BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

In re:

CITY OF LAKE STEVENS ANNEXATION PROPOSAL KNOWN AS THE RHODORA ANNEXATION

BRB No. 04-2018

FINDINGS AND DECISION

DECISION SUMMARY

The City of Lake Stevens proposed annexation (BRB No. 04-2018) is thereby APPROVED.

PROCEDURAL HISTORY

On June 29, 2018, the City of Lake Stevens ("City") 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 108 acres of real property ("the Property"). The Property is located in the Lake Stevens Urban Growth Area ("UGA") bordered by 123rd Ave SE to the east, Machias Cutoff Road to the south, and the City limits to the west.
The City initiated the annexation by 60% petition method under RCW 35A.14.120. The Clerk of the Board deemed the NOI legally sufficient on July 17, 2018. The NOI states that the Property contains approximately one hundred forty parcels with one hundred thirty-three residences and an assumed population of three hundred fifty-eight persons.

On August 16, 2018, the Board’s jurisdiction was invoked by a petition of 8.98% of qualified registered voters in the annexation area, per RCW 36.93.100.

HEARING

On October 1, 2018, at 5:00 PM, 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. Specifically, notice was given by publication in the Everett Herald three times -- on September 2nd, 9th, and 16th -- the last of which was not less than five days prior to the date set for the public hearing. Public notice was also posted in 10 public places within the boundaries of the Property for 17 days prior to the date of the public hearing.

The Board heard testimony from:

- the City of Lake Stevens and the City’s attorney;
- a representative of Snohomish County Planning and Development Services;
- party opposed to the annexation who invoked the jurisdiction of the Board;
- other parties opposed to the annexation;
- other parties in favor of the annexation;
- other members of the public.
The Board considered all written materials and other evidence that was timely submitted to the Board and entered into the record, including but not limited to:

- the NOI and attachments;
- documents submitted by the City;
- documents submitted by County;
- documents submitted by owners of property within the Property who favored annexation;
- documents submitted by owners of property within the Property who opposed the annexation and invoked the jurisdiction of the Board.

At the hearing, eight exhibits were entered into the record, which the Board also considered:

1. Exhibit A - Statement of Brookmont Owners Association Board of Directors;
2. Exhibit B - City of Lake Stevens City Council Regular Meeting Minutes;
3. Exhibit C - online petition submitted by M. Flathers;
4. Exhibit D - signed letter from E. Fenner;
5. Exhibit E - signed letter from M. Mashock;
6. Exhibit F - copy of the Covenant (CCR’s) for the Plat of Fenner;
7. Exhibit G - copy of Amended Covenant for Plat of Fenner;
8. Exhibit H - door hangers and flyer from the City.

At the hearing, the Board invited supporting documentation related to the testimony provided, and directed the documentation, if any, to be emailed to the Clerk of the Board no later than Tuesday, October 2nd, 2018, at 5 PM.

Following testimony from all parties of record and after affording time for public comment, the October 1, 2018, public hearing was adjourned at 7:21 PM.
Additional materials received by the Clerk of the Board no later than 5 PM on Tuesday, October 2nd, 2018, were provided to the Board for review. The four additional items of material provided for review, all of which the Board considered, were:

1. Exhibit J - a copy of Board of Directors resignation and HOA adoption signatures;
2. Exhibit K - a copy of a Letter terminating Declarant;
3. Exhibit L - Supplemental Brief of Property Owners in favor of Annexation;
4. Exhibit M - Supplemental Brief of the City of Lake Stevens.

On October 3, 2018, at 5:00 PM, a quorum of the Board again met for deliberation on the proposed annexation at the same location, public notice of which was provided per above.

During its deliberations, 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.

After deliberating, a Board member made a motion to approve the City of Lake Stevens proposed annexation (04-2018), which was seconded, and passed by a vote of 3:0.

On Tuesday, October 30, 2018, at 4:00 PM, the Board met again in Conference Room 2F03 on the second floor of the Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, WA, to enter and file its written decision as set forth herein.
DISCUSSION

A. GROWTH MANAGEMENT ACT

1. RCW 36.70A.020 Planning Goals.
   
   Goals (5), (7), (8), (9), (10), (12), and (13) are inapplicable to the decision before the Board. While public testimony has raised some questions around goals (3) Transportation and (11) Citizen Participation and Coordination, approval of the proposed annexation is consistent with Snohomish County planning for the area and consistent with planning goals (1) through (4), (6), and (11). In sum, the proposed annexation is consistent with RCW 36.70A.020.

2. RCW 36.70A.110 Urban Growth Areas.
   
   The proposal satisfies the Urban Growth requirement under RCW 36.70A.110.

3. RCW 36.70A.210 Countywide Planning Policies.
   
   Proper Countywide Planning Policies are in place under RCW 36.70A.210.

B. RCW 36.93.170 FACTORS

The City of Lake Stevens adequately addressed the factors identified in RCW 36.93.170 in support of the proposed annexation.

1. Population and Territory.
   
   Both the County and the proponent have demonstrated that this annexation proposal addresses population density, land area and land uses, existing comprehensive plan and adopted zoning, and addresses potential future development regulations. There are existing applicable service agreements and
ILA's in the City and the County. As to the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years, the location and the most desirable future location of community facilities is not fully covered, but is adequately addressed.

2. Municipal Services.

There is a need for municipal services in this area. There are appropriate existing ordinances, codes, regulations and resolutions in place. The City addressed some of the pertinent potential cost for expanding the City's boundaries in this area. The County is not a full municipal services provider and the City is a provider of urban municipal services. Annexation would not cause any impact on the ability of the Lake Stevens Sewer District to serve the area. A 2013 surface water management ILA with the City of Lake Stevens covers the storm water management in the annexation area. The cost of bridge inspections would be assumed by the City. The County Finance department indicated there would be no significant financial impact on the County budget. There are some questions around traffic in the area but the proposed mitigations are sufficient to address traffic issues.

3. The Effect of the Proposal or Alternative on Adjacent Areas, Mutual Economic and Social Interests and the Local Governmental Structure of the County.

The County and the City have addressed, in inter-local agreements, the impacts on areas adjacent to the Property concerning surface water management, transportation issues, and bridges. There are no issues with the local government
structure. The people who will be annexed will have, as part of the City, the opportunity to participate in the local government.

C. **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 existing neighborhood is preserved and part of the long range plan for the City of Lake Stevens of a community around the lake. It brings the people into the civic politics of Lake Stevens and can help guide the development of the community around the lake. This objective would be **furthered** by approval of the proposed annexation.

2. **Use of Physical Boundaries, Including But Not Limited to Bodies of Water, Highways, and Land Contours.**

   This objective would be **furthered** by approval of the proposed annexation. (One board member noted that the north boundary is not a natural physical boundary, but it is even and square and therefore not inconsistent with this objective.

3. **Creation and Preservation of Logical Service Areas.**

   This objective would be **furthered** by approval of the proposed annexation.

4. **Prevention of Abnormally Irregular Boundaries.**

   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.

This objective does not apply.

6. Dissolution of Inactive Special Purpose Districts.

This objective does not apply.

7. Adjustment of Impractical Boundaries.

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.

This objective would be furthered by the proposed annexation.

9. Protection of Agricultural and Rural Lands.

This objective does not apply.

DECISION

NOW THEREFORE, the Board finds:

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

2. A decision to approve the proposed annexation is consistent with and supported by RCW 36.70A.020, RCW 36.70A.110, and RCW 36.70.210;

3. Overall, the objectives of RCW 36.93.180 would be furthered by the proposed annexation;
Based upon the above findings, the Board approves the City of Lake Stevens proposed annexation (04-2018) within Snohomish County, under Snohomish County Boundary Review Board File No. 04-2018.

Adopted by the Washington State Boundary Review Board for Snohomish County by a vote of 4 to 0 this 30th day of October, 2018.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

Chad Bates, Chair

FILED THIS 30th day of October, 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.