

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

|   |   |                         |
|---|---|-------------------------|
| <b>IN RE: Skagit County Fire Protection</b> | ) |                         |
| <b>District NO. 7</b>                       | ) | <b>FILE NO. 05-02</b>   |
| <b>Proposed Annexation</b>                  | ) |                         |
| <b>Open Space</b>                           | ) | <b>RESOLUTION AND</b>   |
| <b>Skagit County, Washington</b>            | ) | <b>HEARING DECISION</b> |

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The Notice of Intention filed on May 3, 2005 as Boundary Review Board File No.05-02 proposed the annexation of certain territory known as "Service Area" by Skagit County Fire Protection District No. 7, Skagit County, Washington. On May 31, 2005, 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 July 13, 2005, and continued on July 26 and August 1, 2005 before a quorum of the Boundary Review Board at the Skagit County Administration Building, Hearing Room B, Mount Vernon, Washington. On the basis of testimony, evidence and exhibits presented at said hearing, and the materials in said File No.05-02, 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 444-acre annexation area includes one private parcel on which two people are currently residing. There is no further population growth anticipated.

**Land Uses**

The primary land use of the subject and the surrounding areas is industrial forest. Most of the property within the area is owned by the Washington State Department of Natural Resources (DNR) and by two other forestry related businesses. A 40-acre parcel is privately owned and contains a garage and a mobile home. The owners conduct a Christmas tree business. Surrounding property within the subject area would not be suitable for building as Pilchuck Creek and wetlands comprise the majority of the land.

Skagit County Fire Protection District No. 7  
Service Area Annexation  
(Denied)

**Comprehensive Plans and Zoning**

The Skagit County Comprehensive Plan designation for the subject area is Industrial Forest and Natural Resource. Zoning for the area and for the surrounding areas is Industrial Forest.

**Topography, Natural Boundaries and Drainage Basins**

Lake Cavanaugh Road runs the length of the annexation area. Pilchuck Creek runs the length of the subject area, roughly parallel to the road. Lake Creek runs off Pilchuck Creek at the eastern end. Along the highway the property is mostly treed.

**Proximity to Other Populated Areas**

The area is in proximity to Lake Cavanaugh rural village. The rural village is within the boundaries of Fire District 7.

**Probable Effect of Proposal on Cost and Adequacy of Services**

The only service in the subject area is the fire protection provided by Fire District 7. The district now serves the subject area through a “response ‘zone’” agreement with the county and with DNR as per the E-911 program requirements, and responds to incidents along the road which do not involve forest fires.

**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**

The annexation area juts three miles into resource lands where, with the exception of one building on private property, no structures exist. Expansion of a fire district and the potential for building lots within the Industrial Forest is inconsistent with the current natural state of the commercial forest.

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

**Use of Physical Boundaries Including Bodies of Water Highways and Land Contour**

Lake Cavanaugh Road provides the northern boundary for a small portion of the subject area, however for the most part the boundary follows section lines

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

Skagit County Fire Protection District No. 7  
Service Area Annexation  
(Denied)

**Prevention of Abnormally Irregular Boundaries**

The creation of a fire district boundary about ½ mile at its widest point projecting over three miles into industrial forest could be defined as abnormally irregular. Denial of this proposal prevents that irregularity.

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

**Protection of Agricultural and Rural Lands**

The subject area includes and is surrounded by industrial forest lands. Opening up the potential for future residential development within areas zoned Industrial Forest through the inclusion of that land into a fire district does not promote the protection of the resource lands.

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

**Consistency with Growth Management Act**

The properties surrounding Lake Cavanaugh Road in the entire subject area are zoned Industrial Forest by Skagit County. Conservation of resource lands and discouragement of incompatible uses are among the primary directives of the Growth Management Act (GMA). RCW 36.70A.050 required the county to designate and map resource lands and critical areas, RCW 36.70A.060 required the county to create development regulations to protect resource lands and preclude incompatible uses. As a result, goal 5B-3.1, Forestry Resource Policies in the Natural Resource Conservation element of the Skagit County Comprehensive Plan states, "...expansion of special purpose taxing districts...in Industrial Forest lands that would then allow residential or commercial development shall be strongly discouraged unless they directly benefit commercial forest operation." County Wide Planning Policy (CWPP) 2.7 states, "... expansion of special purpose taxing districts in designated commercial forest resource lands shall be discouraged." It is this board's concern that approval of this annexation proposal would have the unintended consequence of opening the door to the possibility of development within resource land.

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

Having considered each of the provisions contained in RCW 36.93.170 and 36.93.180, it is the opinion of the Boundary Review Board that this annexation proposal is denied.

Skagit County Fire Protection District No. 7  
Service Area Annexation  
(Denied)

**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. 05-02 be, and the same is, hereby denied.

**ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SKAGIT COUNTY** by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against this 6<sup>th</sup> day of September, 2005, and signed by me in authentication of its said adoption on said date.

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

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**Alec McDougall, Chair**

**FILED BY ME** this \_\_\_\_\_ day of \_\_\_\_\_, 2005

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Carole Korelin, Planner for the Board