

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED MOTION NO. 22-286

CONCERNING THE COUNTY COUNCIL'S POSITION ON A PROPOSED  
PETITION METHOD ANNEXATION TO THE CITY OF LAKE STEVENS;  
BRB FILE NO. 05-2022 – FAGERLIE ANNEXATION

WHEREAS, Snohomish County (the "County") has received notice of a proposal from the City of Lake Stevens (the "City") to annex approximately 13.9 acres of land south of the City's current corporate boundary, south of 20<sup>th</sup> Street SE and within the Lake Stevens Urban Growth Area ("UGA"); and

WHEREAS, the City's annexation proposal is pursuant to RCW 35A.14.120 and further described in Washington State Boundary Review Board for Snohomish County (hereinafter "Boundary Review Board") File No. BRB 05-2022, which is incorporated herein as Attachment A; and

WHEREAS, the City's proposal under File No. BRB 05-2022 does not include land outside of the UGA; and

WHEREAS, the proposed annexation is subject to Snohomish County Code (SCC) Section 2.77.040; RCW 35A.14.005 and .120; RCW 36.115.050, .060, and .070; RCW 36.93.157, .170, and .180; and RCW 36.70A.020, .110, and .210; and

WHEREAS, the City and County entered into a Master Annexation Interlocal Agreement ("MAILA") on October 26, 2005, under Auditor File No. 200511100706; and

WHEREAS, the MAILA addresses Snohomish County General Policy Plan (GPP) Land Use (LU) 2.A.2 to ensure the continued implementation of Policy LU 2.A.1 related to minimum urban densities for the area proposed for annexation, limits City annexation to land within its UGA, and addresses the transition of services when area is annexed to the City; and

WHEREAS, the area proposed for annexation is included within the UGA for the City of Lake Stevens, the logical provider of municipal services; and

WHEREAS, the proposed annexation is consistent with the factors and objectives of the Boundary Review Board, the County Code, the County's Growth Management Act (GMA) Comprehensive Plan, the Countywide Planning Policies, and other applicable statutes governing the review of annexation actions as set out in a Snohomish County Department of Planning and Development Services ("PDS") staff report dated July 1, 2022, which is incorporated herein as Attachment B; and

WHEREAS, RCW 36.93.100 establishes a 45-day period during which the County and certain other parties may review the proposed annexation and may choose to invoke the jurisdiction of the Boundary Review Board to hold a hearing on the annexation; and

WHEREAS, under SCC 2.77.040(4) the County Council, at a public meeting, shall determine whether to file a request for BRB review of a proposed annexation and give notice of its decision to the BRB;

NOW, THEREFORE ON MOTION,

1. The Snohomish County Council does not oppose the annexation and will not invoke the jurisdiction of the Boundary Review Board.

2. The Council Clerk is directed to file this Motion with the Boundary Review Board, together with a copy of the PDS staff report dated July 1, 2022.

PASSED this 19<sup>th</sup> day of July, 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Acting Council Chair

ATTEST:

  
\_\_\_\_\_  
Asst. Clerk of the Council

Washington State  
Boundary Review Board  
for Snohomish County

3000 Rockefeller, M/S #409  
Everett, WA 98201  
425-388-3445

As required by RCW 36.93, a Notice of Intention is hereby submitted for proposed annexation. Name of jurisdiction: City of Lake Stevens Name of proposal: Fagerlie Annexation  
Proceedings were initiated under authority of RCW 35A.14.120

By:  Petition Method: Identify which petition method you are using; 60%  
i.e. 60% or double majority (owners of a majority of the acreage/majority of the registered voters residing in the area).  
 Election Method: \_\_\_\_\_ number of qualified electors in area to be annexed or formed  
\_\_\_\_\_ % of above figure represented by signers.

Is assumption of existing indebtedness to be required? Yes  
Will simultaneous adoption of comprehensive plans be required? Yes

Name each governmental unit having jurisdiction within the boundaries of the proposal:  
Snohomish County, Snohomish School District,  
Snohomish Regional Fire and Rescue, Snohomish PUD,  
Lake Stevens Sewer District (pending annexation)

The following other persons (attorneys, etc.) shall receive communication regarding proposal:  
\_\_\_\_\_  
\_\_\_\_\_

Special purpose district means any sewer district, water district, fire protection district, drainage improvement district, drainage and diking improvement district, flood control zone district, irrigation district, metropolitan park district, drainage district, or public utility district engaged in water distribution.

Signatures on petition 3  
Residences in area 2  
Population of area 3  
Acreage 13.93  
Square miles 0.022

Assessed valuation \$1,388,400 (2022)  
Topography Flat and hilly, slopes less than 20%  
Current district boundaries and adjacent roads:  
20th St SE (current city boundary), Williams Rd  
Proximity to other districts, cities, etc.  
Directly adjacent to Lake Stevens. UGA/RUTA border located to east.

Present  
Sewers N/A  
Water Snohomish PUD  
Roads Snohomish County  
Fire Dist. Snohomish Regional Fire and Rescue  
Police Snohomish County  
Growth Potential ~75 units max under county zoning

Proposed  
Lake Stevens Sewer District (separate annexation pending)  
Snohomish PUD  
City of Lake Stevens  
Snohomish Regional Fire and Rescue  
City of Lake Stevens  
~70 units

**Attachments:**  
\$50 Filing Fee  
Notice of Intention (with attachments)  
Perimeter legal (follow outside boundary)

Assessor and Vicinity Maps  
Petition  
Resolution of Intent

Petitioner (Spokesperson): David Toyer  
Address: 10519 20th St SE 103, Lake Stevens, WA 98258  
Phone: 425-344-1523

Initiator (District or Proponent): City of Lake Stevens  
Representative Signature: David Levitan  
Address/Phone: PO Box 257, Lake Stevens, WA 98258; 425-622-9425

Contact: David Levitan, Planning Manager  
dlevitan@lakestevenswa.gov  
425-622-9425



## EXHIBIT A – DESCRIPTION/REASON FOR ANNEXATION FAGERLIE ANNEXATION

### **BRIEF DESCRIPTION & PURPOSE**

On May 10, 2022, the Lake Stevens City Council held a public hearing and approved Resolution 2022-07 accepting the 60% petition for annexation of three parcels and adjacent Williams Rd right-of-way within a portion of the City of Lake Stevens (“City”) Urban Growth Area (UGA) boundaries. The approximately 13.93-acre area known as the “Fagerlie Annexation” is directly contiguous to existing city boundaries.

Consistent with RCW 35A.14.120, Resolution 2022-07 included a notice of intent (NOI) to annex to the Snohomish County Boundary Review Board (BRB); noted that the proposed annexation area would be required to assume its proportionate share of the City’s general indebtedness; and included proposed Comprehensive Plan and zoning designations of HDR (High Density Residential) and R8-12, which would be effective upon approval of the annexation via ordinance. The City previously adopted Resolution 2022-01 on March 8, 2022, which accepted the 10% notice of intent to annex and authorized circulation of the 60% petition.

The proposed annexation is consistent with the interlocal agreement (ILA) between the city and Snohomish County for Annexation and Urban Development of the Lake Stevens UGA, which was recorded under AFN 200511100706, as well as the city’s 2015-2035 Comprehensive Plan and the city’s annexation plan, which was adopted by the City Council in 2016 via Resolution 2016-021 in 2016.

As the proposed land use and zoning designations for the annexation area differ from the predesignations established by the city as part of Ordinance 1973, the applicant was required to prepare a State Environmental Policy Act (SEPA) Environmental Checklist. The city reviewed the SEPA checklist and supporting information related to potential traffic impacts and issued a Determination of Nonsignificance (DNS) on April 25, 2022. No comments or appeals were received.

The property owners submitted a separate NOI for annexation into the boundaries of the Lake Stevens Sewer District.

The proposed annexation will help meet the identified planning goals of the Growth Management Act (RCW 36.70A.020) through compliance with the City’s Comprehensive Plan, which among other things aims to:

- focus urban growth in existing areas
- ensure the adequate provision of urban services and public facilities, including parks and open space
- protect critical areas and natural resources
- provide a variety of housing options for all segments of the population
- encourage participation in the public planning process.



*One Community Around the Lake*

**EXHIBIT B – LEGAL DESCRIPTION  
FAGERLIE ANNEXATION**

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SEE LEGAL DESCRIPTION ON FOLLOWING PAGE

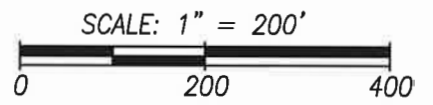
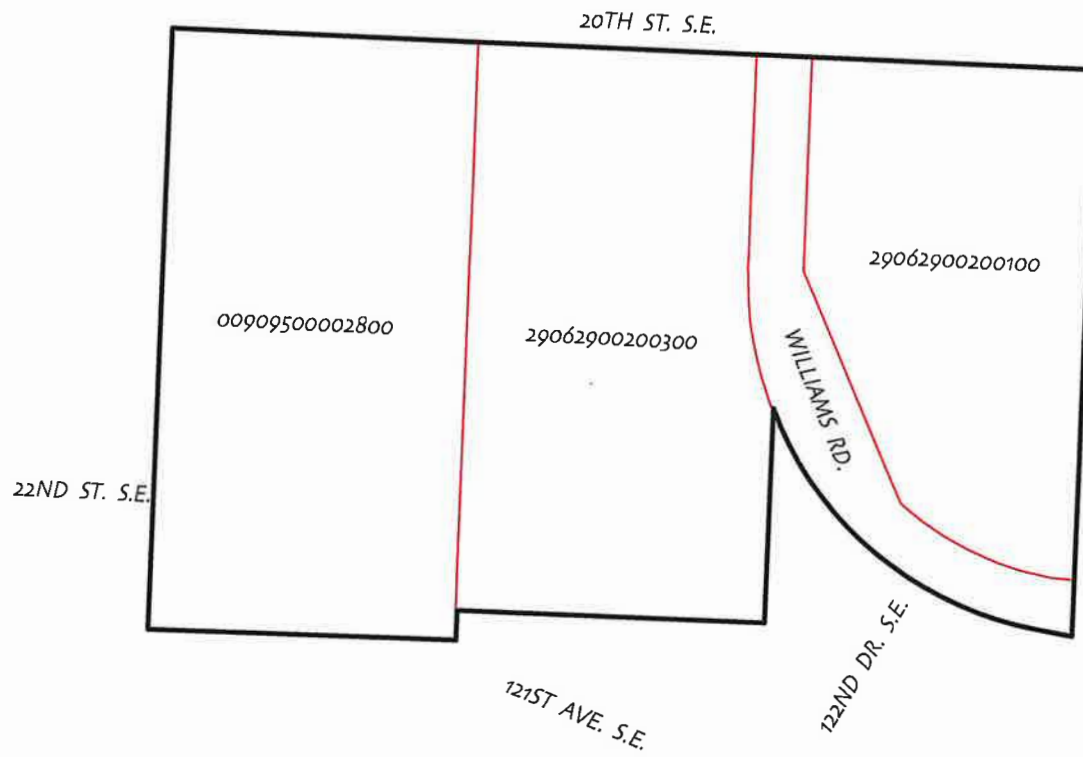
## ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 6 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

**COMMENCING** AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29;  
**THENCE** SOUTH 2°22'30" WEST ALONG THE EAST LINE OF SAID SUBDIVISION 30.00 FEET TO A POINT ON THE SOUTH MARGIN OF 20TH STREET SOUTHEAST (HEWITT AVENUE) ALSO **THE POINT OF BEGINNING**;  
**THENCE** CONTINUEING SOUTH 2°22'30" WEST ALONG THE EAST LINE OF SAID SUBDIVISION 614.37 FEET TO A POINT ON THE SOUTH MARGIN OF WILLIAMS ROAD AS DESCRIBED IN A DEED RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 1829367;  
**THENCE** NORTH 79°10'22" WEST ALONG SAID MARGIN OF WILLIAMS ROAD A DISTANCE OF 38.91 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST WITH A CENTRAL ANGLE OF 58°36'36" AND A RADIUS OF 380.00 FEET;  
**THENCE** ALONG SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 388.72 FEET;  
**THENCE** SOUTH 02°21'24" WEST A DISTANCE OF 233.72 FEET;  
**THENCE** NORTH 87°52'48" WEST A DISTANCE OF 332.52 FEET;  
**THENCE** SOUTH 02°20'18" WEST A DISTANCE OF 32.01 FEET;  
**THENCE** NORTH 88°11'33" WEST A DISTANCE OF 332.52 FEET;  
**THENCE** NORTH 02°19'13" EAST A DISTANCE OF 652.48 FEET TO A POINT ON THE SOUTH MARGIN OF 20TH STREET SOUTHEAST (HEWITT AVENUE);  
**THENCE** SOUTH 87°33'42" EAST ALONG SAID MARGIN OF 20TH STREET SOUTHEAST (HEWITT AVENUE) A DISTANCE OF 998.13 FEET TO **THE POINT OF BEGINNING**;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

CONTAINING APPROXIMATELY 602,615 SF (13.83 ACRES).





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**EXHIBIT C – MAPS  
FAGERLIE ANNEXATION**

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REQUIRED MAPS ON FOLLOWING PAGES



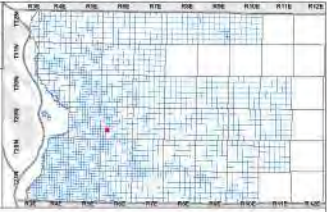
QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.
<b>NW</b>	<b>29</b>	<b>29</b>	<b>6</b>

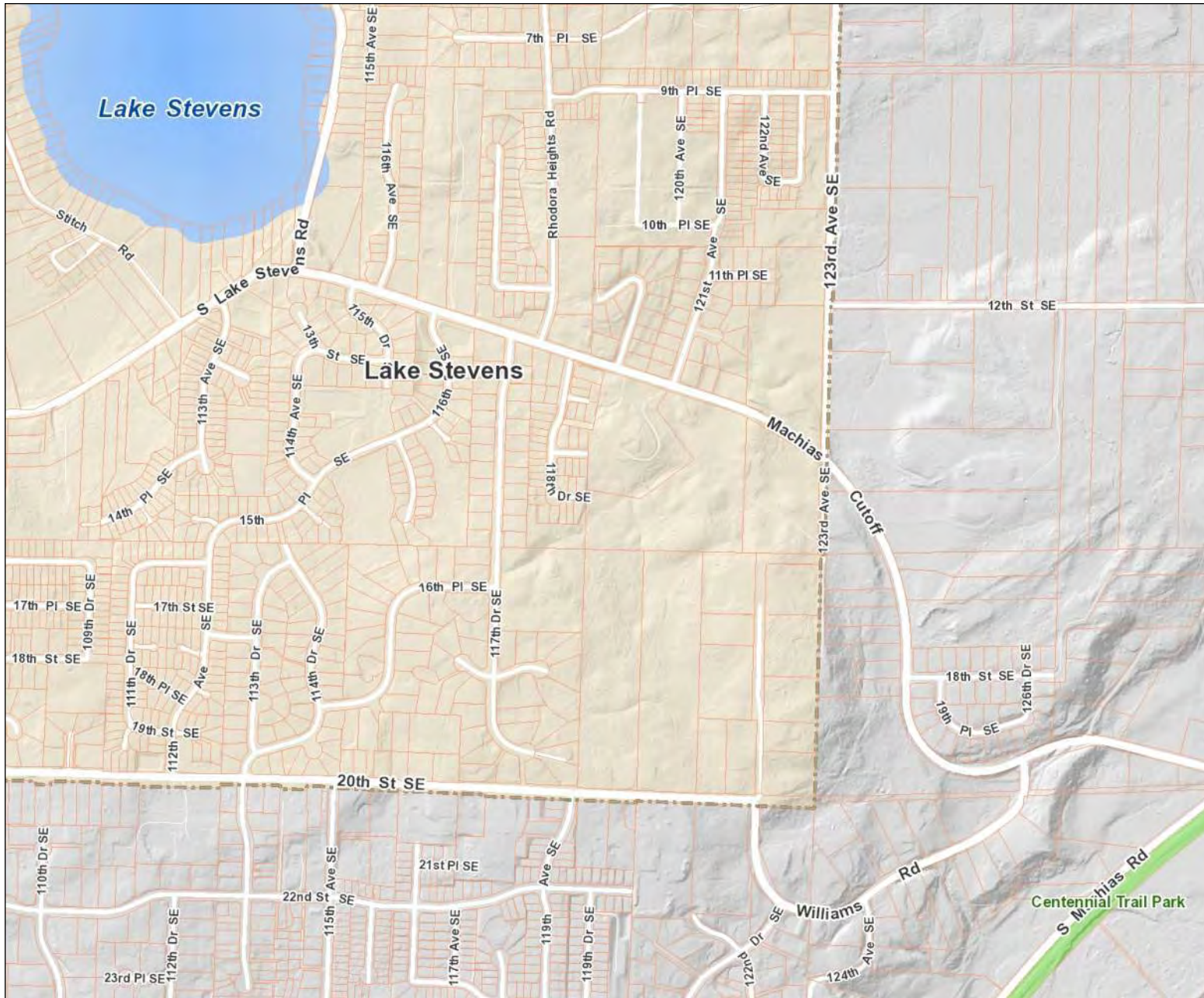
Centerline	Lot	Block	Section	City Limits
Gov Lot	Subdiv	ROW	Quarter	Tax Acct
Major Water	Other Lot	Vac ROW	16th	Easement
Minor Water	Other Subdiv	Vac Lot		

Map produced on September 21, 2021

A product of the Assessor's Office  
Snohomish County, Washington



# Fagerlie Annexation Vicinity Map



## Legend

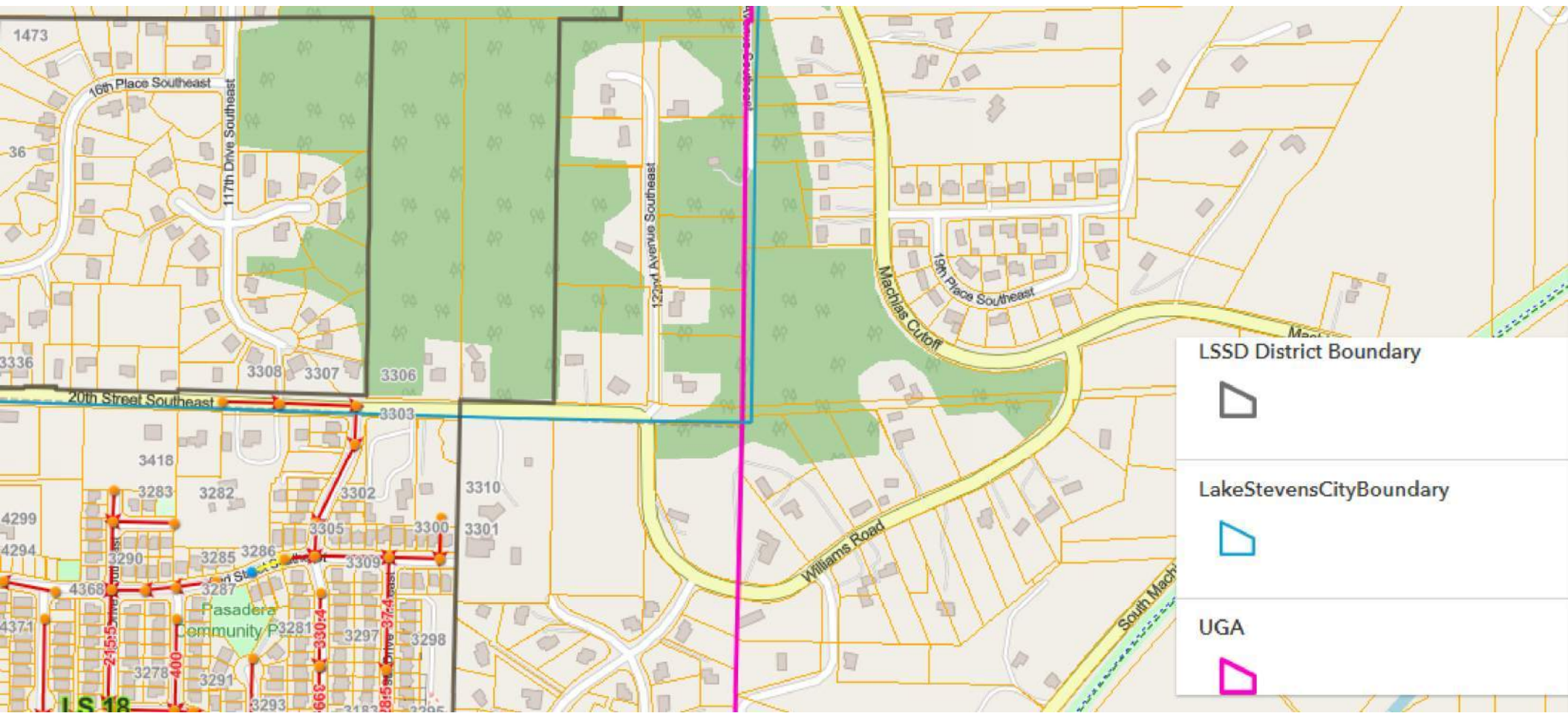
- Parcel
  - Recent Sales 2022
  - Recent Sales 2021
  - Recent Sales 2020
  - City Boundary
  - County Park
  - National Forest
  - Water
- ### Street Types
- Interstate
  - State Route
  - Local Road

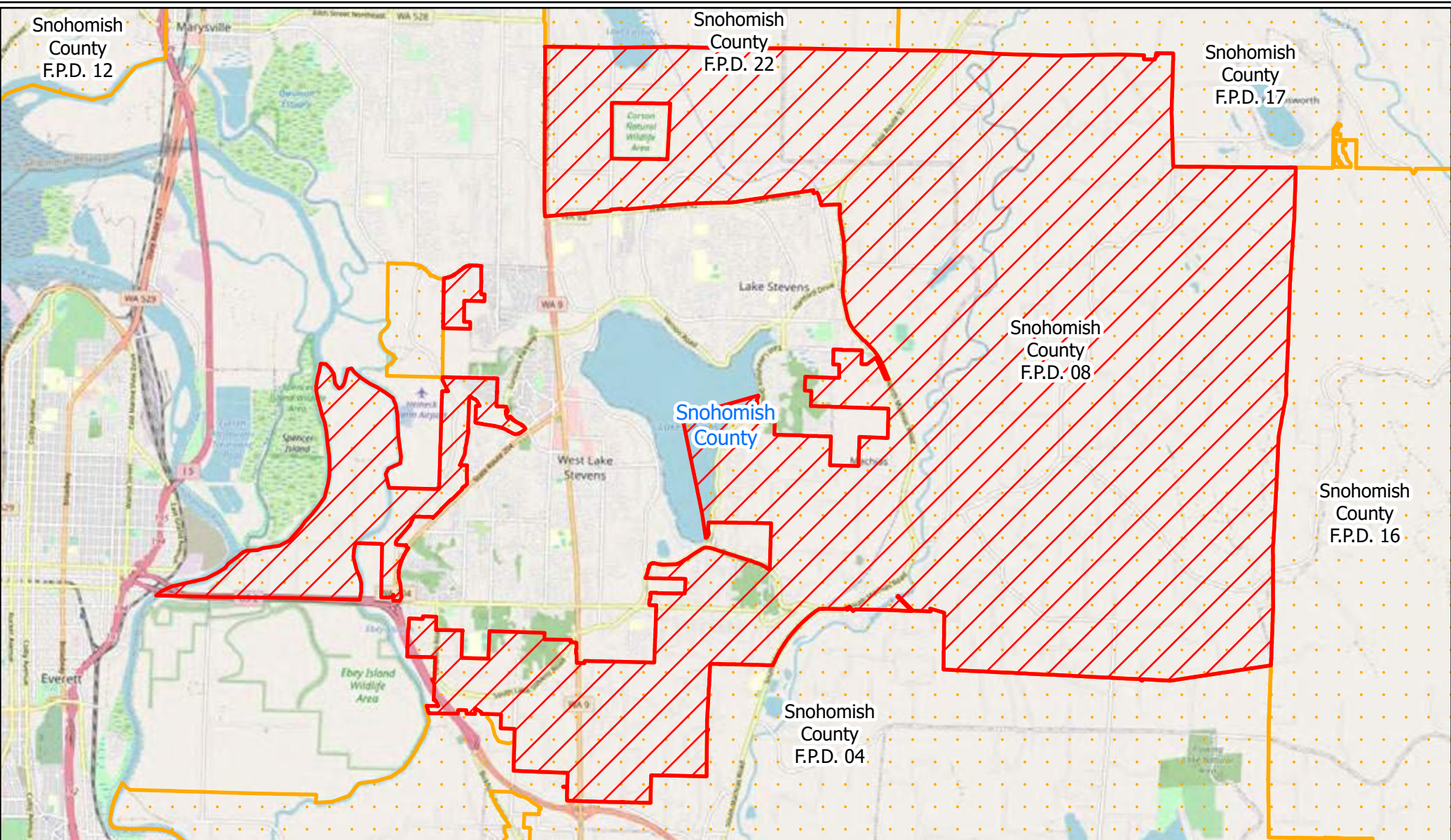
All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

0 938 1,875 Feet




5/25/2022

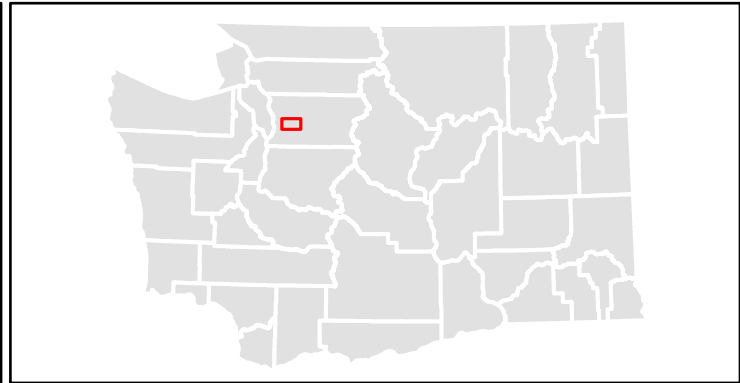
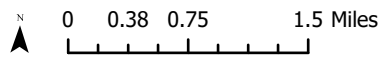






**Snohomish County F.P.D. 08  
(Unincorporated Portion Only)**

-  County
-  Selected Fire Protection District
-  Fire Protection District



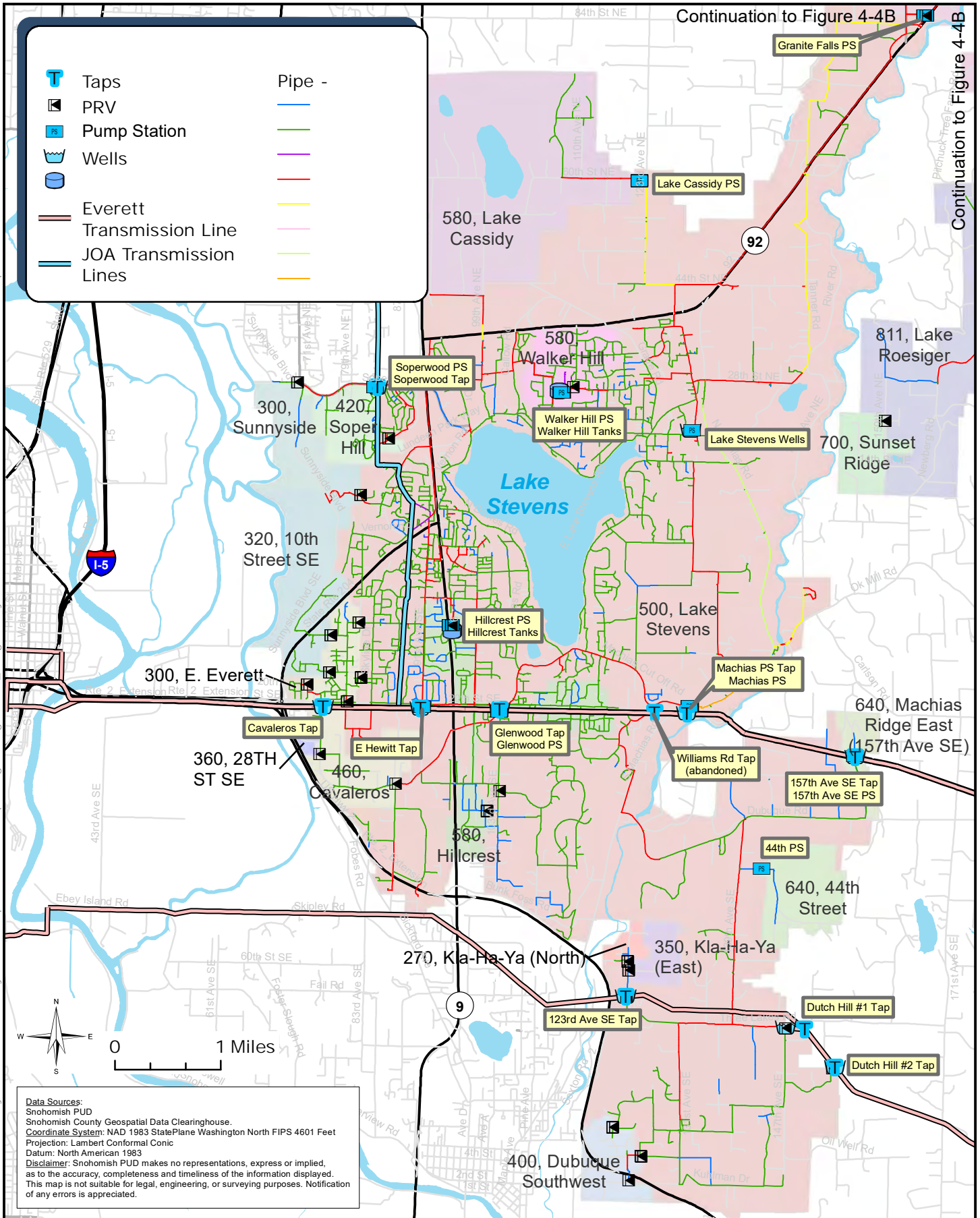
Washington State  
Office of Financial Management  
Forecasting & Research Division

Disclaimer: By using these data, the user agrees that neither the Office of Financial Management nor the Washington Surveying and Rating Bureau shall be liable for any activity involving these data with regard to lost profits or savings or any other consequential damages; or the fitness for use of the data for a particular purpose; or the installation of the data, its use, or the results obtained.

Data source: Fire Protection Districts and City Limits [Shapefile], Washington Surveying and Rating Bureau, September 15, 2020.

Map prepared by Thomas Kimpel on September 21, 2020.

K:\TAC\_Projects\2021\2021 Water System Plan Update\CAD\GIS\Report\_Figures\Figure4-4A\_IntegratedSystem-LakeStevensArea.r... 12:32 PM Christoph.Tanner



**Data Sources:**  
 Snohomish PUD  
 Snohomish County Geospatial Data Clearinghouse.  
**Coordinate System:** NAD 1983 StatePlane Washington North FIPS 4601 Feet  
**Projection:** Lambert Conformal Conic  
**Datum:** North American 1983  
**Disclaimer:** Snohomish PUD makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



Snohomish County  
 PUD 2021 Water  
 System Plan Update

Figure 4-4A: Lake  
 Stevens Integrated  
 Water System  
 Southwest Sub Area

Welcome to SchoolSite Locator.

Enter an address in the search box at the top to find your schools of attendance.

If you do not know the specific address, or if it cannot be found, just click anywhere on the map to find the schools for that neighborhood.

12014 20TH ST SE, 98258

Score: 100% | Locator: AddressPoints

**Cascade View Elementary**

[Serving grades **K-6**]

2401 Park Avenue Snohomish

360-563-7000

PRINCIPAL: Kert Lenseigne

School Actions:

**Centennial Middle School**

[Serving grades **7-8**]

3000 South Machias Road Snohomish

360-563-4525

PRINCIPAL: Josh Rosenbach

School Actions:

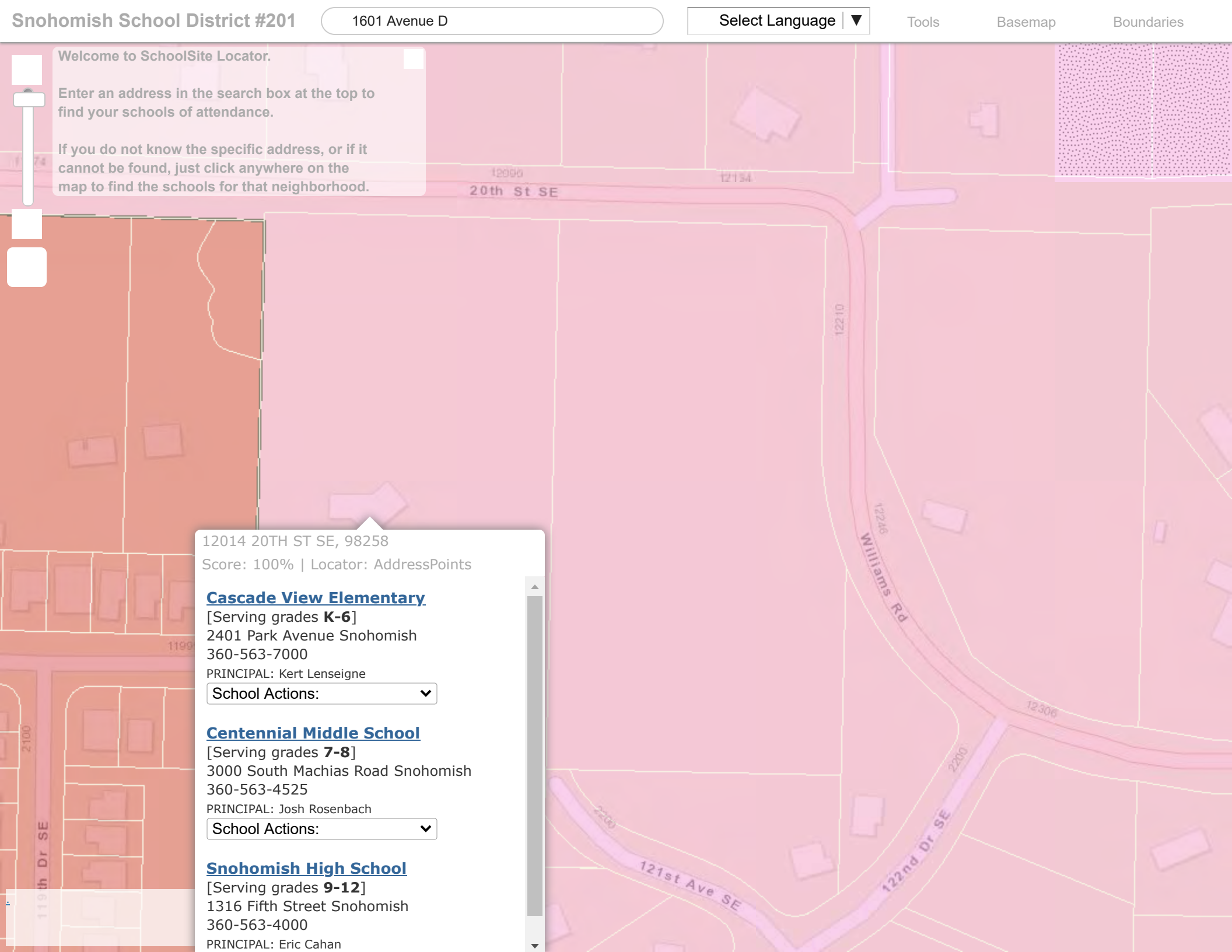
**Snohomish High School**

[Serving grades **9-12**]

1316 Fifth Street Snohomish

360-563-4000

PRINCIPAL: Eric Cahan





*One Community Around the Lake*

**EXHIBIT D – SIGNED AND CERTIFIED COPY OF RESOLUTION  
FAGERLIE ANNEXATION**

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CERTIFIED COPY OF 60% RESOLUTION ON FOLLOWING PAGE

**RESOLUTION 2022-07**

**A RESOLUTION OF THE LAKE STEVENS CITY COUNCIL ACCEPTING A 60% “FAGERLIE” ANNEXATION PETITION PURSUANT TO RCW 35A.14.120; PROVIDING NOTICE OF INTENT TO ANNEX TO THE SNOHOMISH COUNTY BOUNDARY REVIEW BOARD; ASSIGNING PROPOSED ZONING AND COMPREHENSIVE PLAN DESIGNATIONS UPON ANNEXATION; AND REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF CITY INDEBTEDNESS.**

---

**WHEREAS**, the Lake Stevens City Council (Council) adopted Ordinance No. 937 establishing the 2015 – 2035 Comprehensive Plan that sets planning goals, policies and implementation strategies for the Lake Stevens Urban Growth Area (UGA) pursuant to Chapter 36.70A RCW; and

**WHEREAS**, the City of Lake Stevens and Snohomish County entered into an updated Interlocal Agreement related to Annexation and Urban Development in the Lake Stevens Urban Growth Area (UGA), recorded under Auditors File No. 200511100706 on November 10, 2005; and

**WHEREAS**, the City of Lake Stevens has adopted an Annexation Plan under Resolution 2016-021 that provides an annexation strategy for the Lake Stevens UGA; and

**WHEREAS**, pursuant to RCW 35A.14.120 the City Council adopted resolution 2022-01 accepting a 10% petition, authorizing the circulation of a 60% petition for annexation and discussing potential comprehensive plan and zoning designations for the proposed “Fagerlie” annexation area pursuant to RCW 35A.14.120; and

**WHEREAS**, pursuant to RCW 35A.14.120, the applicant has now obtained the signatures of property owners representing more than 60% of the current total assessed value of all parcels within the proposed annexation area, as shown in Exhibit A; and

**WHEREAS**, pursuant to RCW 35A.01.040 the Snohomish County Assessor’s Office on April 12, 2022, certified the 60% petition as sufficient; and

**WHEREAS**, the annexation area is contiguous with the existing City limits, lies within unincorporated Snohomish County and the city’s Urban Growth Area, and may generally be described as an area located just south of Lake Stevens city limits, consisting of three parcels along the south side of 20<sup>th</sup> St SE near Williams Rd, as shown and described in Exhibit B; and

**WHEREAS**, the petitioners have requested a Comprehensive Plan designation of High Density Residential (HDR) and zoning designation of R8-12 for the area, and have submitted a SEPA environmental checklist and supporting materials that demonstrate that the requested designations are consistent with the Comprehensive Plan and would not result in significant adverse environmental impacts; and

**WHEREAS**, the city issued a Determination on Nonsignificance (DNS) for the proposed annexation on April 25, 2022, based on the requested Comprehensive Plan and zoning designations; and

**WHEREAS**, on May 10, 2022 a properly noticed public hearing was held pursuant to RCW 35A.14.130 and all persons who wished to provide testimony were heard.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS AS FOLLOWS:**


**Section 1.** Subject to Sections 2-4 below, the Lake Stevens City Council hereby submits a "Notice of Intent to Annex" pursuant to RCW 35A.14.120 for the area legally described and depicted in Exhibit B.

**Section 2.** The area legally described in attached Exhibit B shall be required to assume its proportionate share of the general indebtedness of the City of Lake Stevens at the time of the effective date of such annexation.

**Section 3.** The area described in attached Exhibit B, if annexed, shall be designated in the City's Comprehensive Plan as HDR (High Density Residential) and on the City's Official Zoning Map as R8-12.

**Section 4.** A certified copy of this resolution, together with a copy of the 60% annexation petition, shall be filed with the Snohomish County Boundary Review Board in accordance with its procedures.

PASSED by the City Council of the City of Lake Stevens this 10<sup>th</sup> day of May 2022.

  
\_\_\_\_\_  
Brett Gailey, Mayor  
*Steve Ewing for*

ATTEST:

  
\_\_\_\_\_  
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Greg Kubstello, City Attorney

## EXHIBIT A



**60% PETITION FOR FAGERLIE ANNEXATION (LUA2022-0024)**

**DECLARATION**

1. We, the undersigned, are owners of real property lying outside of the corporate limits of the city of Lake Stevens, Washington, but contiguous thereto and designated as part of the Lake Stevens Urban Growth Area.
2. We, the undersigned, representing in excess of 60% of the assessed value of the properties with the area depicted on Exhibit A and described in Exhibit B, do hereby petition the City Council of the City of Lake Stevens to annex this property into the city's corporate limits pursuant to RCW 35A.14.120 and subject to the following conditions set by Lake Stevens City Council in Resolution 2022-01(B) adopted on March 8, 2022:
  - Assumption of a proportionate share of the City's bonded indebtedness.
  - The City Council is considering the designation of the properties within the Comprehensive Plan as High Density Residential (HDR) with associated R8-12 zoning, contingent upon an analysis of potential environmental impacts and demonstrated compliance with the State Environmental Policy Act (SEPA).

**AUTHORIZATION**

Name of Property Owner (Print Clearly)	Signature of Property Owner	Date Signed	Property Address or Assessors Parcel Number	Acres
Helen Fagerlie	<i>Helen Fagerlie</i>	03/14/22	12207 Williams Rd APN 29062900200100 and 29062900200102	3.21
James and Carol Fagerlie	<i>James Fagerlie</i> <i>Carol Fagerlie</i>	03/14/22 03/14/22	APN 29062900200300	4.85
James Fagerlie	<i>James Fagerlie</i>	03/14/22	12014 20 <sup>th</sup> St SE APN 00909500002800	4.97

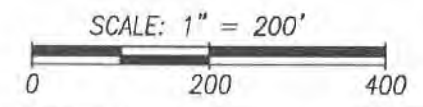
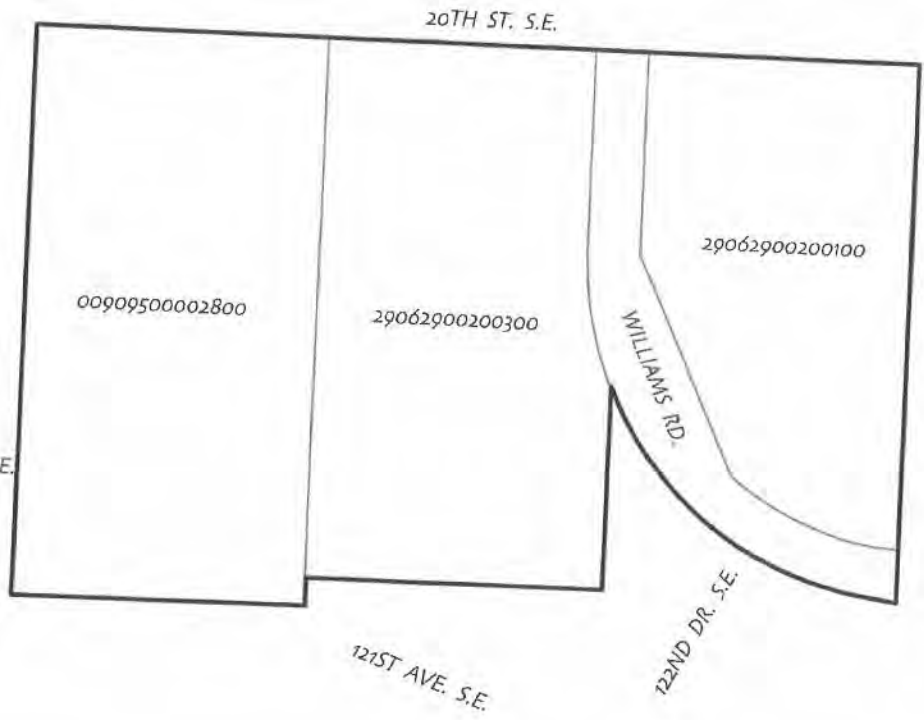
NOTE: EACH SIGNATURE PAGE MUST CONTAIN THE DECLARATION AND CONDITIONS SO DESCRIBED ABOVE, AS WELL AS A COPY OF BOTH EXHIBITS ATTACHED THERETO

WARNING: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

**Who can I call for more information?**

Questions regarding the annexation process or land use and zoning contact Lake Stevens Planning and Community Development at (425) 212-3315.

**EXHIBIT B**



## ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 6 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON,

DESCRIBED AS FOLLOWS;

**COMMENCING** AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29;

**THENCE** SOUTH  $2^{\circ}22'30''$  WEST ALONG THE EAST LINE OF SAID SUBDIVISION 30.00 FEET TO A POINT ON THE SOUTH MARGIN OF 20TH STREET SOUTHEAST (HEWITT AVENUE) ALSO THE **POINT OF BEGINNING**;

**THENCE** CONTINUING SOUTH  $2^{\circ}22'30''$  WEST ALONG THE EAST LINE OF SAID SUBDIVISION 614.37 FEET TO A POINT ON THE SOUTH MARGIN OF WILLIAMS ROAD AS DESCRIBED IN A DEED RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 1829367;

**THENCE** NORTH  $79^{\circ}10'22''$  WEST ALONG SAID MARGIN OF WILLIAMS ROAD A DISTANCE OF 38.91 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST WITH A CENTRAL ANGLE OF  $58^{\circ}36'36''$  AND A RADIUS OF 380.00 FEET;

**THENCE** ALONG SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 388.72 FEET;

**THENCE** SOUTH  $02^{\circ}21'24''$  WEST A DISTANCE OF 233.72 FEET;

**THENCE** NORTH  $87^{\circ}52'48''$  WEST A DISTANCE OF 332.52 FEET;

**THENCE** SOUTH  $02^{\circ}20'18''$  WEST A DISTANCE OF 32.01 FEET;

**THENCE** NORTH  $88^{\circ}11'33''$  WEST A DISTANCE OF 332.52 FEET;

**THENCE** NORTH  $02^{\circ}19'13''$  EAST A DISTANCE OF 652.48 FEET TO A POINT ON THE SOUTH MARGIN OF 20TH STREET SOUTHEAST (HEWITT AVENUE);

**THENCE** SOUTH  $87^{\circ}33'42''$  EAST ALONG SAID MARGIN OF 20TH STREET SOUTHEAST (HEWITT AVENUE) A DISTANCE OF 998.13 FEET TO THE **POINT OF BEGINNING**;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

CONTAINING APPROXIMATELY 602,615 SF (13.83 ACRES).



AFFIDAVIT OF NOTICE

Project Name: Fagerlie Annexation & Proposed Land Use  
Project Number: LUA 2022-0024  
Type of Notice: NOPH & DNS

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. Property	<u>4/25/2022</u>	<u>[Signature]</u>
2. City Hall	<u>4/25/2022</u>	<u>[Signature]</u>
3. Planning	<u>4/25/2022</u>	<u>[Signature]</u>
4. Everett Herald	<u>4/25/2022</u>	<u>[Signature]</u>
5. Mailings	<u>4/22/2022</u>	<u>[Signature]</u>
6. Website	<u>4/25/2022</u>	<u>[Signature]</u>
7. Distribution List	<u>4/25/2022</u>	<u>[Signature]</u>
8. Parties of Record	<u>                    </u>	<u>                    </u>



*One Community Around the Lake*

**EXHIBIT E – PETITION  
FAGERLIE ANNEXATION**

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COPIES OF SIGNED PETITION ON FOLLOWING PAGE





## 60% PETITION FOR FAGERLIE ANNEXATION (LUA2022-0024)

### DECLARATION

1. We, the undersigned, are owners of real property lying outside of the corporate limits of the city of Lake Stevens, Washington, but contiguous thereto and designated as part of the Lake Stevens Urban Growth Area.
2. We, the undersigned, representing in excess of 60% of the assessed value of the properties with the area depicted on Exhibit A and described in Exhibit B, do hereby petition the City Council of the City of Lake Stevens to annex this property into the city's corporate limits pursuant to RCW 35A.14.120 and subject to the following conditions set by Lake Stevens City Council in Resolution 2022-01(B) adopted on March 8, 2022:
  - Assumption of a proportionate share of the City's bonded indebtedness.
  - The City Council is considering the designation of the properties within the Comprehensive Plan as High Density Residential (HDR) with associated R8-12 zoning, contingent upon an analysis of potential environmental impacts and demonstrated compliance with the State Environmental Policy Act (SEPA).

### AUTHORIZATION

Name of Property Owner (Print Clearly)	Signature of Property Owner	Date Signed	Property Address or Assessors Parcel Number	Acres
Helen Fagerlie		03/14/22	12207 Williams Rd APN 29062900200100 and 29062900200102	3.21
James and Carol Fagerlie		03/14/22 03/14/22	APN 29062900200300	4.85
James Fagerlie		03/14/22	12014 20 <sup>th</sup> St SE APN 00909500002800	4.97

NOTE: EACH SIGNATURE PAGE MUST CONTAIN THE DECLARATION AND CONDITIONS SO DESCRIBED ABOVE, AS WELL AS A COPY OF BOTH EXHIBITS ATTACHED THERETO

WARNING: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

### Who can I call for more information?

Questions regarding the annexation process or land use and zoning contact Lake Stevens Planning and Community Development at (425) 212-3315.



*One Community Around the Lake*

**EXHIBIT F – CERTIFICATE OF SUFFICIENCY  
FAGERLIE ANNEXATION**

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ASSESSOR CERTIFICATION OF SUFFICIENCY ON FOLLOWING PAGE



**Snohomish County**

**Assessor's Office**

**Linda Hjelle**  
*County Assessor*

**Laura Washabaugh**  
*Chief Deputy*

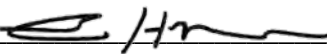
M/S #510  
3000 Rockefeller Ave.  
Everett, WA 98201-4046

(425) 388-3433  
FAX (425) 388-3961

## **CERTIFICATE OF SUFFICIENCY**

I, Chris Huyboom, Snohomish County Deputy Assessor, in accordance with the requirements of RCW 35A.01.040, hereby certify that the Petition for the City of Lake Stevens Fagerlie Annexation submitted to the Assessor on April 11, 2022 is signed by the owners of property comprising 100% of the total assessed value within the area described in the petition, according to the records of the Snohomish County Assessor. The determination of sufficiency was begun on April 12, 2022.

Dated this 12th day of April 2022.

By   
Deputy Assessor



*One Community Around the Lake*

**EXHIBIT G – SEPA THRESHOLD DETERMINATION AND CHECKLIST  
FAGERLIE ANNEXATION**

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SEPA THRESHOLD DETERMINATION, CHECKLIST & MAILING LIST ON FOLLOWING PAGE



One Community Around the Lake

## SEPA DETERMINATION OF NON-SIGNIFICANCE

**Issuance Date:** April 25, 2022

**Project Name (No.):** Fagerlie Annexation and Proposed Land Use/Zoning Designations (LUA2022-0024)

**Proponent:** City of Lake Stevens

**Applicant:** Toyer Strategic Advisors

**Description of Proposal:** The applicant is requesting annexation into the City of Lake Stevens for three parcels and adjacent Williams Rd ROW, which are located within the city's urban growth area (UGA) and immediately adjacent to the city's southeast boundary. As part of the annexation petition, the applicant is requesting assignment of a future land use designation of High Density Residential (HDR) and zoning designation of R8-12. This would be a change from the existing land use (Local Commercial and Medium Density Residential) and zoning (Local Business and R6) predesignations for the properties that were established by Ordinance 1073 as part of the 2019 Comprehensive Plan docket.

The proposal is not exempt from SEPA under RCW 43C.21C.22 as it involves a proposed rezone. The applicant prepared a SEPA environmental checklist as well as an analysis of the proposed rezone's impact (when compared to the existing land use and zoning predesignations) on 1) the city's 2044 population and employment capacity and 2) trip generation and traffic impacts. The proposal would result in a net reduction of traffic impacts when compared to potential development under existing zoning and would not significantly impact the city's ability to meet its 2044 growth targets. Additional project materials can be found on [Citizen Connect](#) by searching for the permit number (LUA2022-0024).

**Project Location:** Three parcels and adjacent Williams Rd ROW where 20<sup>th</sup> St SE meets Williams Rd (Parcels 00909500002800, 29062900200300 and 29062900200100)

**Contact Person:** David Levitan, Planning Manager      **Phone:** (425) 622-9425

**Threshold Determination:** The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340.

**SEPA Responsible Official:** \_\_\_\_\_

Russ Wright, Community Development Director

**Comments on the Threshold Determination:** Written comments should be sent to the address below by **May 9, 2022 (14 days from issuance)**. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

**Appeals:** You may appeal this determination of non-significance by submitting an appeal to the address below no later than 5:00 PM, **May 9, 2022 (14 days from issuance)**. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code.

**All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: David Levitan or by email to [dlevitan@lakestevenswa.gov](mailto:dlevitan@lakestevenswa.gov).**

# SEPA ENVIRONMENTAL CHECKLIST

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## A. Background

1. Name of proposed project, if applicable: N/A

2. Name of applicant:

JM1 Holdings

3. Address and phone number of applicant and contact person:

**Applicant:**

JM1 Holdings  
Attn: Amanda McMullen  
10515 20<sup>th</sup> Street SE  
Lake Stevens, WA, 98258

**Consultant:**

Toyer Strategic Advisors, Inc.  
Peter Condyles, Project Manager  
10519 20<sup>th</sup> Street SE Suite 3  
Lake Stevens, WA, 98258  
425-501-6578

4. Date checklist prepared: March 16, 2022

5. Agency requesting checklist: City of Lake Stevens Washington

6. Proposed timing or schedule (including phasing, if applicable):

N/A

10% annexation application	January 27, 2022
Council approves 10% annexation petition	March 8, 2022
60% petition, SEPA, and traffic study submitted	Now
SEPA Notice & Appeal Period	TBD
Planning Commission Review & Recommendation	TBD
City Council Final Action on annexation	TBD

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This is a non-project proposal. Applicant intends at some time in the future to submit a site-specific development proposal for residential uses. Such application will be required to complete its own, site-specific, project level SEPA review.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Population, employment, and traffic analysis by Toyer Strategic Advisors Inc. dated March 30, 2022, is attached. Consultant is not aware of any other environmental information that has been prepared in direct relationship to this proposal. This checklist will inform environmental review associated with this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None. No other government approvals are currently pending for this site.

10. List any government approvals or permits that will be needed for your proposal, if known.

None. This is a non-project action limited to an annexation of three parcels already in the Urban Growth Area. Any future site-specific development application would be required, unless exempt under WAC 197-11-800 or city code, to complete a project level SEPA review, as well as apply for its own approvals and permits prior to proceeding with development.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Applicant is seeking an annexation for three parcels in the southeast corner of the Lake Stevens UGA along 20<sup>th</sup> Street SE where it turns into Williams Road. The three parcels total a little over thirteen acres.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The site is located on the far east end of 20<sup>th</sup> Street SE where it turns into Williams Road. Two parcels are on the west side of the road, and one is on the east side. A map of the location is attached to this checklist.

## **B. Environmental Elements**

### **1. Earth**

a. General description of the site:

(circle one): **Flat**, rolling, **hilly**, steep **slopes**, mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)?

< 20% slopes

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.



Soil conditions at the site indicate medium dense silty sand (weathered till) over dense to very dense silty sand with gravel and hard silt (unweathered till)

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known to consultant, and none indicated on City geological hazard mapping.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

This proposal is a non-project action and would not directly result in any filling, excavation, or grading. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and submit grading and temporary erosion and sedimentation control plans for approval.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No. This proposal is a non-project action, and no clearing, construction, or use is proposed. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and submit grading and identify temporary erosion and sedimentation control measures.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This proposal is a non-project action that will not create any new impervious surfaces. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and comply with applicable city standards for maximum impervious surfaces.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None proposed. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and, if necessary, propose measures to reduce or control erosion.

## **2. Air**

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

This proposal is a non-project action that will not directly result in any emissions. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and comply with applicable air quality regulations.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed. This proposal is a non-project action that will not directly create any new emissions. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and comply with applicable regulations.

### **3. Water**

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

None that the Consultant is aware of.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This proposal is a non-project action that will not require any work over, in, or adjacent to the described waters. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA, delineate any critical areas on or adjacent to the site, and comply with applicable city standards.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None. This proposal is a non-project action that will not directly result in any filling or dredging of surface water or wetlands. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No. This proposal is a non-project action that will not directly result in any surface water withdrawals or diversions. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No. This proposal is a non-project action that will not result in any discharges of waste materials to surface waters. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No. This proposal is a non-project action that will not result in any ground water being withdrawn from a well. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This proposal is a non-project action that will not result in any discharges of waste materials into the ground. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This proposal is a non-project action that will not result in water runoff, nor require collection or disposal of water runoff. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No. This proposal is a non-project action that will not result waste materials entering ground or surface waters. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

This proposal is a non-project action that does not directly alter or otherwise affect drainage patterns in vicinity of the site. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

#### 4. **Plants**

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None. This proposal is a non-project action that will not directly result in the removal or alteration of any vegetation. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

c. List threatened and endangered species known to be on or near the site.

None known. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None proposed. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and comply with any local requirements for landscaping (including plant types and ratios).

e. List all noxious weeds and invasive species known to be on or near the site.

None known. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

#### 5. **Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:  
mammals: deer, bear, elk, beaver, other:  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and observe for indications of other bird and animal activity specific to the site.

b. List any threatened and endangered species known to be on or near the site.

None known

c. Is the site part of a migration route? If so, explain.

None that Consultant is aware of, except that the site (and area) is generally within the Pacific Flyway. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

d. Proposed measures to preserve or enhance wildlife, if any:

None proposed. This proposal is a non-project action that will not directly impact any wildlife. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

e. List any invasive animal species known to be on or near the site.

None that Consultant is aware of. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

## **6. Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None. This proposal is a non-project action that will not directly result in any energy needs. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No. This proposal is a non-project action that will not directly result in any impact to the use of solar energy on adjacent properties. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- c. What kinds of energy conservation features are included in the plans of this proposal?  
List other proposed measures to reduce or control energy impacts, if any:

None proposed. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA and address any requirements for energy conservation.

## **7. Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, which could occur as a result of this proposal?  
If so, describe.

No. This proposal is a non-project action that will not result in any environmental health hazards. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 1) Describe any known or possible contamination at the site from present or past uses.

None that Consultant is aware of. This proposal is a non-project action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to complete a project level SEPA.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None that Consultant is aware of.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This proposal is a non-project action. No toxic or hazardous chemical will be stored, used or produced as a direct result of this proposal. Any future site-specific development proposal would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review and comply with applicable codes and standards.

- 4) Describe special emergency services that might be required.

This proposal is a non-project action. No special emergency services are required as a direct result of this proposal. Any future site-specific development under the proposed amendments would be similar to uses already permitted nearby. Any future site-specific development proposal would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed. This proposal is a non-project action.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise in the area will not affect this proposed non-project action. Existing noise in the area comes from traffic along 20<sup>th</sup> Street SE, and Williams Road.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

This proposal is a non-project action, and no noise would be created by this action. Any future site-specific development proposal, unless exempt by WAC 197-11-800 or city code, would be required to identify the types of noises that may be created.

- 3) Proposed measures to reduce or control noise impacts, if any:

None proposed. This is a non-project action.

**8. Land and Shoreline Use**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

North: Single Family Housing (In the City limits)  
West: Single Family Housing  
South: Single Family Housing  
East: Single Family Housing

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The site is not currently used for agricultural purposes and is not designated as agricultural land of long-term commercial significance.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No. This project is a non-project action that will not affect or be affected by surrounding working farm or forest land.

- c. Describe any structures on the site.

Property currently has three homes, one of which is a manufactured home.

d. Will any structures be demolished? If so, what?

No. This proposal is a non-project action that will not direct result in the demolition of structures.

e. What is the current zoning classification of the site?

Local Business / R6

f. What is the current comprehensive plan designation of the site?

Local Commercial / Medium Density Residential

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. This is a non-project action.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

None that Consultant is aware of and none that appear on the City's critical areas map.

i. Approximately how many people would reside or work in the completed project?

The proposed would rezone the property resulting in a small reduction in future employment capacity, and a slight increase in population capacity. See attached analysis submitted by Toyer Strategic Advisors.

j. Approximately how many people would the completed project displace?

None, this is a non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed. This is a non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None proposed.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None proposed. This is a non-project action.

## **9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.



None. This proposal is a non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None. This proposal is a non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:

None proposed. This proposal is a non-project action.

### **10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable. This proposal is a non-project action.

- b. What views in the immediate vicinity would be altered or obstructed?

None. The change in zoning will not substantially increase or decrease allowed building heights, but applicants' proposal will be more likely to have heights consistent with similar uses.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

None proposed. This proposal is a non-project action.

### **11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None. This proposal is a non-project action. Any site-specific development proposal would, unless exempt by 197-11-800 or city code, be required to complete a project level SEPA review and comply with applicable standards for lighting.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No. This proposal is a non-project action. Any site-specific development proposal would, unless exempt by 197-11-800 or city code, be required to complete a project level SEPA review and address any light or glare that may be a safety hazard or interfere with views.

- c. What existing off-site sources of light or glare may affect your proposal?

None that Consultant is aware of. This proposal is a non-project action. Any site-specific development proposal would, unless exempt by 197-11-800 or city code, be required to complete a project level SEPA review.

d. Proposed measures to reduce or control light and glare impacts, if any:

None proposed. This proposal is a non-project action.

## **12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

Davies Beach Park, Sunset Beach Park, Lundeen Park, Centennial Trail Machias Trailhead, Cavalero Hill Dog Park, Centennial Middle School fields.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No. This proposal is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed. This proposal is a non-project action.

## **13. Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

None that consultant is aware of. This proposal is a non-project action. Any site-specific development proposal would, unless exempt by 197-11-800 or city code, be required to complete a project level SEPA review and may be required to complete further analysis of cultural resources.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None that consultant is aware of, and no analysis has been completed for this proposal as it is a non-project action. Any site-specific development proposal would, unless exempt by 197-11-800 or city code, be required to complete a project level SEPA review and may be required to complete further analysis of cultural resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

None that consultant is aware of. This proposal is a non-project action. Any site-specific development proposal would, unless exempt by 197-11-800 or city code, be required to complete a project level SEPA review and may be required to complete further analysis of cultural resources.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed. This proposal is a non-project action.

#### **14. Transportation**

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This is a non-project action. No road connections or alterations to existing ingress/egress to the site are proposed.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None. This proposal is a non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No. This proposal is a non-project action. Any future site-specific development would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review and transportation impact analysis (TIA) to identify any improvements.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None. This proposal is a non-project action and would not directly generate any vehicular trips. Any future site-specific development would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review and transportation impact analysis (TIA) to identify any improvements. However, the study by Toyer Strategic Advisors indicates the average daily trips and peak hour trips will be lower under this proposal.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No. This proposal is a non-project action.

h. Proposed measures to reduce or control transportation impacts, if any:

None proposed. This is a non-project action. Any future site-specific development would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review and transportation impact analysis (TIA) to identify any improvements.

**15. Public Services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No. This proposal is a non-project action. Any future site-specific development would be required, unless exempt from WAC 197-11-800 or city code, to complete a project level SEPA and identify any increased needs for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed. This is a non-project action.

**16. Utilities**

a. Circle utilities currently available at the site.

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system  
other \_\_\_\_\_

Any future site-specific development would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review and transportation impact analysis (TIA) to identify any improvements.

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None proposed. Any future site-specific development would be required, unless exempt by WAC 197-11-800 or city code, to identify utilities proposed for the project.

**C. Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Peter Condyles

Name of signee: Peter Condyles

Position and Agency/Organization: Project Manager, Toyer Strategic Advisors

Date Submitted: April 11<sup>th</sup>, 2022

## ***D. Supplemental sheet for nonproject actions***

**(IT IS NOT NECESSARY to use this sheet for project actions)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is an annexation to bring approximately thirteen acres into the Lake Stevens city limits. These three parcels are already in the Urban Growth Area.

This non-project proposal is not likely to directly increase discharge to water, emissions to air, etc. Any future site-specific development proposal would be required, unless exempt from WAC 197-11-800 or city code, to complete a project level SEPA review to address impacts that future proposal might have on discharge to water, emissions to air, etc.

Proposed measures to avoid or reduce such increases are:

None proposed. Any future site-specific development proposal would be required, unless exempt from WAC 197-11-800 or city code, to complete a project level SEPA review.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This proposal is not likely to affect plants, animals, fish or marine life. The area proposed for annexation is within an urban growth area (UGA) and has been designated and zoned for urban development within a 20-year comprehensive plan.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None proposed. This proposal is a non-project action. Any future site-specific development proposal would be required, unless exempt under WAC 197-11-800, to complete a project level SEPA review.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to deplete energy or natural resources. The proposal is a non-project action to change a land use and zoning designation. Future development of this site has been anticipated in local and regional land use plans and will occur in some form regardless of the land use designation or zoning. Any future site-specific development proposal would be, unless exempt by WAC 197-11-800, required to complete a project level SEPA review.

Proposed measures to protect or conserve energy and natural resources are:

None proposed. This is a non-project action and would not have any direct impacts on energy conservation or natural resources. Any future site-specific development would be required, unless exempt by WAC 197-11-800 or city code, to complete a project level SEPA review.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This proposal is a non-project action and not likely to directly use or affect environmentally sensitive areas or areas designated for government protection. Future development of this site has been anticipated and planned for in local and regional land use plans and development will occur in some form regardless of the land use designation or zoning. Any future site-specific development proposal would, unless exempt by WAC 197-11-800, be required to complete a project level SEPA review.

when compared to the

Proposed measures to protect such resources or to avoid or reduce impacts are:

None proposed. The proposal is a non-project action to change land use. Any future site-specific development proposal would be, unless exempt by WAC 197-11-800, required to complete a project level SEPA review and comply with local regulations pertaining to protection of sensitive areas. The City's code establishes regulations to protect environmentally sensitive areas based on the type of sensitive area and not the type of land use designation and zoning.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not likely to affect land and shoreline use nor allow or encourage land or shoreline use incompatible with existing plans. The proposed land use designation and zoning are consistent with adjacent land uses and zoning designations in the immediate area.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None proposed. This is a non-project action and does not directly affect any designated shorelines. Any future site-specific development proposal would be, unless exempt by WAC 197-11-800, required to complete a project level SEPA review and comply with local regulations pertaining to protection of sensitive areas or shorelines, if any.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This proposal is a non-project action. However, the additional uses may have different demands on transportation, including changes in the volume, type and timing of vehicular trips and/or the use of available transportation alternatives in the area, preliminary analysis shows there would be fewer average daily trips, and peak hour trips.

Any future site-specific development proposal would be, unless exempt by WAC 197-11-800, required to complete a project level SEPA review and complete a transportation impact analysis (TIA) to identify the specific project impacts on the transportation system.

Proposed measures to reduce or respond to such demand(s) are:

None proposed. This is a non-project action. However, any future site-specific development proposal would, unless exempt by WAC 197-11-800, be required to complete a project level SEPA review and a transportation impact analysis (TIA) to identify the specific project impacts on the transportation system.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This is a non-project action that is not likely to conflict with any local, state, or federal laws or requirements for the protection of the environment.



## INITIATOR RESPONSE TO FACTORS THE BOARD MUST CONSIDER

In accordance with RCW 36.93.170, the Boundary Review Board must consider several factors in reaching a decision on an annexation. The following responds specifically to a series of questions asked of the initiator on pages 2-4 of the NOI format outline (Sections V and VI).

### OVERVIEW

*Population of Proposal:* 3                      % of population to existing entity (County): <0.01%

*Number of Acres:* 13.93

*Population Density:* 0.21 people per acre

*Assessed Valuation:* \$1,388,400 (2022)

*Existing Land Use Designation:* Urban Low Density Residential

*Proposed Land Use Designation (City):* High Density Residential (HDR)

### COUNTY'S COMPREHENSIVE PLAN (RCW 36.70A.210)

*Supporting County Comprehensive Plan Policies:*

#### **1. Land use:**

LU 1.A.9: Ensure the efficient use of urban land by adopting reasonable measures to increase residential, commercial and industrial capacity within urban growth areas prior to expanding urban growth boundaries. The County Council will use the list of reasonable measures in accordance with the guidelines for review contained in Appendix D of the Countywide Planning Policies to evaluate all UGA boundary expansions.

The county currently has zoned this property for residential purposes. The city, as part of this annexation is proposing a land use designation and zoning consistent with the county.

LU 1.C.4: Annexations and planned urban densities shall be prohibited outside of the UGA boundary

The proposed annexation area is within the Lake Stevens UGA.

LU 1.D.2: UGA plans may be undertaken to provide greater detail as to the type and location of future land uses and shall address the following.

A. Analyze and designate locations for increased residential, commercial, and industrial densities.

This location is a logical place for residential density given its location along 20<sup>th</sup> Street SE, a major corridor. These parcels are within the Lake Stevens UGA, and border the city limits, and neighborhoods of similar densities as what is being proposed.

C. Provide for growth phasing areas within UGAs where appropriate.





Most of the neighboring parcels have been developed or are proposed to be developed to a comparable level of density, and these three parcels would be a natural extension of annexation.

LU 2.A.2: The county shall not support any proposed annexation by a city unless and until an annexation agreement has been signed by the county and said city ensuring the continued implementation of Policy LU 2.A.1 for the area to be annexed.

The county and city have an annexation interlocal agreement in place.

LU 2.A.3: Any UGA shall provide for a variety of residential densities identifying minimum and maximum allowable. Density ranges shall consider the presence of critical areas.

This proposed annexation has a land use designation and zoning consistent with that presently allowed by the county.

**Housing:**

HO 1.B: Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.

These parcels are located in an area of Lake Stevens that is relatively more affordable than other areas closer to the lake. Any development that was to take place on this site would have the potential of being more affordable than other housing options in Lake Stevens. Additionally, any development on this site could take advantage of other affordable housing options including townhomes, ADU's, and housing on small lots.

HO 1.C.7: The county shall pursue techniques to minimize the displacement of low- and moderate-income households resulting from losses in the county's existing stock of low-cost housing.

There would be minimal displacement of existing residents if development were to occur on this site as a result of annexation. None would be of individuals in low-income housing.

HO 1.D.1: The county shall establish a mix of densities in residentially zoned land that is served with adequate infrastructure based on the public's housing preferences, demonstrated need of low- and moderate-income households, preservation of critical areas, and coordination with the transportation system.

Lake Stevens has already been established as one of the most desirable communities in the region to live in. Over the last decade it has grown immensely, and the demand still exists. Improvements in infrastructure have taken place over the years to help accommodate the growth that is expected. If this annexation area were to develop, the existing infrastructure improvements, coupled with other improvements would make this area function well.

HO 2: Ensure the vitality and character of existing residential neighborhoods.

The impact to adjacent neighborhoods would be minimal if annexed into the city. Any development that would take place would be similar to what is already in place. Future development of these parcels would be required to construct frontage improvements and make appropriate road connections.



HO 2.A: Promote opportunities for all county residents to reside in safe and decent neighborhoods.

Given the current housing crisis in the Puget Sound Region, the construction of additional housing stock is necessary to provide every resident that wants a safe home with a safe home.

HO 2.A.4: The county shall encourage development and maintenance of safe and secure outdoor environments, including the development of sidewalks in new subdivisions.

If annexed into the city, there would be a higher likelihood that the network of sidewalks would be expanded to include this portion of 20<sup>th</sup> Street SE, and Williams Road.

**Transportation:**

TR 1.A.2: Public transportation shall be extended throughout the urban area at a level of service appropriate to the planned form and intensity of development.

The proposed annexation area is at the edge of the Lake Stevens UGA. If annexed improvements will on 20<sup>th</sup> Street SE there are likely to be transportation improvements as well as improvements to walkways in the area where public transportation is likely in the future.

TR 1.B.2: Types and levels of transportation facilities within the county shall be based on the types and levels of future development intensity adopted in city and county comprehensive plans.

20<sup>th</sup> Street SE has long been a corridor planned for an increased level of service, and necessary improvements that come with that increased level of service. Given these plans, annexation of areas along the corridor are in line with adopted plans within the City of Lake Stevens, including the 20<sup>th</sup> Street SE Subarea Plan.

TR 1.B.5: Future roadways and improvements of existing roads shall be planned to enhance multimodal traffic flow and the connectivity of countywide arterial roadways.

20<sup>th</sup> Street SE and Williams Road are major transportation connections from Interstate 5 and Highway 2 to the rural parts of East Snohomish County. Any improvements done to these roads by the city once annexed would help traffic flow and the connectivity of the countywide arterial system.

TR 1.B.7: To maintain rural character, major new rural roads and major expansions of existing rural roads should be avoided. Where increased roadway capacity in rural areas is warranted to support safe and efficient travel, measures should be taken to prevent unplanned growth.

Neither 20<sup>th</sup> Street SE nor Williams Road at the area in question are considered rural roads.

*What Community Plan Governs the Proposal:* Lake Stevens Comprehensive Plan for 2015-2035

*County Plan Classification and Zoning:* ULDR and R-7200

# of lots permitted in classification (County): According to the 2021 Snohomish County Buildable Lands Report, the following densities were being achieved in these zones:

- R-7200 (County) average of 4 to 6 units per acre
- Residential 8-12 (City) average of 6.95 units per acre



Relationship/Applicability to Snohomish County Agricultural Plan: NOT APPLICABLE

Relationship/Applicability to County Surface Water Management Plan: NOT APPLICABLE

## PROPONENT'S COMPREHENSIVE PLAN

1. *Is proposed annexation area in comprehensive plan/will a comprehensive plan need to be adopted:* Comprehensive plan and zoning predesignations were assigned to the city's UGA, including the proposed annexation area, as part of the 2019 Comprehensive Plan docket. As part of their annexation petition, the applicant has requested the assignment of different land use and zoning designations. As part of Resolution 2022-07, the Lake Stevens City Council indicated their intent to designate the properties as High Density Residential (HDR) in the comprehensive plan with a corresponding zoning designation of R8-12. The applicant prepared a SEPA environmental checklist analyzing the proposed land use and zoning designations and the city issued a Determination of Nonsignificance on April 25, 2022.
2. *When was existing comprehensive plan approved?* 2015, with annual updates via docket.
3. *Is area subject to pre-annexation agreement?* The City and Snohomish County entered into an interlocal agreement concerning annexation and urban development in 2005.
4. *What is the proposed land use designation in your adopted comprehensive plan?* HDR (High Density Residential)
5. *When were city's zoning regulations adopted?*  
The zoning code was originally adopted in 1995, but sections of the code have since been amended, repealed or replaced to reflect and address current land use planning at the implementation level. Title 14 was last amended on November 23, 2021.

## REVENUE ESTIMATES

1. Estimated Expenditures Affected by Proposal: The city commissioned a fiscal impacts analysis of its remaining UGA in 2018, with this area being located within Area 3. The report estimated increased expenditures for police, administrative staff and equipment to serve this area.
2. Estimated Revenues Affected by Proposal: The area is largely undeveloped, with the applicant proposing a residential development in the future. Future development would result in the payment of permit/plan review fees and park and traffic impact fees, as well as the collection of property taxes and utility excise taxes.
3. Estimate of County Revenue Lost: The area is largely undeveloped and currently yields very little property tax for the county. If annexed, the city would forgo increased property tax revenue from anticipated residential development. Individual county agencies will prepare more detailed financial analyses as part of the BRB review process.
4. Estimate of County Expenditure Reduction: If annexed, the county would not be responsible for services such as permit services, police protection, and stormwater management. Individual county agencies will prepare more detailed financial analyses as part of the BRB review process.



5. Estimate of Fire District Revenue Lost: NOT APPLICABLE (Will remain in Fire District)
6. Estimate of Fire District Expenditure Reduction: NOT APPLICABLE (Will remain in Fire District)
7. Estimate of Other Special District Revenue/Loss: NOT APPLICABLE. There are no impacts to water, sewer or other special district boundaries. The applicant has requested annexation into the Lake Stevens Sewer District through a separate NOI.
8. Estimate of Other Special District Expenditure Reduction: NOT APPLICABLE. There are no impacts to water, sewer or other special district boundaries

### **SERVICES – LAW ENFORCEMENT**

1. Current Law Enforcement Provider: Snohomish County Sheriff
2. Current Emergency/Normal Response Time: 15-30 minutes county, 2-9 minutes city
3. Initial Police Protection Plan: Routine patrols.
4. Back-up Plans (mutual aid, reserves): Lake Stevens has mutual aid agreements with the Snohomish County Sheriff and other agencies.
5. Projected Police Growth Plan: The city budgeted for two additional police officers to serve the adjacent and recently annexed Southeast Interlocal Annexation area, which will serve this area. The city will assess additional needs resulting from future development in the area.
6. Source of Dispatch: SNOCOM 911

### **SERVICES – FIRE DEPARTMENT**

NOT APPLICABLE. Snohomish Regional Fire and Rescue will continue to provide service following annexation.

### **SERVICES – WATER**

NOT APPLICABLE. Snohomish County PUD will continue to provide water service following annexation.

### **SERVICES – SEWER**

Lake Stevens Sewer District would provide sewer services to the proposed annexation area, subject to annexation of the area into district boundaries. The district will require developer extensions of sewer as part of any future development.

### **GENERAL ITEMS**

1. *Has an annexation agreement been required to extend services?* NO
2. *Describe the topography and natural boundaries of the area.* The site is a mix of flat and hilly sections, with <20% slopes.



3. *How much growth projected for the area?* According to the 2021 Buildable Lands Report, the annexation area had a population capacity of 142 residents and employment capacity of 42 jobs. The applicant prepared an analysis of potential growth under revised zoning.
4. *Other municipal or community services relevant to this proposal?* NO
5. *Will there be any delay in services to the area?* NO
6. *Evaluation of present adequacy of services, costs and rates of service.* The city has adequate services, costs and rates of service to accommodate the annexation area, which will be responsible for its share of general indebtedness.
7. *Evaluation of future needs and costs.* The area is largely undeveloped and will be responsible for developing and extending needed city and partner agency infrastructure and the payment of impact fees as part of any future development proposal.
8. *Comparative property tax and utility costs for homeowner before/after annexation.*

	<b>Levy Rate Per \$1,000 (2021)</b>	<b>Utility Tax</b>
<b>Snohomish County</b>	\$11.46 (Total Rate)	None
<b>Lake Stevens</b>	\$11.24 (Total Rate) (\$0.24 decrease/\$1,000)	Utility Excise Taxes: 6% - natural gas, electric, telephone, water, garbage

**OBJECTIVES (RCW 36.93.180)**

1. *Preservation of natural neighborhoods and communities.*
  - The proposed annexation area is adjacent to existing subdivisions built over the last several decades, with larger lots located to the south and smaller lots located to the west.
  - It is bordered to the north by 20<sup>th</sup> Street SE, and east by Williams Road, west by Mission Ridge Development; and north by the Pasadera Heights Neighborhood and low density residential to the south.
  - Annexation area is largely undeveloped and not itself a neighborhood.
2. *Use of physical boundaries, including but not limited to bodies of water, highways, and land contours.*
  - The proposed annexation uses physical boundaries as follows:
    - 20<sup>th</sup> Street SE is the northern border, beginning east of 119<sup>th</sup> Ave SE in unincorporated Lake Stevens.
    - The eastern boundary runs along Williams Road to 122<sup>nd</sup> Dr SE.
    - The southern boundary runs along the property line which is north of 121<sup>st</sup> Ave SE, and 122<sup>nd</sup> Dr SE.
    - The western border runs along the property line that is shared with the Pasadera Heights Neighborhood.
3. *Creation and preservation of logical service areas.*



- The proposed annexation does not impact the service territories of any districts/special districts (e.g. fire district, school district, sewer district, water service, etc.) in the area.
  - This proposed annexation supports logical service as it would include all of 20<sup>th</sup> Street SE in a single jurisdiction's service area for road maintenance.
  - Future development of this property is likely to create road connections (via stub roads) to the west, providing additional points of access.
4. *Prevention of abnormally irregular boundaries.*
    - The proposed boundaries are not abnormally irregular.
  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.* NOT APPLICABLE
  6. *Dissolution of inactive special purpose districts.* NOT APPLICABLE
  7. *Adjustment of impractical boundaries.* NOT APPLICABLE
  8. *Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character.*
    - The proposed annexation area is within the Lake Stevens Urban Growth Area and urban level development is likely to occur whether or not the area in question is annexed into the City of Lake Stevens.
  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



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

**SUBJECT:** Proposed City of Lake Stevens Fagerlie Annexation, BRB File No. 05-2022

**DATE:** July 1, 2022

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The purpose of this staff report is to provide the County Council with a review and recommendation for the City of Lake Stevens (City) proposed petition method annexation, known as the Fagerlie Annexation. The area proposed for annexation is approximately 13.9 acres, is contiguous to the existing City limits and within the Lake Stevens urban growth area (UGA). There is a pending Lake Stevens Sewer District Annexation of the same name and covering the same area with Boundary Review Board (BRB) file no. 03-2022 for which County Council approved Motion No. 22-231 approving the Districts annexation and not invoking BRB jurisdiction.

**Boundary Review Board (BRB) 45-day Review**

The City submitted a Notice of Intention (NOI) to the BRB for the Fagerlie Annexation that was deemed complete and filed (BRB file no. 05-2022) on June 15, 2022, with the 45-day review period ending on August 1, 2022. The BRB, consistent with its annexation review procedures outlined in Chapter 2.77 of the Snohomish County Code (SCC), distributed the NOI, and the Department of Planning and Development Services (PDS) circulated it to County departments for comments.

Within this 45-day review period, the options for the County Council on this proposed annexation are to invoke, or not invoke, the jurisdiction of the BRB. The County Council also has the option to state a position to oppose, or not oppose, the proposed annexation, or to not state a position.

## Attachment B to Motion

If BRB jurisdiction is invoked by the County Council or another party, the position that the County Council adopts will be provided to the BRB in writing prior to the hearing on the proposed annexation. If BRB jurisdiction is not invoked, the annexation would be deemed approved. If the annexation is approved by the BRB either following a public hearing or because no party invokes BRB jurisdiction, the annexation would still need to be finalized by city ordinance setting the effective date. The authority of the County Council for reviewing annexations is set forth in Revised Code of Washington (RCW) 36.93.100 and SCC 2.77.040.

### **BACKGROUND**

The following PDS review of the City's proposed Fagerlie Annexation is per criteria in SCC 2.77.040 that considers the factors and objectives for BRB consideration as established by state law and impacts to the County services, operations, budgets, and facilities. The County and City have an existing Master Annexation Interlocal Agreement (MAILA) effective October 26, 2005, that provides guidance for the transfer of services and jurisdiction to help facilitate the annexation process.

#### 1. Annexation Method

The Fagerlie Annexation is a direct petition method of annexation per RCW 35A.14.120. As indicated in City Resolution 07-2022, the City received 100% of the property owners' signatures comprising 100% of the total assessed value within the proposed annexation area. The attached NOI includes the Snohomish County's Assessor's Certificate of Sufficiency.

#### 2. Comments Received

PDS circulated the NOI (BRB file no. 05-2022) for the City's proposed Fagerlie Annexation to County departments and agencies. Responses were received from the Department of Public Works (DPW) and the Surface Water (SWM) division of the Department of Conservation and Natural Resources (DCNR). DPW stated it had no comments on the annexation proposal. The comments from SWM have been incorporated into the staff report under the relevant sections.

#### 3. Locations/Acreage/Total Assessed Value / Residences

The general location of the proposed Fagerlie Annexation is south of 20<sup>th</sup> St SE, west of 123<sup>rd</sup> Ave SE, and adjacent to and south of the Lake Stevens city limits. The area proposed for annexation is approximately 13.9 acres with an assessed valuation is \$1,388,400, there are 2 residences, and a population of 3.

#### 4. Consistency of the proposal with Growth Management Act (GMA) planning goals, urban growth area designations, countywide planning policies, and the County's comprehensive plan. The following describes how the Fagerlie Annexation proposal, is consistent or inconsistent with the state Growth Management Act (GMA) goals, UGA designations and local policies.



## Attachment B to Motion

- a. **GMA planning goals (RCW 36.70A.020):** The Fagerlie Annexation, as proposed in BRB file no. 05-2022, is consistent with GMA planning goal (1) Urban growth and (12) Public facilities and services as well as RCW 36.70A.020.

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

GMA planning goal (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.”

RCW 36.70A.110(4) - “In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.”

The entirety of the area proposed for annexation is within the Lake Stevens urban growth area (UGA) and therefore planned for urban-level of densities and services. The area proposed for annexation is currently served by the Snohomish County PUD for water, Snohomish Regional Fire and Rescue for fire suppression and emergency services, Snohomish County Sheriff for law enforcement, and Snohomish County Public Works for roads service. Upon annexation, the transition in services would occur from Snohomish County Public Works to the City’s Department of Public Works for road maintenance and from the Snohomish County Sheriff to the City’s Police Department for law enforcement. In terms of sewer service, there is a pending Lake Stevens Sewer District (“District”) annexation, BRB file no. 03-2022, to annex the same area as this proposed annexation, into the District’s sewer service boundaries. The services provided to the proposed annexation upon annexation are consistent with the planning goals of the GMA and with RCW 36.70A.110(4).

- b. **UGA designations:** The Fagerlie Annexation as proposed in BRB file no. 05-2022 is consistent with the designations and zoning that support urban-level of density and development. The existing County’s Future Land Use Map (FLUM) for the area proposed for annexation is Urban Low Density Residential (ULDR) with R-7,200 zoning. As indicated in the NOI (BRB file no. 05-2022) the annexation proposal includes a change of the City’s future land use designation to High Density Residential (HDR) with zoning of R8-12 from the existing City’s land use pre-designations of Local Commercial and Medium Density Residential and zoning of Local Business and R6 for

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the subject site that were established by Ordinance 1073 as part of the City's 2019 Comprehensive Plan docket.

- c. **Countywide Planning Policies (CPPs):** The proposed Fagerlie Annexation is consistent with CPP policies Joint Planning (JP) -1, Public Services (PS)-11 and (PS)-22:

CPP 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 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."

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

The City of Lake Stevens and the County maintain a MAILA that became effective on October 26, 2005 and applies to all annexations after that date. The MAILA between Snohomish County and the City is guiding the transfer of services and jurisdiction from the County to the City including, permits and applications in progress, violations and code enforcement cases, surface water management services, and road maintenance services. The County has generated a report of the pending permits, violations, and code enforcement cases within the proposed annexation area and has shared this information with City staff. The City is planning to take in associated road right-of-way for Williams Rd as part of the annexation proposal. Under the MAILA agreement, as stated in Section 2.2, annexations may only occur in the Lake Stevens UGA if the entirety of the proposal is contained within the Lake Stevens UGA.

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The Lake Stevens Sewer District has a pending annexation (BRB file no. 03-2022) also named the Fagerlie Annexation and covers the same parcels. At the time of this writing, that sewer district annexation has completed the BRB 45-day review and the District is in the process of finalizing the annexation. Once finalized the properties contained in this City of Lake Stevens Fagerlie Annexation will be within the Lake Stevens Sewer District service area, and new development will connect to sewer.

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.

- 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 City’s proposed annexation addresses Factor 1 in the following ways:

- The area proposed for annexation is approximately 13.9 acres and located within the Lake Stevens UGA, directly south of 20<sup>th</sup> St SE and the City limits, and west of 123<sup>rd</sup> Ave SE. The proposed annexation has 2 residences, and a population of 3. The assessed valuation is \$1,388,400.
- The proposal is consistent with the following Interjurisdictional Coordination (IC) policies of the General Policy Plan (GPP) as the City and County have an existing MAILA in effect that speaks to the orderly transfer of facilities, services, and that ensures that a minimum urban residential density will be maintained.
  - 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 Policy 1.B.3, “The county shall seek interlocal agreements with the cities to establish a process for transferring authority over pending projects, permits, and records and establishes reciprocal impact mitigation for transportation, parks, and schools prior to potential or planned annexations or incorporations.”
  - IC Policy 1.B.4, “The county shall not support any proposed annexation of unincorporated lands in Snohomish County by a city or special district situated predominantly outside of Snohomish County unless and until an annexation agreement has been signed by the county and said district or city. Such agreement shall address and substantially resolve issues of land

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use, applicable development regulations, permit processing, public services delivery, facilities financing, transportation planning, concurrency management, solid waste management, and any other similar jurisdictional issues identified by the county. Such agreement should be approved prior to city acceptance of an annexation petition.”

It is noted that even though the City and County have a MAILA in effect, the MAILA does not include the specific requirement of GPP Policy LU 2.A.1 regarding maintaining a minimum net density of 4 dwelling units per acre. Therefore, the annexation proposal does not meet GPP Policy LU 2.A.2. However, Section 3.3 of the MAILA does include a requirement for the City to, “...adopt and maintain land use designations and zones for the annexation areas that will accommodate within its jurisdiction, at a minimum, the population and employment allocation assigned by the County under GMA for the subject area...” Consistent with the MAILA, upon annexation the City’s land use designation of High Residential Density and zoning of R-8-12 will be implemented. According to 14.36.010 of the Lake Stevens Code, the R-8-12 “zone is intended to achieve densities of eight to 12 dwelling units per net buildable acre” and therefore would likely maintain a minimum of 4 dwelling units per acre as required by Policy LU 2.A.1.

- LU Policy 2.A.1, “Maintain development regulations that will require that new residential subdivisions achieve a minimum net density of 4 dwelling units per acre in all unincorporated UGAs, except (1) in the UGAs of Darrington, Index, and Gold Bar as long as those cities do not have sanitary sewer systems and (2) in areas without sanitary sewers which the sewer purveyor with jurisdiction, or in nearest reasonable servicing proximity will certify are either an unsewered urban enclave or are not capable of being connected to public sewers via annexation within the next six years or by the improvements provided pursuant to its adopted six year capital facilities plan, (3) where regulations for development on steep slopes require reduced lot or dwelling unit yields, or (4) where a lower density is necessary because of the existence of critical areas that are large in scope, with a high rank order value, and are complex in structure and function. Lot size averaging, planned residential developments, sewerage regulations and other techniques may be used to maintain minimum density or to insure later development at minimum densities is not inhibited when sanitary sewers become available.”

The City of Lake Stevens and the County maintain a MAILA that was recorded on November 10, 2005, and applies to all annexations after that date. The MAILA between Snohomish County and the City is guiding the transfer of services and jurisdiction from the County to the City including, permits and applications in progress, violations and code enforcement cases, surface water management services, and road maintenance services. The City’s Fagerlie Annexation area is within the Lake Stevens UGA and designated for urban level of services, including sewer (pending the finalized Lake Stevens Sewer District annexation).

- The County’s SWM division of the DCNR, stated that there is one drainage facility in the proposed annexation area, Drainage Facility (DF) #4276 – with a corresponding easement

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to the County that has been recorded with the County Auditor under AFN# 200508040178. DF #4276 was originally part of DF 2531 Pasadera Heights Phase 1. This facility was created as Pasadera Heights has no responsibility for these pipes and catch basins in this facility. The Type 2 basin is channeled, and access is provided off 121<sup>st</sup> Avenue SE. Upon annexation, all County drainage facilities and easements in the annexation area, known and unknown, will need to be transferred to the City.

- In terms of the “...likelihood of significant growth in the area...”, as indicated in the attached NOI (BRB file no. 05-2022), the subject site is largely undeveloped and upon annexation could develop fully under the City’s land use designation of High Density Residential and zoning of R-8-12. It is unlikely the area would experience significant growth as to the west of the subject site is an established subdivision, to the north is the City limits, and to the east is rural land.

- 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 City’s proposed annexation addresses Factor 2 in the following ways:

- The County is not a full municipal service provider. The City of Lake Stevens is a provider of certain urban municipal services, including law enforcement and road maintenance as identified under chapter 36.70A RCW. According to the attached NOI water service by Snohomish County PUD and fire suppression service by South County Fire and Rescue would continue. The Lake Stevens Sewer District is in the process of finalizing an annexation that would include the area in this City Fagerlie Annexation into its sewer service boundaries.
- The proposed annexation area would be required to assume its proportionate share of the City’s general indebtedness.
- There is no significant impact on services that are provided by the County. The annexation will have minimal impact to each of the following revenue sources: sales tax, real estate excise tax, permit fees, parks fees, grants, animal control, District Court fines, and emergency management. The annexation is expected to have minimal impact to County expenses as well. The County’s SWM division of the DCNR stated that it provides surface water billing services to the City under a billing services ILA adopted in 2016 (2016 ILA). There would be a minor increase in city accounts billed under the ILA; no material change is otherwise anticipated under the 2016 ILA. Current annual SWM service charge revenues are about \$575.12. No change would occur during the calendar year of annexation. If the annexation occurs this year (2022), then SWM revenues would cease in 2023. SWM program service area and functions would adjust to the annexation and decreased revenues.

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- 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.”
- There were no comments applicable to Factor 3.
6. Impacts relevant to BRB considerations as established by state law. The Fagerlie Annexation proposal addresses 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 annexation proposal contained in the NOI (BRB file no. 05-2022) would provide for residential development with City designation of High Density Residential and R-8-12 zoning that complements the adjacent residential developments to the west. The areas west of the proposed annexation area have been subdivided, and existing communities of Pasadera Heights and White Oaks Ridge have been developed. The area to the east is rural land and to the north is the City limits. The annexation proposal furthers Objective 1.
  - b. Objective 2. “Use of physical boundaries, including but not limited to bodies of water, highways, and land contours”: The proposed annexation area is bound to the north by 20th St SE and to the east by rural land with a zoning of R-5. The annexation proposal furthers Objective 2.
  - c. Objective 3. “Creation and preservation of logical service areas”: The proposed annexation area, approximately 13.9 acres, is within the Lake Stevens UGA and adjacent to the City of Lake Stevens, to the north of 20<sup>th</sup> St SE. As proposed, the annexation would facilitate logical service from the City. The annexation proposal furthers Objective 3.
  - d. Objective 4. “Prevention of abnormally irregular boundaries”: The City’s Fagerlie Annexation proposal does not create abnormally irregular boundaries. The proposal includes 3 parcels and the associated right-of-way for Williams Rd. In general, the annexation proposal is not inconsistent with Objective 4.
  - 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”: The Fagerlie Annexation proposal is for the annexation of 3 parcels and associated rights-of-way to the City of Lake Stevens. The annexation proposal furthers Objective 5.
  - f. Objective 6. “Dissolution of inactive special purpose districts”: Objective 6 does not apply to this City annexation - this is not a special purpose district annexation.
  - g. Objective 7. “Adjustment of impractical boundaries”: The annexation as proposed in the NOI (BRB File No. 05-2022) provides practical boundaries that include three parcels and associated right-of-way of Williams Rd. The annexation proposal furthers Objective 7.
  - h. Objective 8. “Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character”: The proposed Fagerlie Annexation as proposed in BRB file no. 05-2022 is consistent with the designations and zoning that support urban level of density and development. Upon annexation the City’s land use designation of High Density Residential and zoning of R-8-12 will be implemented.

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- 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”: The City’s proposed Fagerlie Annexation is fully within the Lake Stevens UGA and does not contain agricultural or resource lands. The annexation proposal is consistent with Objective 9.
7. **All County fiscal, departmental, and other impacts:** No fiscal County impacts or other departmental impacts anticipated. The County’s SWM division of the DCNR stated that it provides surface water billing services to the City under a billing services ILA adopted in 2016 (2016 ILA). There would be a minor increase in city accounts billed under the ILA; no material change is otherwise anticipated under the 2016 ILA. Current annual SWM service charge revenues are about \$575.12. No change would occur during the calendar year of annexation. If the annexation occurs this year (2022), then SWM revenues would cease in 2023. SWM program service area and functions would adjust to the annexation and decreased revenues.
8. **Impacts to County facilities and other county-owned property:** The County’s SWM division stated that there is one drainage facility in the proposed annexation area, Drainage Facility (DF) #4276 – with a corresponding easement to the County that has been recorded with the County Auditor under AFN# 200508040178. DF #4276 was originally part of DF #2531 Pasadera Heights Phase 1. This facility was created as Pasadera Heights has no responsibility for these pipes and catch basins in this facility. The Type 2 basin is channeled, and is accessed off 121<sup>st</sup> Avenue SE. Upon annexation, all County drainage facilities and easements in the annexation area, known and unknown, will need to be transferred to the City.
9. **Impacts to the provision of public facilities and services:** No impacts to the provision of public facilities and services anticipated. As per SWM input, no substantive impacts are anticipated to SWM utility district service revenues or programs.

### STAFF RECOMMENDATION

Based on the review detailed above, the proposed annexation is generally consistent with the GMA, the CPPs, local comprehensive plans, and the factors and objectives of the BRB, and will have minimal impact to County budget and services. In addition, the City’s proposal would satisfy the requirements for the Direct Petition method of annexation, and the County and City have adopted a MAILA to provide for the annexation and govern the transition of services.

The annexation proposal furthers the GMA goal and CPP policy that cities should be the primary providers of urban services.

This conclusion has been reached by comprehensively reviewing the annexation against the applicable BRB factors and objectives, County codes, and other applicable statutes and determining that the relevant factors and objectives that the BRB must consider would be advanced by the annexation.

The recommendation to the County Council from PDS is to **not invoke** the jurisdiction of the BRB and **approve** the City of Lake Stevens Fagerlie Annexation.

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cc: Ken Klein, Executive Director

Mike McCrary, Director, Planning and Development Services

David Killingstad, Manager, Planning and Development Services

Ryan Countryman, Senior Council Legislative Analyst