BEFORE THE WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

In re: CITY OF LAKE STEVENS RHODORA
ANNEXATION, BRB File No. 04-2018

No. 04-2018
PRE-HEARING STATEMENT OF
CITY OF LAKE STEVENS

The City of Lake Stevens hereby submits this prehearing brief in response to the Petition filed by a group of Lake Stevens area residents ("Petitioners") regarding the proposed Rhodora Annexation into the corporate boundaries of the City of Lake Stevens.

I. INTRODUCTION

The matter before the Board is the proposed annexation of the Rhodora Area consisting of approximately 108 acres outside of the City of Lake Stevens but within the City’s urban growth area.

In accordance with the adopted Resolution 2017-022, the proposed zoning for the Rhodora Annexation area is proposed to be HUR (High Urban Residential) with a land use designation of Medium Density Residential. On December 12, 2017, the Lake Stevens City Council passed Resolution 2017-022 accepting the 10% Rhodora Annexation petition and authorizing the gathering of signatures for the 60% annexation petition. See Exhibit 1. The City submitted the 60% annexation petition with signatures from property owners representing more than 60% assessed valuation of the properties contained within the proposed annexation area to the County.

Pre-Hearing Statement of City of Lake Stevens- 1

LAW OFFICES OF
WEED, GRAAFSTRA & ASSOCIATES, INC. P.S.
110 CEDAR AVENUE, SUITE 102
SNOHOMISH, WA 98290-2959
(360) 568-3119; FAX (360) 568-4437

SEP 13 2018

FOR SNOHOMISH COUNTY
Assessor’s office and on May 10, 2018, the Snohomish County Assessor’s office validated the 60% petition. See Exhibit 2.

The City of Lake Stevens was granted express authority and proxy to complete the annexation on behalf of all Fenner Plat property owners through Section 6.37 of the development’s Covenants, Conditions and Restrictions.¹ Pursuant to this authority and proxy the Mayor of Lake Stevens signed as proxy for these property owners. When each Fenner Plat property owner accepted title to their property, they waived any right to protest or appeal the annexation and gave the City legal authority to sign on their behalf. This includes the lot on which the original property owner, Susan Fenner, resided and maintained her home after the plat.

A public hearing was noticed to be held on June 12, 2018 during the City’s regular council meeting. However, due to the Lake Stevens High School graduation on that night, the council meeting was canceled and rescheduled to June 19, 2018. The June 19, 2018 council meeting agenda, posted on the City’s web page, reflected the Rhodora Public Hearing. Some individuals attended the hearing and did address the City Council on June 19 regarding the proposed Rhodora Annexation.² On June 19, 2018, the city council adopted Resolution 2018-018 to accept the 60% Rhodora Annexation petition giving notice of intent to annex and to

¹ The Fenner Plat lies within and is a portion of the proposed Rhodora Annexation Area.

² Because of concerns raised regarding the notice of the initial public hearing held on June 19, 2018 the City Council on September 11, 2018 adopted a motion to hold a second public hearing on the 60% petition on September 25, 2018. That hearing will be concluded before this matter comes before the BRB on October 1, 2018.
require that upon annexation the simultaneous adoption of land use and zoning designations and require the assumption of all existing City indebtedness. See Exhibit 3. Subsequently a "Notice of Intent to Annex", was submitted to the-BRB on June 29, 2018. See Exhibit 4.

On August 8, 2018, the BRB requested the Snohomish County Auditor's office to review the annexation petitions for the purpose of invoking the jurisdiction of the BRB and that the Auditor provide certification of the percent of qualified registered voters in the annexation area. See Exhibit 5. The BRB invoked jurisdiction by letter dated August 20, 2018, and scheduled a public hearing on October 1, 2018. See Exhibit 6.

II. AUTHORITY AND ARGUMENT

The City of Lake Stevens is an optional municipal code city which operates pursuant to Title 35A RCW. The Rhodora Annexation proposal was submitted by Petitioners pursuant to the direct petition method authorized by RCW 35A.14.120-.150 and pursuant to RCW 35A.14.120 the petition requires signatures of the property owners of at least 60 percent of the assessed valuation within the designated area sign the petition. The annexation must also satisfy the factors of RCW 36.93.170 and the objectives of RCW 36.93.180.

A. The proposed Rhodora Annexation satisfies the factors of RCW 36.93.170 and the objectives of RCW 36.93.180.

RCW 36.93.170 sets forth the factors the BRB must consider in its review of a proposed annexation. The pre-hearing brief submitted by Lake Stevens Mountain View, LLC ("Mountain View") in support of the proposed Rhodora Annexation discusses in detail how the proposed
annexation satisfies the statutory requirements and objectives referenced above. The City concurs
with the analysis set forth in the pre-hearing brief submitted by Lake Stevens Mountain View
LLC. However, the City would like to emphasize the following factors in support of the Rhodora
Annexation.

The City of Lake Stevens has an active annexation Interlocal agreement, adopted in 2005,
with Snohomish County which the proposed Rhodora Annexation is consistent with.
Additionally, Lake Stevens' comprehensive plan assumes annexation of the entire UGA in the
future and Lake Stevens Resolution 2016-021 supports annexation of the entire UGA over the
course of the next several years. Given Lake Stevens' proximity to the Rhodora Annexation
area, it is the best provider of municipal services and to regulate future development in the
Rhodora Area.

RCW 36.93.180 sets forth the objectives the BRB "shall attempt to achieve." The
objectives "are more than simply aspirational," and a decision that "fails to achieve the
objectives is reversible." King County v. Wash. State Boundary Review Bd. for King County, 122
Wn.2d 648, 673, 860 P.2d 1024 (1993). Mountain View's pre-hearing brief further discusses
how the proposed annexation satisfies the objectives of RCW 36.93.180 and the City concurs
with the analysis contained therein.

B. The use of Annexation covenants to satisfy the 60% of the land value requirements is
supported by law as annexation covenants are a binding promise to support annexation and
are as equally valid as an actual signature on the petition for annexation.

Pre-Hearing Statement of City of Lake
Stevens- 4
The individuals objecting to the proposed annexation may attempt to argue that the use of the annexation covenants from the Fenner plat is not valid. It is the well-settled law of the State of Washington that use of annexation covenants in support of annexation petitions has been upheld as valid to meet the ownership and assessed value statutory requirements.

The seminal case regarding the validity of using annexation covenants in support of annexation petitions is People for Pres. & Dev. of Five Mile Prairie v. Spokane, 51 Wn. App. 816, 755 P.2d 836 (1988). In Five Mile Prairie, the contesting landowners argued that the annexation petition did not meet the statutory requirement because 4 signatures were deemed included in it by virtue of covenants to support annexation obtained by the City of Spokane in exchange for providing water service to prior owners of property and that the current owners did not wish to abide by the covenants.

The Washington State Court of Appeals in the Five Mile Prairie case held that the purpose of the signature requirement of RCW 35.13.130 (the statute authorizing annexation at that time) “is to insures that a significant number of the persons most affected by a decision to annex support that decision.” Id. at 820. The Court found that the property owners who previously signed the covenant made a legal and binding promise to support annexation that is binding even on any subsequent property owner. Furthermore, the Court held that the signed covenant was the substantial equivalent of the signatures on the petition and, thus, the petition complied with RCW 35.13.130. Id. While in this case the mayor for City of Lake Stevens signed the petition for the properties for which a covenant had been signed, under the holding of the Five Mile Prairie case.

Pre-Hearing Statement of City of Lake Stevens- 5

04-2018_0000695
simply having the covenants in hand was sufficient to count them toward the 60% petition requirement.

This principle of law was further upheld by the state supreme in *Yakima County (West Valley) Fire Protection Dist. No. 12 v. City of Yakima*. In this case, the court held that the use of annexation covenant waivers of future rights in outside utility agreements were valid where other review procedures remain. Specifically the court held that the review procedures, such as a review by a county Boundary Review Board, are sufficient to allow the use of annexation covenants that include the waiver of the right to object to future annexation efforts.

The proposed Rhodora Annexation is supported, in part, by the Fennar Plat annexation covenants in support of the annexation petition. As stated previously, the City of Lake Stevens was granted express authority and proxy to complete the annexation on behalf of all Fennar Plat property owners through Section 6.37 of the development’s Covenants, Conditions and Restrictions. This Fennar Development’s Covenants, Conditions, and Restrictions is a recorded and binding on the property owners when they accepted title to their property. The Mayor of Lake Stevens, pursuant to the authority granted under these covenants, signed as proxy for these property owners. Consistent with the holding of *Five Mile Prairie*, the Mayor’s as proxy for the property owners is the substantial equivalent to a signature on the annexation petition. Therefore, the City is respectfully requesting that the BRB determine that the annexation petition meets the ownership sufficiency requirements.

**III. Conclusion**
The City of Lake Stevens has complied with all the procedural requirements of RCW 35A.14.120-.150. The annexation also furthers the goals and objective required for annexations to be approved and the use of the annexation covenants in support of the ownership sufficiency and assessed value requirements is lawful and does not invalidate the petition.

By the time of the hearing before the BRB on October 1, there will have been 2 public hearings held by the City on the 60% petition and the record will reflect clear compliance with the Notice of Hearing requirements set forth in RCW 35A.14.130. Any issue raised by concerning hearing notice compliance will have been resolved.

In light of the above, the City respectfully requests the BRB determine that the Rhodora Annexation meets all statutory requirements and authorize the annexation to proceed.

Dated this 13 day of September, 2018.

[Signature]
Grant K. Weed, City Attorney
EXHIBIT 1
CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

RESOLUTION NO. 2017-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE STEVENS
REPEALING RESOLUTION NO. 2017-019/RHODORA AND APPROVING A
REVISED 10% ANNEXATION PETITION TO THE CITY PURSUANT TO RCW
35A.14.120; APPROVING ZONING AND COMPREHENSIVE PLAN
DESIGNATIONS UPON ANNEXATION; REQUIRING ASSUMPTION OF CITY
INDEBTEDNESS AND AUTHORIZING THE CIRCULATION OF ANNEXATION
PETITIONS.

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 into 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; and

WHEREAS, the City Council recently reviewed the City’s annexation strategy to determine its
consistency with current practices, policies and procedures and passed Resolution 2016-21; and

WHEREAS, a notice from a property owner signifying their intention to commence annexation
proceedings pursuant to RCW 35A.14.120 has been filed with the City (Exhibit A). The proposed
annexation area is shown on the Exhibit B map and a list of tax parcel numbers and owners is listed in
Exhibit C. This area lies within unincorporated Snohomish County, and may generally be described as an
area of approximately ninety-three (93) acres, located just east of Lake Stevens city limits, which is at the
parcels located on the northeast corner of South Lake Stevens Road and Machias Cutoff Rd. The proposed
annexation extends north along the shore of Lake Stevens approximately 680 feet, then extends to the east
to 123rd Avenue then south to Machias Cutoff Road including all the land and subdivisions bounded by
123rd Ave, Machias Cut off and South Lake Stevens Road. Said unincorporated area is within the City’s
Urban Growth Area; and

WHEREAS, pursuant to RCW 35A.14.120, the signed property-owner letter represents more than
ten (10) percent of the current total assessed value of all parcels in the proposed annexation area;

WHEREAS, on November 14, 2017 the City Council passed Resolution 2017-019 authorizing the
petitioners to circulate a 60% petition; and

WHEREAS, on November 22 and 24, 2017 the petitioner requested that the City Council reconsider
Resolution 2017-19 and;

WHEREAS, on November 28, 2017 the City Council voted to reconsider Resolution 2017-019 and directed
staff to prepare a new resolution designating the zoning to be HUR (High Urban Residential), except for the area
within 200 feet of the shoreline, which is to be designated WR (Waterfront Residential;

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

04-2018_0000699
SECTION 1. Resolution 2017-19 adopted November 14, 2017 is hereby repealed for the reason that it is replaced by this Resolution.

SECTION 2. Subject to Sections 3-5 below, the Lake Stevens City Council approves the initiation of annexation proceedings pursuant to RCW 35A.14.120 for the area described in attached Exhibits B and C, and authorizes the circulation of 60% petitions for annexation within the area in accordance with the requirements of RCW 35A.14.120.

SECTION 3. The area described in attached Exhibits B and, if annexed, shall be required to assume its proportionate share of the general indebtedness of the City of Lake Stevens at the time of the effective date of such annexation.

SECTION 4. The area described in attached Exhibits B and C, if annexed, shall be designated in the City’s Comprehensive Plan as MDR (Medium Density Residential) and the on the City’s Zoning Map as HUR (High Density Residential), except that any lot within 200 feet of the ordinary high water line of Lake Stevens shall be zoned WR (Waterfront Residential).

Section 5. Petitions for annexation to be circulated as authorized by this resolution shall set forth clearly the decision of the Lake Stevens City Council in Sections 2 and 3 hereof, regarding the assumption of indebtedness and the zoning of the properties upon annexation and shall be on petition forms with language as approved by the City prior to circulation of said petitions.

PASSED by the City Council of the City of Lake Stevens this 12th day of December 2017.

John Spencer, Mayor

ATTEST:

Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

G. Ward Weed, City Attorney
Exhibit A

TOYER STRATEGIC CONSULTING
NAVIGATE OPPORTUNITY

October 4, 2017

Mr. Russ Wright
Community Development Director
City of Lake Stevens
PO Box 257
Lake Stevens, WA 98258

RE: PETITION FOR ANNEXATION

Dear Russ,

Our firm has provided assistance to several land owners of real property adjacent to the existing corporate limits of the City of Lake Stevens who wish to petition the City for annexation under the Direct Petition Method. With their signatures and those of other adjacent owners of real property, the attached petition meets the 10% threshold to initiate the Direct Petition Annexation process.

The area covered by this proposed annexation has been drawn based on natural boundaries, etc. A map is hereto attached. For convenience, our firm has been referring to this area as the “Rhodora South” annexation.

We fully expect our firm will continue to work with landowners and interested parties throughout the designated annexation process and we look forward to working with the City to assist in scheduling community meetings, distributing information to the proposed annexation area and etc.

Should you have any questions or should we be able to be of assistance, please do not hesitate to contact us at any time.

Respectfully submitted this 4th day of October 2017.

TOYER STRATEGIC CONSULTING, LLC.

[Signature]

BY:  DAVID K. TOYER
ITS:  FOUNDER/AUTHORIZED AGENT
DECLARATION

We, the undersigned, are owners of real property lying outside of the corporate limits of the city of Lake Stevens, Washington, but contiguous thereto and designated as part of the Lake Stevens Urban Growth Area.

We, the undersigned, owning in excess of 10% of the total value of the area formed by our property and that between and abutting the city of Lake Stevens; do hereby declare our intention to circulate a petition for annexation to the city of Lake Stevens, Washington under the direct petition method for the area attached hereto as Exhibit A. It is acknowledged that this petition may consist of multiple documents filed separately.

AUTHORIZATION

Printed names and signatures of all persons having an interest in real property in the area formed by their property and that between and abutting the city of Lake Stevens whose consent is required by virtue of such interest to authorize the filing of this notice are hereto attached.

<table>
<thead>
<tr>
<th>Name of Property Owner</th>
<th>Signature of Property Owner</th>
<th>Date Signed</th>
<th>Property Address or Assessors Parcel Number</th>
<th>Acres</th>
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</thead>
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<tr>
<td>Garrison Ed</td>
<td></td>
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<td>WENDY WAGNER</td>
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<td>Don Mcvey</td>
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RETURN TO: City of Lake Stevens
1812 Main Street, P.O. Box 257
Lake Stevens, WA 98258-0257

For questions regarding the annexation process or for general information regarding land use and zoning, Planning and Community Development at (425) 212-3315.
DECLARATION

We, the undersigned, are owners of real property lying outside of the corporate limits of the city of Lake Stevens, Washington, but contiguous thereto and designated as part of the Lake Stevens Urban Growth Area.

We, the undersigned, owning in excess of 10% of the total value of the area formed by our property and that between and abutting the city of Lake Stevens, do hereby declare our intention to circulate a petition for annexation to the city of Lake Stevens, Washington under the direct petition method for the area attached hereto as Exhibit A. It is acknowledged that this petition may consist of multiple documents filed separately.

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<td>Jacob Black</td>
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<td>Jaime Collins</td>
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<td>Nathan Packard</td>
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<tr>
<td>Reznice Collar</td>
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</tr>
</tbody>
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1812 Main Street, P.O. Box 257
Lake Stevens, WA 98258-0257

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<th>Property Address or Assessors Parcel Number</th>
<th>Acres</th>
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<tbody>
<tr>
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</tr>
</tbody>
</table>

RETURN TO: City of Lake Stevens
1812 Main Street, P.O. Box 257
Lake Stevens, WA 98258-0257

For questions regarding the annexation process or for general information regarding land use and zoning, Planning and Community Development at (425) 212-3315.

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04-2018_0000704
EXHIBIT 2
CERTIFICATE OF SUFFICIENCY

I, Chris Huyboom, Snohomish County Deputy Assessor, in accordance with the requirements of RCW 35A.01.040, hereby certify that the Petition for the City of Lake Stevens, Rhodora Area Annexation submitted to the Assessor on May 9, 2018 is signed by the owners of property comprising 61.37% of the total assessed value within the area described in the petition, according to the records of the Snohomish County Assessor. The determination of sufficiency was begun on May 10, 2018.

Disclaimer: This certification was determined based on properties identified by both the attached legal description and map. Sole reliance for identification was not placed on either document individually, but a combination of the two.

Dated this 10th day of May 2018.

By
Deputy Assessor
EXHIBIT 3
City of Lake Stevens
Lake Stevens, WA

RESOLUTION NO. 2018-018

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

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

WHEREAS, the City of Lake Stevens (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; and

WHEREAS, the City Council has reviewed the City’s annexation strategy to determine its consistency with current practices, policies and procedures and passed Resolution 2016-21; and

WHEREAS, pursuant to RCW 35A.14.120 the City Council adopted resolution 2017-022 accepting a 10% petition, authorizing the circulation of a 60% petition for annexation and designating comprehensive plan and zoning for the proposed "Rhodora" annexation area pursuant to RCW 35A.14.120; and

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

WHEREAS, pursuant to RCW 35A.01.040 the Snohomish County Assessor’s Office on May 10, 2018, certified the 60% petition as sufficient; 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 located just east of Lake Stevens city limits, which is at the parcels located on the northeast corner of South Lake Stevens Road and Machias Cutoff Rd. The proposed annexation extends north along the shore of Lake Stevens approximately 680 feet, then extends to the east to 123rd Avenue then south to Machias Cutoff Road including all the land and subdivisions bounded by 123rd Ave, Machias Cut off and South Lake Stevens Road. Said unincorporated area is within the City of Lake Stevens Urban Growth Area; and

WHEREAS, on June 12, 2018 a properly noticed public hearing was held pursuant to RCW 35A.14.130 and all persons who wished to provide testimony were heard.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS AS FOLLOWS:

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

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

SECTION 3. The area described in attached Exhibits A and B, if annexed, shall be designated in the City's Comprehensive Plan as MDR (Medium Density Residential) and the on the City’s Official Zoning Map as HUR (High Urban Residential).

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

PASSED by the City Council of the City of Lake Stevens this 12th day of June 2018.

John Spencer, Mayor

ATTEST:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney
ANNEXATION DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 29 NORTH, RANGE 6 EAST, W.M., AND OF SECTION 20, 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 THE NORTHWEST QUARTER OF SAID SECTION 20;
THENCE SOUTH ALONG THE WEST LINE OF SAID SUBDIVISION 1260 FEET, MORE OR LESS TO A POINT ON A LINE LYING 1,356.3 FEET SOUtherLY OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19;
THENCE WESTERLY ALONG SAID LINE TO THE WESTERLY LIMITS OF THE SHORELANDS OF THE UPLAND PROPERTY ATTACHED THERETO;
THENCE SOUTHERLY ALONG SAID SHORELANDS TO THE NORTH LINE OF THE EXISTING LAKE STEVENS CITY LIMITS PER CORRECTED ORDINANCE NUMBER 801;
THENCE EAST ALONG SAID NORTH LINE 39 FEET, MORE OR LESS, TO THE WEST MARGIN OF SOUTH LAKE STEVENS ROAD;
THENCE SOUTHERLY ALONG SAID MARGIN 200 FEET, MORE OR LESS, CONTINUING ALONG THE EXISTING CITY LIMITS;
THENCE SOUTHEASTERLY A DISTANCE OF 74 FEET, MORE OR LESS, TO THE EAST MARGIN OF SOUTH LAKE STEVENS ROAD;
THENCE NORTHERLY ALONG SAID EAST MARGIN A DISTANCE OF 213 FEET, MORE OR LESS;
THENCE EASTERLY A DISTANCE OF 213 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20;
THENCE SOUTH ALONG SAID WEST LINE A DISTANCE OF 585 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERN MARGIN OF MACHIAS CUT OFF ROAD;
THENCE SOUTHEASTERLY ALONG SAID SOUTHERN MARGIN A DISTANCE OF 1,825 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF 133rd AVENUE SE EXTENDED SOUTHERLY TO INTERSECT WITH THE SOUTHERN MARGIN OF MACHIAS CUT OFF ROAD;
THENCE NORTH ALONG SAID EXTENDED EAST MARGIN A DISTANCE OF 2,243 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20;
THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 30 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 20;
THENCE WEST ALONG THE NORTH LINE OF SAID SOUTH HALF A DISTANCE OF 2,610 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

CONTAINING APPROXIMATELY 108 ACRES.
NOTICE OF INTENTION COVER SHEET

Washington State
Boundary Review Board
for Snohomish County

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

By: [X] Petition Method: Identify which petition method you are using: Direct Petition Method i.e. 60% or double majority (owners of a majority of the acreage/majority of the registered voters residing in the area).

☐ Election Method: number of qualified electors in area to be annexed or formed % of above figure represented by signers.

Is assumption of existing indebtedness to be required? Yes
Will simultaneous adoption of comprehensive plans be required? No. A new comprehensive will not be adopted, but City has identified comprehensive plan designations and zoning for the area in the 60% NOI resolution.

Name each governmental unit having jurisdiction within the boundaries of the proposal:

Snohomish County. Lake Stevens Sewer District.
Fire District 8 (Lake Stevens).
School District, Snohomish School District,
Snohomish County PUD

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

David Tover, Petitioner’s Representative

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

Signatures on petition: 80 (61.83%) Residences in area: 133
Population of area Approx. 358

Acreage 108 Square miles 0.17

Assessed valuation: $49,452,900 Topography: Hilly
Current district boundaries and adjacent roads:

East of S. Lake Stevens Road, north of Machias Cut-off Road, west of 123rd Avenue SE
Proximity to other districts, cities, etc.
Abuts City of Lake Stevens at southwest boundary, served by Lake Stevens Sewer District, and located within Fire District 8, Lake Stevens School District, Snohomish School District and Snohomish PUD service territory

Present
Sewers Lake Stevens Sewer District
Water Snohomish County PUD
Roads Snohomish County Public Works
Fire Dist. Fire District 8 – Lake Stevens
Police Snohomish County Sheriff

Growth Potential 131 to >300 housing units*

Proposed
No change
Snohomish County PUD
City of Lake Stevens
No change
City of Lake Stevens
Comparable

*Based on 2012 Snohomish County Buildable Lands Report, page 36
^Mapping of buildable lands as shown in the Lake Stevens Comprehensive Plan, page LU 22
Attachments:
$50 Filing Fee
Notice of Intention (with attachments)
Perimeter legal (follow outside boundary)

Assessor and Vicinity Maps
Petition
Resolution of Intent

Petitioner (Spokesperson): **David Tover**
Address: 3705 Colby Ave, Ste 1, Everett, WA 98201
Phone: **425-344-1523**

Initiator (District or Proponent): **City of Lake Stevens**
Representative Signature: 
Address/Phone: **1812 Main, PO Box 257, Lake Stevens, WA 98258**

File No. _______Filed effectively this ______ day of __________, ______ by ____________________________ ____________

Chief Clerk
EXHIBIT 5
August 8, 2018

To: Garth Fell, Elections Manager, Snohomish County Auditor’s Office
From: Pamela Yount, Administrative Hearings Coordinator, Snohomish County Office of Hearings Administration

Re: Request Review for the Purpose of Invoking Jurisdiction
04-2018 Notice of Intention (NOI) City of Lake Stevens Rhodora Annexation

Garth,

The Boundary Review Board for Snohomish County would like to request review by the Auditor’s office of the attached petitions for the purpose of invoking the jurisdiction of the Board on the above mentioned proposal. Please provide certification of the percent of qualified registered voters in the annexation area (RCW 36.93.100 (3a)) as described in attached legal description and/or the percentage of registered voters who deem themselves effected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action (RCW 36.93.100 (3b)).

Thank you,

Pamela Yount

Pamela J. Yount | Administrative Hearings Clerk
Snohomish County Office of Hearings Administration | Snohomish County Boundary Review Board
2nd Floor, Robert J. Drewel Bldg. | 3000 Rockefeller Avenue, MS #401 | Everett, WA 98201
Ph: (425) 388-3445 | Pamela.Yount@snoco.org

NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (Chapter 42.56 RCW).
EXHIBIT 6
August 20, 2018

Joshua Machen
Senior Planner
City of Lake Stevens
PO Box 237
Lake Stevens, WA 98258

RE: City of Lake Stevens Rhodora Annexation BRB File No. 04-2018

Dear Joshua:

Concerning the above-referenced annexation proposal, the Boundary Review Board's jurisdiction has been invoked under RCW 36.93.100(3a) on August 16, 2018. Accordingly, the Board shall make a finding within 120 days after the date jurisdiction was invoked (RCW 36.93.150). Following the adoption of the Board's decision, there is a 30-day period within which a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal (RCW 36.93.160).

The following dates have been scheduled for the hearing and decision-making process.

- A public hearing will be held by the Washington State Boundary Review Board for Snohomish County on Monday, October 1, 2018 at 5:00 PM. Wednesday, Additionally, October 3, 2018 at 5:00 PM has been set aside to continue the hearing, if required. The hearings will take place in the Stillaguamish public meeting room, 1st Floor of the Robert J. Drewel Building, County Complex, 3000 Rockefeller Avenue, Everett, WA 98201 for the purpose of considering, reviewing, and deciding on the above named proposal submitted by the City of Lake Stevens (BRB File No. 04-2018).

- An adoption hearing will be held by the Washington State Boundary Review Board for Snohomish County on Tuesday, October 30th, 2018 at 4:00 PM. The adoption hearing will take place in the BOE/BRB Meeting room 2F03, 2nd Floor of the Robert J. Drewel Building, County Complex, 3000 Rockefeller Avenue, Everett, WA 98201 for the purpose of adopting the written decision of the Board.

Should you wish to submit any additional material for the Board's consideration, it must be received in this office no later than 5:00 PM on Thursday, September 13th, 2018.

If you have any questions, please contact me.

Sincerely,

Pamela Yount
Pamela Yount
Administrative Hearings Clerk
Snohomish County Boundary Review Board

CC: Sean Reay, Snohomish County Deputy Prosecuting Attorney
David Toyer, Petitioner's Representative
Duana Kolouskova, Legal Representation for Petitioner
Stacy Brewer, Initiator of Petition to Invoke BRB
Lake Stevens Sewer District
Fire District #8, Lake Stevens
Lake Stevens School District
Snohomish School District
Snohomish County PUD
Snohomish County PDS
NOTICE OF PUBLIC HEARING

CITY OF LAKE STEVENS aka RHODORA PROPOSED ANNEXATION
(BRB FILE NO. 04-2018)

Notice is hereby given that a public hearing will be held by the Washington State Boundary Review Board for Snohomish County on Monday, October 1, 2018 at 5:00 PM. Wednesday, October 3 has been set aside to continue the hearing, if required. The hearing will take place in the Stillaguamish public meeting room, 1st Floor of the Robert J. Drewel Building, County Complex, 3000 Rockefeller Avenue, Everett, WA 98201 for the purpose of considering, reviewing, and deciding on the above named proposal submitted by the City of Lake Stevens (BRB File No. 04-2018).

The jurisdiction of the Boundary Review Board has been invoked by petition of 8.98% of registered voters in the annexation area (RCW 36.93.100 (3a)). This is a proposed annexation by the City of Lake Stevens of approximately 108 acres which may generally be described as an area located just east of Lake Stevens city limits, which is at the parcels located on the northeast corner of South Lake Stevens Road and Machias Cutoff Rd. The proposed annexation extends north along the shore of Lake Stevens approximately 680 feet, then extends to the east to 123rd Avenue then south to Machias Cutoff Road including all land and subdivisions bounded by 123rd Ave, Machias Cut off and South Lake Stevens Road. There are 133 residences and an assumed population of approximately 358 within the proposed assumption area.

The proposed annexation is currently within boundaries of Snohomish County, Lake Stevens School District, Snohomish County PUD, Lake Stevens School District, Snohomish School District and Fire District #8.

The legal description and map for the proposal is on file with the Boundary Review Board Office, Robert J. Drewel Building, 2nd Floor, 3000 Rockefeller Avenue, Everett WA.

The Boundary Review Board may approve, disapprove, or modify the proposal pursuant to RCW 36.93.150.

Snohomish County facilities, programs, services, and activities are accessible. The County strives to provide access and services to all members of the public. If you need ADA accommodations, please call our department ADA coordinator at (425) 388-3445 (voice).
For TTY/TTD users, please call the Washington Relay Service at 1-800-833-6388. Please provide at least one week of advance notice.

Sign language interpreters, assistive listening systems, and material in alternate format (large print, Braille, or audio tape and computer disk) are available upon request.

Smoking in or around public meeting areas is prohibited.