

1 WASHINGTON STATE BOUNDARY REVIEW BOARD IN AND FOR THE COUNTY OF CHELAN

2 **DECISION REGARDING NOTICE OF INTENTION 2023-001; CHRIST CENTER CHURCH**
3 **AND SPEARS ANNEXATION BY CITY OF CASHMERE**

4 This matter, having been heard by this board at a duly advertised public hearing on June 28, 2023, hereby
5 makes the following findings, conclusions, and decisions:

6 1. Notice of Intention No. 2023-001 was filed with the Washington State Boundary Review Board for Chelan
7 County on April 19, 2023, and includes two parcels inside the urban growth boundary for the City of
8 Cashmere in Chelan County, Washington, situated northwest of the corner of Kimber Road and Evergreen
9 Drive.

10 2. The proposed annexation is known as the Marc T. Spears and Cashmere Assembly of God/Christ Center
11 Church Annexation and was assigned Notice of Intention (NoI) No. 2023-001. The board discussed it at its
12 May 24, 2023, meeting and set it for hearing on June 28, 2023.

13 3. Chelan County, by letter dated May 1 and received May 4, 2023, invoked the jurisdiction of this board
14 consistent with RCW 36.93.100(2).

15 4. The subject parcels are owned by and generally described as follows:

16 a. Marc T. Spears, no assigned street address, Cashmere, Washington, 98815. Assessor's parcel no.
17 231905210850 and PID no. 21951. General legal description is: T 23N R 19EWM S 05, NENW LOT A, BLA 2022-
18 133; approximately 3.87 acres.

19 b. Cashmere Assembly of God/Christ Center Church, 5800 Kimber Road, Cashmere, Washington,
20 98815. Assessor's parcel no. 231905210750 and PID no. 21949. General legal description is: T 23N R 19EWM
21 S 05, LOT A, BLA 2009-071. Approximately 20.5500 Acres.

22 5. Six individuals commented to this board in opposition of annexation: Ann Radoslovich, Gina Quinn, Ben
23 Wintler, Justin Parker, Joshua Price, and Julie Radoslovich. Jeff Johnson, Vicky Cibicki, Joshua Price, and Gina
24 Quinn commented in opposition of annexation during the city's hearing.

25 6. Written comments opposing annexation were also submitted directly to this board and/or to the City of
Cashmere and were included in the record of the city's proceedings received by this board. Written
comments were received from Vicky and Tomasz Cibicki, Helen Belcher, Gina Quinn, Stan and Ann
Radoslovich, Sharon George, Joshua Price, and Marcia Edmonds.

7. Tammy Miller, City of Cashmere Director of Planning and Building, addressed this board in support of the
annexation.

8. Marc T. Spears and Steve Haney presented petitions for annexation to the City of Cashmere respecting
each parcel.

1 9. The Spears parcel is currently undeveloped except for a storage shed and can be accessed by either
2 Kimber Road or Evergreen Drive. Except for the church property abutting it to the west, it is bordered by
3 residential properties.

4 10. The 20-acre church parcel is currently developed with a large church and parking lot. Two driveways
5 connect to Kimber Road; access to Sunset Highway may be possible.

6 11. The proposed annexation includes portions of Kimber Road and Evergreen Drive where they abut the
7 Spears and church properties subject to this annexation.

8 12. Comments concerned issues including but not necessarily limited to: traffic impacts, street standards,
9 safety, and maintenance, increased density, critical area protection, zoning code enforcement, creation of a
10 jurisdictional island, assumption of city debt, applicability of and consistency with the 2019 Cashmere
11 Comprehensive Plan, excess unused population capacity inside Cashmere's current corporate boundary,
12 and the existence and content of development agreements.

13 13. The boundary review board considered the records and files herein and the comments and materials
14 provided by the public at this board's hearing.

15 14. The proposed annexation preserves the natural neighborhood and community.

16 15. Physical boundaries are utilized in creating the area proposed for annexation; i.e., roads and parcel
17 boundaries.

18 16. Logical service areas are preserved by this annexation, e.g., water, sewer, and road services.

19 17. No abnormally irregular boundaries are created by this annexation. Specifically, no island of county
20 jurisdiction is created by approval of this annexation; however, an island of county jurisdiction pre-exists
21 this annexation and remains at the southeast corner of Kimber Road and Evergreen Drive.

22 18. Only one municipality is in the vicinity; Cashmere. Thus, there is no possibility of multiple small
23 incorporations competing for territory for annexation.

24 19. No impractical boundaries result from approval of this annexation nor need adjustment.

25 20. Approval of this annexation will result in the incorporation into the city of currently unincorporated
areas which are within the urban growth boundary and are thus urban in character; and are currently of a
typical urban residential density.

21 21. The proposed annexation does not require dissolution of any inactive special purpose districts.

22 22. Protection of agricultural and rural lands which are designated for long term commercially productive
23 agricultural and/or resource use by the adopted county comprehensive plan is not at issue in this case. The
24 lands subject to the proposed annexation are zoned SR, Suburban Residential, 10,000 square foot lots, and
25 upon annexation would be SF, Single Family Residential, 7,000 square foot lots. Other uses in the vicinity
are single family residences. Incongruent zoning issues are not a significant factor in this matter.

1 23. The subject parcels are currently or can be served by city infrastructure and services. Only road and fire
services would change from county to city obligations upon annexation.

2 24. The Memorandum of Understanding regarding the urban growth areas executed in June of 1997
3 between Chelan County and the five cities in Chelan County do not operate to authorize this board to
4 disregard the requirements of state law, e.g. the Growth Management Act and Chapter 36.93 RCW
governing Boundary Review Boards in the State of Washington.

5 25. The provisions of chapter 43.21C RCW, the State Environmental Policy Act, do not apply to
incorporation proceedings covered by chapter 35.02 RCW, annexations by cities or towns.

6 26. Approval of this annexation is consistent with the provisions of the Growth Management Act, Ch.
7 36.70A RCW, and the applicable county and city comprehensive plans.

8 27. This board has considered the files and records herein, and the written and verbal comments and
discussion at the public hearing.

9 28. The objections to annexation raised by opponents herein concern issues that would be properly raised
10 during the subdivision or permit processing stages of municipal regulation of land uses and do not present
11 legal bases supporting denial of annexation.

12 29. The evidence that the proposal is consistent with applicable law governing review of annexations by this
board is sufficiently persuasive.

13 30. None of the members of the board has submitted a written statement addressing opposition to
14 approval of the annexation as proposed to become part of the official record in this matter.

15 31. The unanimous conclusion of the four members of this board who were present and participated in this
16 hearing, is that the annexation as proposed is logical and meets the application of the factors contained in
RCW 36.93.170 and the objectives contained in RCW 36.93.180.

17 Now, therefore, be it hereby ordered, the decision of the Washington State Boundary Review Board for
18 Chelan County is to grant and approve the Marc T. Spears and Cashmere Assembly of God Christ Church
Center proposed annexation, filed on April 19, 2023, and assigned Notice of Intention No. 2023-001.

19 Parcels subject to Nol 2023-001 and approved for annexation hereby, and which are all within the United
20 States Postal Service area for Cashmere, Washington, 98815, are:

21 a. Marc T. Spears, no assigned street address, Cashmere, Washington, 98815. Assessor's parcel no.
22 231905210850 and PID no. 21951. General legal description is: T 23N R 19EWM S 05, NENW LOT A, BLA 2022-
133; approximately 3.87 acres.

23 b. Cashmere Assembly of God/Christ Center Church, 5800 Kimber Road, Cashmere, Washington,
24 98815. Assessor's parcel no. 231905210750 and PID no. 21949. General legal description is: T 23N R 19EWM
S 05, LOT A, BLA 2009-071. Approximately 20.5500 Acres.

1 The above referenced parcels are hereby approved for annexation into the City of Cashmere. This is
2 a final and appealable order of this board pursuant to the requirements of applicable law including but not
3 necessarily limited to Chapter 36.93 RCW.

4 Decided and approved in open public session on the 28th day of June, 2023, and this written
5 decision and order signed in open and public session this 26th day of July, 2023:

6 *Ma delia for Dennis Johnson per email*
7 Dennis Johnson, Chair *authorization of 7-26-23.*

8 _____
9 Aaron Young, Vice Chair

10 _____
11 Larry Cordes, Member

12 _____
13 Duane Goehner, Member

14 Attest:

15 *[Signature]*
16 Lisa de Vera, Clerk of the Board
17 Dated: 7-26-23

18 _____
19 Carl T. Blum, Member

20 Approved as to form:

21 *[Signature]*
22 Susan E. Hinkle, WSBA 18276
23 Deputy Prosecuting Attorney
24 Dated: 7/26/23
25