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.

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PUBLIC HEARING

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

DISCUSSION

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

A. FACTORS

The Board considered and discussed all of the factors identified in RCW 36.93.170. The Board found that the District’s notice of intention adequately
addressed the relevant statutory factors and supports its proposal to annex this area.

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

B. OBJECTIVES

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

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

2. Use of Physical Boundaries, Including But Not Limited to Bodies of Water, Highways, and Land Contours. The Board unanimously agreed this
objective is furthered. The proposed annexation uses the Snoqualmie River as a northern boundary, and road rights-of-way as western and northeastern boundaries.

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

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

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. This objective does not apply.

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

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

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

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

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

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

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

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

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

DEcision

NOW THEREFORE, the Board finds:

1. The jurisdiction of the Board was properly invoked and the Board has jurisdiction over this matter.

2. Overall, the objectives of RCW 36.93.180 that are most pertinent to the proposal would be furthered by the annexation.

3. A decision to approve the proposed annexation is consistent with RCW 36.70A.020, RCW 36.70A.110, and RCW 36.70.210

Based upon the above, a motion was made, seconded, and passed on a vote of 3:0 to APPROVE the Cross Valley Water District Annexation #13 as submitted.

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

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

Alison
ALISON SING, CHAIR

Filed this 26th day of January, 2011.

Marsha Carlsen, Chief Clerk

NOTICE

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

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