

1.0002 Parties of Record - Recorder County Initiated Amendments

Index # File Name: 1_0001 Parties of Record - County Initiated Amendments.pdf

No.	Name	Organization	Email Address	Street Address	City	State	Zip Code	Notes
1	None for part 2 per Megan Moore							
2	None for Part 1 per Steve Skorney							
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Draft Schedule**Final Docket XX and 2021 County Initiated
Comprehensive Plan Amendments**

TASKS	DATE
Check-in meetings w/project leads: <ul style="list-style-type: none"> • Status reports • Provide templates for document preparation (planning commission briefing and hearing staff reports, SEPA documents etc.) • Coordinate proposals with PA, GIS, DPW 	Monthly started in January 2021
Begin drafting individual staff reports/evaluations.	April 2021
Complete draft Planning Commission briefing staff reports for internal consistency review.	April 26, 2021
LRP Manager reviews briefing staff reports.	April 26, 2021
Brief PDS director at DU.	April 28, 2020
Submit Planning Commission agenda descriptions to admin staff.	By May 3, 2021
Transmit 60-day Commerce notice.	By May 3, 2021
Deadline to submit final briefing reports to Planning Commission admin staff.	May 7, 2021
Prepare Planning Commission power point briefing presentation	Week of May 10 - 14, 2021
<i>Planning Commission Briefing</i>	<i>May 25, 2021</i>
Prepare Planning Commission public hearing notices.	June 1, 2021
Complete public hearing staff report recommendations	By June 1, 2021
LRP manager reviews public hearing staff reports.	June 1, 2021
PDS issue SEPA Addendums/Draft SEIS.	By June 4, 2021
Finalized public hearing staff reports to Planning Commission admin staff.	By June 4, 2021

Draft Schedule**Final Docket XX and 2021 County Initiated
Comprehensive Plan Amendments**

Send Planning Commission public hearing notice to property owners (if required)	By June 7, 2021
<i>Planning Commission public hearing</i>	<i>June 22, 2021</i>
Draft and issue Planning Commission recommendation letter.	By June 30, 2021
Draft ordinances and submit to PA review for review as to form.	By July 12, 2021
Ordinances approved as to form by PA.	By July 26, 2021
Prepare Legistar ECAF packets, process for dept. review and transmit with PA approved ordinances to Executive.	By August 19, 2021
Executive transmits ECAFs packets to Council.	By August 26, 2021
Council introduces ordinances at Admin session.	By August 30, 2021
<i>Council Planning Committee briefing</i>	<i>Sept. 7, 2021</i>
<i>Council sets time and date for public hearing at GLS.</i>	<i>Sept. 15, 2021 (tent.)</i>
<i>Council public hearings and adoption of Final Docket XX and 2021 County initiated comp plan amendments.</i>	<i>TBD</i>



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

06/01/2021

Mr. Steve Skorney
Senior Planner
Snohomish County
3000 Rockefeller Ave.
Everett, WA 98201

Sent Via Electronic Mail

Re: Snohomish County--2021-S-2723--60-day Notice of Intent to Adopt Amendment

Dear Mr. Skorney:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed 2021 Snohomish County-initiated comprehensive plan amendments: (GPP21-3) Technical corrections to the General Policy Plan (GPP) maps to recognize properties that are no longer under county jurisdiction due to annexations.

We received your submittal on 05/28/2021 and processed it with the Submittal ID 2021-S-2723. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 07/27/2021.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Kirsten Larsen, (360) 280-0320.

Sincerely,

Review Team
Growth Management Services

**ADDENDUM NO. 22 TO THE
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE SNOHOMISH COUNTY GMA
COMPREHENSIVE PLAN 2015 UPDATE**

**Adoption of Amendments to the Snohomish County Growth Management Act
(GMA) Comprehensive Plan and Implementing Development Regulations Related
to Final Docket XX (CFP1, SW5, SW7) and 2021 County-Initiated Technical
Corrections (GPP21-3)**

Prepared Consistent with

The Washington State Environmental Policy Act of 1971

Chapter 43.21C Revised Code of Washington

Chapter 197-11, Washington Administrative Code

Snohomish County Code Title 30



Snohomish County Planning and Development Services

Date of Issuance: June 7, 2021

FACT SHEET

Project Title: **Adoption of amendments to the Snohomish County Growth Management Act (GMA) Comprehensive Plan and implementing development regulations related to Final Docket XX (CFP1, SW5, SW7) and 2021 County-Initiated Technical Corrections (GPP21-3)**

Proposed Non-Project Actions: The proposed non-project actions considered under this State Environmental Policy Act (SEPA) review consist of the adoption of the following:

Final Docket XX proposal by Olympic View Water and Sewer District (OVWSD), identified as CFP1, proposes to amend the county's Capital Facilities Plan to address a wastewater service area boundary change proposed in OVWSD's comprehensive sewer plan;

Final Docket XX proposal by Edward Tokarz, identified as SW5, proposes to amend the Future Land Use (FLU) Map of the General Policy Plan (GPP) and implementing zoning to increase planned residential density on a property in the Southwest Urban Growth Area (SWUGA);

Final Docket XX proposal by Marv Thomas, identified as SW7, proposes to amend the FLU Map of the GPP and implementing zoning to add planned employment density on a property in the SWUGA; CFP1 -

2021 county-initiated comprehensive plan amendments, identified as GPP21-3, to make technical corrections to the maps of the GPP to recognize properties that are no longer under county jurisdiction due to city and town annexations.

Purpose of the EIS Addendum: This addendum adds information relating to the non-project programmatic county actions described above. This information does not change the analysis of previously identified significant impacts of the alternatives to the county's GMA comprehensive plan within the SEPA documents dated September 8, 2014, (Draft EIS) and June 3, 2015, (Final EIS).

This addendum is being issued in accordance with WAC 197-11-625 and WAC 197-11-630. The adopted environmental documents listed herein, together with this addendum, meet the county's environmental review needs for the current proposals.

Description of the Proposals: The CFP1 proposal would increase the size of OVWSD's sanitary sewer service area to include the Point Wells site which was formerly claimed by Ronald Sewer District. This docket proposal requires an amendment to the county's Capital Facilities Plan (CFP) public wastewater inventory table and map to assign OVWSD as the sanitary sewer provider for the Point Wells site instead of Ronald Sewer District.

The SW5 proposal would amend the FLU Map of the GPP to redesignate 0.72 acres in the SWUGA from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone the proposal site from R-8,400 to Multiple

Residential (MR). The SW5 property consists of a detached single-family residence that is served by public water and sanitary sewer service from the Olympic View Water & Sewer District. The SW5 site is located on 228th St SW, which intersects with State Route 99 approximately 550 feet east of the site.

The SW7 proposal would amend the FLU Map of the GPP to redesignate 6.61 acres in the SWUGA from Urban Low Density Residential (ULDR) to Urban Commercial (UC) and rezone the proposal site from R-7,200 to Community Business (CB). The SW7 property consists of one farmhouse with farm structures including a silo and several large barns. The applicant intends to start a winery on the proposal site using existing structures. The SW7 site is located along Lowell-Larimer Road, between the Seattle Hill Road/March Road and State Route 9. The site is served by public water provided by the Cross Valley Water District and is currently on a septic system. Future sewer service to the proposal site would be provided by the Silver Lake Water and Sewer District.

The GPP21-3 technical corrections to the maps of the GPP to recognize three city and town annexations that were finalized since the last county adoption of technical map corrections in 2020: The 108 acre City of Arlington Butler Wetland Annexation located adjacent to the northwest portion of the Arlington city limits; the 107 acre Town of Darrington Annexation located adjacent to the west portion of the Darrington town limits; and the 66 acre City of Lake Stevens Machias Industrial Annexation located adjacent to the east portion of the Lake Stevens city limits.

Action Sponsor Snohomish County Department of Planning and Development Services
Lead Agency: 3000 Rockefeller Avenue, M/S #604
Everett, WA 98201-4066

Required Approval Review: Snohomish County Council – adoption of ordinances amending the comprehensive plan and implementing zoning. Washington State Dept. of Commerce – coordination of state comments.

Circulation and Comment: This addendum, or notice of availability, is being sent to all recipients of the previously issued Final EIS for the Comprehensive Plan 2015 Update as required by WAC 197-11-625, and to all commenters on that EIS. No comment period is required for this addendum under WAC 197-11-502(8)(c).

The EIS Addendum is available by contacting: Steve Skorney, Senior Planner
Snohomish County Department of Planning and Development
3000 Rockefeller Ave., M/S #604
Everett, Washington 98201
Phone: (425) 262-2207
E-Mail: steve.skorney@snoco.org

Date of Issuance: June 7, 2021

**SEPA Responsible
Official:**

Mike McCrary, Director
Snohomish County Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, Washington 98201-4066

Signature _____
Mike McCrary, Director

ENVIRONMENTAL REVIEW

Overview

The adoption of amendments to the GMA Comprehensive Plan is a non-project action under the Washington State Environmental Policy Act (SEPA). This Addendum is not intended to satisfy individual project action SEPA requirements, as that is a level of review needed for site-specific land use or building permit applications. This Addendum does not significantly change the analysis of impacts and alternatives contained in the Environmental Impact Statement (EIS) prepared in 2015 for the Comprehensive Plan 2015 Update, nor does it identify new or significantly different impacts.

Prior Environmental Review

The county issued a Draft EIS (DEIS) for the county's 2015 Comprehensive Plan Update on September 8, 2014 and issued a Final EIS (FEIS) on June 3, 2015. The elements of the environment addressed in both EIS documents included the natural and built environments: earth, air, water, plants and animals, land and shoreline use, population and employment, cultural resources, transportation, energy, public services, and utilities.

Addendum Environmental Review

According to the SEPA Rules, an Addendum to an EIS provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-706, WAC 197-11-600(3)(b)(ii)). An Addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives identified in the prior environmental documents (WAC 197-11-600(4)(e), WAC 197-11-706).

This Addendum to the 2015 Comprehensive Plan Update FEIS is being issued pursuant to WAC 197-11-625 to meet the County's SEPA responsibility. The 2015 Comprehensive Plan Update FEIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use patterns, capital facilities planning, and environmental impacts that are expected to be associated with the proposed amendments identified in this Addendum. No additional significant impacts beyond those identified in the county's FEIS for the 2015 Comprehensive Plan Update are expected to occur as a result of the proposed amendments. No additional programmatic level environmental review will be required to the extent that the existing environmental documents listed in this Addendum and other published documents have analyzed the proposed amendments.

Affected Environment, Significant Impacts, and Mitigation Measures – Natural Environment

1) Earth, Topography, Soils, and Erosion

Any potential earth, topography, soils, and erosion impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

2) Air Quality and Climate Change

Any potential air quality impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to

a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

3) Water Resources (Ground and Surface)

Any potential water resources impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

4) Fish, Wildlife, Vegetation, and Wetlands

Any potential fish, wildlife, vegetation, and wetlands impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

Affected Environment, Significant Impacts, and Mitigation Measures – Built Environment

1) Land and Shoreline Use

Any potential land use and shoreline impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

2) Plans and Policies

The Final Docket XX proposals CFP1, SW5, and SW7, and the GPP21-3 technical corrections implement relevant county, regional, and state plans and policies including the GMA, the Puget Sound Regional Council VISION 2050, Countywide Planning Policies (CPP), the county GMA Comprehensive Plan, and the county Shoreline Master Program.

3) Population, Housing and Employment

Any potential increases in population, housing, or employment that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

4) Cultural Resources

Any potential impacts to cultural resources that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

5) Transportation

Any potential transportation impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

6) - Energy
Any potential energy impacts that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

7) Public Services and Utilities

The Final Docket XX proposals CFP1, SW5, and SW7, and the GPP21-3 technical corrections would not negatively impact schools, police, fire, or telecommunications. Any potential impacts to other public services and utilities including water, sewer, drainage systems, and solid waste that could result from Final Docket XX proposals CFP1, SW5, and SW7, and from the GPP21-3 technical corrections are addressed in the DEIS and FEIS. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review. No additional mitigating measures are warranted beyond those identified in the DEIS and FEIS.

2021 County Initiated Amendments

Index # - File Name: 1. 0005_SEPA_Addendum22_notice_card_Docket_XX_2020_tech_co

SEPA NOTIFICATION



Notice is Hereby Given that SNOHOMISH COUNTY PLANNING AND DEVELOPMENT SERVICES has issued Addendum 22 to the Final Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update.

Proposals: Adoption of 2021 County Initiated Amendments and Final Docket XX amendments to the General Policy Plan (GPP) and the Capital Facilities Plan (CFP) of the GMA Comprehensive Plan.

Description of Proposals:

CFP1 – Olympic View Water and Sewer District proposes amendments to the district’s wastewater service area boundary;

SW5 – Edward Tokarz proposes amendments to the GPP Future Land Use (FLU) map with a rezone to increase planned residential densities on .72 acres in the Southwest Urban Growth Area (SWUGA);

SW7 – Marv Thomas proposes amendments to the GPP FLU map with a rezone to add planned employment density to 6.61 acres in the SWUGA; and

GPP21-3 - Technical Corrections to the maps of the GPP that recognize properties which are no longer under county jurisdiction due to city and town annexations.

Date of Issuance: June 7, 2021

For more information on Addendum 22 to the FEIS, contact Steve Skorney 425-262-2207 or steve.skorney@snoco.org.

Addendum 22 can be viewed online at:

<https://www.snohomishcountywa.gov/1603/Environmental-SEPADocuments>

ORDINANCE NO. 2019--012

AN ORDINANCE ANNEXING TO THE CITY OF ARLINGTON A PORTION OF
SECTION 2 OF TOWNSHIP 31 NORTH,
RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON,
COMMONLY KNOWN AS THE BUTLER WETLAND ANNEXATION

WHEREAS, the City of Arlington, Washington, owns certain property located within the Arlington Urban Growth Area (UGA); and

WHEREAS, the property consists of Snohomish County tax parcel numbers 31050200300200, 00461804301100, 00461804300600, and 31050200300400, and are part of what was formerly commonly known as the Butler Farm; and

WHEREAS, the City intends to use the property for municipal purposes, which includes passive recreation, open space, and wetland restoration; and

WHEREAS, the City Council is authorized by RCW 35A.14.300 to annex new unincorporated territory outside the city limits, for park, cemetery, or other municipal purposes by a majority vote; and

WHEREAS, municipal purpose annexations are not subject to review by the Snohomish County Boundary Review Board; and

WHEREAS, all statutory requirements have been complied with and annexations are exempt from the requirements of the State Environmental Policy Act (SEPA);

NOW, THEREFORE, the City Council of the City of Arlington does hereby ordain as follows:

Section 1. The following described property commonly known as the Butler Annexation shall be and it is hereby annexed to and included within the corporate limits of the City of Arlington, Snohomish County, State of Washington:

See legal description attached hereto as Exhibit "A".

Section 2. The properties shall continue to have the Comprehensive Plan land use and zoning designation of Public/SemiPublic.

Section 3. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY the City Council and APPROVED by the Mayor this 6th day of May, 2019.

CITY OF ARLINGTON



Barbara Tolbert, Mayor

Attest:



Erin Keator, City Clerk

Approved as to form:



Steven J. Peiffle
City Attorney

Washington State
Boundary Review Board

Received 5/11/2020

For Snohomish County

EXHIBIT A

CHICAGO TITLE INSURANCE COMPANY
A.L.T.A. COMMITMENT
SCHEDULE A
(Continued)

Order No.: 673267
Your No.: CITY OF ARLINGTON

LEGAL DESCRIPTION EXHIBIT
(Paragraph 4 of Schedule A continuation)

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 2, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH 88°42'50" WEST FOR 241.8 FEET;

THENCE NORTH 1°06'00" WEST 502.4 FEET;

THENCE NORTH 9°23'00" WEST 942.74 FEET;

THENCE SOUTH 89°24'30" WEST 1452.22 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°22'00" EAST 687.43 FEET;

THENCE NORTH 56°42'00" EAST 590.28 FEET;

THENCE NORTH 71°34'30" EAST 515 FEET MORE OR LESS TO THE EASTERLY MARGIN OF VACATED MARKET STREET EXTENDED NORTHERLY AS SHOWN ON THE PLAT OF HALLER CITY;

THENCE SOUTHERLY ALONG THE EXTENDED EASTERLY MARGIN OF THE AFORESAID MARKET STREET TO THE NORTHERLY MARGIN OF RIVERSIDE AVENUE;

THENCE EASTERLY ALONG SAID NORTHERLY MARGIN OF RIVERSIDE AVENUE TO THE WESTERLY MARGIN OF MINOR STREET;

THENCE SOUTHERLY ALONG SAID WESTERLY MARGIN OF MINOR STREET TO THE NORTHERLY MARGIN OF DIVISION AVENUE;

THENCE WESTERLY ALONG SAID NORTHERLY MARGIN OF DIVISION AVENUE TO THE TRUE POINT OF BEGINNING;

EXCEPT DIKE ROAD;

EXCEPT STATE HIGHWAY SR 530;

EXCEPT STATE HIGHWAY SR 9;

TOGETHER WITH ALL THAT PORTION OF GOVERNMENT LOTS 13 AND 14, SECTION 2, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION;

THENCE NORTH 88°42'50" WEST 241.8 FEET;

THENCE NORTH 01°6' WEST 502.4 FEET;

THENCE NORTH 09°23' WEST 942.74 FEET;

THENCE SOUTH 89°24'30" WEST 1452.22 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°22' EAST 687.43 FEET;

THENCE NORTH 56°42' EAST 590.28 FEET;

THENCE NORTH 71°34'30" EAST 1032.17 FEET;

THENCE NORTH 18°25'30" WEST 280.0 FEET;

THENCE SOUTH 71°34'30" WEST 1790.25 FEET;

THENCE SOUTH 45°36'30" WEST 1099.83 FEET;

THENCE SOUTH 48°12'30" EAST 455.95 FEET;

THENCE NORTH 84°04'30" EAST 299.86 FEET;

THENCE NORTH 89°24'30" EAST 457.7 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION ACQUIRED BY THE STATE OF WASHINGTON BY CONDEMNATION IN SNOHOMISH COUNTY SUPERIOR COURT CAUSE NO. 97-2-07732-8.

**CHICAGO TITLE INSURANCE COMPANY
A.L.T.A. COMMITMENT
SCHEDULE A
(Continued)**

Order No.: 673267
Your No.: CITY OF ARLINGTON

**LEGAL DESCRIPTION EXHIBIT
(Paragraph 4 of Schedule A continuation)**

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

CERTIFICATION OF ORDINANCE

I, Erin Keator, being the duly appointed and City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2019-012 was approved at the May 6, 2019 City Council meeting.

ORDINANCE NO. 2019-012

AN ORDINANCE ANNEXING TO THE CITY OF ARLINGTON A PORTION
OF SECTION 2 OF TOWNSHIP 31 NORTH,
RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON,
COMMONLY KNOWN AS THE BUTLER WETLAND ANNEXATION

A true and correct copy of the original ordinance is attached.

Dated this 8th day of May 2019.



A handwritten signature in blue ink that reads "Erin Keator". The signature is written in a cursive style and is positioned above a horizontal line.

Erin Keator
City Clerk for the City of Arlington

ORDINANCE NO. 2020--004

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING ORDINANCE NO. 2019-012 TO CORRECT THE LEGAL DESCRIPTION FOR THE
BUTLER WETLAND ANNEXATION

WHEREAS, the City of Arlington, Washington adopted Ordinance No. 2019-012, entitled "AN ORDINANCE ANNEXING TO THE CITY OF ARLINGTON A PORTION OF SECTION 2 OF TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, COMMONLY KNOWN AS THE BUTLER WETLAND ANNEXATION"; and

WHEREAS, the City has determined that the legal description contained in said ordinance did not encompass the entire legal description of the property intended to be annexed by omitting the legal description for two tax parcels; and

WHEREAS, the City wishes to correct the error;

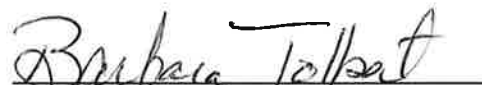
NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. The Exhibit "A" attached hereto shall be substituted for the legal description previously attached as Exhibit "A" to City of Arlington Ordinance 2019-012.

Section 2. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY the City Council and APPROVED by the Mayor this 16th day of March, 2020.

CITY OF ARLINGTON


Barbara Tolbert, Mayor

Attest:


Wendy Van Der Meersche, City Clerk

Approved as to form:


Steven J. Peiffle
City Attorney

Washington State
Boundary Review Board

Received 5/11/2020

For Snohomish County

EXHIBIT "A"

PARCEL A

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 2, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH 88°42'50" WEST FOR 241.8 FEET;

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THENCE NORTH 9°23'00" WEST 942.74 FEET;

THENCE SOUTH 89°24'30" WEST 1452.22 FEET TO THE TRUE POINT OF BEGINNING;

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THENCE SOUTHERLY ALONG THE EXTENDED EASTERLY MARGIN OF THE AFORESAID MARKET STREET TO THE NORTHERLY MARGIN OF RIVERSIDE AVENUE;

THENCE EASTERLY ALONG SAID NORTHERLY MARGIN OF RIVERSIDE AVENUE TO THE WESTERLY MARGIN OF MINOR STREET;

THENCE SOUTHERLY ALONG SAID WESTERLY MARGIN OF MINOR STREET TO THE NORTHERLY MARGIN OF DIVISION AVENUE;

THENCE WESTERLY ALONG SAID NORTHERLY MARGIN OF DIVISION AVENUE TO THE TRUE POINT OF BEGINNING;

EXCEPT DIKE ROAD;

EXCEPT STATE HIGHWAY SR 530;

EXCEPT STATE HIGHWAY SR 9;

TOGETHER WITH ALL THAT PORTION OF GOVERNMENT LOTS 13 AND 14, SECTION 2, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION;

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THENCE NORTH 01°6' WEST 502.4 FEET;

THENCE NORTH 09°23' WEST 942.74 FEET;

THENCE SOUTH 89°24'30" WEST 1452.22 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°22' EAST 687.43 FEET;

THENCE NORTH 56°42' EAST 590.28 FEET;

THENCE NORTH 71°34'30" EAST 1032.17 FEET;

THENCE NORTH 18°25'30" WEST 280.0 FEET;

THENCE SOUTH 71°34'30" WEST 1790.25 FEET;

THENCE SOUTH 45°36'30" WEST 1099.83 FEET;

THENCE SOUTH 48°12'30" EAST 455.95 FEET;

THENCE NORTH 84°04'30" EAST 299.86 FEET;

THENCE NORTH 89°24'30" EAST 457.7 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION ACQUIRED BY THE STATE OF WASHINGTON BY CONDEMNATION IN

SNOHOMISH COUNTY SUPERIOR COURT CAUSE NO. 97-2-07732-8.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

PARCEL B

**Lots 6 to 18 inclusive, Block 43, Haller City,
EXCEPT portion conveyed to the State of Washington for Primary State Highway 1-A, under
Warranty Deed File No. 1160787, records of Snohomish County; as per plat recorded in Volume
2 of Plats on page 22, records of Snohomish County;**

Situate in the County of Snohomish, State of Washington.

CERTIFICATION OF ORDINANCE

I, Wendy Van Der Meersche, being the duly appointed and City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2020-004 was approved at the March 16, 2020 City Council meeting.

ORDINANCE NO. 2020-004

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING ORDINANCE NO. 2019-012 TO CORRECT THE LEGAL
DESCRIPTION FOR THE BUTLER WETLAND ANNEXATION

A true and correct copy of the original ordinance is attached.

Dated this 17th day of March, 2020.



A handwritten signature in cursive script that reads "Wendy Van Der Meersche".

Wendy Van Der Meersche
City Clerk for the City of Arlington

ORDINANCE NO. 764

AN ORDINANCE OF THE TOWN OF DARRINGTON ANNEXING THREE PARCELS OF PROPERTY LEGALLY DESCRIBED ON EXHIBIT B, TO THE TOWN OF DARRINGTON BY MEANS OF THE MUNICIPAL PURPOSE ANNEXATION PROCESS; ADOPTING URBAN INDUSTRIAL AND LIGHT INDUSTRIAL ZONING OF THE AREA; ADOPTING ZONING REGULATIONS FOR THE ANNEXATION AREA; ESTABLISHING AN EFFECTIVE DATE OF MARCH 30, 2021; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Darrington is the owner of real property consisting of approximately 93.6 Acres (Parcel ID Number: 32091400200300) legally described as Parcel 1 in Exhibit B, which is immediately adjacent to and east of the existing Town limits and within the Town's Urban Growth Area; and

WHEREAS, the Town of Darrington is the owner of real property consisting of approximately 5 Acres (Parcel ID Number: 32091400302300) legally described as Parcel 2 in Exhibit B, which is immediately adjacent to and east of Parcel 1; and

WHEREAS, the Town of Darrington is the owner of real property consisting of approximately 8.71 Acres conveyed from Parcel ID Number 32091400301800 by quit claim deed and combined with Parcel ID Number 32091400300200 by Corrected Boundary Line Adjustment recorded February 11, 2020 under AFN #202002110447, legally described as Parcel 3 in Exhibit B; and

WHEREAS, it is the intent of the Town of Darrington that this property, as described in Exhibit B, will be used for municipal purposes for the establishment a public road, creation of recreation areas, establishment of an education center, construction of a storage facility for Town archives, and establishment of a rental revenue generating business facility; and

WHEREAS, the Revised Code of Washington provides for the annexation of territory outside of its limits for any municipal purpose, by majority vote of the Council if the territory is owned by the municipality, or all of the owners of the real property in the territory give their written consent to the annexation (RCW 35.13.180); and

WHEREAS, pursuant to RCW 43.21C.222, annexations of territory by a city or town are SEPA exempt; and

WHEREAS, the property described in Exhibit B to be annexed is within the Town of Darrington's Urban Growth Area as established by Snohomish County and included in the Comprehensive Plan of the Town of Darrington; and

WHEREAS, the property described in Exhibit B is currently designated as Heavy Industrial on the Snohomish County Zoning Map; and

WHEREAS, the Town of Darrington's Comprehensive Plan, adopted in 2015, established a future land use map designation for this property as Urban Industrial for Parcel 1 and Light Industrial for Parcel 2 and Parcel 3, along with pertinent goals and policies, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the Urban Industrial (Parcel 1) and Light Industrial (Parcel 2 and Parcel 3) zoning of the property described in Exhibit B is consistent with the Town of Darrington's Comprehensive Land Use Plan designations as Urban Industrial and Light Industrial respectively, which zoning is shown on the map attached hereto as Exhibit "D"; and

WHEREAS, pursuant to duly provided legal notice, the Town Council held a public hearing on said annexation on March 25, 2021, and, as a result thereof, finds:

1. The annexation area described in Exhibit A should be annexed to the Town of Darrington.
2. Parcel 1 should be zoned Urban Industrial, Parcel 2 and Parcel 3 should be zone Light Industrial, pursuant to the Town of Darrington Future Land Use Zoning Map and that such zoning and classification is in accord with the Town of Darrington Comprehensive Plan, the General Plan of the Town of Darrington.
3. If applicable, the owners of the real property within the annexation area should be required to assume existing indebtedness of the Town of Darrington.
4. The needs of the Town and community do require the hereinafter set forth zoning classification, and the highest and best use for said property is as hereinafter determined.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARRINGTON, WASHINGTON:

Section 1. The findings 1-4 above are here hereby incorporated by this reference and made a part of this Ordinance.

Section 2. The property legally described in Exhibit "B" and identified on the map attached hereto as Exhibit "C", with zoning designations as shown on Exhibit "D" is hereby annexed to the Town of Darrington, Washington.

Section 3. The annexation area is hereby zoned as Urban Industrial (Parcel 1) and Light Industrial (Parcel 2 and Parcel 3) as depicted on the Future Land Use zoning map, which map is incorporated herein by reference.

Section 4. If applicable, the owners of the real property within the annexation area shall be required to assume existing indebtedness of the Town of Darrington.

Section 5. The next regularly amended Zoning District Map prepared by and for the Town of Darrington shall show the annexation area zoned Urban Industrial (Parcel 1) and Light Industrial (Parcel 2 and Parcel 3) and within the jurisdiction of the Town of Darrington.

Section 6. The Town Clerk is hereby authorized and directed to file a certified copy of this ordinance with the County Auditor of Snohomish County and with the Board of County Commissioners of Snohomish County, Washington.

Section 7. The Town Clerk is hereby authorized and directed to provide, as required by RCW 35.13.270, notification by certified mail that includes a list of the Assessor's Tax Parcel numbers of all properties within the annexation, to the Snohomish County Treasurer and Assessor at least thirty days before the effective date of the annexation.

Section 8. This ordinance shall be in full force and effect 5 days following passage and publication of this Ordinance.

Section 9. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

PASSED AND APPROVED by the Darrington Town Council this 25 day of MARCH 2020.

TOWN OF DARRINGTON


Dan Rankin, Mayor

ATTEST:

By: Deanne Allen
Dianne Allen, Town Clerk-Treasurer

APPROVED AS TO FORM:

By: _____
Grant Weed, Town Attorney

Date of Publication: _____

Effective Date: 3/30/2021

**EXHIBIT A
CERTIFICATION**

I, the undersigned, Clerk of the Town of Darrington, Washington (the "Town"), hereby certify as follows:

1. The attached copy of Ordinance No. 764 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the Town Council of the Town held at the regular meeting place thereof on 3/25/21 and signed by the Mayor on 3/26/2021, as that ordinance appears on the minute book of the Town; and the Ordinance will be in full force and effect five (5) days after publication in the Town's official newspaper; and

2. A quorum of the members of the Town Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of MARCH, 2021

TOWN OF DARRINGTON

Dianne Allen
Dianne Allen, Town Clerk-Treasurer

EXHIBIT B
LEGAL DESCRIPTION

Parcel 1 – Grandy Lakes Parcel
Tax Parcel 320914-002-003-00
Chicago Title Preliminary Commitment 500087341

The East half of the Northwest quarter;

Except Burlington Northern right of way;

And the Northeast quarter of Southwest quarter;

Except therefrom rights of way of Burlington Northern Railroad Company;

And except portions of said Northeast quarter of Southwest quarter lying South of a line that begins at a point 110 feet North of Southeast corner thereof and runs North 66°30'00" West 1460 feet, more or less, to West line thereof.

All in Section 14, Township 32 North, Range 9 East of the Willamette Meridian.

Situate in the County of Snohomish, State of Washington

Parcel 2 – Cemetery Property
Tax Parcel 320914-003-032-00
Quit Claim Deed 200406210245

A parcel of land located in the NW ¼ of the SW ¼ of Section 14, T32N, R9E Willamette Meridian, Snohomish County, Washington, more particularly described as follows,

Beginning at the NE corner of the NW ¼ of the SW ¼ of said Section 14, with all bearings contained herein relative to that survey recorded June 13, 1997 in Volume 50 of Surveys at Page 29, under Auditor's File No. 9706135001, Records of Snohomish County, Thence N89°03'04W along the north line of said NW ¼ of the SW ¼ a distance of 358.09 feet, Thence S0°08'15"W parallel with the east line of said SW ¼ of the NW ¼ a distance of 534.81 feet; Thence S66°51'23"E a distance of 388.99 feet to the NW corner of Parcel "A" as shown on that survey recorded September 30, 1991, in Book 36 of Surveys at Pages 59 & 60, under Auditor's File No. 9109305001, Records of Snohomish County, Thence N0°08'15"E along the east line of the NW ¼ of the SW ¼ of said Section 14 a distance of 681.77 feet to the Point of Beginning.

Parcel 3 – Airport Safety Area
Portion of Tax parcel 320914-003-018-00
Quit Claim Deed 201107080025 (with correction)

A parcel of land located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, T32N, R9E Willamette Meridian, Snohomish County, Washington, more particularly described as follows;

Beginning at the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 14 with all bearings contained herein relative to that survey recorded June 13, 1997 in Volume 50 of Surveys at Page 29, under Auditor's File No. 9706135001, Records of Snohomish County; Thence N89°03'04"W along the north line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 358.09 feet; Thence S0°08'15"W parallel with the east line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 534.81 feet to the TRUE POINT OF BEGINNING;

Thence N68°27'37"W a distance of 529.70 feet; Thence S20°56'32"W a distance of 450.09 feet; Thence S73°39'36"E a distance of 699.15 feet; Thence N89°58'29"E a distance of 339.71 feet; Thence N0°08'15"E a distance of 269.54 feet; Thence N66°51'23"W a distance of 388.99 feet to THE TRUE POINT OF BEGINNING.

Contains 8.71 Acres more or less.

EXHIBIT C MAP OF ANNEXATION AREA

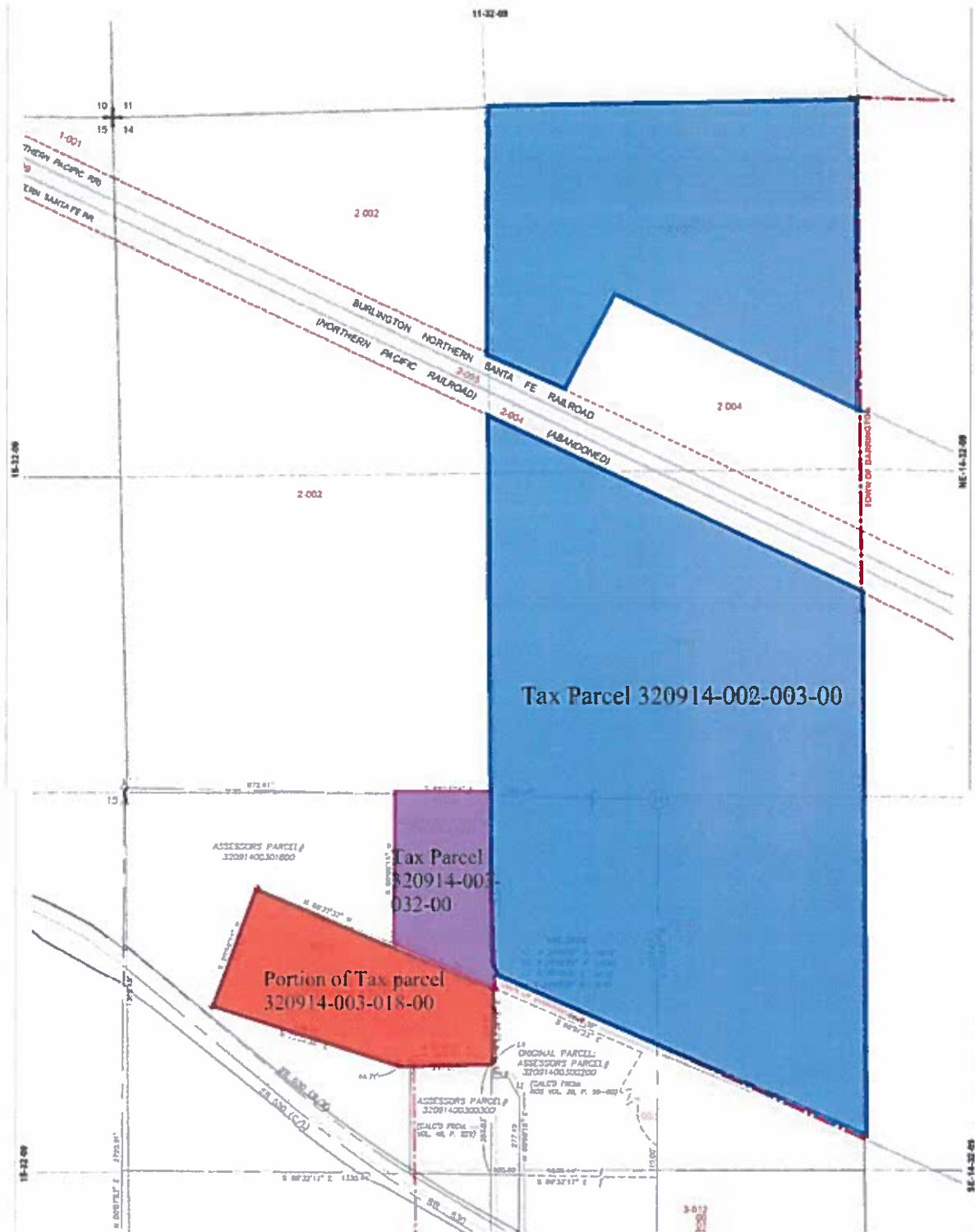
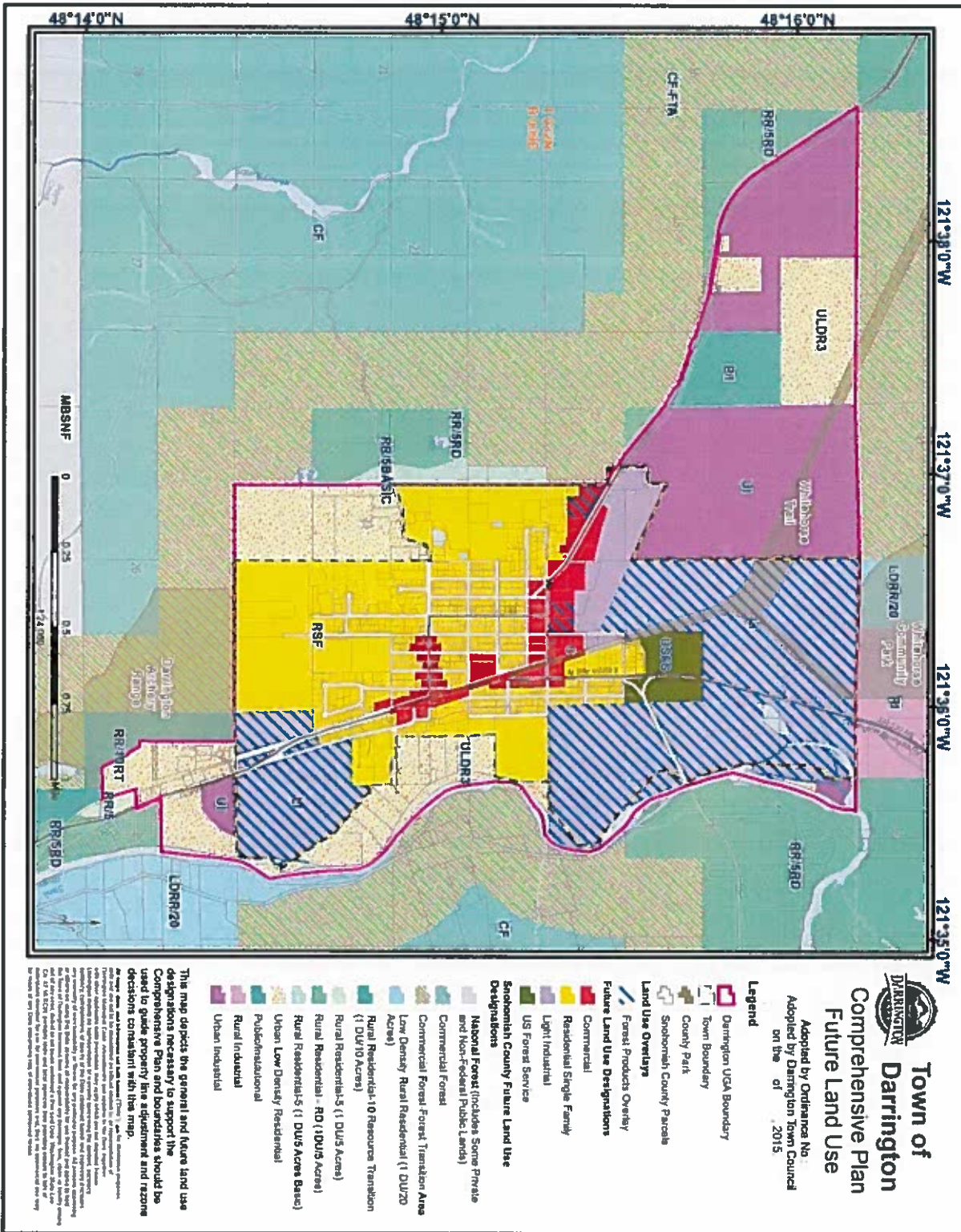


EXHIBIT D

ZONING MAP





ORDINANCE NO. 3801-21

AN ORDINANCE Annexing and Establishing Zoning for the Smith Island West Annexation Area, amending Ordinance No. 1671-89 (as amended)

WHEREAS,

- A. The City of Everett is provided authority to annex contiguous unincorporated territory pursuant to RCW 35.13.180; and
- B. The area is the last remaining unincorporated part of Smith Island that is located within Everett's Municipal Urban Growth Area (MUGA), as designated in the Countywide Planning Policies. Properties within a city's MUGA are expected to be annexed; and
- C. There are no residents within the subject area and owners of the two industrial property assemblages have indicated their desire to be annexed to the City of Everett; and
- D. The City of Everett already provides water to properties abutting the remaining unincorporated portion of Smith Island; and
- E. The area is not within the boundaries of any fire protection district, while the City already provides fire, police and other public safety services to incorporated areas north and east of the area; and
- F. The only street access to the area is through public streets and highways located within the Everett city limits; and
- G. RCW 35.13.470 provides for annexation through the process of an Interlocal Agreement (ILA) between the annexing city and the county, and this process is applicable to the specific circumstances affecting the subject properties on Smith Island; and
- H. Consistent with Council Resolution 7519, an ILA between the city and Snohomish County regarding annexing the subject properties to the city has been approved with the city adopting by reference county codes delineated in ILA Exhibit C for the sole purpose of allowing the county to complete permits and fire inspections prior to the effective date of the annexation; and
- I. On February 4, 2021, the Boundary Review Board notified the city that the proposal was deemed legally sufficient and there had been no request for review so the action is deemed approved and the city authorized to finalize the proposed annexation; and

- J. The upland portion of the annexation area is designated *Industrial* in Everett's Comprehensive Plan and *Urban Mixed Use Industrial* in Everett's Shoreline Master Program; and
- K. The Planning Commission held a public hearing regarding establishment of the implementing zone for the subject area upon annexation to the city and recommended that the area be zoned *Heavy Industrial* as shown in PC Resolution 20-06, Exhibit 1.

WHEREAS, THE CITY COUNCIL FINDS:

- 1. The subject property proposed for annexation is located within Everett's MUGA; and
- 2. At least sixty percent of the boundaries of the territory proposed for annexation is contiguous to Everett's current municipal boundaries; and
- 3. The city and Snohomish County have jointly approved an interlocal agreement regarding annexation of the proposed portion of Smith Island; and
- 4. *Heavy Industrial* is the appropriate implementing zone for the area consistent with the comprehensive plan and shoreline master program designations; and
- 5. The proposed zoning bears a substantial relation to public health, safety or welfare and promotes the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

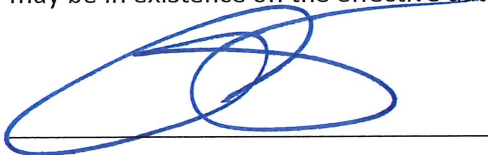
Section 1: The Smith Island-West annexation is approved consistent with the terms of the ILA and with an effective date of June 7, 2021.

Section 2: The zoning of that portion of the City of Everett shown on the map in Exhibit 1 is hereby established as *Heavy Industrial*, amending Ordinance No. 1671-89 (as amended).

Section 3. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references and ordinance numbering.

Section 4. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

Section 5. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.



Cassie Franklin, Mayor

ATTEST:



Sharon Fuller, City Clerk

PASSED: 4-21-21

VALID: 4-26-21

PUBLISHED: 5-4-21

EFFECTIVE DATE: 6-7-21

WASHINGTON STATE
BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

BRB FILE NO. 14-2020

ORD/RESO. NO. 3801-21

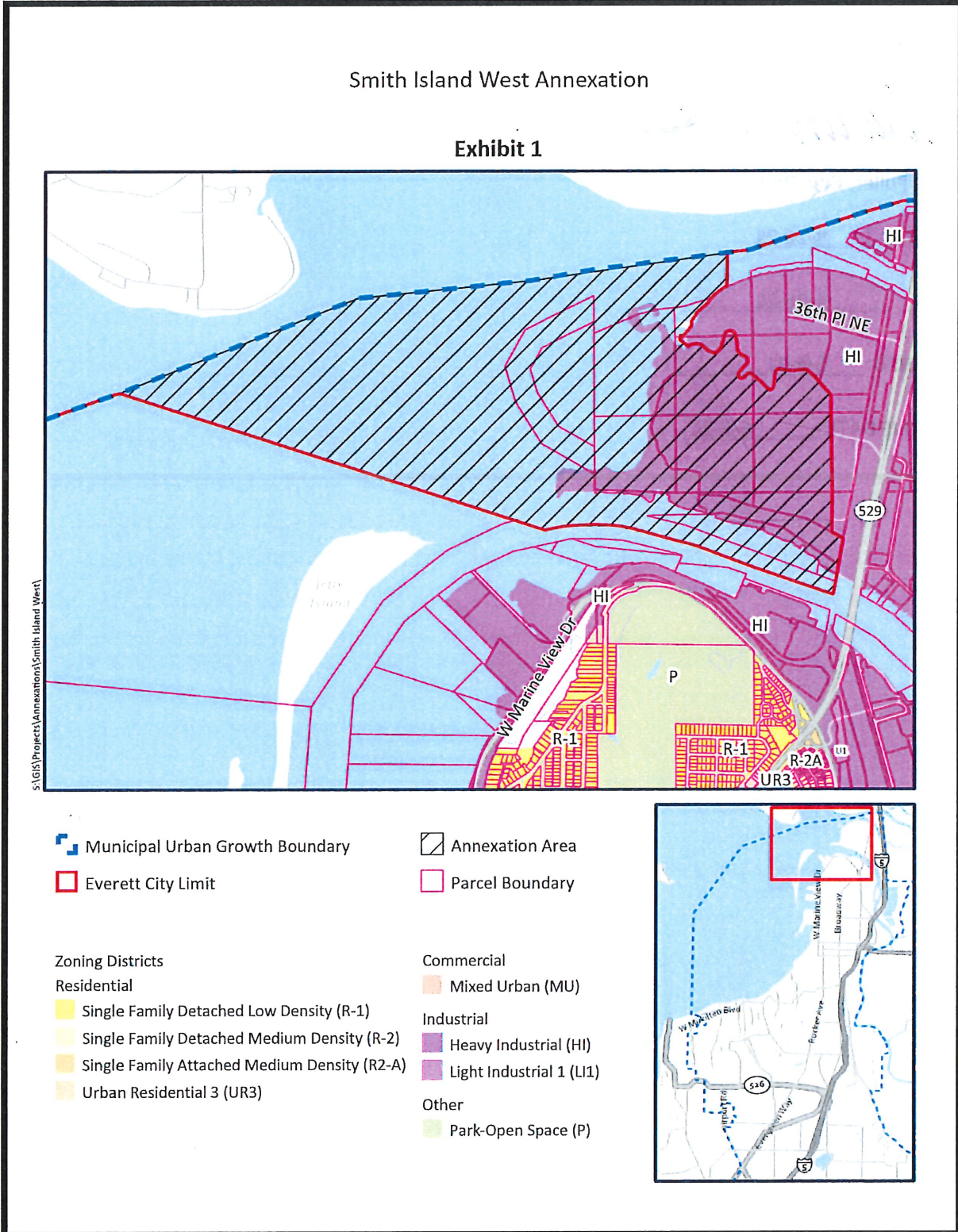
ADOPTED BY DIST. 4/21/21

BRB SIG. Clerk Pamela Yount

EFF. DATE 6/7/21

Smith Island West Annexation

Exhibit 1



S:\GIS\Projects\Annexations\Smith Island West

- Municipal Urban Growth Boundary
 - Everett City Limit
 - Annexation Area
 - Parcel Boundary
- Zoning Districts
- Residential**
 - Single Family Detached Low Density (R-1)
 - Single Family Detached Medium Density (R-2)
 - Single Family Attached Medium Density (R2-A)
 - Urban Residential 3 (UR3)
 - Commercial**
 - Mixed Urban (MU)
 - Industrial**
 - Heavy Industrial (HI)
 - Light Industrial 1 (LI1)
 - Other**
 - Park-Open Space (P)

SMITH ISLAND WEST ANNEXATION LEGAL DESCRIPTION

THAT PORTION OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M. AND SECTION 1, TOWNSHIP 29 NORTH, RANGE 4 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE MID-CHANNEL OF STEAMBOAT SLOUGH AND THE MID-CHANNEL OF UNION SLOUGH;

THENCE WESTERLY ALONG THE MID-CHANNEL OF STEAMBOAT SLOUGH FOR A DISTANCE OF 1,100 FEET THE TRUE POINT OF BEGINNING;

THENCE DUE SOUTH TO THE CENTERLINE OF A DIKE IN THAT PORTION OF GOVERNMENT LOT 4 IN SAID SECTION 5;

THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID DIKE TO THE SOUTH LINE OF SAID GOVERNMENT LOT 4, BEING THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER OF SAID DIKE, 60 FEET MORE OR LESS TO THE MID-CHANNEL OF AN EXISTING SLOUGH IN THE SOUTH HALF OF SAID SECTION 5;

THENCE CONTINUING SOUTHEASTERLY ON THE MID-CHANNEL LINE OF THE SLOUGH TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5;

THENCE SOUTH ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 TO THE SOUTH LINE OF SAID SECTION 5 AND THE NORTHEAST CORNER OF GOVERNMENT LOT 2 IN SECTION 8, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

THENCE SOUTH ON THE EAST LINE OF SAID GOVERNMENT LOT 2 TO INTERSECT THE GOVERNMENT MEANDER LINE;

THENCE SOUTHEASTERLY ALONG SAID GOVERNMENT MEANDER LINE TO INTERSECT THE PRESENT WESTERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD;

THENCE SOUTHERLY ON SAID RIGHT-OF-WAY TO INTERSECT THE MID-CHANNEL OF THE SNOHOMISH RIVER AND THE CITY LIMITS OF THE CITY OF EVERETT, WASHINGTON ESTABLISHED PURSUANT TO EVERETT ORDINANCE 4242, OCTOBER 27, 1967;

THENCE WESTERLY ALONG THE MID-CHANNEL OF THE SNOHOMISH RIVER AND THE NORTHERLY EDGE OF THE EVERETT CITY LIMITS ESTABLISHED PURSUANT TO RCW 35.21.160 AUGUST 26, 1965; TO A POINT WHICH IS 200.10 FEET NORTHEAST OF POINT NUMBER 91 AS DESCRIBED IN QUIT-CLAIM DEED TO PORT OF EVERETT SNOHOMISH COUNTY AUDITOR'S FILE NO. 1311394;

THENCE NORTHWESTERLY ALONG THE NORTHERLY EDGE OF THE CITY OF EVERETT CITY LIMITS AND THE NORTH LINE OF PROPERTY DESCRIBED IN SNOHOMISH COUNTY AUDITOR'S FILE NO. 1311394 FOR A

DISTANCE OF 7009.71 FEET TO THE NORTHERN MOST CORNER OF SAID CORNER OF SAID AUDITOR'S FILE NO. 1311394;

THENCE NORTHEASTERLY FOR A DISTANCE OF 4,368 FEET MORE OR LESS TO THE SOUTHWESTERLY CORNER OF THAT TRACT CONVEYED BY THE EVERETT IMPROVEMENT COMPANY TO SOUNDVIEW PULP COMPANY BY DEED DATED JUNE 2, 1937, RECORDED JUNE 15, 1937 IN VOLUME 249 OF DEEDS, PAGE 219, UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 602450;

THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT AS DESCRIBED IN SNOHOMISH COUNTY AUDITOR'S FILE NO. 602450 FOR A DISTANCE OF 4040 FEET MORE OR LESS TO THE INTERSECTION OF WEST LINE OF SECTION 5, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

THENCE EASTERLY ALONG THE MID-CHANNEL OF STEAMBOAT SLOUGH FOR A DISTANCE OF 2,295 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 857.9 ACRES MORE OR LESS.

SITUATE IN SNOHOMISH COUNTY, WASHINGTON.



One Community Around the Lake

State of Washington

County of Snohomish

I hereby certify that Ordinance 1112 was passed by the City Council at their May 11, 2021 meeting. A true and correct copy of the Ordinance is attached.

The Ordinance title reads as follows:

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF LAKE STEVENS, WASHINGTON CONCERNING ANNEXATION BY INTERLOCAL AGREEMENT; APPROVING FINDINGS OF FACT; APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY, THE CITY OF LAKE STEVENS, AND THE LAKE STEVENS SEWER DISTRICT FOR THE SOUTHEAST INTERLOCAL ANNEXATION; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE; AND FOR FILING OF THE ORDINANCE WITH THE BOARD OF SNOHOMISH COUNTY COMMISSIONERS.



Kelly M. Chelin, City Clerk, City of Lake Stevens

Notary Public Signature: 

Notary Public Residing at: 

My Commission Expires: 



City of Lake Stevens

City Clerk's Office

1812 Main Street | PO Box 257 | Lake Stevens, WA 98258-0257

www.lakestevenswa.gov

CITY OF LAKE STEVENS
Lake Stevens, Washington
REVISED ORDINANCE NO. 1112

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF LAKE STEVENS, WASHINGTON CONCERNING ANNEXATION BY INTERLOCAL AGREEMENT; APPROVING FINDINGS OF FACT; APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY, THE CITY OF LAKE STEVENS, AND THE LAKE STEVENS SEWER DISTRICT FOR THE SOUTHEAST INTERLOCAL ANNEXATION; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE; AND FOR FILING OF THE ORDINANCE WITH THE BOARD OF SNOHOMISH COUNTY COMMISSIONERS.

WHEREAS, Section 35A.14.296 of the Revised Code of Washington (RCW) outlines the process for Washington code cities to annex unincorporated areas within their Urban Growth Area (UGA) pursuant to an interlocal agreement (“ILA”); and

WHEREAS, the City of Lake Stevens has adopted an Annexation Plan, under Resolution 2016-021, as a reasonable measure that provides an annexation strategy and which will help address the projected population deficiency, identified in the Snohomish County 2007 Buildable Lands Report, for the Lake Stevens UGA; and

WHEREAS, the City Council approved Resolution 2020-017 on July 14, 2020, which declared its intent to initiate negotiations with Snohomish County (“County”) on an ILA to annex areas within its UGA, pursuant to RCW 35A.14.296; and

WHEREAS, the Lake Stevens Sewer District (“District”) provided notice to the City of its intent to join as party to the ILA, as permitted by RCW 35A.14.296(2); and

WHEREAS, the City hosted public meetings on September 21, 2020 and December 9, 2020 to discuss the proposed annexation and to respond to questions from area residents and has posted information on the city’s website as it relates to the proposed annexation, including a copy of the ILA; and

WHEREAS, the City, County and District (“Parties”) have drafted an ILA (Exhibit A) that identifies the boundaries, legal description and effective date of the proposed annexation, and which established March 9, 2021 as the date of the joint public hearing between the Lake Stevens City Council and Snohomish County Council to consider approval of the agreement; and

WHEREAS, the ILA as written meets all other requirements of RCW 35A.14.296; and

WHEREAS, the ILA is consistent with the Interlocal Agreement between the City of Lake Stevens and Snohomish County Concerning Annexation and Urban Development within the Lake Stevens Urban Growth Area (“Master ILA”), as amended by the ILA, which is recorded under Snohomish County Auditor’s File Number 200511100706 and aims to facilitate the orderly transition of services and responsibilities for capital projects from the County to the City at the time of annexation of unincorporated areas of the County to the City; and

WHEREAS, the ILA applies only to the areas within the Southeast Interlocal Annexation Area identified in Exhibit A; and

WHEREAS, the City of Lake Stevens City Council has determined that the area will be liable for any of the outstanding indebtedness of the City of Lake Stevens; and

WHEREAS, the Ordinances 1073 and 1074 established Comprehensive Plan land use designations and zoning designations for the annexation area, as amended by Ordinances 1105 and 1106; and

WHEREAS, Section 6 of the ILA notes that all parcels in the annexation area with current county zoning that allow for residential development shall maintain a zoning designation that provides for residential development and not reduce the minimum gross residential density for those parcels below the density permitted by the county, for a minimum of five years; and

WHEREAS, the Parties published a notice of public hearing and notice of availability of the ILA in the Everett Herald for four consecutive weeks starting on February 12, 2021, and made a copy of the ILA available on the city and county websites; and

WHEREAS, the City Council, County Council, and District Board of Commissioners held a joint public hearing on March 9, 2021, where the public was afforded the opportunity to provide testimony; and

WHEREAS, the City Council has determined that the proposed annexation is consistent with all requirements of RCW 35A.14.296 as well as the city's adopted Annexation Plan and will help meet the city's goal of creating "One Community Around the Lake".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council authorizes the Mayor to sign an Interlocal Agreement between Snohomish County, the City of Lake Stevens and the Lake Stevens Sewer District, attached hereto as **Exhibit A**, that annexes into the city those areas within the Southeast Interlocal Annexation Area.

Section 2. The effective date of the annexation is July 16, 2021.

Section 3. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

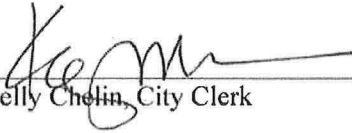
Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

Section 5. A certified copy of this ordinance shall be filed with the board of county commissioners for Snohomish County as required by RCW 35A.14.296(5).

PASSED by the City Council of the City of Lake Stevens this 11th day of May 2021.

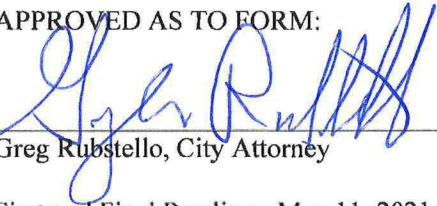

Brett Gailey, Mayor

ATTEST/AUTHENTICATION:



Kelly Chelin, City Clerk

APPROVED AS TO FORM:



Greg Rubstello, City Attorney

First and Final Reading: May 11, 2021

Published: 5/14/21

Effective Date: 5/19/21

WASHINGTON STATE
BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

BRB FILE NO. 03-2021 & 04-2021

ORD/RESO. NO. Ordinance 1112

ADOPTED BY DIST. May 19, 2021*

BRB SIG. Clerk Yount

DATE August 16, 2021

***Effective Date: August 9, 2021**
when 45-day Review Period Expired
and proposal was Deemed Approved

FINALIZED

SNOHOMISH COUNTY COUNCIL

Date: 08/17/21

04/28/21

Council Action Date



Debbie Eco, CMC
Clerk of the Council

EXHIBIT A

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF LAKE STEVENS, SNOHOMISH COUNTY,
AND THE LAKE STEVENS SEWER DISTRICT
CONCERNING THE SOUTHEAST INTERLOCAL ANNEXATION AND
THE ORDERLY TRANSITION OF SERVICES PURSUANT TO RCW 35A.14.296**

1. PARTIES

This Interlocal Agreement (“Agreement” or “ILA”) is made by and between the City of Lake Stevens (“City”), a Washington municipal corporation; Snohomish County (“County”), a political subdivision of the State of Washington; and the Lake Stevens Sewer District (“District”), a special purpose district of the State of Washington, collectively referred to as the “Parties,” pursuant to Chapter 35A.14 RCW (Annexation by Code Cities), Chapter 36.70A RCW (Growth Management Act), Chapter 36.115 RCW (Governmental Services Act), Chapter 43.21C RCW (State Environmental Policy Act), Chapter 36.70B RCW (Local Project Review), Chapter 58.17 RCW (Subdivisions), Chapter 82.02 RCW (Excise Taxes), and Chapter 39.34 RCW (Interlocal Cooperation Act).

2. PURPOSE

- 2.1 Primary purpose. The primary purpose of this Agreement is to set forth the terms of the Parties’ agreement to the annexation (“Annexation”) to the City of territory located within the Southeast Interlocal Annexation area, which area is referred to herein as the “Annexation Area,” pursuant to RCW 35A.14.296. The territory included in the Annexation Area, including the entirety of the lake, is depicted in Exhibit A and a legal description is provided in Exhibit B to this Agreement, and incorporated herein by this reference. The Annexation Area is completely within the City’s Urban Growth Area (UGA) designated under RCW 36.70A.110.
- 2.2. Orderly transition of services and capital projects. The City, County, and District recognize the need to facilitate an orderly transition of services and capital projects from the County to the City at the time of the Annexation.
- 2.3 Secondary purpose. The secondary purpose of this Agreement is to identify those areas within the City’s UGA that the District intends to annex pursuant to one of methods authorized under Chapter 57.24 RCW. This area is referred to herein as the “Sewer Expansion Area”. The Sewer Expansion Area is completely within the City’s UGA, as depicted in Exhibit C and consistent with the *City of Lake Stevens Sewer District Unified Sewer Services and Annexation Agreement*, effective May 23, 2005, and recorded under Auditor File # 200604250536), and its subsequent amendments. No specific timeframe has been established for future annexations of the sewer expansion area.

3. GENERAL AGREEMENT REGARDING ANNEXATION

- 3.1 Applicability of Master Annexation ILA. The Parties recognize the existence of a certain *Interlocal Agreement Between the City of Lake Stevens and Snohomish County Concerning Annexation and Urban Development Within the Lake Stevens Urban Growth Area*, effective October 26, 2005, and recorded under Auditor's File #200511100706 ("Master Annexation ILA"), that addresses certain actions related to annexation. The Parties agree and intend that the Master Annexation ILA shall have applicability, force, and effect with respect to the Annexation contemplated herein, except where specifically amended in Section 4 of this Agreement, where specific issues are identified that are not contained in the Master Annexation ILA.
- 3.2 Applicability of Unified Sewer Services and Annexation Agreement. The Parties recognize the existence of a certain *City of Lake Stevens and Lake Stevens Sewer District Unified Sewer Services and Annexation Agreement*, effective May 23, 2005 and recorded under Auditor's File # 200604250536 and amended on four occasions, most recently on September 27, 2010 ("Unified Sewer Services and Annexation Agreement"), that addresses the unification of the sewerage system within the UGA and coordination of capital projects and annexations affecting the sewerage system
- 3.3 Snohomish County Tomorrow Annexation Principles. The Parties intend that this Agreement, together with the Master Annexation ILA, be interpreted in a manner that furthers the objectives articulated in the Snohomish County Tomorrow Annexation Principles. For this purpose, the Snohomish County Tomorrow Annexation Principles means that document adopted by the Snohomish County Tomorrow Steering Committee on February 28, 2007, and supported by the Snohomish County Council in Joint Resolution No. 07-026 passed on September 5, 2007. The Snohomish County Tomorrow Annexation Principles are attached to this Agreement as Exhibit D and incorporated herein by this reference.
- 3.4 Annexation approval. The Parties agree to hold a joint public hearing on this Agreement on March 9, 2021. The Parties agree that following execution of this Agreement, the City shall pursue the annexation of the territory depicted and described in Exhibits A and B by adoption of an ordinance pursuant to RCW 35A.14.296
- 3.5 Effective date of annexation. The Parties agree that the City's annexation shall become effective ~~May 28~~July 16, 2021.

4. AMENDMENT TO THE MASTER ANNEXATION ILA AND ADDITIONAL AGREEMENTS

4.1 Amendment to Section 3.3 of the Master Annexation ILA. Section 3.3 of the Master Annexation ILA is amended as follows:

3.3 Urban density requirements. Except as may be otherwise allowed by law, the CITY agrees to adopt and maintain land use designations and zones for the annexation areas that will ensure that new residential subdivisions and development will achieve a minimum net density¹ of four dwelling units per acre and that will accommodate within its jurisdiction the population, housing, and employment allocation assigned by Snohomish County under GMA for the subject area. Provided, however, this shall not be deemed as a waiver of the City's right to appeal the assignment of population and employment allocation by any means provided by law.

¹For purposes of this agreement, minimum net density is the density of development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, and critical areas and their required buffers. Minimum density is determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

4.2 Amendment to Section 9.1 of the Master Annexation ILA. Section 9.1 of the Master Annexation ILA is deleted in its entirety and replaced with the following:

9.1 Legal control and maintenance responsibilities. If an annexation area includes surface water management improvements or facilities (i) in which the COUNTY has an ownership interest, (ii) over or to which the COUNTY has one or more easements for access, inspection and/or maintenance purposes, and/or (iii) relating to which the COUNTY has maintenance, monitoring, or other responsibilities, all such ownership interests, rights and responsibilities shall be transferred to the CITY, effective by the date of the annexation, except as otherwise negotiated between the Parties in any subsequent agreements. The COUNTY agrees to provide a list of all such known surface water management improvements and facilities to the CITY. If the COUNTY'S current Annual Construction Plan or Surface Water Management Division budget includes major surface water projects in the area to be annexed, the Parties will determine how funding, construction, programmatic and subsequent operational responsibilities, legal control and responsibilities will be assigned for these improvements, and the timing thereof, under the provisions of RCW 36.89.050, RCW 36.89.120 and all other applicable authorities.

4.3 Amendment to Section 9.2 of the Master Annexation ILA. Section 9.2 of the Master Annexation ILA is deleted in its entirety and replaced with the following:

9.2 Taxes, fees, rates, charges and other monetary adjustments. The CITY recognizes that service charges are collected by the COUNTY for unincorporated areas within the COUNTY'S Surface Water Management Utility District. Surface water management service charges are collected at the beginning of each calendar year through real property tax statements. Upon the effective date of an annexation, the CITY hereby agrees that the COUNTY may continue to collect and, pursuant to Title 25 SCC and to the extent permitted by law, to apply the service charges collected during the calendar year in which the annexation occurs to the provision of surface water services designated in that year's budget. These services, which do not include servicing of drainage systems in road right-of-way, will be provided through the calendar year in which the annexation becomes effective and will be of the same general level and quality as those provided to other property owners subject to service charges in the COUNTY. If the CITY intends for the COUNTY to continue providing surface water services beyond the calendar year after annexation, a separate interlocal agreement must be negotiated between the Parties.

4.4 Amendment to Section 9.3 of the Master Annexation ILA. Section 9.3 of the Master Annexation ILA is deleted in its entirety.

4.5 Amendment to Section 9 of the Master Annexation ILA. Section 9 of the Master Annexation ILA is amended to add new Master Annexation ILA sections 9.3, 9.4, 9.5, 9.6, 9.7, and 9.8 as follows:

9.3 Compliance with National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. The Parties acknowledge that upon the effective date of any annexation, the annexation area will become subject to the requirements of the CITY'S Phase II NPDES Municipal Stormwater Permit, and will no longer be subject to the requirements of the COUNTY'S Phase I NPDES Municipal Stormwater Permit. Notwithstanding the COUNTY'S continued provision of stormwater management services in an annexation area pursuant to Subsection 9.2, the CITY expressly acknowledges, understands and agrees that from and after the effective date of any annexation (i) the CITY shall be solely responsible for ensuring the requirements of the CITY'S NPDES Permit are met relating to the annexation area, and (ii) any stormwater management services the COUNTY continues to provide in the annexation area pursuant to Subsection 9.2 will not be designed or intended to ensure or guarantee compliance with the requirements of the CITY'S Phase II NPDES Permit.

9.4 Access during remainder of calendar year in which annexation occurs. To ensure the COUNTY is able to promptly and efficiently perform surface water management services in the annexation area after the effective date of annexation, as described in Subsection 9.2, the CITY shall provide the COUNTY with reasonable access to all portions of the annexation area in which

such services are to be performed. Reasonable access shall include, by way of example and not by way of limitation, the temporary closing to traffic of streets, or portions thereof, if such closing is reasonably necessary to perform the service at issue.

9.5 Surface Water Facility Data. In addition to the list of COUNTY facilities and assets provided in Subsection 9.1, the COUNTY shall provide:

9.5.1 Available data on surface water facilities which the COUNTY has in its database, which may include but not be limited to: inspection and maintenance records, spatial and attribution data (ArcGIS), As-Built construction plans, ownership status (private, public), and current maintenance responsibility.

9.5.2 Available data on surface water programs concerning the annexation area, which may include but not be limited to: drainage complaints; water quality complaints; business inspections; facility inspections; education and outreach; monitoring; salmon recovery; and special studies.

9.6 Surface Water Management cases referred to Planning and Development Services (PDS) code enforcement for county code violations. Any pending Surface Water Management cases referred to PDS code enforcement for county code violations relating to real property located in an annexation area will be transferred to the CITY on the effective date of the annexation. Any further action in those cases will be the responsibility of the CITY at the CITY'S discretion. The COUNTY agrees to make its employees available as witnesses at no cost to the CITY, if necessary, to assist with transferred code enforcement cases. Upon request, the COUNTY agrees to provide the CITY with copies of any files and records related to any transferred case.

9.7 Government service agreements. The COUNTY and CITY intend to work toward one or more interlocal agreements for joint watershed management planning, capital construction, infrastructure management, habitat/river management, water quality management, outreach and volunteerism, and other related services.

9.8 Transfer of Federal and State Permits. If there are structures or work related to COUNTY surface water management improvements or facilities that are authorized under active federal or state permits located in an annexation area, as the new owner the CITY, if allowed by the federal or state permit, agrees to execute documents validating the transfer of the permit(s) and accept the responsibility and liabilities associated with compliance with the permit(s) terms and conditions, unless otherwise mutually agreed to in writing. Active

federal or state permits are those permits under which there are responsibilities and duties that have not been completed by the permittee according to the permit terms and conditions, including but not limited to, monitoring and maintenance responsibilities and duties.

5. SURFACE WATER MANAGEMENT IMPROVEMENTS AND FACILITIES

In accordance with Section 9.1 of the Master Annexation ILA, an initial list of known surface water management improvements and facilities owned by the County or over which the County has rights or responsibilities in the Annexation Area is attached and incorporated hereto as Exhibit E. While the County has made its best efforts to provide a list of all known surface water management improvements and facilities, the exclusion of any County owned facilities or property interests located within the Annexation Area from Exhibit E, does not change the Parties agreement that any ownership interests, rights and responsibilities associated with County surface water management improvement and facilities in the Annexation Area shall be transferred to the City, effective by the date of the annexation.

6. RESIDENTIAL ZONING

For all parcels zoned by the County for residential development in the Annexation Area, in accordance with RCW 35A.14.296(2) the City agrees that for a period of five years after the effective date of annexation the City shall maintain a zoning designation that provides for residential development and not reduce the minimum gross residential density for those parcels below the density allowed for by the County zoning designation in effect prior to annexation. The City assigned zoning pre-designations for the Annexation Area via City Ordinance 1073 and as amended by City Ordinance 1106, which comply with the requirements of RCW 35A.14.296(2).

7. TRANSFER OF SUNSET PARK

Sunset Park is a 0.27-acre park located at 410 E Lake Stevens Rd (Assessor Parcel # 00533400001500) that is currently owned and managed by the County. As part of this Agreement, ownership and maintenance responsibilities for Sunset Park will be transferred to the City in its existing condition. The City has identified several capital improvements to the park to bring it up to the City's level of service for parks and to address bank and shore stabilization issues. The County agrees to support the City in its pursuit of funding sources for necessary park improvements.

8. FUTURE CAPITAL IMPROVEMENTS

The County has not identified any planned capital improvements to roads or other existing transportation infrastructure or to the list of surface water facilities listed in Exhibit E. The County agrees to work cooperatively on identifying and planning needed transportation improvements within and adjacent to the annexation area that will meet the needs of both city and countywide multimodal traffic. The County Surface Water Management staff expertise provided under this

section will be limited to available technical knowledge about surface water conditions and infrastructure in the Annexation Area.

9. THIRD PARTY BENEFICIARIES

There are no third-party beneficiaries to this Agreement, and this Agreement shall not be interpreted to create any third party beneficiary rights.

10. DISPUTE RESOLUTION

Except as herein provided, no civil action with respect to any dispute, claim or controversy arising out of or relating to this Agreement may be commenced until the dispute, claim or controversy has been submitted to a mutually agreed upon mediator. The Parties agree that they will participate in the mediation in good faith, and that they will share equally in its costs. Each Party shall be responsible for the costs of their own legal representation. Each Party may seek equitable relief prior to the mediation process, but only to preserve the status quo pending the completion of that process. The Parties agree to mediate any disputes arising under this Agreement including, without limitation, disputes regarding the annexation process or responsibilities of the Parties prior to the Boundary Review Board hearing on the Annexation.

11. HONORING EXISTING AGREEMENTS, STANDARDS AND STUDIES

In the event a conflict exists between this Agreement and any agreement between the Parties in existence prior to the effective date of this Agreement, the terms of this Agreement shall govern the conflict. As between the District and the City, this Agreement is intended to address the future annexation of territory by the District located within the Southeast Interlocal Annexation Area under chapter 57.24 RCW. Other than the implications of the additional territory, this Agreement does not change the terms and conditions of the Unified Sewer Services and Annexation Agreement.

12. RELATIONSHIP TO EXISTING LAWS AND STATUTES

This Agreement in no way modifies or supersedes existing state laws and statutes. In meeting the commitments encompassed in this Agreement, all Parties will comply with all applicable state or local laws. The County and City retain the ultimate authority for land use and development decisions within their respective jurisdictions. By executing this Agreement, the County and City do not intend to abrogate the decision-making responsibility or police powers vested in them by law.

13. EFFECTIVE DATE, DURATION AND TERMINATION

13.1 Effective Date. This Agreement shall become effective following the approval of the Agreement by the official action of the governing bodies of the Parties and the

signing of the Agreement by an authorized representative of each Party hereto.

13.2 Duration. This Agreement shall be in full force and effect through December 31, 2030. If the Parties desire to continue the terms of the Agreement after the Agreement is set to expire, the Parties may either negotiate a new agreement or extend this Agreement through the amendment process.

13.3 Termination. Any Party may terminate this Agreement upon ninety (90) days advance written notice to the other party. Notwithstanding termination of this Agreement, the Parties are responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the termination.

14. INDEMNIFICATION AND LIABILITY

14.1 Indemnification of County. The City shall protect, save harmless, indemnify and defend, at its own expense, the County, its elected and appointed officials, officers, employees and agents, from any loss or claim for damages of any nature whatsoever arising out of the City's performance of this Agreement, including claims by the City's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the County, its elected and appointed officials, officers, employees, or agents.

14.2 Indemnification of City. The County shall protect, save harmless, indemnify, and defend at its own expense, the City, its elected and appointed officials, officers, employees and agents from any loss or claim for damages of any nature whatsoever arising out of the County's performance of this Agreement, including claims by the County's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the City, its elected and appointed officials, officers, employees, or agents.

14.3 Extent of liability. In the event of liability for damages of any nature whatsoever arising out of the performance of this Agreement by the City and the County, including claims by the City's or the County's own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of the County and the City, their officers, officials, employees and volunteers, each party's liability hereunder shall be only to the extent of that party's negligence.

14.4 Hold harmless. No liability shall be attached to the City or the County by reason of entering into this Agreement except as expressly provided herein. The City shall hold the County harmless and defend at its expense any legal challenges to the City's requested mitigation and/or failure by the City to comply with Chapter 82.02 RCW. The County shall hold the City harmless and defend at its expense

any legal challenges to the County's requested mitigation or failure by the County to comply with Chapter 82.02 RCW.

15. SEVERABILITY

If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provisions and the application of the provisions to other persons or circumstances shall not be affected.

16. EXERCISE OF RIGHTS OR REMEDIES

Failure of any Party to exercise any rights or remedies under this Agreement shall not be a waiver of any obligation by any other Party and shall not prevent any other Party from pursuing that right at any future time.

17. RECORDS

The Parties shall maintain adequate records to document obligations performed under this Agreement. The Parties shall have the right to review each other's records with regard to the subject matter of this Agreement, except for privileged documents, upon reasonable written notice.

The City, the County, and the District each acknowledges, agrees and understands that each party is a public agency subject to certain disclosure laws, including, but not limited to Washington's Public Records Act, chapter 42.56 RCW. This Agreement and all public records associated with this Agreement shall be retained and be available from the City, the County, and the District for inspection and copying where required by the Public Records Act, Chapter 42.56 RCW.

18. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties concerning the Annexation, except as set forth in Section 3 and Section 4 of this Agreement.

19. GOVERNING LAW AND STIPULATION OF VENUE

This Agreement shall be governed by the laws of the State of Washington. Any action hereunder must be brought in the Superior Court of Washington for Snohomish County.

20. CONTINGENCY

The obligations of the City, the County and the District in this Agreement are contingent on the availability of funds through legislative appropriation and allocation in accordance with law. In the event funding is withdrawn, reduced or limited in any way after the effective date of this Agreement, the City, the County, or the District may terminate the Agreement under Subsection 13.3 of this Agreement, subject to renegotiation under those new funding limitations and conditions.

21. FILING

A copy of this Agreement shall be filed with the Lake Stevens City Clerk and recorded with the Snohomish County Auditor's Office or as otherwise allowed or required under state law.

22. ADMINISTRATORS AND CONTACTS FOR AGREEMENT

The Administrators and contact persons for this Agreement are:

Russ Wright
Community Development Director
City of Lake Stevens
1812 Main St.
Lake Stevens, WA 98258
(425) 334-1012

Eileen Canola
Snohomish County
Department of Planning and Development Services
3000 Rockefeller Ave.
Everett, WA 98201
(425) 262-2253

Johnathan Dix
Assistant General Manager
Lake Stevens Sewer District
1106 Vernon Road, Suite A
Lake Stevens, WA 98258
(425) 334-8588

IN WITNESS WHEREOF, the parties have signed this Agreement, effective on the later date indicated below.

Dated this 12th day of May 2021.

CITY OF LAKE STEVENS

BY:



Brett Gailey
Mayor

Date: 12 May 2021

SNOHOMISH COUNTY

BY:



Dave Somers
County Executive

Date: 4/29/2021

ATTEST:


City Clerk

Approved as to form only:

Attorney for the City of Lake Stevens

ATTEST:

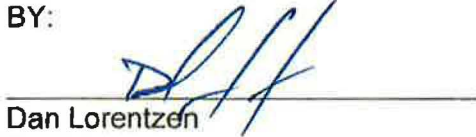

Clerk of the County Council

Approved as to form only:

Deputy Prosecuting Attorney for Snohomish County

LAKE STEVENS SEWER DISTRICT

BY:



Dan Lorentzen
President

DATE: 5/3/2021

ATTEST:

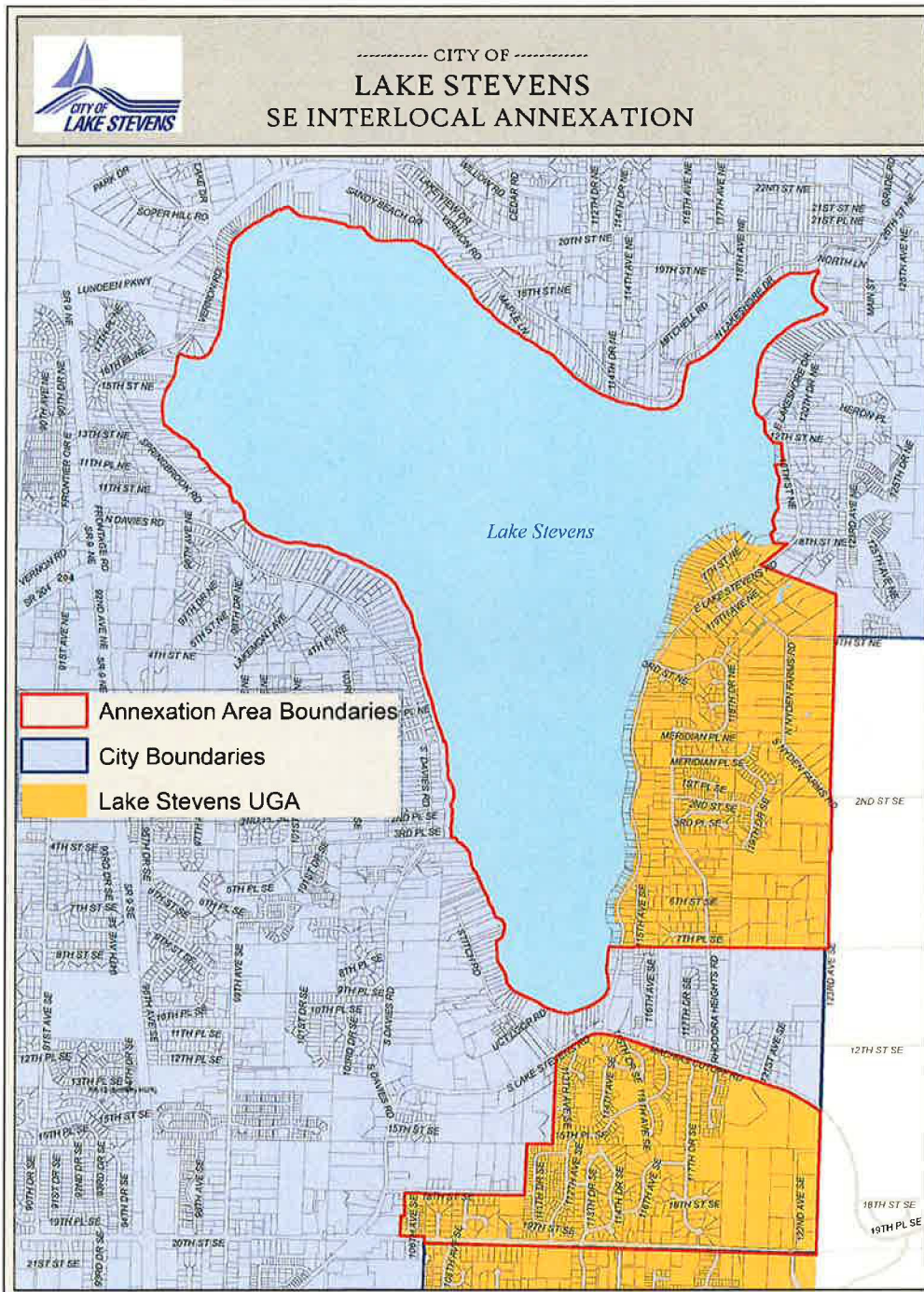


Approved as to form only:


Attorney for Lake Stevens Sewer District

INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE STEVENS,
SNOHOMISH COUNTY, AND THE LAKE STEVENS SEWER DISTRICT
CONCERNING THE SOUTHEAST INTERLOCAL ANNEXATION AND
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EXHIBIT A – Southeast UGA Annexation Map



INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE STEVENS, SNOHOMISH COUNTY, AND THE LAKE STEVENS SEWER DISTRICT CONCERNING THE SOUTHEAST INTERLOCAL ANNEXATION AND THE ORDERLY TRANSITION OF SERVICES PURSUANT TO RCW 35A.14.296

EXHIBIT B – Southeast UGA Annexation Legal Description

CITY OF LAKE STEVENS ANNEXATION LEGAL DESCRIPTION UGA AREA (NORTH)

Those portions of the Southwest quarter of Section 6, Section 7, Section 17, Section 18, the Northeast quarter of Section 19, and the Northwest quarter and Northeast quarter of Section 20, all in Township 29 North, Range 6 East, W.M., and those portions of Section 12, and the Northeast quarter of Section 13, all in Township 29 North, Range 5 East, W.M., all in Snohomish County, Washington, described as follows:

Beginning at the Southeast corner of the Southwest quarter of said Section 17 and following along the existing city limits of the City of Lake Stevens;

Thence Easterly, 25 feet plus or minus, to the easterly right of way of 123rd Ave SE;

Thence Northerly along said east right of way, 695 feet plus or minus, to the southerly right of way of 2nd Street SE;

Thence Northwesterly, 54 feet plus or minus, to the northerly right of way of 2nd Street SE and its intersection with the east line of the Southwest quarter of said Section 17;

Thence Northerly along the east line of the Southwest quarter of said Section 17, 2115 feet plus or minus, to the Southeast corner of the Northwest quarter of said Section 17;

Thence continuing Northerly along the east line of the Northwest quarter of said Section 17, 610 feet plus or minus, to the south line of Tract 501 of The Reserve at Lake Stevens Division No. 5 as recorded under recording number 199711132006;

Thence Northwesterly along said south line of Tract 501 and extended to the westerly Right of Way of E Lake Stevens Rd, 1094 feet plus or minus, which is also the south line of Tract 999 of Cedar Cove as recorded under recording number 198302175001;

Thence Northeasterly along the westerly right-of-way of E Lake Stevens Rd, 467 feet plus or minus, to the north line of said Tract 999 of Cedar Cove;

Thence Northwesterly along the said north line of Tract 999, 315 feet plus or minus, to the Second class Shoreland and Navigable Boundary of Lake Stevens as conveyed by the State of Washington;

Thence Northerly, Westerly, Southerly, Easterly, Northerly along the said navigable boundary of said Lake Stevens and the existing city limits of the City of Lake Stevens (said navigable boundary also referred to as mean low water, the shore of, the navigable boundary of shorelands, second class shorelands and westerly limit of shorelands) approximately 30,000 feet plus or minus, to a point of a line lying 1,356.3 feet southerly of the north line of the northeast quarter of said Section 19;

Thence Easterly along the line lying 1,356.3 feet southerly of the north line of the northeast quarter of said Section 19, 333 feet plus or minus, to the east line of said Section 19 and the west line of Lot 13 of North Star Plat as recorded under recording number 201411240384;

Thence Northerly along the east line of said Section 19, 12 feet plus or minus, to the South line of the North half of the Northwest quarter of Section 20;

Thence Easterly along the said south line of the North half, 2617 feet plus or minus, to the east line of the said Northwest quarter of Section 20;

Thence Easterly 30 feet plus or minus, to the Easterly right of way of 123rd Ave SE;

Thence Northerly along said east right of way, 1316 feet plus or minus, to a point 25 feet east of the SE Corner of the Southwest quarter of said Section 17;

Thence Westerly 25 feet plus or minus to the east line of the Southwest quarter of said Section 17 and the True Point of Beginning.

This legal description/exhibit was initiated by CHS Engineers, LLC and this deliverable was completed by David Evans and Associates, Inc. The licensed professional whose stamp is affixed hereto has continuously acted as the professional in responsible charge and prepared or directed all phases of the work and legal description/exhibit.



**CITY OF LAKE STEVENS ANNEXATION LEGAL DESCRIPTION
UGA AREA (SOUTH)**

Those portions of the Northeast quarter, Southeast quarter and the Southwest quarter of Section 19, the Northwest quarter, Southwest quarter and the Southeast quarter of Section 20, the Northwest quarter of Section 29, and the Northeast quarter of Section 30, all in Township 29 North, Range 6 East, W.M., in Snohomish County, Washington, described as follows:

Beginning at the Southeast corner of the Southwest quarter of said Section 20;

Thence northerly along the east line of the southwest quarter of said Section 20, 1392 feet plus or minus, to the South line of the North half of the Southwest quarter of said Section 20;

Thence easterly, 30 feet plus or minus, to the easterly right of way of 123rd Ave SE;

Thence northerly along the easterly right of way of 123rd Ave SE, 468 feet plus or minus, to its intersection with the southerly right of way of Machias Cutoff and the existing city limits of the City of Lake Stevens;

Thence northwesterly along the southerly right of way of Machias Cutoff, 3360 feet plus or minus, to its intersection with southerly right of way of S Lake Stevens Rd and following along the existing city limits of the City of Lake Stevens;

Thence southwesterly along the southerly right of way of S Lake Stevens Rd, 560 feet plus or minus, to the west line of Mission Ridge Division No 3 as recorded under recording number 2002121850H;

Thence southerly along the said west line, 1192 feet plus or minus, to the north line of Mission Ridge Division No. 2 as recorded under recording number 200104035002;

Thence westerly along the said north line, 339 feet plus or minus, to the west line of said Mission Ridge Division No. 2;

Thence southerly along the said west line, 687 feet plus or minus, to the southerly right of way of 18th Street SE;

Thence westerly along the southerly right of way of 18th Street SE, 1625 feet plus or minus, to the east line of the West 75 feet of the East 375 feet of Lot 2 of Ideal Garden Tracts as recorded under Volume 7 of plat, page 33;

Thence southerly along the east line West 75 feet of the East 375 feet of said Lot 2, 120 feet plus or minus, to the south line of the North 187 feet of said Lot 2;

Thence easterly along the south line of said North 187 feet of Lot 2, 20 feet plus or minus, to the west line of Lot 19 of Silver Leaf Condominium as recorded under recording number 200510175207;

Thence southerly along the west line of said Lot 19 and the west line of Common Element A, 180 feet plus or minus, to the north line of Lot 25 of said Silver Leaf Condominium;

Thence westerly along the said north line, 44 feet plus or minus, to the west line of said Silver Leaf Condominium;

Thence southerly along the said west line, 315 feet plus or minus, to the northerly right of way of 20th Street SE;

Thence easterly along the said northerly right of way, 335 feet plus or minus, to the west line of the Southeast quarter of said Section 19;

Thence southerly along the west line of said Southeast quarter, 60 feet plus or minus to the southerly right of way of 20th Street SE;

Thence easterly along the said southerly right of way, 5324 feet plus or minus, to the west line of Cascade Acres Division A as recorded under Volume 25 of plats, Page 6 and 7;

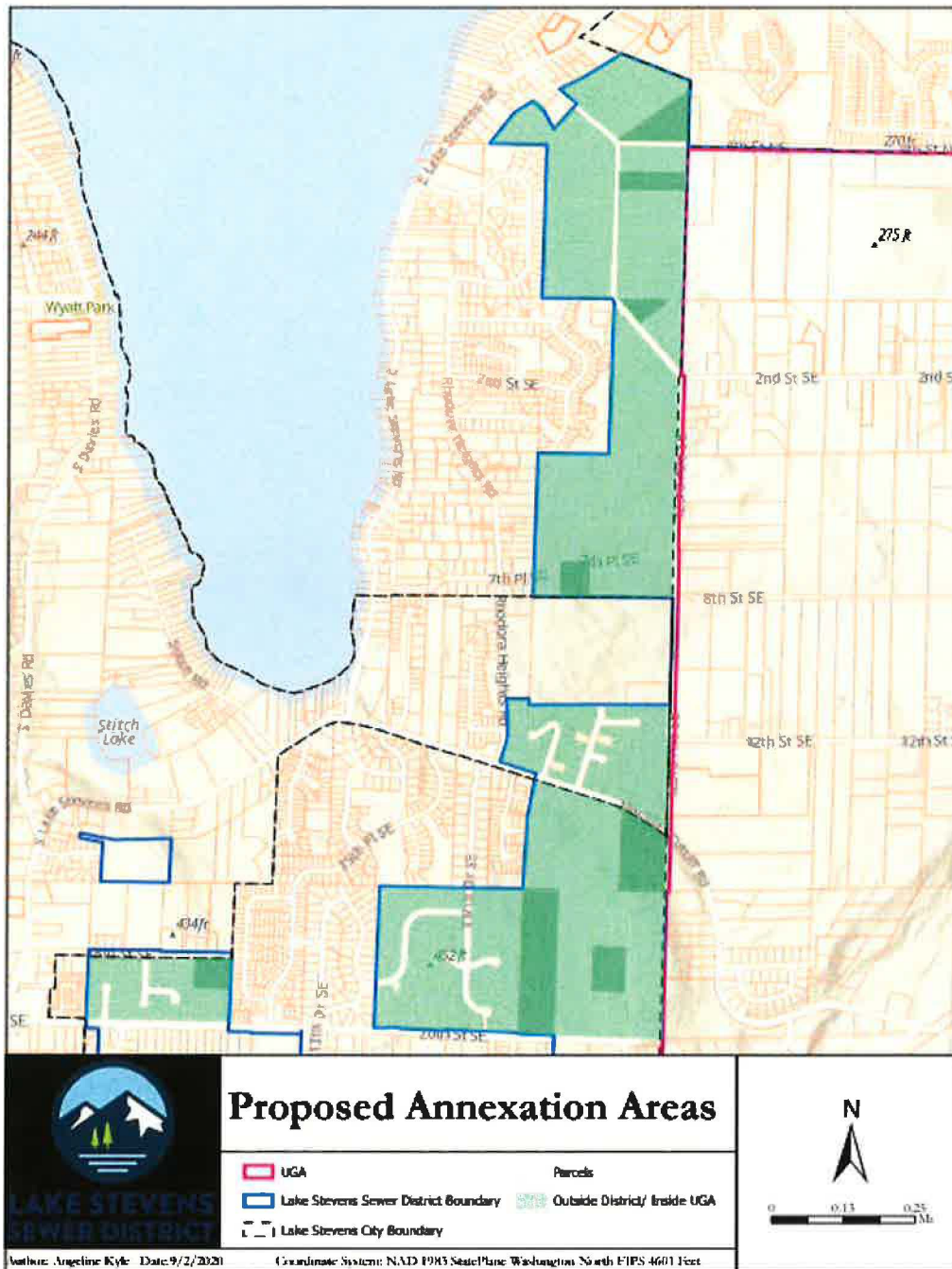
Thence northerly along said East line, 30 feet plus or minus, to the south line of said Section 20 and the True Point of Beginning.



This legal description/exhibit was initiated by CHS Engineers, LLC and this deliverable was completed by David Evans and Associates, Inc. The licensed professional whose stamp is affixed hereto has continuously acted as the professional in responsible charge and prepared or directed all phases of the work and legal description/exhibit.



EXHIBIT C – Southeast UGA Sewer Expansion Area Map



INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE STEVENS,
SNOHOMISH COUNTY, AND THE LAKE STEVENS SEWER DISTRICT
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EXHIBIT D – SNOHOMISH COUNTY TOMORROW ANNEXATION PRINCIPLES

The following principles are intended as a “roadmap” for successful annexations but are not intended to require cities to annex all UGA lands. The desired outcome will reduce Snohomish County’s current delivery of municipal services within the urban growth area while strengthening the County’s regional planning and coordinating duties. Likewise, cities/towns will expand their municipal services to unincorporated lands scattered throughout the UGAs in Snohomish County. These principles propose altering historical funding and service delivery patterns. All parties recognize that compromises are necessary.

1. The County and all Snohomish County cities will utilize a six-year time schedule which will guide annexation goals. This work will be known as the Six Year Annexation Plan. As follow-up to the county’s Municipal Urban Growth Area (MUGA) policies, those cities that have a (MUGA) land assignment, should designate this land assignment a priority. Each jurisdiction shall conduct its normal public process to ensure that citizens from both the MUGA areas and city proper are well informed. All Snohomish County cities have the option of opting in or out of this process. Cities that opt in will coordinate with the county to establish strategies for a smooth transition of services and revenues for the annexations proposed in the accepted Six Year Plan.
2. Each city will submit a written report regarding priority of potential annexation areas to the county council every two years, at which time each city will re-evaluate its time schedule for annexation. This report will serve as an update to the Six Year Annexation Plan.

The report to the county council should be based upon each city’s internal financial analyses dealing with the cost of those annexations identified for action within the immediate two-year time period. This analysis shall include: current and future infrastructure needs including, but not be limited to, arterial roads, surface water management, sewers, and bridges. A special emphasis should be given to the financing of arterial roads, including historical county funding and said roads’ priority within the county’s current 6-year road plan. Where financing and other considerations are not compelling, the city and county may “re-visit” the annexation strategies at the next two-year interval.

3. To facilitate annexation within urban growth areas (UGAs), the host city and the county may negotiate an Interlocal agreement providing for sub-area planning to guide the adoption of consistent zoning and development regulations between the county and the city. Coordination of zoning densities between the county and the host city may require the revision of land use maps, adoption of transfer rights or other creative solutions. Upon completion of sub-area planning, if

densities cannot be reconciled, then the issue would be directed to SCT for review and possible re-assignment to alternate sites within the UGA.

The Interlocal Agreement would also address development and permit review and related responsibilities within the UGA, apportioning related application fees based upon the review work performed by the respective parties, and any other related matters. The format for accomplishing permit reviews will be guided in part by each city's unique staffing resources as reflected in the Interlocal agreement between the host city and the county.

4. The city and the county will evaluate the financial and service impacts of an annexation to both entities, and will collaborate to resolve inequities between revenues and service provision. The city and county will negotiate on strategies to ensure that revenues and service requirements are balanced for both the city and the county. These revenue sharing and/or service provision strategies shall be determined by individual ILAs to address service operations and capital implementation strategies.
5. The county and the host city will negotiate with other special taxing districts on annexation related issues. Strategies for accomplishing these negotiations will be agreed to by the county and host city, and reflected in the host city's annexation report. (See preceding Principle #2.)
6. To implement the goals of the Annexation Principles regarding revenue sharing, service provision, and permit review transitions, the county and the cities will consider a variety of strategies and tools in developing Interlocal Agreements, including:
 - Inter-jurisdictional transfers of revenue, such as property taxes, Real Estate Excise Taxes (REET), storm drainage fees, sales tax on construction, and retail sales tax. Dedicated accounts may be opened for the deposit of funds by mutual agreement by the county and city;
 - Service provision agreements, such as contracting for service and/or phasing the transition of service from the county to the city;
 - Identifying priority infrastructure improvement areas to facilitate annexation of areas identified in Six Year Annexation Plans.

**EXHIBIT E – KNOWN DRAINAGE FACILITIES OWNED BY THE COUNTY OR
OVER WHICH THE COUNTY HAS RIGHTS OR RESPONSIBILITIES**

Area	FacID	Owner_Type	ROW	To Transfer
Area 1	F#429	County	Yes	Facility
Area 1	F#430	County	Yes	Facility
Area 1	F#1890, F#1891	County		Facility, property rights or responsibilities
Area 1	F#2724	County	Yes	Facility, property rights or responsibilities
Area 1	F#3599	County	Yes	Facility, property rights or responsibilities
Area 1	F#3600	County	Yes	Facility
Area 2	F#173	County		Facility, property rights or responsibilities
Area 2	F#175	County	Yes	Facility
Area 2	F#176	County	Yes	Facility
Area 2	F#177	County	Yes	Facility
Area 2	F#239	County	Yes	Facility, property rights or responsibilities
Area 2	F#3595	County		Facility, property rights or responsibilities
Area 1	F#815	Private		Property rights or responsibilities
Area 1	F#1736	Private		Property rights or responsibilities
Area 1	F#1737	Private		Property rights or responsibilities
Area 1	F#2323	Private		Property rights or responsibilities
Area 1	F#2641	Private		Property rights or responsibilities
Area 1	F#3634	Private		Property rights or responsibilities
Area 2	F#178	Private		Property rights or responsibilities
Area 2	F#1406	Private		Property rights or responsibilities
Area 2	F#1551	Private		Property rights or responsibilities
Area 2	F#1999	Private		Property rights or responsibilities
Area 2	F#3347	Private		Property rights or responsibilities

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

ORDINANCE NO. 1094

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ANNEXING APPROXIMATELY SIXTY (66) ACRES KNOWN AS THE “MACHIAS INDUSTRIAL ANNEXATION,” INTO THE CITY PURSUANT TO RCW 35A.14.120; ASSIGNING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS UPON ANNEXATION IN CONFORMANCE WITH ORDINANCES 1073 AND 1074; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF CITY INDEBTEDNESS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE AND PROVIDING FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

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 (City) and Snohomish County entered an updated Interlocal Agreement related to Annexation and Urban Development in the Lake Stevens UGA recorded under Auditors File No. 200511100706 on November 10, 2005 that provides for the orderly transition of services from the County to City; and

WHEREAS, the City Council has reviewed the City’s annexation strategy to determine whether it is consistent with current practices, policies and procedures and thus, the City Council adopted Resolution 2016-21; and

WHEREAS, pursuant to RCW 35A.14.120 the City Council adopted resolution 2017-015 accepting a 10% petition, authorizing the circulation of a 60% petition for annexation and designating comprehensive plan and zoning for the proposed “Machias Industrial” annexation area; and

WHEREAS, the City Council reaffirmed its support of Resolution 2017-105 and accepted an updated 10% annexation on August 27, 2019, authorizing the circulation of a 60% petition for annexation and designating comprehensive plan and zoning for the proposed “Machias Industrial Annexation” pursuant to RCW 35A.14.120; and

WHEREAS, pursuant to RCW 35A.14.120, the petitioner obtained the signatures of property owners representing more than 60% of the current total assessed value of all parcels within the proposed annexation area in attached Exhibit A and depicted in attached Exhibit B; and

WHEREAS, pursuant to RCW 35A.01.040 the Snohomish County Assessor’s Office certified the 60% petition as sufficient on September 25, 2020; and

WHEREAS, the city adopted land use and zoning designations for its Urban Growth Area with the adoption of Ordinances 1073 and 1074 for its Urban Growth Area. These Ordinances designated the subject properties in the City’s Comprehensive Plan as GI (General Industrial) and the on the City’s Official Zoning Map as GI (General Industrial); and

WHEREAS, the annexation area being contiguous with the existing city limits, lies within unincorporated Snohomish County, and may generally be described as an area of approximately 66 acres and associated right-of-way as depicted in the map attached as Exhibit B. Said unincorporated annexation area is within the City's Urban Growth Area and includes the abutting right-of-way; and

WHEREAS on August 11, 2020 the City Council considered the Machias Industrial Annexation, and accepted the 60% Petitions and issued a Notice of Intent to Annex the area by passing Resolution 2020- 19; and

WHEREAS, on August 25, 2020 a properly noticed public hearing was held pursuant to RCW 35A.14.130 and all persons who wished to provide testimony were heard and City Council approved its intent to annex the proposed area; and

WHEREAS, on December 09, 2020 the City submitted a Notice of Intent to the Snohomish Boundary Review Board and the Board reviewed said Notice and associated materials and deemed said Notice of Intent complete issuing an effective filing date of December 30, 2020; and

WHEREAS, the 45-day review period for the Snohomish County Boundary Review Board expired on February 15, 2020 without a request for Board review; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Annexation. The property described in attached Exhibit A and depicted in attached Exhibit B is hereby annexed into the City of Lake Stevens on the effective date of this ordinance.

SECTION 2. The area legally described in attached Exhibit A and depicted in attached Exhibit B shall be required to assume it's proportionate share of the general indebtedness of the City of Lake Stevens at the time of the effective date of such annexation.

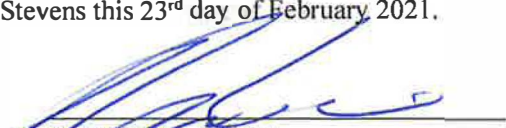
SECTION 3. The area shown and described in attached Exhibits A and B, shall be designated in the City's Comprehensive Plan as GI (General Industrial) and on the City's Official Zoning Map as GI (General Industrial) consistent with Ordinances 1073 and 1074.

SECTION 4. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

SECTION 5. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

SECTION 6. Upon passage of this ordinance a certified copy shall be transmitted to the Clerk of the Snohomish County Council as required by RCW 35A.14.440.

PASSED by the City Council of the City of Lake Stevens this 23rd day of February 2021.


Brett Garley, Mayor

ATTEST:


Kelly Chelin, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

First and Final Reading: February 23, 2021

Effective Date: 3/3/21

Publication Date: 2/26/21

Washington State
Boundary Review Board

Received **3-10-2021**

For Snohomish County

WASHINGTON STATE
BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

FILE NO. **15-2020**

ORD/RESO. NO. **Ordinance 1094**

ADOPTED BY DIST. 2/23/2021

BRB SIG. Pamela Gount

DATE Effective 3/3/2021

FINALIZED

SNOHOMISH COUNTY COUNCIL

Date: 03/16/21

02/10/21 D-1

Council Action Date & D#


Debbie Eco, CMC
Clerk of the Council

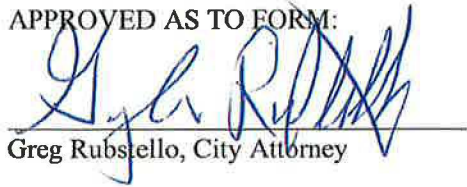
PASSED by the City Council of the City of Lake Stevens this 23rd day of February 2021.

Brett Gailey, Mayor

ATTEST:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:



Greg Rubstello, City Attorney

First and Final Reading: February 23, 2021

Effective Date:

Exhibit A

**CITY OF LAKE STEVENS ANNEXATION LEGAL DESCRIPTION
MACHIAS AREA**

Those portions of the Southwest quarter of Section 04, the Southeast quarter of Section 5, the Northwest quarter and the Southwest quarter of Section 09, in Township 29 North, Range 6 East, W.M., in Snohomish County, Washington, described as follows:

Beginning at the Northwest corner of the Southwest quarter of said Section 4;

Thence Easterly, 10 feet plus or minus, to the easterly right of way of N Machias Road;

Thence southerly along said east right of way, 2,750 feet plus or minus, to the northerly right of way of 28th Street NE;

Thence Southeasterly, 52 feet plus or minus, to the Southerly right of way of 28th Street NE and it's intersection with the easterly right of way of N Machias Road;

Thence Southerly along the east right of way, 314 feet plus or minus, to the South line of the North 350 feet of the Northwest quarter of said Section 9;

Thence easterly along the south line of the North 350 feet of said Northwest quarter, 534 feet plus or minus, to the west line of the East 482 feet of the Northwest quarter of the Northwest quarter of said Section 9;

Thence southerly along the east line of the East 482 feet of the said Northwest quarter, 482 feet plus or minus, to the south line of the North 837.6 feet of the Northwest quarter of the Northwest quarter of said Section 9;

Thence easterly along the south line of the North 837.6 feet of the said Northwest quarter, 218 feet plus or minus, to the west line of the East 264 feet of the Northwest quarter of the Northwest quarter of said Section 9;

Thence southerly along the east line of the East 264 feet of the said Northwest quarter, 537 feet plus or minus, to the south line of the Northwest quarter of the Northwest quarter;

Thence easterly along the south line of the said Northwest quarter, 304 feet plus or minus to the east line of the Northwest quarter of the Northwest quarter of said Section 9;

Thence southerly along the east line of the Southwest quarter of the Northwest quarter of said Section 9, 80 feet plus or minus;

Thence east along a line, 80 feet south of the north line of the Southeast quarter of the Northwest quarter of said Section 9, 404 feet plus or minus, to the intersection with the westerly easement of the Bonneville Power Transmission Line;

Thence southerly along the said easement of the Bonneville Power Transmission Line, 1388 feet plus or minus, to the south line of the Northwest quarter of said Section 9;

Thence westerly along the said south line of the Northwest quarter, 235 feet plus or minus, to the east line of the Northwest quarter of the Southwest quarter of said Section 9;

Thence southerly along said east line of the Southwest quarter, 794 feet plus or minus, to the northerly right of way of N Machias Road;

Thence southeasterly along said northerly right of way, 143 feet plus or minus, to its intersection with the north line of the South 450 feet of the Northeast quarter of the Southwest quarter of said Section 9

Thence westerly along the north line of the South 450 feet of the said Northeast quarter, 55 feet plus or minus, to the westerly right of way of N Machias Road and the existing city limits of Lake Stevens according to the original incorporation effective November 21, 1960;

Thence northwesterly, northerly along the westerly right of way of N Machias Road and the said existing city limits; 3950 feet plus or minus, to the north line of said Section 9;

Thence westerly along the north line of said Section 9 and the said existing city limits, 251 feet plus or minus, to the Northwest corner of Section 9;

Thence easterly along the northerly right of way of 28th Street NE and the said existing city limits, 220 feet plus or minus, to it's intersection with the westerly right of way of N Machias Road and the existing city limits of Lake Stevens according to the Ordinance 268 effective October 9, 1985;

Thence northerly along the westerly right of way of said N Machias Road and the said existing city limits, 2675 feet plus or minus, to the north line of the Southeast quarter of said Section 5;

Thence easterly, 50 feet plus or minus, to the Northwest corner of the Southwest quarter of said Section 4 and the True Point of Beginning.

This legal description/exhibit was initiated by CHS Engineers, LLC and this deliverable was completed by David Evans and Associates, Inc. The licensed professional whose stamp is affixed hereto has continuously acted as the professional in responsible charge and prepared or directed all phases of the work and legal description/exhibit.

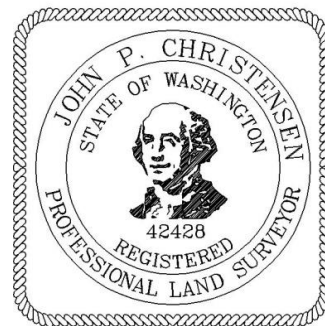
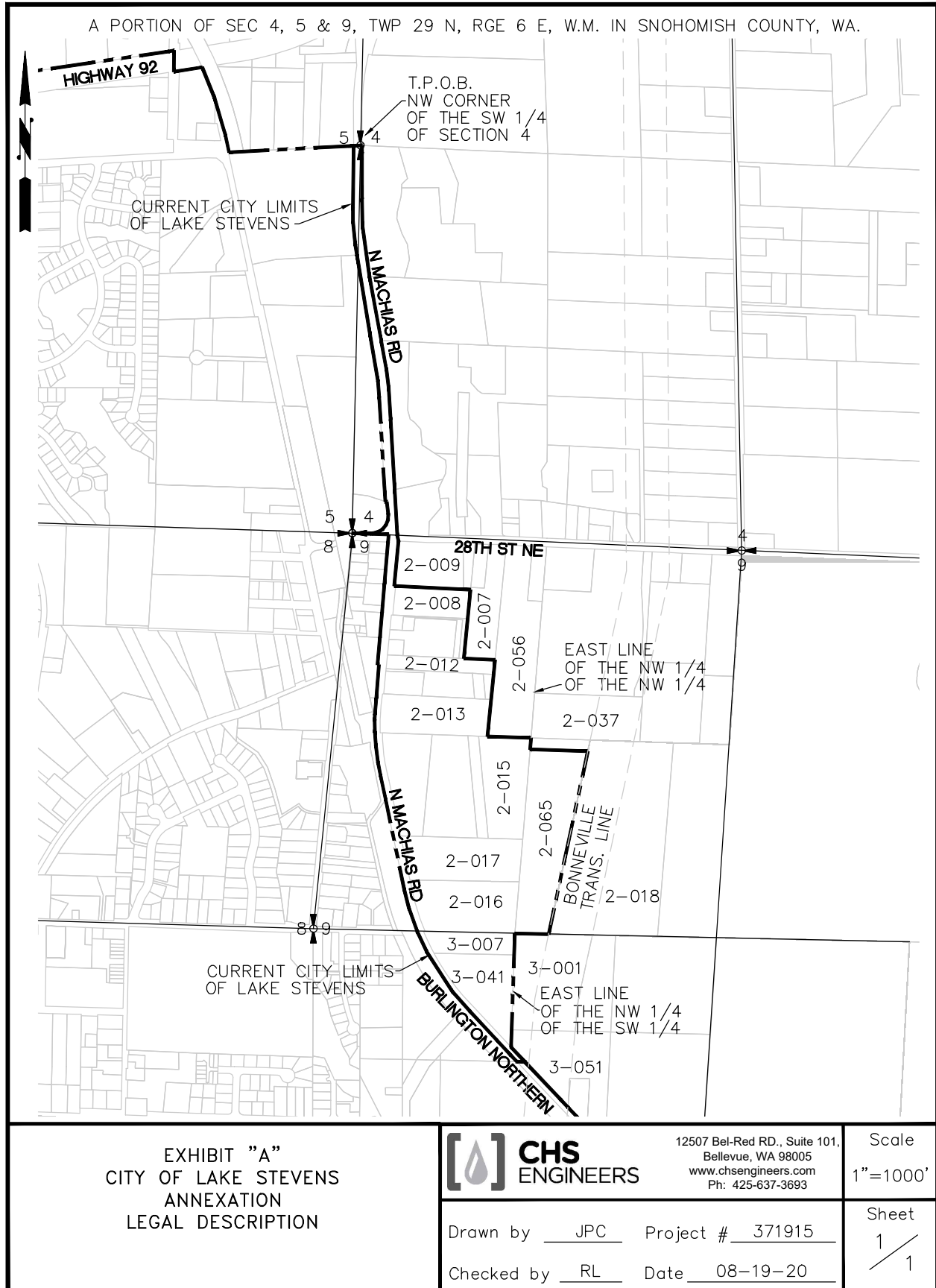


Exhibit B



BRB FILE NO. 01-2021
ORD/RESO. NO. Ord. 1349-21
ADOPTED BY DIST. _____
BRB SIG. Clerk Yount
DATE Eff. 7/5/2021

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1349-21**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
ANNEXING CERTAIN PROPERTY KNOWN AS THE TORTORICE
ANNEXATION AREA TO THE CITY OF SULTAN; PROVIDING FOR
SEVERIBILITY; AND ESTABLISHING AN EFFECTIVE DATE**

Washington State
Boundary Review Board

Received 7/21/2021

For Snohomish County

WHEREAS, Chapter 35A.14 RCW authorizes the City of Sultan ("City") to annex any portion of unincorporated county territory lying contiguous to the City boundaries and within the City's designated Urban Growth Area; and

WHEREAS, the Snohomish County Council and the City of Sultan approved an Urban Growth Area with the Future Land Use Map of the General Policy; and

WHEREAS, on December 13, 2019, the City of Sultan received a 10 percent petition and Notice of Intent to annex the area commonly known as the "Tortorice Annexation" area for an annexation meeting the requirements of RCW 35A.14.120, initiated by Halina Tortorice ("Petitioner"); and

WHEREAS, the Tortorice Annexation is approximately thirty-nine and four hundredth (39.04) acres, contains seven parcels, and has boundaries contiguous to the City, more specifically described in Exhibit A; and

WHEREAS, Petitioner owns five parcels in the proposed Tortorice Annexation area, which contains a total assessed value of approximately \$976,700, representing 61.3 percent of the assessed value in the Tortorice Annexation; and

WHEREAS, the City desires to work with property owners adjacent to the City in unincorporated Snohomish County and within the established Urban Growth Area of to become part of the City of Sultan; and

WHEREAS, RCW 43.21C.222 provides that annexation of territory by a city is exempt from the State Environmental Policy Act ("SEPA"); and

WHEREAS, the area proposed for the Tortorice Annexation is within the City's Urban Growth Area established by Snohomish County under the State Growth Management Act ("GMA") and annexation of the Tortorice Annexation would be consistent with the GMA; and

WHEREAS, a notice application concerning the proposed Tortorice Annexation was published in the Everett Herald on July 30, 2020 and August 6, 2020; and

WHEREAS, having received the Tortorice Annexation written notification of intent to commence annexation that satisfies the ten percent assessed value threshold, the City Council reviewed the matter at its regular public meeting on July 9, 2020; and

WHEREAS, on August 13, 2020, the City Council held a public meeting and accepted the 10% Petition for Annexation and allowed the Petitioner to circulate the 60% Petition for Annexation; and

WHEREAS, the Sultan City Council directed staff at its August 13, 2020 City Council meeting of their desire to annex the Tortorice Annexation into the City of Sultan to implement the City's Comprehensive Long-Range Plan and thereby make developable land accommodations for the approved County growth allocation target; and

WHEREAS, the City Council believes annexation of the Tortorice Annexation with adoption of the City's proposed land use designation of Moderate Density to the Comprehensive Plan and the Zoning designation of Moderate Density Residential is appropriate and achieves the goals of GMA; and

WHEREAS, RCW 35A.14.120 establishes a process to annex unincorporated territory with petitioners who own not less than 60% of the value, according to the assessed valuation for general taxation of the property for which the annexation is petitioned; and

WHEREAS, the Sultan City Council held a public hearing concerning the proposed Tortorice Annexation at its regularly scheduled City Council meeting on October 22, 2020; and

WHEREAS, after the public hearing at the October 22, 2020, meeting, the Sultan City Council passed a resolution declaring the City's intent to annex the Tortorice Annexation area; and

WHEREAS, a Notice of Intention was filed on January 7, 2021 with the Boundary Review Board and, following approval of the legal description for the property involved, the proposal was deemed legally sufficient with an effective filing date of January 14, 2021; and

WHEREAS, the Boundary Review Board invoked jurisdiction and held a duly noticed public hearing on May 6, 2021; and

WHEREAS, the Boundary Review Board issued an approval for the annexation on May 13, 2021; and

WHEREAS, the Boundary Review Board's decision was not appealed by any party; and

WHEREAS, the City Council has determined that the public interest and general welfare of the City will be served by the Tortorice Annexation; and

WHEREAS, the City Council accordingly desires to annex the 1 Tortorice Annexation into the City of Sultan; and

WHEREAS, RCW 35A.14.140 requires that the City effect the annexation by ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Findings: The City Council hereby adopts the above recitals set forth above in support of the annexation of the Tortorice Annexation. The Council further finds that the public interests and general welfare of the City of Sultan would be served by the Tortorice Annexation.

Section 2. Annexation: The City of Sultan hereby annexes the Tortorice Annexation Area, which is legally described in the attached **Exhibit A** and depicted in the attached map **Exhibit B**, which exhibits are incorporated by this reference.

Section 3. Zoning Designation: City staff is directed to amend the City Zoning Map to reflect the designated zoning district for the Annexation. The entire annexed area shall have a zoning designation of Moderate Density.

Section 4. Assessment and Taxation: All property within the Tortorice Annexation Area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Sultan is assessed and taxed, to pay for the portion of outstanding City indebtedness that has been approved by the voters, contracted for, incurred prior to, or existing as of the effective date of this Ordinance.

Section 5. Effective Date: For purposes of property taxation and the levy of property taxes in calendar year 2021 under RCW 84.09.030, this Ordinance shall be effective, and the boundaries of the City shall include the Tortorice Annexation Area as of January 1, 2021. For all other purposes, including but not limited to the purposes set forth in RCW 35A.14.150, this Ordinance shall be effective, and the boundaries of the City shall include the Tortorice Annexation Area five (5) days after the date of publication.

Section 6. Filing of Annexation Ordinance: Upon adoption of this ordinance, City staff is directed to file two certified copy of this Ordinance with the legal description and map to the Snohomish County Council and the Snohomish County Boundary Review Board in accordance with RCW 35A.14.140, and to submit a certificate of annexation to the Washington State Office of Financial Management ("OFM") as provided in RCW 35A.14.700; and further authorized to transmit a copy of this Ordinance to the Washington State Department of Revenue and any such other entities as is required or appropriate.

Section 7. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24th DAY OF JUNE 2021.

CITY OF SULTAN



Russell Wiita, Mayor

ATTEST/AUTHENTICATED:



Tami Pevey, City Clerk

APPROVED AS TO FORM:



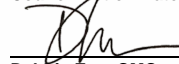
Hillary Evans, Attorney

Published: June 29, 2021
Effective: July 5, 2021

FINALIZED
SNOHOMISH COUNTY COUNCIL

Date: 07/23/21

02/24/21 D-17
Council Action Date


Debbie Eco, CMC
Clerk of the Council



LAND SURVEYING • LAND USE PLANNING • CIVIL ENGINEERING

City of Sultan - Tortorice Annexation

That portion of the Southwest quarter of the Southwest quarter of Section 28, AND of the North half of the Southeast quarter of the Southeast quarter of Section 29, all in Township 28 North, Range 8 East W.M., described as follows:

Beginning at the Northeast corner of said Southwest quarter of the Southwest quarter of Section 28;

Thence West along the North line of said Southwest quarter of the Southwest quarter of Section 28 to the Northwest corner of said Southwest quarter of the Southwest quarter;

Thence continue West, along the North line of said North half of the Southeast quarter of the Southeast quarter of Section 29, to the West right-of-way line of Sultan Basin Road;

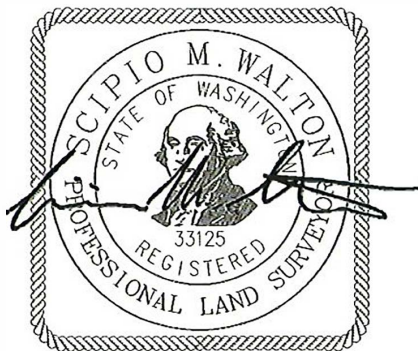
Thence South, along said right-of-way line, to the South line of said North half;

Thence East, along said South line and along the North line of the South half of said Southwest quarter of the Southwest quarter of Section 28, to the East right-of-way line of Sultan Basin Road, being also the present Corporate Limit of the City of Sultan;

Thence South along said East right-of-way line to the North line of 132nd Street SE, being also the present Corporate Limit of the City of Sultan;

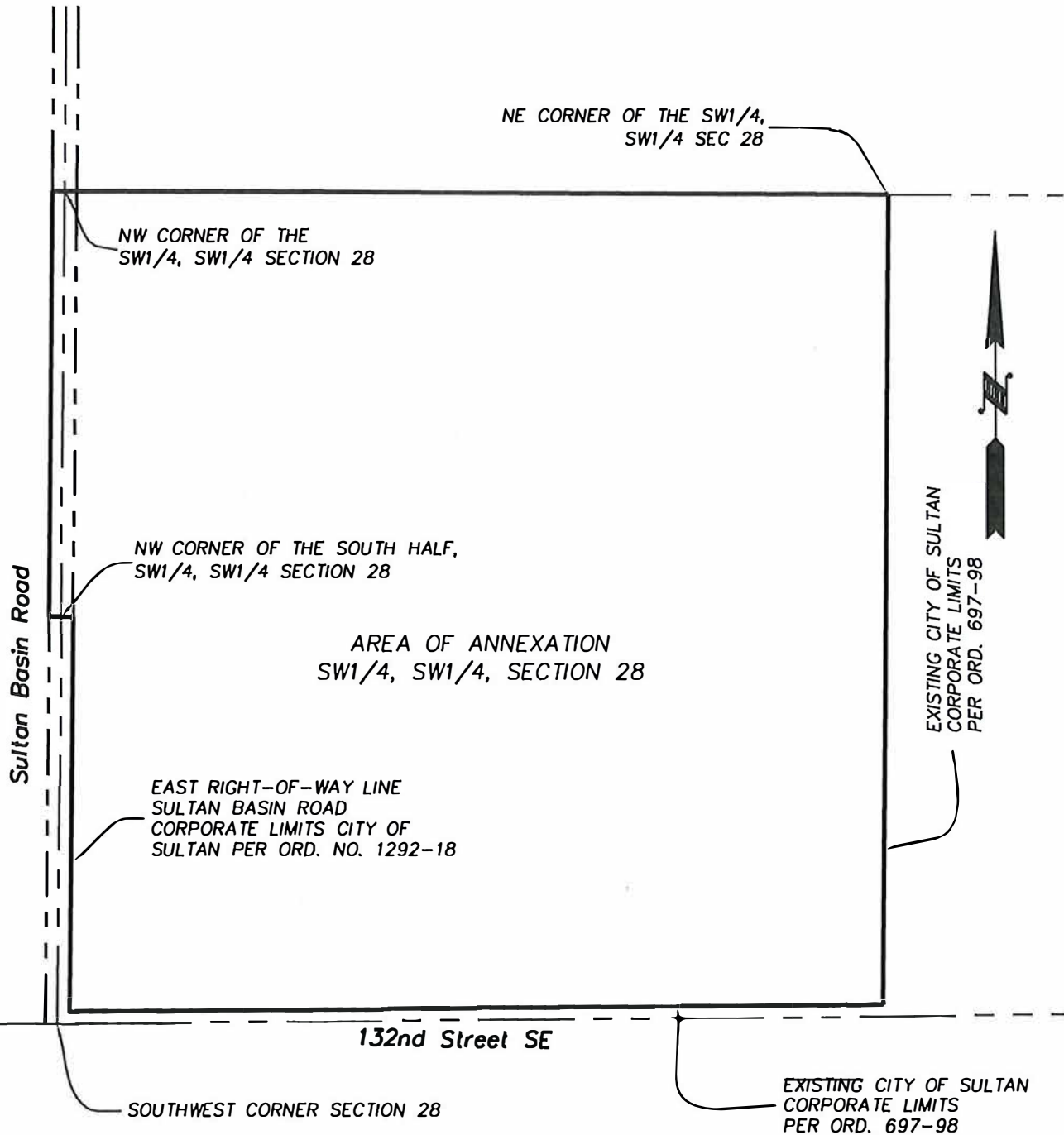
Thence East along said North right-of-way line, to the East line of said Southwest quarter of the Southwest quarter of Section 28, being also the present Corporate Limit of the City of Sultan;

Thence North along said East line of said Southwest quarter of the Southwest quarter to the Point of Beginning.



1-23-2020

ANNEXATION EXHIBIT



UNPUBLISHED WORK COPYRIGHT © 2020 BY HARMSEN, LLC



125 EAST MAIN STREET, SUITE 104
MONROE, WA 98272 - TEL: (360) 794-7811

TORTORICE ANNEX
SW1/4, SW1/4 SEC. 28
T28 N R8 E

DWN. BY: SMW
CHK. BY: SMW
DATE: 1-23-2020
JOB #: 17-116
F/B #: N/A
SCALE: 1" = 250'



Department of Commerce

Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

<p>1. Jurisdiction Name:</p>	<p>Snohomish County</p>
<p>2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)</p>	<p>X <input type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> Notice of Final Adoption of Amendment.</p>
<p>3. Amendment Type: Select Type of Amendment listed. (Select One Only)</p>	<p>X <input type="checkbox"/> Comprehensive Plan Amendment.</p> <p><input type="checkbox"/> Development Regulation Amendment.</p> <p><input type="checkbox"/> Critical Areas Ordinance Amendment.</p> <p><input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments.</p> <p><input type="checkbox"/> Countywide Planning Policy.</p>
<p>4. Description Enter a brief description of the amendment.</p> <p>Begin your description with "Proposed" or "Adopted", based on the type of Amendment you are submitting.</p> <p>Examples: <i>"Proposed comprehensive plan amendment for the GMA periodic update."</i> or <i>"Adopted Ordinance 123, adoption amendment to the sign code."</i> (Maximum 400 characters).</p>	<p>Proposed 2021 Snohomish County-initiated comprehensive plan amendments: (GPP21-3) Technical corrections to the General Policy Plan (GPP) maps to recognize properties that are no longer under county jurisdiction due to annexations.</p> <p>Proposed Final Docket XX citizen initiated comprehensive plan map amendments to the GPP with implementing rezones and amendments to the Capital Facilities Plan: (CFP1) Identify Olympic View Water and Sewer as the sewer provider for the Point Wells site; (SW5) and (SW6) Increase planned residential densities on .75 acres and 20 acres, respectively, in the Southwest Urban Growth Area (SWUGA) to allow multi-family development up to 22 dwelling units per acre; and (SW7) Designate 6.6 acres as Urban Commercial in the SWUGA.</p>



Department of Commerce

5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: 6/22/21 County Council: Fall 2021 Proposed / Date of Adoption: Fall 2021
7. Contact Information:	
A. Prefix/Salutation: <i>(Examples: "Mr.," "Ms.," or "The Honorable" (elected official))</i>	Mr.
B. Name:	Steve Skorney
C. Title:	Senior Planner
D. Email:	steve.skorney@snoco.org
E. Work Phone:	(425) 262-2207
F. Cell/Mobile Phone: (optional)	
Consultant Information:	
G. Is this person a consultant?	<input type="checkbox"/> Yes
H. Consulting Firm name?	
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input type="checkbox"/> Yes

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.