



Snohomish County

**Planning and Development
Services**

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MEMORANDUM

TO: Councilmember Megan Dunn, Council Chair, District 2
Councilmember Jared Mead, Council Vice-Chair, District 4
Councilmember Nate Nehring, District 1
Councilmember Stephanie Wright, District 3
Councilmember Sam Low, District 5

Dave Somers
County Executive

FROM: Michael McCrary, Director
Planning and Development Services

VIA: Matthew Siddons, Senior Planner
Planning and Development Services

SUBJECT: Fire Protection District No. 23 Merger, BRB #04-2022

DATE: June 23, 2022

The purpose of this staff report is to provide the County Council with a review and recommendation for the merger of fire protection districts. Snohomish County Fire Protection District No. 23 (“Fire District 23”) is proposing to merge into Snohomish County Fire Protection District No. 17 (“Fire District 17”). The fire protection districts are in east Snohomish County along the Mountain Loop Highway. Fire District 23 is east of the City of Granite Falls. Fire District 17 includes the City of Granite Falls. The fire districts are within “reasonable proximity” with each other, with an approximately 3-mile separation. Fire District 23 is 7,680 acres in area, and Fire District 17 is 24,640 acres in area. The total area of the merged districts would be approximately 32,320 acres.

County staff reviewed the district’s annexation proposal according to section 2.77.040 of the Snohomish County Code (SCC) and Revised Code of Washington (RCW) 52.06.010. The review criteria in SCC 2.77.040 includes the factors and objectives considered by the Boundary Review Board (BRB), consistency with the Growth Management Act (GMA), Countywide Planning Policies (CPPs), the County’s comprehensive plan, and impacts to County services and facilities. RCW 52.06.010 lists the requirements for authorizing the merger of fire protection districts. This report is provided pursuant to Chapter 2.77 SCC, and RCW 52.06.01 through .150. The parties will comply with the provisions of RCW 52.06.110, RCW 52.06.120, and RCW 52.06.130 regarding any current employees of Fire District 23.

BACKGROUND

On May 24, 2022, the BRB received the Notice of Intention (NOI) for the merger proposal and deemed it legally sufficient with an effective filing date of June 6, 2022 (file no. 04-2022). Per RCW 36.93.100, the NOI for the proposed merger has a 45-day review period that expires on July 21, 2022. County Council action on the proposed fire district merger must be within the 45-day review period. The BRB, consistent with its annexation review procedures outlined in Chapter 2.77 SCC, distributed the NOI to Planning and Development Services (PDS) and PDS distributed it to County departments for comments, which have been incorporated into this staff report.

The County Council's authority for reviewing fire protection district mergers is set forth in RCW 36.93.100, and SCC 2.77.040. Pursuant to SCC 2.77.040, the County Executive is required to review the merger and make a recommendation to the County Council. The options for the County Council are to either:

- Approve the merger, and not invoke the jurisdiction of the BRB, or
- Not approve the merger and invoke the jurisdiction of the BRB.

If the County Council approves the merger, BRB jurisdiction could be invoked by another party during the 45-day BRB review period, which ends July 21, 2022. The County Council findings and decision to approve or not approve the merger will be transmitted to the BRB.

REVIEW

The following review of the proposed Fire District 23 merger considers the criteria of RCW 52.06.010 and SCC 2.77.040. The merger of any districts under chapter 52.06 RCW is subject to potential review by the BRB or boards of the county in which the merging district, or the portion of the merging district that is proposed to be merged with another district, is located.

RCW 52.06.010 authorizes that (a) a fire protection district may merge with another fire protection district located within a reasonable proximity, on such terms and conditions as they agree upon; (b) for the purposes of this section, "reasonable proximity" means geographical areas near enough to each other so that governance, management, and services can be delivered effectively.

The Districts boundaries are adjacent to each other, and the Districts believe the merger will result in a more effective delivery of governance, management and services by creating the following efficiencies:

1. Combined governance resulting in a reduction of the number of elected officials and providing for a single administrative and operational chain of command.
2. Greater combined workforce for response to emergency and non-emergency incidents.
3. Backfill of vacant shift positions, and emergency callback for large-scale incidents.

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4. Reduction in duplication of staff positions, processes, specialized equipment apparatus, and contracts.
5. Strengthen fiscal sustainability and ability to meet growing emergency and nonemergency service needs.
6. Increase staff resources for development and staffing of specialized services including but not limited to non-emergent medical services, hazardous materials, technical rescue and water rescue.
7. Promotes strategic regional planning efforts.

SCC 2.77.040 contains impacts relevant to the BRB considerations as established by state law and County impacts considerations: The following comments relate to RCW 36.93.157: “The decisions of a boundary review board located in a county that is required or chooses to plan under RCW 36.70A.040 must be consistent with RCW 36.70A.020, 36.70A.110, and 36.70A.210.”

- I. Location, acreage, number of residences: Fire Districts 23 and 17 are in east Snohomish County. Fire District 23 is east of the City of Granite Falls. Fire District 17 includes the City of Granite Falls. Fire Protection District No. 23 is 32,320 acres in area. The population of the district is 14,017 with 5,627 residences.
- II. Total assessed value of the subject area(s): The assessed valuation is \$2,318,457,893.
- III. Consistency of the proposal with GMA planning goals, UGA designations, Countywide Planning Policies (CPPs), and the County’s comprehensive plan:
 - a. GMA planning goals in RCW 36.70A.020: The proposed fire district merger is consistent with GMA planning goal (12) Public facilities and services as adequate service levels shall be provided to serve local populations. Providing fire protection services is consistent with GMA planning goal (12):

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
 - b. Snohomish County CPPs: The proposed fire district merger supports the public services and facilities goal of coordinating, developing, and providing adequate and efficient public facilities and services to ensure the health, safety, and conservation of resources for communities and residents. The proposed merger is consistent with CPP policies Essential Public Facilities (EPF-3) and (EPF-5):

EPF-3: Local essential public facilities should be sited or expanded to support the countywide land use pattern, minimize public costs, and protect the environment and public health, including reducing adverse impacts upon

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historically marginalized populations and disproportionately burdened communities.

EPF-5: The County and each city should collaborate with public agencies and special districts to identify opportunities for the co-location of local essential public facilities.

- c. Snohomish County GMA Comprehensive Plan (GMACP): The fire protection district merger is consistent with the Capital Facilities Plan and the GPP of the GMACP.
 - The proposed merger is consistent with Essential Public Facilities (CF) policies 12.A.2 and 12.A.4:

12.A.2. Local essential public facilities shall be sited to support the countywide land use pattern, support economic activities, reduce environmental impacts, provide amenities or incentives, and minimize public costs.

12.A.4. The county shall collaborate with public agencies and special districts to identify opportunities for the co-location of local essential public facilities.

- II. Impact relevant to BRB consideration as established by state law. The following comments relate to RCW 36.93.170 – Factors to be considered by the BRB.

- a. **Factor 1.** “Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development regulations adopted under chapter 36.70A RCW; applicable service agreements entered into under chapter 36.115 or 39.34 RCW; applicable interlocal annexation agreements between a county and its cities; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;”

The proposed merger of Fire District 23 into Fire District 17 is consistent with Factor 1 in the following ways:

- Each district is currently serving populations with similar service levels. The merger will enhance the ability to serve the combined populations more efficiently and effectively.
- The proposal is consistent with the policies in the County’s comprehensive plan, as it supports the collaboration of service providers to share services and amenities and minimize public costs.

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- In terms of proximity to other population areas, Fire District 17 includes the City of Granite Falls. The merged district will not alter or impact other population areas in or nearby the merger area.
 - In terms of the “...likelihood of significant growth in the area...”, there is growth in both districts and the merger will enhance the ability of the merged district to accommodate and serve such growth in an effective and efficient manner.
 - A response on the proposed merger was received from the County’s Surface Water Management (SWM) division of the Department of Conservation and Natural Resources (DCNR), which stated that no impacts to SWM utility district boundaries would occur with the proposed merger, and there would be no impacts anticipated to SWM revenues or programs.
- b. **Factor 2.** “Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units.”

The proposed merger of Fire District 23 into Fire District 17 is consistent with Factor 2 in the following ways:

- The current need for municipal services will not be affected by the merger. The merger will create the potential to improve the concentration and reliability of response personnel to the new service area of Fire District 17. Efficiency is created by combining the operational personnel of both districts who are available to respond to an incident, available to fill shift vacancies, or available for emergency callback.
- The districts are currently providing adequate fire protection and emergency medical services with similar tax rates. Fire District 17 has a current combined regular and EMS levy rate of approximately \$1.65 per thousand of assessed valuation and Fire District 23 has a current combined regular and EMS levy property tax rate of approximately \$ 0.97 per thousand of assessed valuation.
- The merger will result in a single tax base funding the operations within the merged district that will be determined in accordance with WAC 459-19-030 that will result in minor adjustments to the total tax levy rate in both jurisdictions. The merger will result in a single entity with an increased debt limit. The merger will not affect any existing contractual or debt obligations of either District.

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- The County's SWM division of DCNR stated that no impacts to SWM utility district boundaries would occur with the proposed merger, and there would be no impacts anticipated to SWM revenues or programs.
- c. **Factor 3.** "The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county."

The proposed merger of Fire District 23 into Fire District 17 is consistent with Factor 3 in the following ways:

- The merger will use the existing boundaries of Fire District No. 23 and Fire District 17.
- The merger will allow a single administration and operational structure to serve areas that are currently served by separate operations and administration, this will enhance the level of service by providing a larger pool of resources available to the citizens of both jurisdictions.
- The merger will not create abnormally irregular boundaries as the merger will simply consolidate the existing boundaries of Fire District 23 into Fire District 17.

III. Impacts relevant to BRB considerations as established by state law. The proposal meets the Objectives of the BRB as listed in RCW 36.93.180 in the following manner:

- a. **Objective 1.** "Preservation of natural neighborhoods and communities": The merger will have no impact on existing neighborhoods and communities.
- b. **Objective 2.** "Use of physical boundaries, including but not limited to bodies of water, highways, and land contours": The merger will use the existing boundaries of Snohomish County Fire District No. 23 and Fire District No. 17.
- c. **Objective 3.** "Creation and preservation of logical service areas": The merger will allow a single administration and operational structure to serve areas that are currently served by separate operations and administration. This will enhance the level of service by providing a larger pool of resources available to the citizens of both jurisdictions.
- d. **Objective 4.** "Prevention of abnormally irregular boundaries": The merger will not create abnormally irregular boundaries as the merger will simply consolidate the existing boundaries of Fire District 23 into Fire District 17.
- e. **Objective 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": As a fire district merger, this objective is not applicable per RCW 36.93.180.
- f. **Objective 6.** "Dissolution of inactive special purpose districts": Not applicable, this fire district merger is not a dissolution.

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- g. **Objective 7.** “Adjustment of impractical boundaries”: As a fire district merger, this objective regarding the adjustment of irregular boundaries is not as great a factor as it is for annexations by cities or towns, as per RCW 36.93.180.
- h. **Objective 8.** “Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character”: Not applicable, this is a fire district merger, not an annexation proposed by a city or town.
- i. **Objective 9.** “Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority”: Not applicable, the fire district merger will not impact agricultural lands or rural lands.

- IV. **All County fiscal, departmental, and other impacts:** No fiscal County impacts or other departmental impacts anticipated. Snohomish County does not provide fire suppression services. As per the fire districts, no impacts to revenues or fiscal costs are anticipated.
- V. **Impacts to County facilities and other county-owned property:** No impacts to County facilities or county-owned property.
- VI. **Impacts to the provision of public facilities and services:** No impacts to the provision of public facilities and services anticipated. As per the fire districts, no impacts to service levels are anticipated.

CONCLUSIONS:

Based on County review, PDS concludes that a full statutory merger of Fire District 23 into Fire District 17 is consistent with the applicable statutory provisions governing district mergers. This conclusion has been reached by comprehensively reviewing the proposed merger against the requirements of RCW 52.06.010 for merger authorization, the applicable BRB factors and objectives, County codes, and other applicable statutes per RCW 52.06.

The recommendation to the County Council from PDS is to **not invoke** the jurisdiction of the BRB and **approve** the merger of Fire District 23 into Fire District 17.

cc: Ken Klein, Executive Director
Mike McCrary, Director, PDS
David Killingstad, Manager, PDS
Ryan Countryman, Senior Council Legislative Analyst