

**PROCEEDINGS OF THE
WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SKAGIT COUNTY**

IN RE: Skagit County Sewer District # 2) **FILE NO. 07-05**
 Proposed Annexation)
 Overlook Crest) **RESOLUTION AND**
 Skagit County, Washington) **HEARING DECISION**

The Notice of Intention filed on October 22, 2007 as Boundary Review Board File No.07-05 proposed the annexation of certain territory known as "Overlook Crest" by Skagit County Sewer District No. 2, Skagit County, Washington. On December 5, 2007, the Boundary Review Board received a written request from the Skagit County Board of Commissioners requesting that jurisdiction be taken and a public hearing be held.

After notice duly given, a hearing was held on February 11, 2007 before a quorum of the Boundary Review Board at the Skagit Valley Community College Downtown Office Building, 204 W. Montgomery Street, Mount Vernon, Washington. On the basis of testimony, evidence and exhibits presented at said hearing, and the materials in said File No. 07-05, it is the decision of the Board that the action proposed in said Notice of Intention be, and the same is, hereby denied.

FACTORS AFFECTING THIS PROPOSAL

In reaching this decision, the Board has considered the many factors prescribed in RCW 36.93.170. The following have been selected for particular attention:

Land Area, Population and Population Density

This 60 acre parcel is vacant and undeveloped. There is no access onto the property and no structures exist. Properties to the east and west are undeveloped.

Land Uses

Land uses surrounding the subject site include residential and forest. This 60-acre parcel is a portion of a 176-acre property on which 130 single family lots are planned by the property owner. One hundred and four of these planned lots on 116 acres are currently within the district boundaries.

Comprehensive Plans and Zoning

Skagit County zoning and comprehensive plan designation within the subject parcel is RRv (Rural Reserve) and RRC-NRL (Rural Resource). Annexation of the subject property and into the sewer district is not consistent with the county's comprehensive plan.

The comprehensive plan for the Sewer District is currently being updated and is under review by the county.

The subject area is within the sewer comprehensive plan study area. It seems to be premature, at best, to

Overlook Crest Annexation
(Denied)

consider annexation prior to the necessary review and approval of the district's plan.

Topography, Natural Boundaries and Drainage Basins

The property is overlooking Big Lake and within one third of a mile from the lake. It slopes slightly to the southeast and northeast.

Need for Municipal Services

The 116 acres currently within the sewer district will be eligible to receive sewer service from the district. The acreage within the subject area, being outside of the current district boundaries, cannot receive sewer extensions and, if this annexation were approved, would still be ineligible through the county's permitting system to receive service by the district. Onsite sewerage disposal systems are acceptable as an alternative. Such systems have the benefit of current sophisticated technology to treat effluent prior to its release into drainfields. In addition the county mandates regular inspections and training for property owners to insure proper use and function.

OBJECTIVES

The decision of the Washington State Boundary Review Board for Skagit County tends to accomplish pertinent objectives specified in RCW 36.93.180. The particularly significant objectives in this proposal are as follows:

Preservation of Natural Neighborhoods and Communities

Skagit County planning policies and zoning define the subject property as rural in character. The extension of urban services, such as sewer lines, into a rural area subverts the preservation of the rural neighborhood and has the potential to promote future growth. Denial of this proposal protects the natural neighborhood from the probability of future growth at urban densities.

This decision tends to accomplish the objective specified in RCW 36.93.180(1).

Use of Physical Boundaries, Including But Not Limited to Bodies of Water, Highways and Land Contours

Three sides of the annexation site are formed by the district boundary. The fourth side is formed along property lines.

This Decision tends to accomplish the objective specified in RCW 36.93.180(2)

Creation and Preservation of Logical Service Areas

Approval of an annexation of properties into a sewer district which are not eligible through the county's permitting process to receive district sewer service would not promote the creation of a logical service area. Limitation of sewer lines to the current district boundary confirms and protects the current

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logical service area.

This decision tends to accomplish the objective specified in RCW 36.93.180(4).

Protection of Agricultural and Rural Lands

Compliance with the mandates of the Growth Management Act and the County-wide Planning Policies has the benefit of protection of rural lands so designated by the Skagit County Comprehensive Plan.

This decision tends to accomplish the objective specified in RCW 36.93.(9).

Consistency with Growth Management Act

RCW 36.70A.110(4) states that, “In general, it is not appropriate that urban governmental services be...expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety...” RCW 36.70A.030(20) defines sanitary sewer system as an urban service. Supreme Court case law has found that expansion of sewer lines outside of an existing service area is not allowed in a rural area. The record shows no evidence of existing danger to health or safety within the subject property. This board believes that approval of an annexation in a rural area would be contrary to the statutes and therefore inconsistent with the planning goals of the growth Management Act.

This decision tends to accomplish the objective specified in RCW 36.93.157.

NOW, THEREFORE, BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SKAGIT COUNTY THAT, for the above reasons, the action proposed in the Notice of Intention contained in said File No. 07-05 be, and the same is, hereby denied.

ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SKAGIT COUNTY by a vote of 3 in favor and 0 against this 12th day of March, 2008, and signed by me in authentication of its said adoption on said date.

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SKAGIT COUNTY**

Alec McDougall, Chair

FILED BY ME this 13th day of
March, 2008

Carole Korelin, Planner for the Board