

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION NO. 22-052

MOTION APPROVING A PROPOSED ANNEXATION TO THE LAKE STEVENS  
SEWER DISTRICT BRB FILE 01-2022 – HISEY SEWER ANNEXATION

WHEREAS, on January 10, 2022, the Snohomish County Boundary Review Board (“BRB”) filed a Notice of Intention (“NOI”), with BRB file no. 01-2022, received from the Lake Stevens Sewer District (“the District”) to annex approximately 17.73 acres of territory that is within incorporated City of Lake Stevens, and the District’s planning area. The general location of the proposed annexation area is directly south of Machias Cutoff Road, west of 123rd Avenue SE, and north of 20th Street SE; and

WHEREAS, the proposed annexation is subject to RCW 57.02.040 requiring the county council to review a proposed sewer annexation action and either approve it or not approve it after considering three criteria; and

WHEREAS, the proposed annexation is subject to Snohomish County Code (“SCC”) Section 2.77.040 for consistency with BRB objectives and factors and for impacts to the county; and

WHEREAS, the proposed annexation has been reviewed per the three criteria in RCW 57.02.040, and is consistent with the applicable criteria as set out in a Planning and Development Services Department (PDS) staff report dated January 27, 2022, which is incorporated herein as Attachment A; and

WHEREAS, the proposed annexation has been reviewed per SCC 2.77.040, and is consistent with the BRB’s objectives and factors, the Snohomish County Countywide Planning Policies, and the county’s Growth Management Act Comprehensive Plan (GMACP), as set out in a PDS staff report dated January 27, 2022, which is incorporated herein as Attachment A;

NOW, THEREFORE ON MOTION,

1. The county council has considered the approval criteria in RCW 57.02.040.
2. The county council has considered the proposed annexation against criteria in 2.77.040 SCC.
3. The county council does hereby approve the annexation and will not invoke the jurisdiction of the BRB.
4. The county council Clerk is directed forthwith to file this Motion with the BRB, together with a copy of the PDS staff report dated January 27, 2022.

DATED this 7th day of February, 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



---

Council Chair

ATTEST:



---

Asst. Clerk of the Council



**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 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:** Eileen Canola, Senior Planner  
Planning and Development Services

**SUBJECT:** Lake Stevens Sewer District – Hisey Annexation, BRB #01-2022

**DATE:** January 27, 2022

---

The purpose of this staff report is to provide the County Council with a review and recommendation for the Lake Stevens Sewer District’s (District) proposed Hisey Annexation of approximately 17.73 acres that is contiguous to the existing District’s service boundaries as well as within the District’s planning area and within the City of Lake Stevens (City) corporate boundaries. The general location of the proposed annexation area is directly south of Machias Cutoff Rd, west of 123<sup>rd</sup> Ave SE, and north of 20<sup>th</sup> St SE. There are no other sewer providers in the City or the Lake Stevens Urban Growth Area (UGA), the City is not a sewer service provider, therefore, the District is the logical sewer service provider for this area.

This area proposed for annexation by the Lake Stevens Sewer District was recently annexed into the City of Lake Stevens with the Southeast Interlocal Annexation effective August 9, 2021. However, as mentioned the City is not a sewer service provider. As part of an agreement for the Southeast Interlocal Annexation titled, “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” the City agreed to maintain a residential minimum net density of 4 dwelling units per acre and the District proposed future areas for annexation into its service district boundaries that include the area proposed in this Hisey Annexation.

## Attachment A to Motion

County staff reviewed this sewer district annexation according to section 2.77.040 of the Snohomish County Code (SCC) and RCW 57.02.040. 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, as well as impacts to County's services and facilities. RCW 57.02.040(3) lists review requirement of the county legislative for sewer district actions, including annexations. This report is provided pursuant to Chapter 2.77 SCC, Revised Code of Washington (RCW) 57.02.040 and .045, 57.24.060 through .100, 36.93.100, .157, .170 and .180, and 36.70A.020, .110 and .210.

### **BACKGROUND**

This is a petition method annexation by a sewer district, and there is an abbreviated review schedule per RCW 57.02.040(2). The 30-day review period for County Council to act on the proposed sewer annexation expires February 9, 2022. The District submitted the Notice of Intention (NOI) to the BRB for the Hisey Annexation that was filed on January 10, 2022 (File No. 01-2022). The BRB, consistent with its annexation review procedures outlined in Chapter 2.77 SCC, distributed the NOI to County departments including Planning and Development Services (PDS).

The County Council's authority for reviewing sewer service annexations is set forth in RCW 57.02.040 and 36.93.100 and SCC 2.77.040. Pursuant to SCC 2.77.040, the County Executive is required to review the annexation and make a recommendation to the County Council. The options for the County Council are to either:

- approve, and not invoke the jurisdiction of the BRB, or
- not approve the annexation, and to invoke the jurisdiction of the BRB jurisdiction.

If the County Council approves the annexation, BRB jurisdiction could be invoked by another party with standing to invoke jurisdiction during the 45-day BRB review period, which ends February 24, 2022. The County Council findings and decision to approve or not approve the annexation will be transmitted to the BRB.

### **REVIEW**

The following review of the proposed Hisey Annexation by the Lake Stevens Sewer District considers the criteria of RCW 57.02.040(3) and SCC 2.77.040.

RCW 57.02.040(3) requires the County to review a proposed annexation action and either approve it or not approve it after considering three criteria: (a) whether the proposed action in the area under consideration is in compliance with the development program that is outlined in the county comprehensive plan and its supporting documents; (b) whether the proposed action in the area under consideration is in compliance with the basin-wide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and (c) whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities; and

## Attachment A to Motion

The statutory criteria (b) does not apply in this case because there is no applicable basin-wide sewage plan; however, the annexation proposal is consistent with the comprehensive plan of both the City of Lake Stevens and the County as the area proposed for annexation is within the City's corporate boundaries and therefore is to be developed with urban-level of services, including sewer. The annexation area is not currently served by sewer and is within the District's planning area and adjacent to the District's existing service boundaries. The City is not a sewer service provider. The annexation proposal is consistent with Utilities Goal 3 of the County's General Policy Plan, "Work with cities and special districts to produce coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element and city plans."

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 (the Growth Management Act (GMA) -- who must plan) must be consistent with RCW 36.70A.020 (Goals of GMA), 36.70A.110 (Comprehensive Plans -- Urban Growth Areas) and 36.70A.210 (Countywide Planning Policies)."

- I. Location, acreage, number of residences: The area proposed for annexation is approximately 17.73 acres and located within the City limits, directly south of Machias Cutoff Rd, north of 20<sup>th</sup> St SE, west of 122<sup>nd</sup> Ave SE. The area is largely undeveloped with 1 residence.
- II. Comments received: Responses on this proposed sewer annexation were received from the the Department of Public Works (DPW) and Department of Conservation and Natural Resources (DCNR) – Surface Water Management (SWM) Division. DPW stated it had no comments on the proposed sewer annexation. The SWM division of DCNR stated that no impacts are anticipated to SWM utility district service boundaries, revenues or programs, from the proposed District's annexation.
- III. Total assessed value of the subject area(s): As a sewer annexation, the total assessed valuation is not applicable.
- IV. Consistency of the proposal with GMA planning goals, urban growth area designations, countywide planning policies, and the County's comprehensive plan:
  - a. GMA planning goals in RCW 36.70A.020: The proposed sewer annexation is consistent with GMA planning goals (1) Urban growth and (12) Public facilities and services as the annexation area is within the City's limits and therefore is designated for urban-levels of development. Providing sewer service to an urban area is consistent with the two following GMA planning goals:
    - (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

Attachment A to Motion

at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

- b. Urban growth area (UGA) designations: The proposed sewer district annexation would provide sewer service to approximately 17.73 acres located within the City limits and designated for urban levels of development in the City's comprehensive plan. Providing sewer service to an area designated for urban growth is consistent with state law RCW 36.70A.110 "Comprehensive Plans – Urban Growth Areas" and in particular subsection (9). The proposed annexation area is currently served by an on-site sewage septic system. Sewer service would allow the development potential, at an urban level consistent with the City's comprehensive plan.

RCW 36.70A.110 (9): If a county, city, or utility has adopted a capital facility plan or utilities element to provide sewer service within the urban growth areas during the twenty-year planning period, nothing in this chapter obligates counties, cities, or utilities to install sanitary sewer systems to properties within urban growth areas designated under subsection (2) of this section by the end of the twenty-year planning period when those properties:

- (a)(i) Have existing, functioning, nonpolluting on-site sewage systems;
- (ii) Have a periodic inspection program by a public agency to verify the on-site sewage systems function properly and do not pollute surface or groundwater; and
- (iii) Have no redevelopment capacity; or
- (b) Do not require sewer service because development densities are limited due to wetlands, flood plains, fish and wildlife habitats, or geological hazards.

- c. Snohomish County Countywide Planning Policies (CPPs): The proposed Hisey Annexation is consistent with CPP policies Public Services (PS)-11 and 22 as the area proposed for annexation is within the Lake Stevens city limits, as designated by the City's comprehensive plan. Once the subject site is annexed into the District's service boundary and is served by sewer, then development can proceed consistent with the City's zoning.

PS-11: The County and cities shall permit new development in urban areas only when sanitary sewers are available with the exception of where sewer service is not likely to be feasible for the duration of the jurisdiction's adopted plan.<sup>29</sup>

<sup>29</sup> Currently identified exceptions include unsewerable enclaves, as well as the Darrington, Gold Bar, and Index Urban Growth Areas.

PS-22: Sanitary sewer mains shall not be extended beyond Urban Growth Areas (UGAs) into rural areas except when necessary to protect basic public health and safety and the environment, and when such sewers are financially supportable at rural densities and do not result in the inducement of future urban development outside of UGAs. Sewer transmission lines may be developed through rural and resource areas to meet the needs of UGAs as long as any extension through resource areas does not adversely impact the resource lands. Sanitary sewer connections in rural areas are not allowed except in instances where necessary to protect public

Attachment A to Motion

health and safety and the environment and as allowed in RCW 36.70A.213. Sanitary sewer mains are prohibited in resource areas.

- d. Snohomish County GMA Comprehensive Plan (GMACP): The District's Hisey Annexation proposal is consistent with the Capital Facilities Plan and the General Policy Plan of the County's comprehensive plan.
- (1) Capital Facilities Plan (CFP): This District proposal to annex approximately 17.73 acres located within the Lake Stevens city limits is consistent with the County's CFP, which classifies sewer service as a service necessary to support urban-levels of development.
  - (2) General Policy Plan (GPP) of the County's comprehensive plan: This District annexation is consistent with the County's GPP as it demonstrates the level of coordination between the County, City, and District to provide an urban level of service to an urban area that has potential for future development and redevelopment and is therefore implementing both the County's and City's comprehensive plans.

Goal Capital Facilities (CF) 9: Coordinate with non-county facility providers such as cities, and special purpose districts to support the future land use pattern indicated by this plan.

GPP Policy Interjurisdictional Coordination (IC)-1.A.2: The county shall work with cities, transit agencies, utility providers and other stakeholders, including private citizens to develop more detailed plans where local conditions and interests demand it – particularly within designated centers and transit emphasis corridors.

- V. Impact relevant to Boundary Review Board (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.
    - (1) The area proposed for annexation is approximately 17.73 acres and located within the City limits, directly south of Machias Cutoff Rd, north of 20<sup>th</sup> St SE, west of 122<sup>nd</sup> Ave SE. The area is largely undeveloped with 1 residence.

Attachment A to Motion

- (2) The proposal is consistent with the development program in the County comprehensive plan, as the proposed area is within the City's boundaries and designated for urban level of services, including sewer. As part of an agreement for the Southeast Interlocal Annexation titled, "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" the City agreed to maintain a residential minimum net density of 4 dwelling units per acre and the District proposed future areas for annexation into its service district boundaries that include the area proposed in this Hisey Annexation.
  - (3) Responses on this proposed sewer annexation were received from the Department of Public Works (DPW) and Department of Conservation and Natural Resources (DCNR) – Surface Water Management (SWM) Division. DPW stated it had no comments on the proposed sewer annexation. The SWM division of DCNR stated that no impacts are anticipated to SWM utility district service boundaries, revenues, or programs, from the proposed District's annexation.
  - (4) In terms of the "...likelihood of significant growth in the area...", the City per the annexation agreement titled, "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" has agreed to maintain a residential minimum net density of 4 dwelling units per acre for the area proposed for annexation in the Hisey Annexation proposal.
- 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.
- (1) There is no impact on services provided by the County.
  - (2) The proposal would allow extension of sewer service to properties within the Lake Stevens city limits.
- 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.



Attachment A to Motion

(1) There were no comments applicable to factor 3.

VI. Impacts relevant to BRB considerations as established by state law. The proposal meets the Objectives of the BRB as listed in RCW 36.9.3.180 in the following manner:

- a. **Preservation of natural neighborhoods and communities:** As a sewer district annexation, this proposal would not affect the preservation of natural neighborhoods and communities as would an annexation by a city or town. The areas north and west of the proposed annexation area have been subdivided.
- b. **Use of physical boundaries, including but not limited to bodies of water, highways, and land contours:** As a sewer district annexation, use of physical boundaries is not as great a factor as it is for annexations by city or towns, per RCW 36.93.185.
- c. **Creation and preservation of logical service areas:** As a sewer district annexation, creation and preservation of logical service areas is not as great a factor as it is for annexations by city or towns, per RCW 36.93.185.
- d. **Prevention of abnormally irregular boundaries:** As a sewer district annexation, prevention of abnormally irregular boundaries is not as great a factor as it is for annexations by city or towns, per RCW 36.93.185.
- e. **Discouragement of multiple incorporations of small cities and encouragement of incorporation (incorporation of cities in excess of ten thousand population in heavily populated urban areas):** As a sewer district annexation, this objective is not applicable.
- f. **Dissolution of inactive special purpose districts:** Not applicable, this is a sewer district annexation not a dissolution.
- g. **Adjustment of impractical boundaries:** As a sewer district annexation, this objective regarding the adjustment of abnormally irregular boundaries is not as great a factor as it is for annexations by city or towns, per RCW 36.93.185.
- h. **Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character:** Not applicable, this is a sewer district annexation not an annexation proposed by a city or town.
- i. **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, this is a sewer district annexation which will not affect agricultural lands or rural lands.

VII. **All County fiscal, departmental, and other impacts:** No fiscal impacts or other departmental impacts anticipated. Responses on this proposed sewer annexation were received from the DPW and the SWM division of the Department of Conservation and Natural Resources (DCNR) with no comments from DPW and the SWM division stated that no impacts are anticipated to SWM utility district service boundaries, revenues or programs, from the proposed District's annexation.

VIII. **Impacts to County facilities and other county-owned property:** No impacts to County facilities or county-owned property.

Attachment A to Motion

- IX. **Impacts to the provision of public facilities and services:** No impacts to the provision of public facilities and services anticipated.

**CONCLUSIONS:**

Based on County review, PDS concludes that the Hisey Annexation proposal by the Lake Stevens Sewer District is consistent with the applicable statutory provisions governing special district annexations. This conclusion has been reached by comprehensively reviewing the proposed annexation against the requirements of RCW 57.02.040 for water and sewer annexations, the applicable BRB factors and objectives, County codes, and other applicable statutes per SCC 2.77.040.

The recommendation to the County Council from PDS is to **not invoke** the jurisdiction of the BRB and **approve** the Hisey Annexation by the Lake Stevens Sewer District.

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