopted
5 comprehensive plans under the authority of chapter 36.70A RCW ("GMA"). The
6 Board determined the provision of water service is not a municipal service and that
7 the District has sufficient interlocal agreements with Alderwood Water District,
8 Silver Lake Water District, and the Clearview water supply project to supply
9 adequate water to the proposed annexation area. The area comprising the
10 proposed annexation is covered under the currently active franchise agreement
11 between the County and the District.
12

13 14 B. OBJECTIVES

15 The Board considered each of the nine (9) objectives set forth in RCW
16 36.93.180 and whether each objective is applicable to this annexation, and if so,
17 whether it would be hindered or furthered.
18

19 1. Preservation of Natural Neighborhoods and Communities. The Board
20 unanimously agreed this objective is furthered. Specifically, the proposal maintains
21 natural neighborhoods and communities.
22

23
24 2. Use of Physical Boundaries, Including But Not Limited to Bodies of
25 Water, Highways, and Land Contours. The Board unanimously agreed this

1 objective is furthered. The proposed annexation uses the Snoqualmie River as a
2 northern boundary, and road rights-of-way as western and northeastern
3 boundaries.

4 3. Creation and Preservation of Logical Service Areas. The Board
5 determined that this objective is hindered. The proposed annexation is within the
6 District's service area. The County agrees the District is the logical purveyor.

7 4. Prevention of Abnormally Irregular Boundaries. The Board
8 determined that this objective is furthered. The annexation area is currently
9 adjacent to the water district and forms a regular boundary/service area.
10

11 5. Discouragement of Multiple Incorporations of Small Cities and
12 Encouragement of Incorporation of Cities in Excess of Ten Thousand Population in
13 Heavily Populated Urban Areas. This objective does not apply.

14 6. Dissolution of Inactive Special Purpose Districts. This objective does
15 not apply.
16

17 7. Adjustment of Impractical Boundaries. The Board unanimously
18 determined this objective is furthered. The proposed annexation would maintain
19 practical boundaries.

20 8. Annexation to Cities of Unincorporated Areas Which Are Urban in
21 Character. This objective does not apply.

22 9. Protection of Agricultural and Rural Lands. This objective does not
23 apply.
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1 C. GROWTH MANAGEMENT ACT

2 RCW 36.93.157 requires that the Board's decision to be consistent with the
3 following sections of the Growth Management Act: RCW 36.70A.020 (GMA
4 planning goals); RCW 36.70A.110 (comprehensive plans); RCW 36.70A.210
5 (county-wide planning policies and criteria for approval by County legislative
6 authority).

7 This decision is consistent with RCW 36.70A.020, as all planning goals were
8 discussed and considered either during public testimony or as part of the written
9 documentation. Specifically, the decision is consistent with RCW 36.70A.020(1)
10 because water service is not a characteristic of urban services, RCW
11 36.70A.020(2) because the County's comprehensive plan provides for rural
12 clusters to reduce sprawl, RCW 36.70A.020(6) because it provides property
13 owners an opportunity to request water services, RCW 36.70A.020(10) because
14 the environment is better served by the District providing water service, RCW
15 36.70A.020(11) because the District did perform a comprehensive citizen
16 participation effort designed to inform the public about the annexation and its effect
17 on the residents in the proposed annexation area, and RCW 36.70A.020(12)
18 because the District has ensured through long-term planning, interlocal
19 agreements, and budgeting that this goal is met.

20 The decision is consistent with RCW 36.70A.110 because the entire
21 proposed annexation is in unincorporated Snohomish County, outside of an urban
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1 growth area, and will not be served by a municipal water purveyor in the near
2 future.

3 The decision is consistent with RCW 36.70A.210 because the County has
4 developed countywide planning policies which are in place and the proposal is
5 consistent with those policies.

6 Chapter 43.21C RCW, the State Environmental Policy Act, does not apply in
7 this instance.

8 **DECISION**

9 **NOW THEREFORE**, the Board finds:

- 10
- 11 1. The jurisdiction of the Board was properly invoked and the Board has
12 jurisdiction over this matter.
 - 13 2. Overall, the objectives of RCW 36.93.180 that are most pertinent to
14 the proposal would be furthered by the annexation.
 - 15 3. A decision to approve the proposed annexation is consistent with
16 RCW 36.70A.020, RCW 36.70A.110, and RCW 36.70.210
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19 Based upon the above, a motion was made, seconded, and passed on a
20 vote of 3:0 to **APPROVE** the Cross Valley Water District Annexation #13 as
21 submitted.

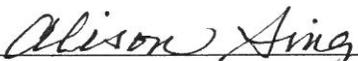
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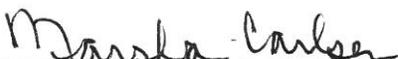
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1 Adopted by the Washington State Boundary Review Board for Snohomish
2 County by a vote of 3:0, this 25th day of January, 2011.

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4 WASHINGTON STATE BOUNDARY REVIEW BOARD
5 FOR SNOHOMISH COUNTY
6

7 
8 _____
9 ALISON SING, CHAIR

10 FILED THIS 26th day of January, 2011.
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14 _____
15 Marsha Carlsen, Chief Clerk

16 NOTICE

17 Pursuant to RCW 36.93.160(5), this decision shall be final and conclusive
18 unless within thirty (30) days from the date of this decision a governmental unit
19 affected by the decision or any person owning real property or residing in the area
20 affected by the decision files a notice of appeal in Snohomish County Superior
21 Court.
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