



Snohomish County

**Planning and Development
Services**

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO:

Councilmember, Stephanie Wright, Council Chair
Councilmember, Megan Dunn, Council Vice-Chair
Councilmember, Nate Nehring, District 1
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
Planning and Development Services

SUBJECT: Ordinance Approving and Authorizing the County Executive to Sign Amendment No. 1 to the Interlocal Agreement for the City of Lake Stevens SE Interlocal Agreement Annexation

DATE: June 23, 2021

PURPOSE

The attached ordinance would approve and authorize the County Executive to sign *Amendment No. 1 to the Interlocal Agreement Between the City of Lake Stevens, Snohomish County, and the Lake Stevens Sewer District Concerning the Southeast Interlocal Annexation and the Orderly Transition of Services Pursuant to RCW 35A.14.296*. Amendment No. 1 to the ILA revises the annexation effective date and revises Exhibit B by replacing the legal descriptions and adding surveyor's maps. The Snohomish County Boundary Review Board (BRB) has required these amendments for the City to submit a notice of intention.

The City is pursuing this annexation using a new method of annexation, "Annexation of Unincorporated Territory Pursuant to Interlocal Agreement" per RCW 35A.14.296 (Attachment C). that became effective on June 11, 2020 through ESSB 5522.

BACKGROUND

Annexation Method:

The City is using the new annexation method in [RCW 35A.14.296](#), "Annexation of Unincorporated Territory Pursuant to Interlocal Agreement" which includes the following finding:

"The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly

approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory."

The following are the requirements of RCW 35A.14.296 have / are being met (italicized):

- **City initiates annexation through an interlocal agreement with affected County, service providers such as fire district and sewer district.**

City Council adopted Resolution No. 17-2020 to initiate annexation. County staff received and acknowledged City's request to engage in annexation method in RCW 35A.14.296.

- **Affected service providers indicate in writing their interest in being party to interlocal agreement.**

The Lake Stevens Sewer District (District) provided written notice declaring its desire to be a party to the ILA. As described in the ILA, the District includes a map of sewer service expansion areas. However, the District will pursue this service expansion through a separate process.

- **The interlocal agreement must ensure that for a period of five years after the annexation any parcel zoned for residential development within the annexed area shall:**

(a) Maintain a zoning designation that provides for residential development; and

(b) Not have its minimum gross residential density reduced below the density allowed

The City Council through approved Ordinance No. 1073 had adopted pre-designations and zoning for the proposed annexation area that included a change in the City's zoning for four parcels directly north of 20th St SE from Urban Residential to Local Business. However, in December 2020 the City Council adopted land use pre-designations of Waterfront Residential and Medium Density Residential and pre-zoning of Waterfront Residential and R6 for the annexation area as detailed in City Ordinances Nos. 1105 and 1106, respectively.

- **The County and city shall jointly agree on the boundaries of the annexation and its effective date. The interlocal agreement shall describe the boundaries of the territory to be annexed and set a date for a public hearing on such agreement for annexation.**

The interlocal agreement was signed by all parties and became effective May 12, 2021; the ILA contains the boundaries of the annexation with a legal description and map, and the effective date of the annexation is provided. Amendment No. 1 to the ILA would revise the annexation effective from July 16, 2021 to fifteen days after the action is deemed approved by the BRB, and revise Exhibit B by amending the legal description and adding surveyor's maps. A joint hearing was held on March 9, 2021 for the City and County Councils to approve the contents of the interlocal agreement.

The Snohomish County Council approved Amended Ordinance No. 21-005 that approved and authorized the County Executive to enter into the interlocal agreement, "Interlocal Agreement Between the City of Lake Stevens, Snohomish County, and the Lake Stevens Sewer District Concerning the Southeast Interlocal Annexation and the Orderly Transition of Services Pursuant to RCW 35A.14.296 " with the City and District.

- **A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall:**
 - **Separately or jointly, publish a notice of availability of the agreement at least once a week for four weeks before the date of the hearing in one or more newspapers of general circulation within the city and one or more newspapers of general circulation within the territory proposed for annexation; and**

For the joint public hearing that was held on March 9, 2021, the City and County published a notice of the availability of the interlocal agreement once a week for four weeks in advance of the joint hearing date in the Everett Herald, and notification was provided on the City's and County's website.

- **Post the notice of availability of the agreement on its web site for the same four weeks that the notice is published in the newspapers. The notice shall describe where the public may review the agreement and the territory to be annexed.**

For the joint public hearing that was held on March 9, 2021, the City and County posted a notice on their respective websites of the availability of the interlocal agreement and the area to be annexed once a week for four weeks in advance of the joint hearing .

- **On the date set for hearing, the public shall be afforded an opportunity to be heard.**

For the joint public hearing that was held on March 9, 2021, the City and County posted a notice of opportunities for public comment.

- **Following the joint hearing, if the City determines to effect the annexation, they shall do so by ordinance. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city.**

Following the joint hearing on March 9, 2021, the City Council held a public hearing to approve Ordinance No. 1112 with the annexation effective date of July 16, 2021. The City has indicated it will revise the annexation effective date.

- **If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements.**

It is anticipated that following the joint hearing, the City Council will approve an ordinance that summarizes the annexation including the assumption of indebtedness. The city has adopted Ordinance No. 1112 that sets and annexation effective date.

- **Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.**

It is anticipated the City will file the ordinance with the appropriate County departments or boards and other affected agencies.

Annexation Area:

The proposed SE Interlocal Agreement Annexation area is comprised of the entirety of the lake (approximately 1,000 acres) and two distinct areas (north and south) that are adjacent to the City limits and within the Lake Stevens Urban Growth Area: west of 123rd Ave SE and north of 20th St SE (totaling approximately 500 acres), as shown in the map of the ILA. The area is designated Urban Low Density Residential (4 DU/Acre) and (6 DU/Acre) with R 9,600 and R 7,200 by the County. The City has adopted land use pre-designations of Waterfront Residential and Medium Density Residential and pre-zoning of Waterfront Residential and R6 for the annexation area as detailed in City Ordinances Nos. 1105 and 1106, respectively.

ANALYSIS

The attached ordinance would approve and authorize the County Executive to sign Amendment No. 1 to the ILA in order to revise the annexation effective date and revise Exhibit B of the ILA. At this time, the requirements of RCW 35A.14.296 are being met, and a joint hearing for the City and County councils has been held on March 9, 2021 with the required public noticing. The following describes how this annexation proposal meets requirements of the Washington state Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and the County's comprehensive plan:

1. GMA planning goals (RCW 36.70A.020): The proposed Lake Stevens SE Interlocal Agreement Annexation is consistent with the GMA planning goals, including goals (1) Urban Growth and (5) Economic Development. The proposed annexation area is designated within the Lake Stevens UGA, and the City is the logical provider of public facilities and services. Annexation by the City would allow efficient provision of services to support development consistent with City's comprehensive plan, annexation plans, and existing MAILA with the County.
2. UGA designations: The proposed annexation area is designated within the County Future Land Use Map, within the Lake Stevens UGA, and the City is the logical provider of public facilities and services.
3. CPPs: The annexation proposal is consistent with the CPPs. The proposal allows for the transition of unincorporated areas to incorporated areas within the UGA which is supported by the following CPP policies:
 - JP-6 – The County and cities shall develop comprehensive plan policies and development regulations that provide for the orderly transition of unincorporated Urban Growth Areas (UGAs) to incorporated areas in UGAs. Mutual agreements may be utilized to address governance issues and expedite the transition.
 - PS-1 – Jurisdictions should support cities as the preferred urban service providers.

4. County Comprehensive Plan: Snohomish County has adopted a comprehensive plan under the authority of chapter 36.70A RCW (GMA). The proposed annexation area is identified as urban and within the Lake Stevens UGA, intended to be eventually annexed to the City.

RECOMMENDATION

PDS recommends approval of the ordinance approving and authorizing the County Executive to sign *Amendment No. 1 to the Interlocal Agreement Between the City of Lake Stevens, Snohomish County, and the Lake Stevens Sewer District Concerning the Southeast Interlocal Annexation and the Orderly Transition of Services Pursuant to RCW 35A.14.296*, that is Exhibit A to the ordinance.

cc: Ken Klein, Executive Director

Mike McCrary, Director, PDS

Kelly Snyder, Director, DPW

Doug McCormick, Deputy Director / County Engineer, DPW

Tom Teigen, Director, Department of Conservation and Natural Resources

Ryan Countryman, Council Legislative Analyst