

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION 22-533

MOTION APPROVING A PROPOSED ANNEXATION  
TO THE LAKE STEVENS SEWER DISTRICT  
BRB FILE 07-2022 – NESSE SEWER ANNEXATION

WHEREAS, the Snohomish County Boundary Review Board (“BRB”) received from the Lake Stevens Sewer District (“the District”) a Notice of Intention (“NOI”), herein as Attachment A, and deemed it legally sufficient with an effective filing date of November 14, 2022, with BRB file no. 07-2022; and

WHEREAS, the proposed Nesse annexation is approximately 5.02 acres of territory that is within the city of Lake Stevens (“City”) corporate boundaries and the District’s planning area. The general location of the proposed annexation area is directly south of Machias Cutoff Road, north of 20th Street Southeast, and east of 117<sup>th</sup> Drive Southeast; and

WHEREAS, the proposed annexation is subject to RCW 57.02.040 requiring the Snohomish County Council (“County Council”) to review a proposed sewer annexation action and either approve it or not approve it after considering three criteria; and

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

WHEREAS, the proposed annexation has been reviewed per the three criteria in RCW 57.02.040 and is consistent with the applicable criteria as set out in a Planning and Development Services Department (PDS) staff report dated December 1, 2022, which is incorporated herein as Attachment B; and

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

NOW, THEREFORE ON MOTION,

1. The County Council has considered the approval criteria in RCW 57.02.040.
2. The County Council has considered the proposed annexation against criteria in 2.77.040 SCC.


3. The County Council does hereby **approve** the annexation and will **not invoke** the jurisdiction of the BRB.
4. The County Council Clerk is directed forthwith to file this Motion with the BRB, together with a copy of the PDS staff report dated December 1, 2022.

DATED this 13<sup>th</sup> day of December, 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Vice-Chair

ATTEST:

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

## I. NOTICE OF INTENTION COVER SHEET

Washington State  
Boundary Review Board  
for Snohomish County

**Boundary Review Board**  
**Received 11/4/22**

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 to or formation of special purpose district: Lake Stevens Sewer District

Proceedings were initiated under authority of RCW 57.24.070

By: (X) Petition Method: 100 % of land owned by petition signers (must be 60%).  
( ) 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? No

Will simultaneous adoption of comprehensive plans be required? No

Name each governmental unit having jurisdiction: The following other persons (attorneys, etc.)  
within the boundaries of the proposal: shall receive communication regarding proposal.  
Public Utility District No. 1, Snohomish County Jordan Stephens, Anderson Hunter Law Firm  
Lake Stevens Fire (Fire Protection District #8) Leigh Nelson, Gray & Osborne Engineers  
Lake Stevens School District #4

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 1 Signatures representing  
1 parcels

Assessed valuation Not applicable

Residences in area 0  
Population of area 0  
Acreage 5.02  
Square miles 0.008

Topography Sloping from west to east  
Current district boundaries and adjacent roads:  
West – 117<sup>th</sup> Dr SE North, South & East – Private Property  
Proximity to other districts, cities, etc.  
There are no other sewer service providers in the area

	<u>Present</u>	<u>Proposed</u>
Sewers	<u>None</u>	<u>When developed, Lake Stevens Sewer District</u>
Water	<u>Public Utility District No. 1, Snohomish County</u>	<u>No Change</u>
Roads	<u>Snohomish County</u>	<u>No Change</u>
Fire Dist.	<u>Lake Stevens Fire (Fire Protection District #8)</u>	<u>No Change</u>
Police	<u>Snohomish County</u>	<u>No Change</u>
Growth Potential	<u>N/A</u>	

#### Attachments:

\$50 Filing Fee  
Notice of Intention (with attachments)  
Perimeter legal (follow outside boundary)  
Assessor and Vicinity Maps

SEPA Checklist and Determination or EIS  
Petition  
Resolution of Intent

Petitioner (Spokesperson): Rochelle Smith  
Address: 10515 20<sup>th</sup> Street SE  
Lake Stevens, WA 98258  
Phone: (360) 926-6770

Initiator (District or Proponent): Lake Stevens Sewer District  
Representative Signature: Jonathan Dix  
Address/Phone: 1106 Vernon Road, Suite A,  
Lake Stevens, WA / (425) 334-8588

## II. Background & Maps

### **Exhibit A.**

#### DESCRIPTION OF AND REASON FOR SEEKING PROPOSED ACTION:

Annexation of approximately 5.02 acres into the Lake Stevens Sewer District.

This annexation will include one properties within the Lake Stevens Sewer District planning boundaries, eventually allowing properties to be served by sewer rather than septic.

## II. Background & Maps

### **Exhibit B.**

#### LEGAL DESCRIPTION

That portion of the East Half of the Southwest Quarter of the Southwest Quarter of Section 20, Township 29 North, Range 6 East, Willamette Meridian, described as follows:

BEGINNING at the Northeast Corner of Lot 32, Plat of Harmony Woods recorded under AFN 9205275001, Records of Snohomish County, Washington;

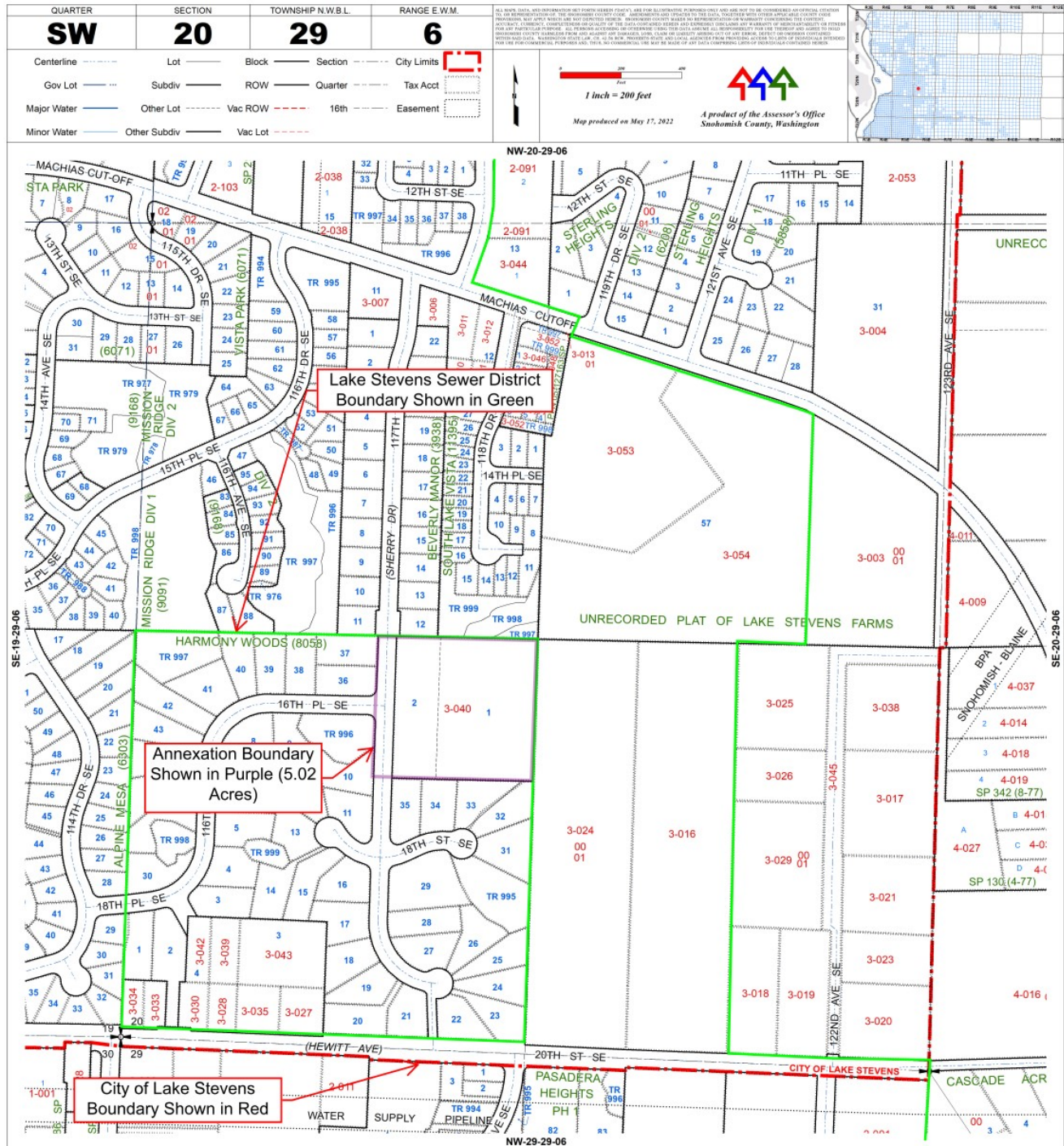
THENCE West along the North line of Lots 32, 33, 34 and 35 of said Plat and the Westerly extension thereof to the West Right of Way line of 117th Drive Southeast;

THENCE North along said West Right of Way line to the Northeast Corner of Lot 37 of said Plat, said point also being on the North line of the Southwest Quarter of the Southwest Quarter of said Section 20;

THENCE East along said North line to the Northeast Corner of said subdivision;

THENCE South along the East line of said subdivision to the POINT OF BEGINNING.

A. A Snohomish County Assessor's map.





## II. Background & Maps

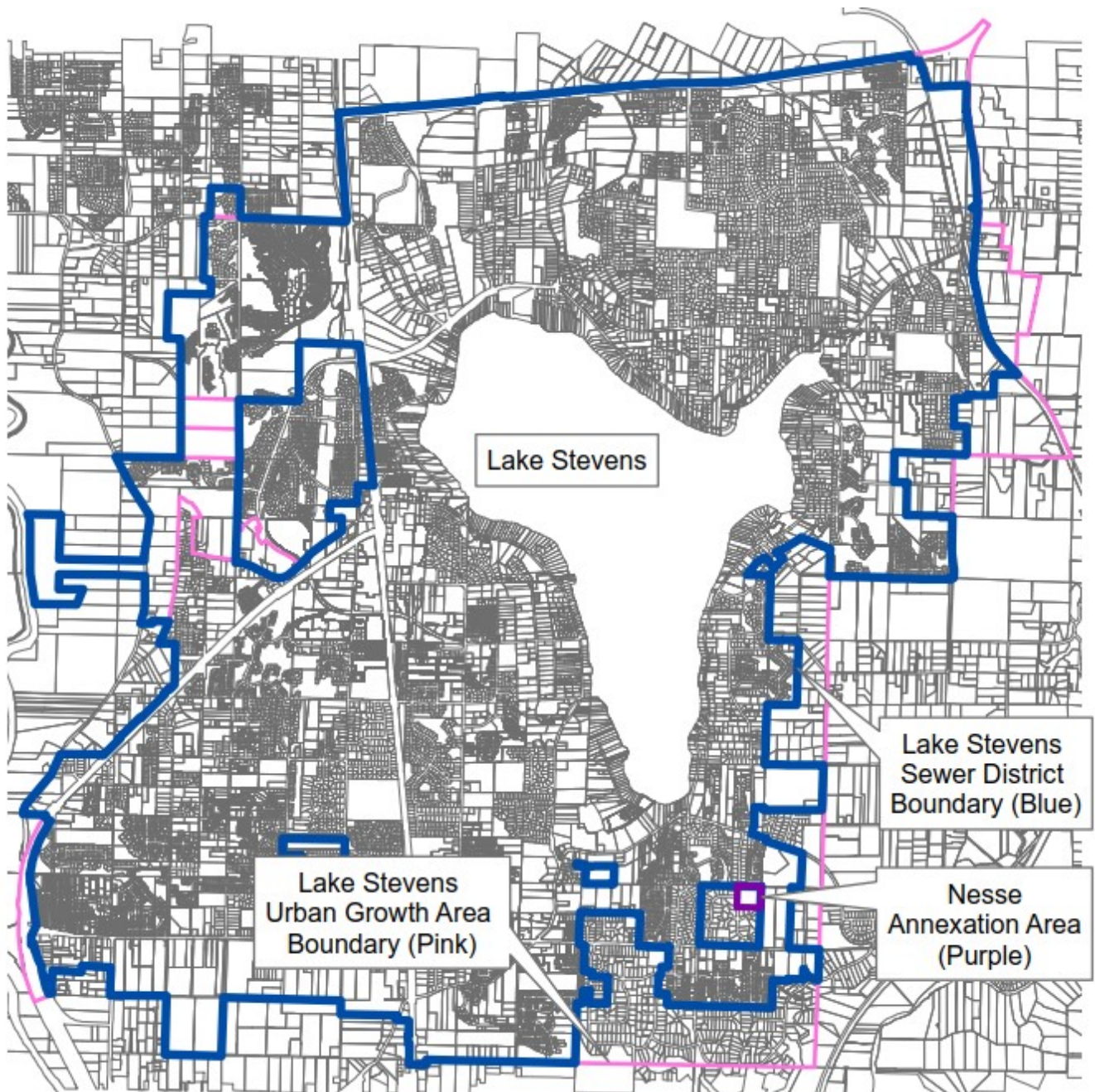
### B. Vicinity Map





## II. Background & Maps

### C. Lake Stevens Sewer District Corporate Limits (Shown in Blue)





## II. Background & Maps

### Exhibit D Resolution Adopting Annexation

#### RESOLUTION NO. 1036

A RESOLUTION OF THE BOARD OF SEWER COMMISSIONERS DETERMINING TO ENTERTAIN A PETITION FOR ANNEXATION OF AN AREA CONTIGUOUS TO THE LAKE STEVENS SEWER DISTRICT KNOWN AS THE NESSE ANNEXATION AND FIXING THE DATE FOR PUBLIC HEARING.

**WHEREAS**, the Lake Stevens Sewer District (“**District**”) operates a sewerage system in the vicinity of Lake Stevens, Snohomish County, Washington, and

**WHEREAS**, there has been filed with the Board of Sewer Commissioners for the District a Petition For Annexation of an area contiguous to the Lake Stevens Sewer District in the form attached hereto, as **Exhibit A** and by this reference made a part hereof, signed by the owners, according to the records of the Snohomish County Auditor, as verified by Gray & Osborne, Inc., engineering consultants to the Lake Stevens Sewer District, of not less than 60% of the area of land for which annexation is petitioned, setting forth a description of the property sought to be annexed according to government legal subdivisions of legal plats and accompanied by a plat map which outlines the boundaries of the property sought to be annexed.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Board of Sewer Commissioners of Lake Stevens Sewer District, Snohomish County, Washington, as follows:

**Section 1.** The above-described Petition For Annexation in the form attached hereto is hereby found to comply with the requirements of law and the Board of Sewer Commissioners shall entertain such petition.

**Section 2.** The date for public hearing thereon is hereby fixed at 9:00 a.m. on the 27<sup>th</sup> day of October 2022 at the Lake Stevens Sewer District Office, 1106 Vernon Road, Suite A, Lake Stevens, Washington, and remotely from this location on this date with the remote access instructions being made available through the Lake Stevens Sewer District website. The Secretary of the Board of Sewer Commissioners of the Lake Stevens Sewer District is hereby authorized and directed to cause notice of such hearing to be published in one issue of the Everett Herald, a newspaper of general circulation in the area proposed to be annexed, and also

## Exhibit A

## PETITION FOR ANNEXATION TO LAKE STEVENS SEWER DISTRICT

We, the undersigned owners of not less than sixty percent (60%) of the area of land within the territory hereinafter described, do hereby petition the Commissioners of Lake Stevens Sewer District, a municipal corporation in Snohomish County, that the territory hereinafter described be annexed and become a part of the Lake Stevens Sewer District, that all legal requirements be carried out to effectuate such annexation in accordance with RCW 57.24.070 and 57.24.090.

The area sought to be annexed is contiguous to the boundaries of the District and is described under the "Legal Description section of this form and by this reference made a part hereof, and a map outlining the area sought to be annexed is under the "Vicinity Map" section also on this form and by this reference is made a part hereof.

### LEGAL DESCRIPTION

That portion of the East Half of the Southwest Quarter of the Southwest Quarter of Section 20, Township 29 North, Range 6 East, Willamette Meridian, described as follows:

BEGINNING at the Northeast Corner of Lot 32, Plat of Harmony Woods recorded under AFN 9205275001, Records of Snohomish County, Washington;

THENCE West along the North line of Lots 32, 33, 34 and 35 of said Plat and the Westerly extension thereof to the West Right of Way line of 117th Drive Southeast;


THENCE North along said West Right of Way line to the Northeast Corner of Lot 37 of said Plat, said point also being on the North line of the Southwest Quarter of the Southwest Quarter of said Section 20;

THENCE East along said North line to the Northeast Corner of said subdivision;

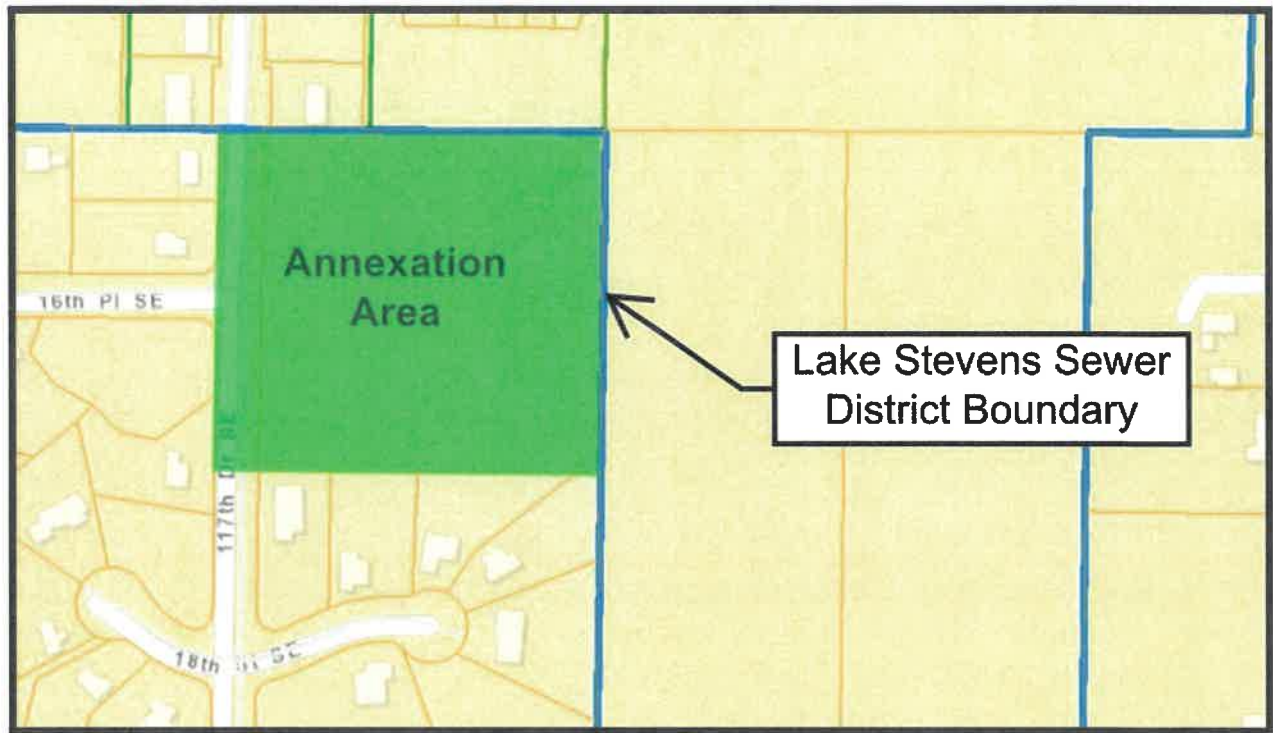
THENCE South along the East line of said subdivision to the POINT OF BEGINNING.

#### WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal owner of property to be annexed, shall invalidate the petition and may lead to termination of the pending annexation proceedings.

Petitioner's Signature Each person can sign only for himself		Print Name Here For Positive Identification	Address	Parcel No.
1.	 09/15/22	Jan Nesse	1529 117th Drive SE	00393800001200
2.				
3.				

## Nesse Annexation Vicinity Map



posted in three public places within the area proposed for annexation, such notice to be in the form as required by law.

**ADOPTED** at a regular open public meeting of the Board of Sewer Commissioners of Lake Stevens Sewer District, Snohomish County, Washington, this 22<sup>nd</sup> day of September 2022, the following Commissioners being present and voting.

  
\_\_\_\_\_  
Dan Lorentzen, President and Commissioner

\_\_\_\_\_  
Kevin Kosche, Secretary & Commissioner

  
\_\_\_\_\_  
Andrea Wright, Commissioner



posted in three public places within the area proposed for annexation, such notice to be in the form as required by law.

**ADOPTED** at a regular open public meeting of the Board of Sewer Commissioners of Lake Stevens Sewer District, Snohomish County, Washington, this 22<sup>nd</sup> day of September 2022, the following Commissioners being present and voting.

  
\_\_\_\_\_  
Dan Lorentzen, President and Commissioner

Kevin Kosche  
\_\_\_\_\_  
Kevin Kosche, Secretary & Commissioner

  
\_\_\_\_\_  
Andrea Wright, Commissioner

**Signature:**   
Kevin Kosche / Sep 22, 2022 17:35 PDT  
**Email:** kevin.kosche@lkssd.org

# 2022 09-22 Resolution No 1036

Final Audit Report

2022-09-23

Created:	2022-09-22
By:	Melanie Grieser (Melanie.Grieser@lkssd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1n79qacz_00Ych5-537HBPnPA3qEBS22

## "2022 09-22 Resolution No 1036" History



Document created by Melanie Grieser (Melanie.Grieser@lkssd.org)

2022-09-22 - 9:23:12 PM GMT- IP address: 207.183.1.30



Document emailed to kevin.kosche@lkssd.org for signature

2022-09-22 - 9:23:33 PM GMT



Email viewed by kevin.kosche@lkssd.org

2022-09-23 - 0:34:39 AM GMT- IP address: 72.132.99.119



Signer kevin.kosche@lkssd.org entered name at signing as Kevin Kosche

2022-09-23 - 0:35:22 AM GMT- IP address: 72.132.99.119



Document e-signed by Kevin Kosche (kevin.kosche@lkssd.org)

Signature Date: 2022-09-23 - 0:35:24 AM GMT - Time Source: server- IP address: 72.132.99.119



Agreement completed.

2022-09-23 - 0:35:24 AM GMT



Adobe Acrobat Sign

Exhibit E Petition

PETITION FOR ANNEXATION TO  
LAKE STEVENS SEWER DISTRICT

We, the undersigned owners of not less than sixty percent (60%) of the area of land within the territory hereinafter described, do hereby petition the Commissioners of Lake Stevens Sewer District, a municipal corporation in Snohomish County, that the territory hereinafter described be annexed and become a part of the Lake Stevens Sewer District, that all legal requirements be carried out to effectuate such annexation in accordance with RCW 57.24.070 and 57.24.090.

The area sought to be annexed is contiguous to the boundaries of the District and is described under the “Legal Description section of this form and by this reference made a part hereof, and a map outlining the area sought to be annexed is under the “Vicinity Map” section also on this form and by this reference is made a part hereof.

LEGAL DESCRIPTION

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THENCE West along the North line of Lots 32, 33, 34 and 35 of said Plat and the Westerly extension thereof to the West Right of Way line of 117th Drive Southeast;

THENCE North along said West Right of Way line to the Northeast Corner of Lot 37 of said Plat, said point also being on the North line of the Southwest Quarter of the Southwest Quarter of said Section 20;

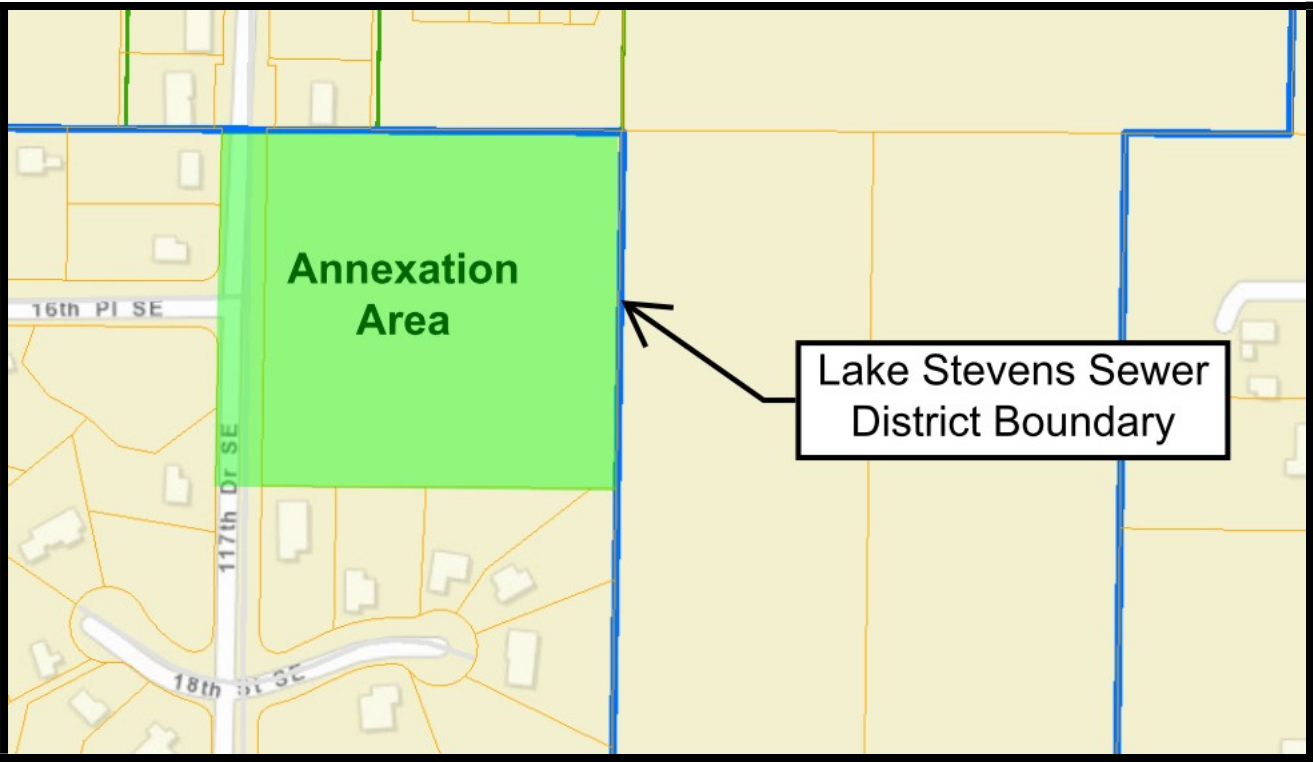
THENCE East along said North line to the Northeast Corner of said subdivision;

THENCE South along the East line of said subdivision to the POINT OF BEGINNING.

WARNING  
Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal owner of property to be annexed, shall invalidate the petition and my lead to termination of the pending annexation proceedings.

Petitioner's Signature	Print Name Here	Address	Parcel No.
Each person can sign only for himself	For Positive Identification		
1.  Jan Nesse 09/15/22	Jan Nesse	1529 117th Drive SE	00393800001200
2.			
3.			

Nesse Annexation Vicinity Map





**Exhibit F Certification**

September 16, 2022

Mr. John Dix  
Assistant Manager  
Lake Stevens Sewer District  
1106 Vernon Road, Suite A  
Lake Stevens, Washington 98258

SUBJECT: NESSE ANNEXATION  
LAKE STEVENS SEWER DISTRICT, SNOHOMISH COUNTY,  
WASHINGTON  
G&O #22409.11

Dear Mr. Dix:

The proponent signers of the referenced petition constitute ownership of land that amounts to 100 percent of the total petition area. Attached is a map showing the annexed properties and a spreadsheet showing our calculations.

Sincerely,

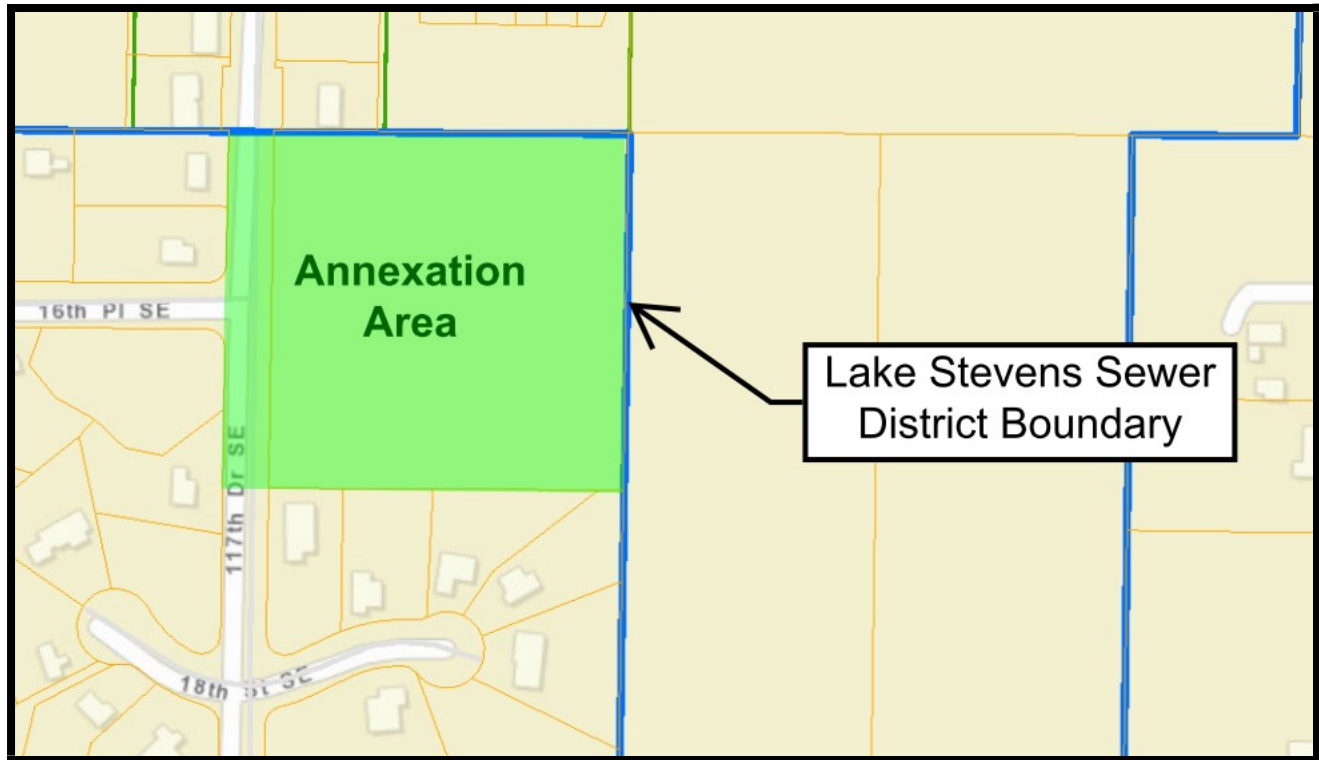
GRAY & OSBORNE, INC.



Leigh K. Nelson, P.E.

LKN/sr  
Encl.

### Nesse Annexation Vicinity Map



Annexation Name: Nesse Annexation

Number	Tax ID #	Signer of Petition	Legal Owner		Parcel Size		Verified
			Name	Source	Acres	Method	Acres
1	29062000304000	Jan Nesse	Jan & Gunn Nesse	Prop. Acct. Summ.	5.02	Prop. Acct. Summ.	5.02

Total Annexation5.02 Acres

Total Verified5.02 Acres

Percent Verified100.00%

(60% Required)

## IV. Environmental

**Exhibit G Threshold Determination****DETERMINATION OF NON-SIGNIFICANCE****DESCRIPTION OF PROPOSAL: Nesse Annexation**

Annexation to the Lake Stevens Sewer District of approximately 5 acres south of the intersection of 16<sup>th</sup> Place SE and 117<sup>th</sup> Drive SE.

**PROPONENT:**

JM1 Holdings, LLC  
10515 20<sup>th</sup> Street SE #116  
Lake Stevens, WA 98258

**LOCATION OF PROPOSAL:**

Portion of the SW Quarter of Section 20, Township 29 North, Range 6 East, Snohomish County, Washington in the vicinity of 16<sup>th</sup> Place SE and 117<sup>th</sup> Drive SE.

**LEAD AGENCY:**

Lake Stevens Sewer District  
1106 Vernon Road, Suite A  
Lake Stevens, WA 98258  
(425) 334-8588

**THRESHOLD DETERMINATION:**

The lead agency for this proposal has determined that it does not have a probable, significant adverse impact on the environment. An environmental impact statement (EIS) 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 this agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☒ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Written comments must be received by October 26, 2022 or within 14 days after publication, whichever date is later.

**RESPONSIBLE OFFICIAL:**

John Dix

**POSITION/TITLE:**

Assistant General Manager

**ADDRESS:**

Lake Stevens Sewer District  
1106 Vernon Road, Suite A  
Lake Stevens, WA 98258

For further information contact John Dix, Lake Stevens Sewer District, 425-334-8588.

Signature: \_\_\_\_\_

John Dix

Date: \_\_\_\_\_

9/27/2022



## IV. Environmental

## DISTRIBUTION:

Washington State Department of Ecology, Olympia (certified mail)  
Washington State Department of Ecology, NW Office, Bellevue  
Snohomish County Council  
Snohomish County Executive Office  
Snohomish County Department of Public Works  
Snohomish County Department of Planning and Development Services  
Snohomish County Health District  
City of Lake Stevens  
City of Marysville  
City of Snohomish  
City of Lake Stevens Library  
Tulalip Tribes  
Stillaguamish Tribe  
Diking District 2

**Exhibit G SEPA Checklist****STATE ENVIRONMENTAL POLICY ACT****ENVIRONMENTAL CHECKLIST***Purpose of Checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions to Applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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.

**A. BACKGROUND**

1. *Name of proposed project, if applicable:*

Nesse Sewer Annexation

2. *Name of applicant:*

JM1 Holdings, LLC

## IV. Environmental

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

Applicant: JM1 Holdings, LLC  
10515 20th St SE #116  
Lake Stevens, WA 98258

Contact: Land Pro Group, Inc – Rochelle Smith, PM  
10515 20th St SE #202  
Lake Stevens, WA 98258

4. *Date checklist prepared:*

September 8, 2022

5. *Agency requesting checklist:*

Lake Stevens Sewer District

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

The annexation is scheduled to be completed by January 2023.

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

Further activity is planned. Once the annexation is completed, the applicant plans to subdivide the property.

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

A soils report and wetland report will be prepared.

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

None known

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

- Boundary Review Board Approval
- Lake Stevens Sewer District Approval
- Threshold determination for this checklist.

11. *Give brief, complete description of your proposal, including 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.)*

Lake Stevens Sewer District Annexation of approximately 5 +/- acres.

## IV. Environmental

12. *Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including 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 subject site is located off 17th Dr SE, Lake Stevens, WA 98258

Tax Parcels: 29062000304000

NW1/4 SEC20 T29N R6E

## **B. ENVIRONMENTAL ELEMENTS**

### 1. EARTH:

- a. *General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_*

Site topography consists of a moderate slope that descends from the southwest to the northeast with an overall relief of approximately 70 feet.

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

Isolated steeper slopes are located throughout the northeastern half of the site with slope gradients reaching up to approximately 50 percent.

- c. *What general types of soils are found on the site (for example, clay, gravel, sand, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.*

Topsoil, silty sand with gravel, sand with gravel.

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

No.

- e. *Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.*

N/A.

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

N/A.

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

N/A.



## IV. Environmental

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

N/A.

2. AIR:

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.*

N/A.

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

N/A.

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

N/A.

3. WATER:

- a. Surface:*

- 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.*

Yes, one wetland has been identified on the subject property in the northwest corner of the site.

- 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.*

Not at this time.

- 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.*

N/A.

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

N/A.

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

## IV. Environmental

Area to be annexed is considered out of Special Flood Hazard Area.

- 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.*

N/A.

b. *Ground:*

- 1) *Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.*

N/A.

- 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.*

N/A.

c. *Water Runoff (including storm water):*

- 1) *Describe the source of runoff (including storm water) and methods 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.*

N/A.

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

N/A.

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

N/A.

4. PLANTS:

- a. *Check or circle types of vegetation found on the site: [Pick all that apply]*

*deciduous tree: alder, maple, aspen, other*

*evergreen tree: fir, cedar, pine, other*

*shrubs*

*grass*

*pasture*

*crop or grain – none known*

*wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other*

## IV. Environmental

*Water plants: water lily, eelgrass, Milfoil,  
Other types of vegetation*

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

N/A.

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

N/A.

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

N/A.

5. ANIMALS:

- a. *Circle any birds or animals which have been observed on or near the site or are known to be on or near the site: [Pick all that apply]*

*birds: hawk, heron, eagle, songbirds,*

*other:*

*mammals: deer, bear, elk, beaver,*

*other: \_\_\_\_\_*

*fish: bass, salmon, trout, herring, shellfish,*

*other: \_\_\_\_\_*

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

None known.

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

Yes. Part of the Pacific Flyway.

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

N/A.

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.*

N/A.

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

N/A.

## IV. Environmental

- 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:*

N/A.

7. ENVIRONMENTAL HEALTH:

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

N/A.

- 1) *Describe special emergency services that might be required.*

N/A.

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

N/A.

- b. *Noise:*

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

N/A.

- 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 site.*

N/A.

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

N/A.

8. LAND AND SHORELINE USE:

- a. *What is the current use of the site and adjacent properties?*

The subject property is currently vacant.

All surrounding parcels are Single Family Residential.

- b. *Has the site been used for agriculture? If so, describe.*

Not to our knowledge.

- c. *Describe any structures on the site.*

No structures are located onsite.

## IV. Environmental

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

N/A.

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

The property is currently zone R6, however the applicant is currently processing a rezone to R8-12.

- f. *What is the current comprehensive plan designation for the site?*

The property is currently designated as Medium Density Residential under the City of Lake Stevens Land Use Map.

- g. *If applicable, what is the current shoreline master program designation for the site?*

N/A.

- h. *Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.*

Not to our knowledge.

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

N/A.

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

N/A.

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

N/A.

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

Consistent with Lake Stevens Sewer District Comprehensive Plan and the future designation into the City of Lake Stevens Comprehensive Plan.

9. HOUSING:

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

N/A.

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

N/A.

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

## IV. Environmental

N/A.

10. AESTHETICS:

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

N/A.

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

N/A.

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

N/A.

11. LIGHT AND GLARE:

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

N/A.

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

N/A.

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

N/A.

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

N/A.

12. RECREATION:

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

N/A.

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

N/A.

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

N/A.



## IV. Environmental

13. HISTORIC AND CULTURAL PRESERVATION:

- a. *Are there any places or objects listed on, or proposed for national, state, or local preservation registers known to be on or next to the site? If so, generally describe:*

No.

- b. *Generally describe any landmarks or evidence of historic, archaeological importance known to be on or next to the site?*

None known.

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

If any evidence of historic or archaeological importance is found during construction, then work will cease, and specialists will be called in to investigate.

14. TRANSPORTATION:

- a. *Identify public streets and highway serving the site, and describe proposed access to existing street system. Show on site plans, if any.*

The site will take access from 17<sup>th</sup> Dr SE and will connect to the public road to be constructed within the Batcheldor Plat to the east, which shall connect to 20<sup>th</sup> St SE.

- b. *Is site currently being served by public transit? If not, what is the approximate distances to nearest transit stop?*

N/A.

- c. *How many parking spaces would the completed project have? How many would the project eliminate?*

N/A.

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

N/A.

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

N/A.

- f. *How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.*

N/A.

- g. *Proposed measures to reduce or control transportation impacts, if any:*

N/A.

## IV. Environmental

15. PUBLIC SERVICES:

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

No.

- b. *Proposed measures to reduce or control direct impacts upon public services, if any.*

N/A.

16. UTILITIES:

- a. *Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.*

Utilities that service the site are as follows:

- |                  |  |
|------------------|--|
| • Sewer          | Lake Stevens Sewer if annexation approved. |
| • Water          | Snohomish PUD                              |
| • Gas            | PSE if extended to site                    |
| • Electric       | Snohomish PUD                              |
| • Cable/Internet | Comcast or Frontier                        |
| • Phone          | Comcast or Frontier                        |

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

None.

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 \_\_\_\_\_  
Land Pro Group Inc.  
Rochelle Smith, PM, Authorized Agent

Date Submitted: 9/8/2022

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS****Evaluation  
for Agency  
Use Only**

(do not 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 elements of the environment.

When answering these questions, be aware of the extent of 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?**

An increase in these items may occur based on ultimate land use and densities as designated in the City of Lake Stevens Comprehensive and zoning plans after annexation.

**Proposed measure to avoid or reduce such increases are:**

Necessary permits to be in compliance with all local, state and federal laws and ordinances.

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

General impacts of urbanization/development of the area.

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

Mitigation plans will be provided for project specific impacts.

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

General impacts of urbanization/development of the area.

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

Any future construction would comply with current Washington State Energy Code.

**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?**

Unknown.

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

Comply with any ordinances, rules, and regulations.

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

## IV. Environmental

**existing plans?**

The proposal would allow land to develop according to the designation of The City of Lake Stevens Comprehensive and Zoning plans.

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

N/A

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

Nominal increase on transportation or public services due to urbanization per the future designation of The City of Lake Stevens Comprehensive and Zoning plans. Project specific applications will be required to provide mitigation.

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

Comply with Snohomish County and City of Lake Stevens development rules and regulations including acceptance of standard mitigation requirements.

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

No known conflicts.

**AFFIDAVIT OF POSTING**  
**PUBLIC HEARING and DETERMINATION OF NON-SIGNIFICANCE**  
**LAKE STEVENS SEWER DISTRICT**  
**Snohomish County, Washington**

**NESSE ANNEXATION**  
**Lake Stevens Sewer District**

STATE OF WASHINGTON           )  
   ) ss.  
 SNOHOMISH COUNTY           )

I, Bryan Steen, being first duly sworn on oath depose and state:

I am a representative of the Lake Stevens Sewer District, Snohomish County, Washington. On 10/6/2022, 2022 I posted within the area copies of the Public Hearing Notice and the notice of Determination of Non-Significance at the following locations:

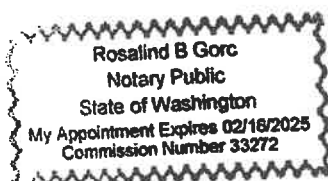
1. NW CORNER OF 1519 117<sup>th</sup> Dr SE LK. STEVENS WA 98258
2. SW CORNER OF 1519 117<sup>th</sup> Dr SE LK. STEVENS WA 98258
3. 1812 MAID STREET P.O. BOX 257 LK. STEVENS WA 98258

DATED: 10/6/22

Sign: 

Print: BRYAN STEEN

SUBSCRIBED AND SHOWN to before me this 6<sup>th</sup> day of October, 20 22.



Rosalind B. Gore  
Rosalind B. Gore

Notary Public in and for the  
 State of Washington,  
 Residing at Lake Stevens  
 My commission expires:

**AFFIDAVIT OF POSTING**  
**PUBLIC HEARING and DETERMINATION OF NON-SIGNIFICANCE**  
**LAKE STEVENS SEWER DISTRICT**  
**Snohomish County, Washington**

**NESSE ANNEXATION**  
**Lake Stevens Sewer District**

STATE OF WASHINGTON       )  
   )  
 SNOHOMISH COUNTY       ) ss.

I, Melanie Grieser, being first duly sworn on oath depose and state:

I am a representative of the Lake Stevens Sewer District, Snohomish County, Washington. On October 5<sup>th</sup>, 2022 I posted within the area copies of the Public Hearing Notice and the notice of Determination of Non-Significance at the following locations:

1. 1106 Vernon Rd, Suite A, Lake Stevens, WA 98258
2. \_\_\_\_\_
3. \_\_\_\_\_

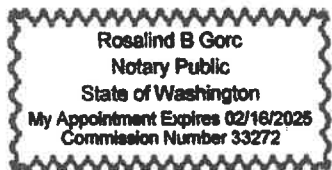
DATED: 10/5/22

Sign: Melanie T. Grieser

Print: Melanie T. Grieser

SUBSCRIBED AND SHOWN to before me this 5<sup>th</sup> day of October, 2022.

Rosalind B. Gore  
Rosalind B. Gore  
 Notary Public in and for the  
 State of Washington,  
 Residing at Lake Stevens  
 My commission expires:





# Everett Daily Herald

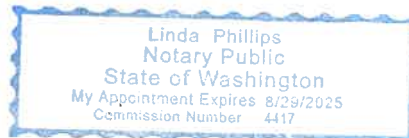
## Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH964953 NESSE ANNEXATION PH as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 2 issue(s), such publication commencing on 10/16/2022 and ending on 10/23/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$335.16.



Subscribed and sworn before me on this

24<sup>th</sup> day of October,

2022.

Notary Public in and for the State of Washington.

Lake Stevens Sewer District/LEGALS | 14106735  
MELONIE GRIESER

Classified Proof

LAKE STEVENS SEWER DISTRICT  
 NOTICE OF PUBLIC HEARING  
 ENTERTAIN A PETITION FOR ANNEXATION OF AN AREA  
 CONTIGUOUS TO THE LAKE STEVENS SEWER DISTRICT  
 KNOWN AS THE NESSE ANNEXATION

WHEREAS, the Lake Stevens Sewer District ("District") operates a sewerage system in the vicinity of Lake Stevens, Snohomish County, Washington, and

WHEREAS, there has been filed with the Board of Sewer Commissioners for the District a Petition For Annexation of an area contiguous to the Lake Stevens Sewer District, signed by the owners, according to the records of the Snohomish County Auditor, as verified by Gray & Osborne, Inc., engineering consultants to the Lake Stevens Sewer District, of not less than 50% of the area of land for which annexation is petitioned, setting forth a description of the property sought to be annexed according to government legal subdivisions of legal plats and accompanied by a plat map which outlines the boundaries of the property sought to be annexed,

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Sewer Commissioners of Lake Stevens Sewer District, Snohomish County, Washington, as follows:

Section 1. The above-described Petition For Annexation is hereby found to comply with the requirements of law and the Board of Sewer Commissioners shall entertain such petition.

Section 2. The date for public hearing thereon is hereby fixed at 9:00 a.m. on the 27th day of October 2022 at the Lake Stevens Sewer District Office, 1106 Vernon Road, Suite A, Lake Stevens, Washington, and remotely from this location on this date with the remote access instructions being made available through the Lake Stevens Sewer District website. The Secretary of the Board of Sewer Commissioners of the Lake Stevens Sewer District is hereby authorized and directed to cause notice of such hearing to be published in two issues of the Everett Herald, a newspaper of general circulation in the area proposed to be annexed, and also posted in three public places within the area proposed for annexation, such notice to be in the form as required by law.

LEGAL DESCRIPTION

That portion of the East Half of the Southwest Quarter of the Southwest Quarter of Section 20,  
 Township 29 North, Range 6 East, Willamette Meridian, described as follows:

BEGINNING at the Northeast Corner of Lot 32, Plat of Harmony Woods recorded under AFN  
 9205275001, Records of Snohomish County, Washington;  
 THENCE West along the North line of Lots 32, 33, 34 and 35 of said Plat and the Westerly extension  
 thereof to the West Right of Way line of 117th Drive Southeast;  
 THENCE North along said West Right of Way line to the Northeast Corner of Lot 37 of said Plat, said  
 point also being on the North line of the Southwest Quarter of the Southwest Quarter of said Section 20;  
 THENCE East along said North line to the Northeast Corner of said subdivision;  
 THENCE South along the East line of said subdivision to the  
 POINT OF BEGINNING.

Published: October 16, 23, 2022. EDH964953

## V. Factors the Board Must Consider

### 2. OVERVIEW:

- A. Population of proposal – 0
- B. Territory – 5.02 acres
- C. Population Density - capita/acre – 0
- D. Assessed Valuation – Not applicable.

### 3. LAND USE:

- A. Existing – Medium Density Residential
- B. Proposed – Medium Density Residential

### 4. COMPREHENSIVE PLANS:

#### A. Snohomish County Comprehensive Plan:

1. This proposal is supported by the following policies in the Snohomish County Comprehensive Plan:

6.2 - Annexations should be allowed in urban areas.

6.3 - Sewer services should be carefully staged to achieve orderly development. The proposal fulfills this requirement.

6.4 - The annexation should comply with existing land use.

#### 2. Lake Stevens Sewer District Comprehensive Plan

3. The adopted plan classification/zoning in the annexation area is as follows:

R6 (formerly Urban Residential)

4. a) Policies relating to Agricultural lands which relate to the proposal are as follows:

Not applicable - property within this proposal not zoned agricultural.

#### b) Snohomish County Surface Water Management Plan:

Not applicable.

#### B. Lake Stevens Sewer District Comprehensive Plan:

1. This proposal is contained in the Lake Stevens Sewer District Comprehensive Plan.

## V. Factors the Board Must Consider

2. The Comprehensive Plan of the Lake Stevens Sewer District was approved August 1983 and amended and updated in 1991, 1998, 2007, 2010, 2016 and 2022. The area being annexed remains the same in all versions of the plan.
3. A pre-zoning annexation zoning agreement is not applicable.
4. Land use and zoning regulations are not applicable.

## 5. PLANNING DATA:

A. Revenue/Estimates – Not Applicable

B. Services

Sewer service will be provided to this area through extensions as required. All sewer lines and appurtenances will be constructed in accordance with the standards, rules and regulations of the District and the standards of the State Department of Ecology as specified in the Lake Stevens Sewer District's Comprehensive Plan. Sewage to be disposed through the Lake Stevens Sewer District treatment plant.

## VI. General

### **6. Extension of services – Not applicable**

### **7. Topography and natural boundaries**

The majority of the site ascends from west to east.

### **8. Projected Growth**

The City of Lake Stevens Comprehensive Plan shows an annual residential growth rate of 1.43% between 2014 and 2035.

### **9. Municipal or Community Services – Not applicable**

### **10. Delay in Implementing Services – Not applicable**

### **11. Service to the Area**

Sewer service to the area will be provided on a project-specific basis as part of the development of the property through a Developer Extension Agreement.

### **12. Tax Cost – Not applicable**

## VII. Objectives

### 1. Objectives of RCW 36-93-180

*The decisions of the boundary review board shall attempt to achieve the following objectives:*

*(1) Preservation of natural neighborhoods and communities;*

The proposed annexation incorporates an area within the Lake Stevens Urban Growth Area into the Lake Stevens Sewer District. The area is currently adjacent to the boundary of Lake Stevens Sewer District.

*(2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;*

The proposed annexation area is located east of the intersection of 117<sup>th</sup> Drive SE and 16<sup>th</sup> Place SE.

*(3) Creation and preservation of logical service areas;*

The proposed annexation area is currently adjacent to the boundary of Lake Stevens Sewer District. This proposal maintains a logical sewer service area.

*(4) Prevention of abnormally irregular boundaries;*

The proposed annexation extends the Lake Stevens Sewer District boundary with a rectangular shape and will not create an irregular boundary.

*(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. No new or existing municipal annexation is proposed.

*(6) Dissolution of inactive special purpose districts;*

Not applicable. The Lake Stevens Sewer District is an active special purpose district.

*(7) Adjustment of impractical boundaries;*

Not applicable. The Lake Stevens Sewer District has regular boundaries in this area.

*(8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and*

Not applicable. No new or existing municipal annexation is proposed.

*(9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.*

Not applicable. The proposed annexation area is entirely within the Lake Stevens Urban Growth Area.



**Snohomish County**

**Planning and Development  
Services**

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

**MEMORANDUM**

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

**Dave Somers**  
*County Executive*

**FROM:** Michael McCrary, Director  
Planning and Development Services

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

**SUBJECT:** Lake Stevens Sewer District Nesse Annexation, BRB File No. 07-2022

**DATE:** December 1, 2022

The purpose of this staff report is to provide the County Council with a review and recommendation for the Lake Stevens Sewer District's (District) proposed Nesse Annexation of parcel 29062000304000 which is approximately 5.02 acres. The subject site is contiguous to the District's service area within the District's planning boundaries and within the City of Lake Stevens (City). The general location of the proposed annexation area is south of Machias Cutoff Rd, north of 18<sup>th</sup> St SE, and east of 117<sup>th</sup> Dr SE. There are no other sewer providers in the City. The City is not a sewer service provider; therefore, the District is the logical sewer service provider for this area.

County staff reviewed the District's annexation proposal according to section 2.77.040 of the Snohomish County Code (SCC) and Revised Code of Washington (RCW) 57.02.040. The review criteria in SCC 2.77.040 includes the factors and objectives considered by the Boundary Review Board (BRB), consistency with the Growth Management Act (GMA), Countywide Planning Policies (CPPs), the County's comprehensive plan, as well as impacts to County's services and facilities. RCW 57.02.040(3) lists review requirements of the County legislative body for sewer district actions, including annexations. This report is provided pursuant to Chapter 2.77 SCC, RCW 57.02.040 and .045, RCW 57.24.060 through .100, RCW 36.93.100, .157, .170, and .180, and SCC 36.70A.020, .110, and .210.



## **BACKGROUND**

This is a petition method annexation by a sewer district that has an abbreviated review schedule for County Council action of 30-days per RCW 57.02.040(2). The 30-day review period for County Council to act on the proposed District's annexation expires on December 14, 2022.

The BRB deemed the Notice of Intention (NOI) legally sufficient on November 14, 2022, with file no. 07-2022. The BRB, consistent with its annexation review procedures outlined in Chapter 2.77 SCC, distributed the NOI to Planning and Development Services (PDS) and PDS distributed it to County departments for comments, which have been incorporated into this staff report.

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

- Approve the District's annexation, and not invoke the jurisdiction of the BRB, or
- Not approve the annexation and invoke the jurisdiction of the BRB.

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

## **REVIEW**

The following review of the District's Nesse Annexation, as proposed in the NOI, considers the criteria of RCW 57.02.040(3) and SCC 2.77.040.

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

The District's annexation proposal complies with criterion (a) because it is consistent with both the City and County's comprehensive plan as the area proposed for annexation is within the City limits, and therefore is to be developed with urban-level of services, including sewer. The annexation area is not currently served by sewer and is within the District's planning area and adjacent to the District's existing service boundaries. The City is not a sewer service provider.

Criterion (b) RCW 57.02.040(3) does not apply in this case because there is no applicable basin-wide sewage plan. In regard to criterion (c), the annexation proposal is consistent with Utilities Goal 3 of the County's General Policy Plan (GPP) as the annexation proposal is within the District planning area and within the City limits. Goal 3 states, "Work with cities and special districts to produce

## Attachment B to Motion

coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element and city plans.”

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

- I. Location, acreage, number of residences: The area proposed for annexation is approximately 5.02 acres and located within the City limits, south of Machias Cutoff Rd, north of 18<sup>th</sup> St SE and, east of 117th Dr SE. The subject site is comprised of one parcel of approximately 5.02 acres, that is undeveloped.

Comments received: The County’s Department of Public Works Department (DPW) and Surface Water Management (SWM) division of the Department of Conservation and Natural Resources (DCNR) stated that they had no comments or concerns with the District’s proposed Nesse Annexation. No impacts are anticipated to SWM utility district service boundaries, revenues or programs, from the proposed District annexation.

- II. Total assessed value of the subject area(s): As a sewer annexation, the total assessed valuation is not applicable.
- III. Consistency of the proposal with GMA planning goals, UGA designations, Countywide Planning Policies (CPPs), and the County’s comprehensive plan:
  - a. GMA planning goals in RCW 36.70A.020: The proposed sewer annexation is consistent with GMA planning goals (1) Urban growth and (12) Public facilities and services as the annexation area is within the City limits and therefore is designated for urban-levels of development. Providing sewer service to an urban area is consistent with GMA planning goals (1) and (12):
    - (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
    - (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
  - b. Urban growth area (UGA) designations: The proposed sewer district annexation would provide sewer service to approximately 5.02 acres located within the City limits. Sewer service would allow development potential at an urban level consistent with the City’s comprehensive plan. Providing sewer service to an area designated for urban growth is consistent with state law RCW 36.70A.110(9):

## Attachment B to Motion

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

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

- c. Snohomish County Countywide Planning Policies (CPPs): The area proposed for annexation by the District is within the Lake Stevens City limits. Annexation into the District’s service boundary would allow development consistent with the County’s comprehensive plan. The proposed Nesse Annexation is consistent with CPP policies Public Services (PS)-11 and (PS)-22:

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

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

PS-22: Sanitary sewer mains shall not be extended beyond Urban Growth Areas (UGAs) into rural areas except when necessary to protect basic public health and safety and the environment, and when such sewers are financially supportable at rural densities and do not result in the inducement of future urban development outside of UGAs. Sewer transmission lines may be developed through rural and resource areas to meet the needs of UGAs as long as any extension through resource areas does not adversely impact the resource lands. Sanitary sewer connections in rural areas are not allowed except in instances where necessary to protect public health and safety and the environment and as allowed in RCW 36.70A.213. Sanitary sewer mains are prohibited in resource areas.

- d. Snohomish County GMA Comprehensive Plan (GMACP): The District’s proposed Nesse Annexation is consistent with the Capital Facilities Plan and the GPP of the GMACP.
- Capital Facilities Plan (CFP): This District proposal to annex approximately 5.02 acres of undeveloped land that is located within the City’s corporate

## Attachment B to Motion

boundaries is consistent with the County's CFP, which classifies sewer service as a service necessary to support urban-levels of development.

- General Policy Plan (GPP) of the County's GMACP: This District annexation is consistent with the County's GPP as it demonstrates coordination between the County and the District to provide an urban level of service to an urban area that has potential for future development. The proposed Nesse Annexation would include 5.02 acres of undeveloped land in the Lake Stevens Sewer District service area. This proposal is consistent with the Capital Facilities (CF) goal 9 and Interjurisdictional Coordination (IC) policy 1.A.2:

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

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

#### IV. Impact relevant to Boundary Review Board (BRB) consideration as established by state law. The following comments relate to RCW 36.93.170 – Factors to be considered by the BRB.

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

The District's proposed annexation is consistent with Factor 1 in the following ways:

- The area proposed for annexation is a single 5-acre parcel of undeveloped land located within the City of Lake Stevens and adjacent to the District's existing service area boundaries.
- The proposal is consistent with the policies in the County's comprehensive plan, as the proposed area is designated for urban level services, including sewer as it is located within the City of Lake Stevens.

## Attachment B to Motion

- Responses on this proposed sewer annexation were received from the County's SWM division of the DCNR, which stated that the proposed annexation would have no impacts on SWM utility district service boundaries, revenues, or programs.
  - The DPW responded that it had no comments or issues with the District's proposed Nesse Annexation.
  - In terms of the "...likelihood of significant growth in the area...", the area proposed for annexation is within the City's boundaries and can be developed consistent with the City's zoning. A minimum net density of 4 dwelling units per acre applies to the subject site for a period of 5 years post annexation. The subject site was part of the Lake Steven SE ILA Annexation effective August 9, 2021.
- 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."
- There is no impact on budgets or services that are provided by the County.
  - The proposal would allow the extension of sewer service to an undeveloped, five-acre parcel that is located within the City of Lake Stevens.
- 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.
- V. Impacts relevant to BRB considerations as established by state law. The proposal meets the Objectives of the BRB as listed in RCW 36.93.180 in the following manner:
- a. Objective 1. "Preservation of natural neighborhoods and communities": As a sewer district annexation, this proposal would not affect the preservation of natural neighborhoods and communities as could occur with annexation by a city or town. The area to the north is the Beverly Manor/South Lake Vista subdivision and to the west is the Harmony Woods development.
  - b. Objective 2. "Use of physical boundaries, including but not limited to bodies of water, highways, and land contours": As a sewer district annexation, this objective is not applicable.

## Attachment B to Motion

- c. Objective 3. “Creation and preservation of logical service areas”: As a sewer district annexation, this proposal would create a more logical service area. The subject site along with other parcels is part of a gap area for the District’s sewer service boundary. Annexing this parcel into the District’s sewer service boundary helps close the gap.
- d. Objective 4. “Prevention of abnormally irregular boundaries”: As a sewer district annexation, prevention of abnormally irregular boundaries is not as important a factor as it is for annexations by cities or towns, per RCW 36.93.185.
- e. Objective 5. “Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas”: As a sewer district annexation, this objective is not applicable per RCW 36.93.185.
- f. Objective 6. “Dissolution of inactive special purpose districts”: Not applicable, this is a sewer district annexation, not a dissolution.
- g. Objective 7. “Adjustment of impractical boundaries”: As a sewer district annexation, this objective regarding the adjustment of abnormally irregular boundaries is not as great a factor as it is for annexations by cities or towns, per RCW 36.93.185.
- h. Objective 8. “Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character”: Not applicable, this is a sewer district annexation, not an annexation proposed by a city or town.
- i. Objective 9. “Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority”: Not applicable, this is a sewer district annexation which will not affect agricultural lands or rural lands.

VI. **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 the proposed annexation would have no impacts on SWM utility district service boundaries, revenues, or programs.

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

VIII. **Impacts to the provision of public facilities and services:** No impacts to the provision of public facilities and services are anticipated. As per SWM input, no impacts are anticipated to SWM utility district service revenues or programs. The County is not a sewer service provider.

### CONCLUSIONS:

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

## Attachment B to Motion

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

cc: Ken Klein, Executive Director

Mike McCrary, Director, PDS

David Killingstad, Manager, PDS

Ryan Countryman, Senior Council Legislative Analyst