

WASHINGTON STATE BOUNDARY REVIEW BOARD IN AND FOR THE COUNTY OF CHELAN
DECISION ON PETITION INVOKING JURISDICTION REGARDING NOTICE OF INTENTION 2022-002;
KNOWN AS THE FAIR PROPERTIES, LLC, ANNEXATION BY CITY OF WENATCHEE

This matter, having been heard by this board at a duly advertised public hearing on July 27, 2022, hereby makes the following findings, conclusions, and decisions:

1. On May 11, 2022, the City of Wenatchee filed with the Washington State Boundary Review Board for Chelan County a Notice of Intention (NoI) to annex five parcels known as the Fair Properties, LLC, Annexation.
2. The Clerk of this board assigned the matter NoI No. 2022-002 and it was discussed at the board's May 25, 2022, meeting. This board set the matter for a public hearing to occur on July 27, 2022.
3. Mr. David Granatstein submitted two letters invoking the jurisdiction of this board. The first was received on April 20, 2022, and the second on May 25, 2022. The second letter amended the first letter to be deemed received on May 11, the same date as NoI 2022-002 was received by this board.
4. Further, consistent with RCW 36.93.100, Mr. Granatstein's correspondence was received by this board within 45 days of receipt of NoI 2022-002. The requirement pursuant to RCW 36.93.100(4) to issue a decision in this matter within 120 days commenced on May 11, 2022.
5. The Clerk of this board duly advertised the public hearing consistent with the provisions of RCW 36.93.160.
6. In attendance at the hearing were: Dennis Johnson, Chair; Duane Goehner, Member; Carl Blum, Member; Larry Cordes, Member. After approximately 30 minutes, Vice Chair Aaron Young was present in person having previously attended via Zoom. Susan Hinkle, Deputy Prosecuting Attorney, Lisa de Vera, Clerk, David Granatstein, and Kammeron Todd, Deputy Prosecuting Attorney, were also in attendance.
7. The parcels subject to NoI 2022-002 are also all located within the United States Postal Service area for Wenatchee, Washington, 98801:
 - a. 232033230150; 1697 N. Western Avenue
 - b. 232033230850; 1730 McKittrick Street
 - c. 232033230800, 1622 McKittrick Street
 - d. 232033230750, 1620 McKittrick Street; Petitioner Mr. Granatstein's address
 - e. 232033230700, 1618 McKittrick Street
8. Pursuant to RCW 36.93.170, the proposed annexation is exempt from review pursuant to Chapter 43.21C RCW, the Washington State Environmental Policy Act.
9. Every parcel in the proposed annexation is within the Urban Growth Area for the City of Wenatchee; consistent with RCW 36.93.170. The subject five parcels are part of an island of county jurisdiction completely surrounded by the current boundaries of the City of Wenatchee.

10. The properties at 1697 N. Western and 1730 McKittrick are owned by commercial rather than residential entities and are of a size typical of their commercial uses. The other three parcels are primarily used for residential purposes and are slightly larger than the typical size of a residential lot within the city's current boundaries in the vicinity. Approximately ten businesses are located within the five parcels. None of the parcels are used for commercial agricultural or open space purposes.

11. Current city and county zoning and comprehensive plans allow for similar uses; a mix of residential and commercial purposes. The city's current zoning for 1730 McKittrick and 1697 N. Western is Residential Moderate and Mixed Residential Corridor overly. Fair Properties, LLC, has applied to the city for a zone change for the two commercial properties to be rezoned to Neighborhood Commercial.

12. The city's zoning and comprehensive plans would allow for increased residential density and intensity of urban and commercial uses of the two parcels currently used for primarily non-residential purposes, i.e., 1730 McKittrick and 1697 N. Western, compared to county zoning.

13. Current population density of the five parcels is low, approximately ten people, and would likely be subject to potential significant increase upon annexation when city zoning becomes applicable; however, it would not be inconsistent with current densities of other parcels in the general vicinity that are already in city jurisdiction.

14. Upon annexation, the five subject parcels would have no change in the provision of municipal services including but not necessarily limited to domestic water, sewer, fire protection, stormwater, roads, parks, police, schools, and library.

15. A Memorandum of Understanding dated July 8, 1997, between Chelan County and the five cities within the county regarding UGA land use was not discussed by this board. However, discussion was not necessary as approval of this annexation is consistent with the terms of the Growth Management Act, Chapter 36.70A RCW.

16. The per capita assessed valuation of the subject five parcels relative to the per capita assessed valuation of parcels in the general vicinity which are already in city jurisdiction was not discussed; however, development patterns in the vicinity suggest they would be similar.

17. The topography, natural boundaries and drainage basins are similar to the surrounding areas. Four of the five lots are accessible via McKittrick Street and backed by a very steep slope which creates a barrier to other residential properties to the north. However, those properties are accessed via N. Western Avenue.

18. The proximity to other populated areas is immediate. The subject properties are at the outer edge of an island of county jurisdiction within city jurisdiction and immediately abut city roads.

19. The proposed annexation would not have any effect on the existence and preservation of prime agricultural soils and productive agricultural uses as there are none in the vicinity.

20. The likelihood of significant growth in the adjacent incorporated and unincorporated areas during the next ten years will likely be similar because the five parcels subject to this proposed annexation are currently at the outer edge of an island of county jurisdiction surrounded by the city's jurisdiction.

21. The five subject parcels are well within an area where future community facilities could logically be located, in part due to current existing provision of municipal services and proximity to city population.
22. There would not be an effect on the provision of municipal services by the application of city ordinances, codes, regulations or resolutions on existing uses as those services are all currently provided by the city.
23. The present cost and adequacy of governmental services and controls in area may potential increase by a few hundred dollars annually as stated in the Nol at page 7 of 58.
24. There are no prospects of governmental services from sources other than current providers including the city.
25. There are no probable future needs for such services and controls that aren't already provided by current providers including the city.
26. There is no significant probable effect of this proposal or alternative annexation on the cost and adequacy of services and controls in area and adjacent area.
27. There is no negative effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units.
28. The proposed annexation would likely have no effect on mutual economic and social interests in the general area nor on the local governmental structure of the county.
29. The annexation as proposed would not necessarily negatively impact the preservation of natural neighborhoods and communities as all of the subject lots are fully developed already and all boarder city roads.
30. The slopes within and abutting the five subject parcels currently coincide with ownership boundaries or lot lines, thus physical boundaries and land contours will continue to have their existing effect on the area. There are no bodies of water in the subject annexation area and all roads abutting the subject area are already in city jurisdiction.
31. For the reasons stated herein, the proposed annexation is consistent with the creation and preservation of logical service areas.
32. No abnormally irregular boundaries are created by approval of the annexation as presented; in fact, the reduction of an abnormally irregular boundary is furthered in that the size of the island of county jurisdiction within the city limits will occur.
33. There is no issue regarding a risk of multiple incorporations of small cities in this area due to the lack of proximity of another city's UGA. The population of incorporated City of Wenatchee exceeds ten thousand and thus far exceeds the population of the five parcels subject to the proposed annexation.
34. No dissolution of inactive special purpose districts would be required by virtue of approval of this proposed annexation.

35. Two members of the board expressed concern that zoning changes might be handled differently going through just the City as opposed to the City and County, and that is why the City wants the properties annexed in order to allow the City to process any and all rezones rather than the County, and that the issue may not be limited to zoning, but also other little things that accelerate the rate of change.

36. The board understands the substance of Mr. Granatstein's objections to the annexation as proposed and also the substance of the alternative annexation approvals submitted by him in his testimony; however, the evidence to the contrary that the proposal is consistent with applicable law is sufficiently persuasive.

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

37. The conclusion of the majority of this board is that the annexation as proposed is logical and meets or exceeds the application of the factors contained in RCW 36.93.170 and the objectives contained in RCW 36.93.180.

Now, therefore, be it hereby ordered, the decision of the Washington State Boundary Review Board for Chelan County is to approve the Fair Properties, LLC, annexation, filed on May 11, 2022, and assigned Notice of Intention No. 2022-002 as submitted.

Parcels subject to Nol 2022-002 and also which are all within the United States Postal Service area for Wenatchee, Washington, 98801:

- a. 232033230150; 1697 N. Western Avenue
- b. 232033230850; 1730 McKittrick Street
- c. 232033230800, 1622 McKittrick Street
- d. 232033230750, 1620 McKittrick Street
- e. 232033230700, 1618 McKittrick Street

are hereby annexed by the City of Wenatchee.

This is a final and appealable order of this board pursuant to the requirements of Chapter 36.93 RCW.

Decided and approved in open public session this 24th day of August, 2022:


Dennis Johnson, Chair


Aaron Young, Vice Chair


Larry Cordes, Member


Duane Goehner, Member


Carl T. Blum, Member

Attest:


Lisa de Vera, Clerk of the Board
Dated: 8-24-22

Approved as to form:


Susan E. Hinkle, WSBA 18276
Deputy Prosecuting Attorney
Dated: 8/24/22