



Snohomish County

Planning and Development Services

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MEMORANDUM

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

Dave Somers
County Executive

VIA: Michael McCrary, Director
Planning and Development Services

FROM: Eileen Canola, Senior Planner

SUBJECT: City of Lynnwood – Annexation of New Middle School Site – BRB File No. 2025-03

DATE: June 24, 2025

INTRODUCTION

The purpose of this report is to provide the County Council with a review and recommendation, as required by Section 2.77.040 of the Snohomish County Code (SCC), for the proposed Annexation of the Edmonds School District's (ESD) New Middle School Site by the City of Lynnwood (City). The annexation involves approximately 19.76 acres.

The recommendation to the County Council is to **not invoke the jurisdiction of the Boundary Review Board (BRB)**. The rationale for this recommendation is outlined in the Review section and evaluated against the review criteria.

The City submitted a Notice of Intention (NOI) to the BRB on June 6, 2025, which was filed effective June 9, 2025, under BRB File No. 2025-03. The BRB's 45-day review period ends on July 24, 2025, at 4:00 p.m. Per SCC 2.77.040(4), the County Council must determine whether to invoke the BRB jurisdiction ("file a request for review") within this review window. If jurisdiction is invoked, the BRB must hold a public hearing and issue a decision to approve, deny, or modify the proposed annexation. If jurisdiction is not invoked, the annexation is deemed approved and must be finalized through City ordinance.

BRB decisions must be consistent with Growth Management Act (GMA) provisions including the planning goals and framework for Urban Growth Areas (UGAs) and Countywide Planning Policies (CPPs).

State law also defines objectives (RCW 36.93.180) for board review and provides factors (RCW 36.93.170) for board consideration in making its decision. The authority of the County Council for reviewing annexations is set forth in the Revised Code of Washington (RCW) 36.93.100 and SCC 2.77.040.

REVIEW

The following review and information on this proposed annexation is required by SCC 2.77.040 and provides: how the annexation meets the Factors and Objectives of the BRB under RCW 36.93.170 and 36.93.180; consistency of the annexation with the GMA, regional, and local policies; and the impacts to county operations and services.

1. Annexation Method

The BRB File No. 2025-03 indicates the annexation method being used is the direct petition method of annexation per RCW 35A.14.120. The Edmonds School District, per RCW 28A.35.110, is allowed to petition for annexation to a city or town, under RCW 35.13.125 and 35.13.130. The City adopted Resolution No. 2025-05 accepting the petition for annexation by the ESD.

Interlocal Agreement

The City and County lack an existing Master Annexation Interlocal Agreement (MAILA) to govern annexations. The 2009 MAILA between the City and the County expired December 31, 2018. Therefore, there is no MAILA to help facilitate the transfer of jurisdiction and services, as promoted by the Growth Management Act (GMA), the Snohomish Countywide Planning Policies (CPPs), and the County's comprehensive plan policies, as well as the Factors and Objectives of the BRB.

A MAILA or annexation-specific interlocal agreement is beneficial for ensuring the orderly transfer of jurisdiction and services, as it covers procedural and topical issues to help guide the annexation that are consistent with the County's comprehensive plan such as:

- Specific issues related to the area to be annexed
- Airport compatibility policies and regulations
- Residential density requirements for consistency with the County's comprehensive plan and to implement the Regional Growth Strategy
- Permit processing
- Transfer of Records
- Stormwater Management
- Roads and Transportation
- Police Services
- Criminal Justice Service; and
- Fire Marshal Service.

2. Comments Received

The BRB File No. 2025-03 concerning the proposed annexation of the New Middle School Site was circulated for review to County departments and agencies. Responses were received from Planning and

Attachment to Motion

Development Services (PDS), Finance, Sno-911, Facilities, the Solid Waste, Transportation and Environmental Services (TES), and Special Projects divisions of the Department of Public Works (DPW) and the Parks and Surface Water Management (SWM) divisions of the Department of Conservation and Natural Resources (DCNR). There were no comments or issues raised from the Solid Waste and Special Projects division of DPW, the Finance Department, Sno-911, and the Parks-DCNR. Substantive comments from other County departments and divisions are as follows and reiterated or elaborated upon in other sections of this report.

The comments from PDS-Finance as follows:

The estimated loss in permit fee revenue for a new middle school building permit (Conditional Use Permit and Land Disturbing Activity) is \$300,000.

The comments from the SWM division of DCNR as follows:

In summary, there are drainage concerns in connection with two stormdrain pipes that carry discharge from the County drainage system west of the new middle school site, go across the site and discharge to Golde Creek on the east side of the subject site. No revenue impacts are anticipated, and SWM program areas and functions would adjust to the annexation and decreased area. There would be a small reduction in the County's payment share for the WRIA 8 Salmon Recovery Council. More detailed comments are provided in other sections of this report.

The comments from the TES division of DPW are as follows:

In the near-term our comments concern the impacts that this annexation and the future redevelopment of old school site will have on the level of service (LOS) of 28th Ave W and the future access point for the new development. Through discussions with the City, DPW has concluded that these issues can be dealt with through the State Environmental Policy Act (SEPA) process when the property redevelops. The department believes that it would have been better if the City and the County had worked out these issues before the annexation was proposed by developing an annexation agreement, but does not believe that the issues rise to the level of invoking jurisdiction. In future issues such as we are raising, would be better dealt with in a Master Annexation ILA and we would encourage the City and County working toward this end.

Additionally, this annexation has abnormally irregular boundaries. The annexation proposal only includes the driveway connecting the Edmonds School District property with 28th Ave W, which will create a driveway peninsula surrounded on 3 sides by unincorporated Snohomish County. Ideally, this annexation would have included all of the properties between the school site and 28th Ave W. DPW suggested a larger boundary that would alleviate the comments that we noted.

This annexation also creates the beginnings of an unincorporated island surrounded by incorporated City. It is clear in both state law and County code that the creation of islands should be avoided. This will have to be corrected through future annexations. This could start with discussion about an annexation plan between the City and County. We look forward to working cooperatively with the City to address the issues that we have raised.

3. Locations/Acreage/Total Assessed Value / Residences

The general location of the proposed annexation of the New Middle School Site by the City is south of Alderwood Mall Parkway, west of 28th Ave. W, and north of 203rd ST SW. The Annexation Area is within the City's Municipal Urban Growth Area (MUGA) and adjacent to the corporate limits. The acreage is approximately 19.76, and the assessed valuation is \$26,799,000. There are no residences, and the population is zero.

4. Consistency of the proposal with Growth Management Act planning goals, urban growth area designations, countywide planning policies, and the county's comprehensive plan

The following describes how the annexation proposal is consistent or inconsistent with GMA goals, UGA designations, and local policies.

- a. **GMA planning goals (RCW 36.70A.020):** The annexation proposal, BRB File No. 2025-03, is in general, consistent with GMA planning goals (1) and (12):

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(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.

The entirety of the area proposed for annexation is within the City's MUGA, and therefore consistent with the GMA's planning goal (1), encouraging development in existing urban areas where public facilities and services exist. The proposed annexation area is currently served in the following manner: water and sewer service from Alderwood Water and Wastewater District; roads are maintained by the County and City; fire protection services are provided by South County Regional Fire Authority; and law enforcement is provided by Snohomish County Sheriff's South Precinct. Upon annexation, the transition in services would occur from Snohomish County Sheriff to the City's Police Department for law enforcement, and the City would take over road maintenance responsibilities for future roads, unless there is an agreement for road maintenance services with the County.

In terms of GMA planning goals regarding public facilities and services, as mentioned in Section 2 of this staff report, the SWM division of DCNR and the TES division of DPW have expressed concerns regarding this annexation proposal's effect on the County's infrastructure and services. Moreover, as noted in Section 1 of this staff report, the City and County lack either a Master Annexation Interlocal Agreement (MAILA) or other annexation agreement to address these issues. Therefore, this proposal is not fully consistent with GMA planning goal 12, because the issues identified have not been addressed prior to annexation to ensure that County public facilities and services would not be affected by this proposal. However, opportunities for County input would be available during the SEPA process during the development of the property.

- b. **UGA designations:** The annexation proposal, BRB File No. 2025-03, is consistent with the designations and zoning that support an urban level of density and development. The City has adopted its comprehensive plan that provides for a future land use designation of Public/ Institution and the implementing City zones for this designation are “Open Space and Parks” and “Public and Institutional”.
- c. **Countywide Planning Policies (CPPs):** The proposal as contained in BRB File No. 2025-03 is not fully consistent with the Snohomish County Countywide Planning Policies (CPPs) in particular, Joint Planning (JP)-1 and Transportation (TR)-1. As previously mentioned in Sections 1 and 2, the City and County lack a MAILA or other agreement that would serve to help coordinate and guide the City’s annexations and cover the transfer of services and jurisdiction from the County to the City including the issues raised by the County in Section 2 of this staff report related to surface water management facilities and roads.

CPP Joint Planning (JP)-1: “Coordination of county and municipal planning, particularly for urban services, governance, and annexation is fundamental in implementing the Regional Growth Strategy and GMA directives related to urban growth areas in RCW 36.70A.110. Interlocal agreements for this purpose are encouraged pursuant to the Interlocal Cooperation Act (chapter 39.34 RCW). These agreements should emphasize the importance of early and continuous public participation, focus on decision-making by elected or other appropriate officials, and review the consistency of comprehensive plans with each other and the Growth Management Act, where applicable. Appendix F provides an illustrative list of issues that could be considered appropriate for Interlocal Agreements.”

CPP TR-1: “Jurisdictions should establish agreements and procedures for jointly mitigating traffic impacts, including provisions for development and design review and sharing of developer impact mitigation.

- a. Interlocal agreements among the cities and County should be used in Urban Growth Areas and areas proposed for annexation, to define procedures and standards for mitigating traffic impacts, sharing improvement and debt costs for transportation facilities, and addressing maintenance and funding for future transportation facilities and services. These interlocal agreements may also include transit agencies or the Washington State Department of Transportation where mitigation includes transportation demand management strategies or transit related improvements, such as park and ride facilities, bus rapid transit stations, or high-occupancy lanes.
- b. Joint development and plan review teams should be formed for major projects having impacts that extend across jurisdictional boundaries.
- c. Development impact mitigation should be shared where a project's impacts extend across jurisdictional boundaries.

d. Local comprehensive plans and long-range transit agency plans should provide policies that encourage private sector investment in transportation services and facilities.

e. Local land use regulations should provide for integrated design of transportation facilities in designated urban growth centers to encourage transit-oriented land uses and nonmotorized modes of travel.

d. **Snohomish County Comprehensive Plan:** The annexation proposal is, in general, consistent with the County's GMA comprehensive plan (GMACP). The annexation area is within the Lynnwood MUGA and as such anticipated to be annexed. The City has adopted its comprehensive plan that provides for a future land use designation of Public/ Institution and the implementing City zones for this designation are "Open Space and Parks" and "Public and Institutional". However, concerns raised by County staff regarding stormwater facilities and roads would have been better addressed through an annexation agreement, thus ensuring the transfer of jurisdiction and continued provision of County services. The GMA, the CPPs, and the County's comprehensive plan call for this level of coordination prior to annexation to address such issues. Therefore, this proposal is not fully consistent with the following policies in the Interjurisdictional Coordination (IC) element of the County's comprehensive plan:

- Interjurisdictional Coordination (IC) Policy 1.B.1, "The county shall work with cities in planning for orderly transfer of service responsibilities in anticipation of potential or planned annexations or incorporations within UGAs."

- IC 1.B.6, "The county should consider interlocal agreements with cities to coordinate county and municipal planning under GMA within UGAs. These planning processes should emphasize public participation and the role of elected officials in local decision-making. Such interlocal agreements may address the following interjurisdictional issues:

Subsection (a) Transition processes for planning and development projects and capital facilities projects;

Subsection (b) Provision of clear, adequate public participation processes;

Subsection (c) Provision for fiscal equity between the county and the cities and identification of funding sources, fees, and revenue sharing;

Subsection (d) Coordination between and delineation of tasks and schedules for staff, planning commissions and councils in the review, adoption and appeal process;

Subsection (e) Development of application procedures and determination of applicable regulations and standards to be used;

Subsection (f) Solid waste management and planning authority;

Subsection (g) Other issues such as SEPA review, appeals, transportation concurrency, surface water, and public safety; and

Subsection (h) Minimum residential density standards.

- IC 1.E.6, “Interlocal agreements executed by the county and a city shall define terms of the transfer of responsibilities for planning and/or development within a city’s established MUGA boundary.”

5. Impacts relevant to boundary review board considerations as established by state law.

The following comments relate to RCW 36.93.170 – Factors to be considered by the Boundary Review Board.

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;

a. Population and territory; population density; land area and land uses; assessed valuation: As stated in the BRB File No. 2025-03, the area proposed for annexation is comprised of one parcel that is owned by the Edmonds School District, and is approximately 19.76 acres, and has an assessed valuation is \$26,799,000. There are no residences, and the population is zero. The Annexation Area is within the Lynnwood MUGA and adjacent to the City’s corporate limits.

b. Comprehensive plans and zoning: The existing County’s FLUM designation for the proposed annexation is Urban High Density Residential with zoning of Multiple Residential. The City has adopted its comprehensive plan that provides for a future land use designation of Public/ Institution and the implementing City zones for this designation are “Open Space and Parks” and “Public and Institutional”.

c. Applicable service agreements: The City and County have general service agreements that may apply to the area proposed for annexation for such topics as a Regional Drug Task Force; Snohomish County Outreach Team; Solid Waste Management; REET II for County and City Partnership Projects; and Jail Services.

d. Applicable interlocal annexation agreements: As mentioned in Sections 1 and 2, the County and City do not have an existing MAILA, or annexation specific interlocal agreement. However, the SWM division of DCNR provided the following:

A Master Annexation Interlocal Agreement (MAILA) executed between Snohomish County and the City of Lynnwood in 2009 under Ordinance 09-053 (CO000038381) has expired and is no longer in force. However, Section 9 provides a useful outline

for addressing surface water matters and its framework is used in the comments below:

Concerning legal control and maintenance responsibilities for surface water drainage improvements or facilities, there are no County-owned surface water facilities on the new middle school site.

However, there are two stormdrain pipes that convey stormwater discharge from two detention drainage facilities maintained by the County, that serve a residential area and road system west of the school site, to outfall and discharge to Golde Creek east of the school site.

- Concerning taxes, fees, rates, charges, and other monetary adjustments, no surface water service charges are collected from the school property.
- Concerning debt payment, there is no bond debt on the annexation area.
- Concerning Government service agreements, the City of Lynnwood and Snohomish County currently have an interlocal agreement concerning the Swamp Creek detention facility (AFN 9610280581), north of Alderwood Mall and west of I-5. The Swamp Creek detention facility interlocal agreement does not affect the proposed New Middle School annexation site.

e. Topography, natural boundaries, and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses: The area proposed for annexation is flat with a few steep areas. There are wetlands on adjacent properties as Golde Creek crosses the site. The annexation area is bordered by the City's corporate limits to the north and northwest. To the west, east, and south, the annexation area is bordered by single family residential developments. The subject site does not contain prime agricultural land or productive agricultural uses.

f. Likelihood of significant growth in the area and adjacent incorporated and unincorporated areas during the next ten years. As noted in the BRB File No. 2025-03, the City has adopted its comprehensive plan that provides for the annexation area a future land use designation of Public/ Institution and the implementing City zones for this designation are "Open Space and Parks" and "Public and Institutional" The areas to the north and northwest are the City's corporate boundaries. The area to the north is characterized by commercial development. To the west, east, and south of the annexation area are predominately single-family residential developments that are currently in unincorporated Snohomish County and within the Lynnwood MUGA.

g. Location and most desirable future location of community facilities. There are no County SWM projects at this location. No future projects are planned. The subject site is owned by the Edmonds School District and the school district has expressed its plan to redevelop the site for a new middle school with corresponding activity fields.

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.

- a. **Municipal services:** The City is a provider of urban municipal services as identified under chapter 36.70A RCW, however, the City is not a full municipal service provider. Upon annexation, the City will assume jurisdiction for the annexation area and road maintenance, surface water management services, and law enforcement. Water and sewer service will continue to be provided by the Alderwood Water and Wastewater District and fire protection service will be provided by South County Regional Fire Authority. Section 2 of this report contains further comments from County departments regarding road and stormwater management services.
- b. **Effect of ordinances, governmental codes, regulations and resolutions on existing uses:** Once annexed, the City's codes and regulations would govern development on the site.
- c. **Present cost and adequacy of governmental services and controls in the area:** The annexation area is currently served by provided by the Alderwood Water and Wastewater water and sewer service, South County Regional Fire Authority for fire suppression, Snohomish County Sheriff for law enforcement, and Snohomish County DPW and the City for road maintenance. After annexation, the City and County will continue to provide road maintenance – as the east side of the annexation area (28th Ave West will continue to be within County jurisdiction. The City will provide police service. No fiscal impacts for County services currently.

The proposed annexation would slightly reduce the County's SWM service area and would have minimal impact on programs. Program service area and functions would adjust to the annexation.

However, Snohomish County has surface water drainage infrastructure that serves the community and road system upstream of the existing middle school site, that depends for drainage on two stormdrain pipes that cross the school property. The County currently has continuous jurisdiction over the entire extent of the local storm drain system until discharge and outfall to Golde Creek, just east of the school site, at 28th Avenue West. The two stormdrain pipes and their upstream detention drainage facilities are shown in Figure 1 below:

Figure 1 Storm drain Pipes Crossing New Middle School Site and Upstream Drainage Facilities



- d. **Prospects of governmental services from other sources; probable future needs for such services and controls:** None anticipated.
- e. **Probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area:**

The annexation proposal, BRB File No. 2025-03, poses concerns for continuity of services and once the school district develops the property for a new middle school. Below are concerns expressed by the County on potential adequacy of services and controls in the area proposed for annexation and adjacent area:

From TES-DPW:

As noted in Section 2 of this report, the County's TES division of DPW provides concerns regarding roads, for which it would have been preferred to address through an agreement.

No Interlocal Agreements, Service Agreements, or Master Annexation Interlocal Agreements exist between Snohomish County and the City of Lynnwood for this area to be annexed or the adjacent areas. Without one, it provides a lack of guidance and clarity for both sides on how things will be handled and agreed upon. Currently, the Edmonds School District property's only entrance/exit point is 28th Ave W. This access point is outside of the proposed annexation area. The intersection of 28th Ave W and 204th St SW, just to the south of this driveway, is currently near failing (LOS "F"). As the property redevelops, it will be important for the City of Lynnwood to open a primary access

connection on the north to Alderwood Mall Parkway and work with the school district to control access onto 28th Ave W. An ILA with the City could have been used to come to an agreement on the future primary access to the redeveloped middle school property. In the long-term, the City and County need to work together to develop agreements for orderly annexation of the remaining unincorporated areas in the Lynnwood Municipal Urban Growth Area (MUGA).

From SWM-DCNR:

The loss of continuity of jurisdiction and regulation could impact the ability of the County to provide adequate stormwater services to the upland community and roadway system.

The Edmonds School District (ESD) made the following statement in the Notice of Intention, page 3:

The ESD is mindful that its neighbors continue to reside in the County. Utilities such as storm drainage from the neighborhood to the west drain across the property, and sewer lines from the neighborhood to the south connect to the District's sewer line. All new construction on the New Middle School property will ensure connectivity of these existing utilities and place them in appropriate easements.

The City of Lynnwood made the following statement in the Notice of Intention, page 36:

Snohomish County Surface Water Management (SWM)

In addition to changes in service, existing stormwater infrastructure transects several points in the property which will be relocated through redevelopment of the site. This infrastructure exists outside of dedicated easements, which will provide maintenance and access rights upon redevelopment of the site. This infrastructure primarily serves stormwater services to the west of the school district property controlled by Snohomish County Surface Water Management. Snohomish County has expressed concerns about the jurisdiction in which the infrastructure is located. However, the City of Lynnwood disagrees with Snohomish County, primarily due to their lack of controlling easements which will be resolved upon redevelopment, regardless of annexation.

Continuity of drainage for the upland residential and roadway system is important to maintain the adequacy of governmental services for surface water management. It will be important for the County to be able to work with the Edmonds School District and the City of Lynnwood to ensure the following with respect to the school site and any changes that may be contemplated to the two stormdrain pipes:

- The locations and elevations of the two storm drain pipes, where discharge is conveyed from the upstream community and roadway system, through the school site, to outfall into Golde Creek, must be maintained to avoid disruption or impairment of the discharge of the upstream drainage facilities and erosion or flooding of the downstream natural water courses and built drainage systems.

- The geometry and hydraulic characteristics of any replacement pipe and catch basins must not decrease the hydraulic capacity of the system. There should be no increase in backwater due to reconfiguration of the two stormdrain pipes carrying the community and roadway stormwater through the school site.
 - Emergency access for the County to be able to address flow blockages, spills, or other problems of an emergent nature in the two stormdrain pipes.
 - Notification by the City to the County of any problem affecting the two stormdrain pipes carrying discharge from DF1808 and DF2566 and remedial actions to be taken.
 - Notification by the City to the County of any storm drain problem affecting downstream watercourses and built drainage systems.
- f. **Effect of finances debt structure, and contractual obligations and rights of all affected governmental units:** Overall, the County expects no general fund impact since the property that comprises the annexation area is currently with the School District, the County receives only the County portion of sales tax plus any REET revenue from sales of the property. The County's Finance division of Planning and Development Services (PDS) stated that there would be a revenue loss of an estimated \$300,000 from permit fees for new middle school building permits.

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.

Please refer to Section 2 and Factor 2e of this report, as the County expressed concerns regarding County stormwater facilities that cross the area proposed for annexation and road issues pertaining to 28th Ave W that could be affected by development on the subject site and that have not been addressed prior to annexation. The loss of continuity of jurisdiction and regulation could impact the ability of the County to provide adequate stormwater services to the upland community and roadway system.

6. Impacts relevant to boundary review board considerations as established by state law.

The following comments relate to RCW 36.93.180 - Objectives of the Boundary Review Board:

Objective 1. Preservation of natural neighborhoods and communities.

The annexation proposal, BRB File No. 2025-03, includes one parcel owned by the Edmonds School District for the purpose of a middle school, and does preserve the surrounding neighborhoods and communities.

The annexation, as proposed, would further this objective.

Objective 2. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours.

Physical boundaries are used for the annexation proposal, BRB File No. 2025-03, which consists of one parcel of 19.76 acres. The parcel is bound by Alderwood Mall Parkway to the north, and a portion of the subject site is bound on the east by 28th Ave W. It is acknowledged the school district was restricted to its school property to petition the annexation to the City per [RCW 28A.335.110](#). However, the City, per [RCW 35.13.125](#), could have proposed a different geographical area for the annexation that resulted in more logical service boundaries. This was communicated to the City during early coordination on this proposal.

The proposed annexation is not inconsistent with this objective; however, including parcels north and south of the eastern panhandle of the annexation area that connects with 28th Ave W would have provided more logical service boundaries.

Objective 3. Creation and preservation of logical service areas.

As mentioned in Section 2 and the responses to BRB Factor 2e and Objective 2 issues were raised regarding logical service areas. As the annexation proposal in BRB File No. 2025-03 is comprised of one 19.76-acre parcel owned by the Edmonds School District, the boundaries of the annexation proposal do not promote logical road service areas for the County.

As illustrated in Figure 2, the annexation proposal that consists of one parcel includes a driveway connecting the Edmonds School District property with 28th Ave W, which if approved, will create a peninsula surrounded on 3 sides by unincorporated Snohomish County. Ideally, this annexation would have included all the properties between the school site and 28th Ave W.

This objective would have been furthered by including parcels to eliminate the creation of a road service peninsula.

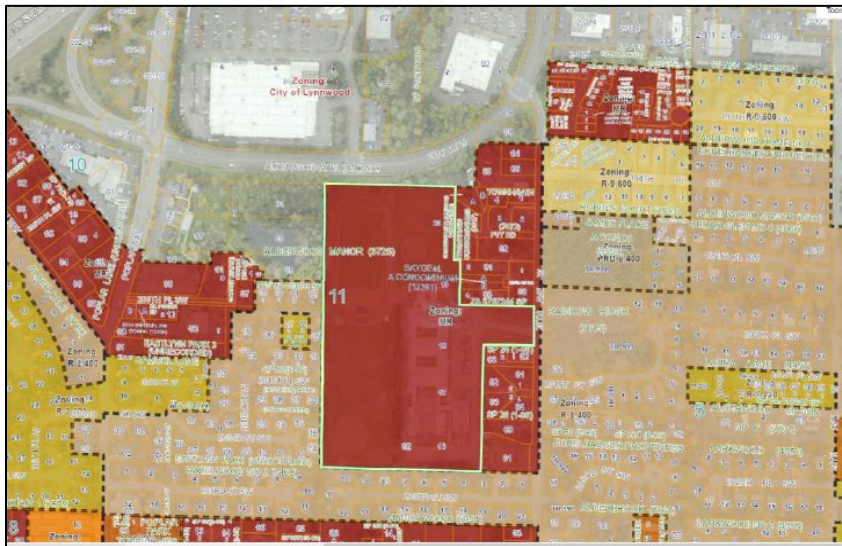


Figure 2 Annexation boundary (highlighted parcel) – Depicting illogical jurisdictional service boundary, if annexed.

Objective 4. Prevention of abnormally irregular boundaries.

The proposed annexation boundaries are not abnormally irregular boundaries.

The annexation as proposed, does further this objective.

Objective 5. Discouragement of multiple incorporations of small cities and encouragement of incorporations of cities in excess of ten thousand population in heavily populated urban areas.

This objective does not apply to the proposed annexation.

Objective 6. Dissolution of inactive special purpose districts.

This objective does not apply to the proposed annexation.

Objective 7. Adjustment of impractical boundaries.

As expressed in comments from SWM-DCNR and TES-DPW in Section 2, and previous responses to the BRB's Factors and Objectives, the annexation proposal as contained in BRB File No. 2025-03, if annexed would create illogical jurisdictional service boundaries for the County regarding roads and stormwater management. A more practical boundary would have included all the properties between the school site and 28th Ave W and extending to Poplar Way to the west, and south to 204th St SW. At a minimum, taking in the properties between the school site and 28th Ave W would create a more practical boundary.

The annexation as proposed, does not fully further this objective.

Objective 8. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas, which are urban in character.

The area proposed for annexation in BRB File No. 2025-03 is within the City's MUGA and as such is designated to be annexed per the CPPs and the City and County's comprehensive plans. This is consistent with the GMA that supports and directs cities to be the providers of urban services and counties to fulfill the role as a provider of regional services.

As proposed, the annexation does further Objective 8.

Objective 9. Protection of designated agricultural and rural resource lands.

This objective does not apply to the proposed annexation. The proposed annexation area is not designated agricultural land or rural resource land.

7. Impacts to county facilities and other county-owned property:

As previously noted in Section 2 and in responses to the BRB's Factors and Objectives, Snohomish County has surface water drainage infrastructure that serves the community and road system upstream of the existing middle school site, that depend for drainage on two stormdrain pipes that cross the school property. The County currently has continuous jurisdiction over the entire extent of the local storm drain system until discharge and outfall to Golde Creek, just east of the school site, at 28th Avenue West. The two stormdrain pipes and their upstream detention drainage facilities are shown in Figure 1 responding to BRB Factor 2.

8. Impacts to the provision of public facilities and services:

As previously noted in Section 2 and in responses to the BRB's Factors and Objectives, the annexation as proposed may have impacts to the provision of stormwater management and road services.

Snohomish County has surface water drainage infrastructure that serves the community and road system upstream of the existing middle school site, that depend for drainage on two stormdrain pipes that cross the school property. The County currently has continuous jurisdiction over the entire extent of the local storm drain system until discharge and outfall to Golde Creek, just east of the school site, at 28th Avenue West. The two stormdrain pipes and their upstream detention drainage facilities are shown in Figure 1 responding to BRB Factor 2.

The loss of continuity of jurisdiction and regulation could impact the ability of the County to provide adequate stormwater services to the upland community and roadway system.

Continuity of drainage for the upland residential and roadway system is important to maintain the adequacy of governmental services for surface water management. It will be important for the County to be able to work with the Edmonds School District and the City of Lynnwood to ensure the following with respect to the school site and any changes that may be contemplated to the two stormdrain pipes:

- The locations and elevations of the two storm drain pipes, where discharge is conveyed from the upstream community and roadway system, through the school site, to outfall into Golde Creek, must be maintained in order to avoid disruption or impairment of the discharge of the upstream drainage facilities and erosion or flooding of the downstream natural water courses and built drainage systems.
- The geometry and hydraulic characteristics of any replacement pipe and catch basins must not decrease the hydraulic capacity of the system. There should be no increase in backwater due to the reconfiguration of the two stormdrain pipes carrying the community and roadway stormwater through the school site.
- Emergency access for the County to be able to address flow blockages, spills or other problems of an emergent nature in the two stormdrain pipes.
- Notification by the City to the County of any problem affecting the two stormdrain pipes carrying discharge from DF1808 and DF2566 and remedial actions to be taken.
- Notification by the City to the County of any storm drain problem affecting downstream watercourses and built drainage systems.

Snohomish County Public Works (DPW) has concerns regarding the impacts that this annexation proposal and the future redevelopment of old school site will have on the level of service (LOS) of 28th Ave W and the future access point for the new development. The DPW believes that it would have been better if the City and the County had worked out these issues before the annexation was proposed by developing an annexation agreement, but does not believe that the issues rise to the level of invoking jurisdiction. In future issues such as we are raising, it would be better dealt with in a Master Annexation ILA and we would encourage the city and county working toward this end.

Currently, the Edmonds School District property's only entrance/exit point is 28th Ave W. This access point is outside of the proposed annexation area. The intersection of 28th Ave W and 204th St SW just to the south of this driveway is currently near failing (LOS "F"). As the property redevelops, it will be important for the City of Lynnwood to open up a primary access connection on the north to Alderwood Mall Parkway and work with the school district to control access onto 28th Ave W. An ILA with the City could have been used to come to an agreement on the future primary access to the redeveloped middle school property. Through discussions with the City, DPW has concluded that these issues can be dealt with through the SEPA process when the property redevelops.

RECOMMENDATION

Based on the analysis presented in this report, the proposed annexation (BRB File No. 2025-03) is not fully consistent with the GMA, the CPPs, or the County's comprehensive plan. While the area is within the Lynnwood MUGA and anticipated for annexation, the proposed boundaries create illogical service boundaries between the County and City.

Issues regarding stormwater infrastructure and transportation access—particularly along 28th Ave W—have not been fully resolved prior to annexation. These concerns would have been better addressed through a MAILA or annexation-specific interlocal agreement, as encouraged by County policy. To address the unresolved issues post-annexation, there must be clear coordination and communication between the City and County.

This recommendation is based on a comprehensive review of the annexation proposal (BRB File No. 2025-03), including applicable BRB factors and objectives, County codes, and relevant statutes. In general, the annexation aligns with the factors and objectives the BRB is required to consider.

Therefore, PDS recommends that the County Council **not invoke** the jurisdiction of the BRB.

cc: Ken Klein, Executive Director
Mike McCrary, Director, PDS
Tom Teigen, Director, DCNR
Kelly Snyder, Director, DPW
Ryan Hembree, Council Legislative Analyst