BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

In re:

LAKE STEVENS SEWER DISTRICT ANNEXATION PROPOSAL KNOWN AS THE PELLARIN ANNEXATION

BRB NO. 02-2018

FINDINGS AND DECISION

DECISION SUMMARY

The Lake Stevens Sewer District's proposed annexation (BRB No. 02-2018) is hereby APPROVED.

PROCEDURAL HISTORY

On March 23, 2018, the Lake Stevens Sewer District filed a notice of intention ("NOI") with the Washington State Boundary Review Board for Snohomish County ("the Board") proposing a petition method annexation of approximately 26.84 acres of real property ("The Property"). The Property is located in general to the south and east of South Lake Stevens Rd, west of 111th Street SE, and north of 18th Street SE into the Lake Stevens Sewer District within Snohomish County.

Findings and Decision

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The Lake Stevens Sewer District initiated the annexation by 60% petition method. The NOI was deemed legally sufficient by the Clerk of the Board on April 30, 2018. The NOI states that the proposed annexation area contains 13 residences and an assumed population of thirty-eight persons.

The board's jurisdiction was invoked by the Lake Stevens Sewer District on April 30, 2018.

HEARING

On July 10, 2018, a quorum of the Board held a public hearing in public meeting room no. 2 on the first floor of the Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, WA. Public notice of the hearing was duly provided pursuant to RCW 36.93.160.

At the opening of the hearing, 3 Board members disclosed that they had received ex-parte communication from a Senior Planner at the Snohomish County Planning and Development Services Department, which communication each of the three Board members immediately terminated.

The Board heard testimony from representatives of Snohomish County Planning and Development Services and the Lake Stevens Sewer District. The Board considered all written materials and other evidence that was timely submitted to the Board, including but not limited to: the NOI and attachments. At the hearing, Lake Stevens Sewer District submitted supplemental documentation, which was considered by the Board.
Following testimony from all parties of record and after affording time for public comment, the public hearing was closed and the Board began its deliberation. The Board discussed the annexation proposal, pertinent testimony, and other evidence in the record. The Board considered the factors identified in RCW 36.93.170, the objectives stated in RCW 36.93.180, the proposed action's consistency with the Growth Management Act as stated in RCW 36.93.157, and the Board's authority under chapter 36.93 RCW.

Following deliberation, the Board voted and reached a 3:0 decision to approve the annexation (the Board Chair abstained).

On Tuesday, July 24, 2018, the Board met again at the same location to enter and file its written decision as set forth herein.

DISCUSSION

In approving the annexation, the Board, as discussed more fully below, considered all of the factors identified in RCW 36.93.170 and objectives of RCW 36.93.180, and determined annexation would be consistent with the Growth Management Act pursuant to RCW 36.93.157.

A. RCW 36.93.170 FACTORS

The Board considered the factors identified in RCW 36.93.170. The Board found that Lake Stevens Sewer District adequately addressed the relevant statutory factors to support its proposal to annex this area.
B. RCW 36.93.180 OBJECTIVES

The Board considered each of the nine (9) objectives set forth in RCW 36.93.180 and whether each objective is applicable to this proposed annexation, and if so, whether the objective would be hindered or furthered.

1. Preservation of Natural Neighborhoods and Communities.
   The Board determined that this objective would be **furthered** by approval of the proposed annexation.

   The Board determined that this objective would be **furthered** by approval of the proposed annexation.

3. Creation and Preservation of Logical Service Areas.
   The Board determined that this objective would be **furthered** by approval of the proposed annexation.

   The Board determined that this objective would be **furthered** by approval of the proposed annexation.

5. Discouragement of Multiple Incorporations of Small Cities and Encouragement of Incorporation of Cities in Excess of Ten Thousand Populations in Heavily Populated Urban Areas.
   The Board determined that this objective **does not apply**.

6. Dissolution of Inactive Special Purpose Districts.
   The Board determined that this objective **does not apply**.

7. Adjustment of Impractical Boundaries.
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The Board determined that this objective **does not apply**.

8. **Incorporation of Cities or Towns or Annexation to Cities or Towns of Unincorporated Areas Which Are Urban in Character**.

The Board determined that this objective **does not apply**.

9. **Protection of Agricultural and Rural Lands**.

The Board determined that this objective **does not apply**.

C. **GROWTH MANAGEMENT ACT**

1. RCW 36.70A.020 Planning Goals.

2. RCW 36.70A.110 Urban Growth Areas.

   **RCW 36.70A.210 Countywide Planning Policies.**

**DECISION**

**NOW THEREFORE,** the Board finds:

1. The jurisdiction of the Board was properly invoked, and the Board has jurisdiction over this matter.

2. Overall, the objectives of RCW 36.93.180 would be furthered by the proposed annexation.

3. A decision to approve the proposed annexation is consistent with RCW 36.70A.020, RCW 36.70A.110, and RCW 36.70.210.

   Based upon the above findings, a motion was made, seconded and passed on a vote of 3:0 with abstention of the Chair to **approve** the City of Lake Stevens proposed annexation (02-2018) within Snohomish County, under Snohomish County Boundary Review Board File No. 02-2018.
Adopted by the Washington State Boundary Review Board for Snohomish County by a vote of 24 to 0 this 24th day of July, 2018.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

Chad Bates, Chair

FILED THIS 24th day of July, 2018.

Pamela Yount, Clerk of the Board

NOTICE

Pursuant to RCW 36.93.160(5), this decision shall be final and conclusive unless within thirty (30) days from the date of this decision a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files a notice of appeal in the Superior Court.