SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION 18-163

A MOTION APPROVING A PROPOSED ANNEXATION  
TO THE LAKE STEVENS SEWER DISTRICT  
BRB FILE 02-2018 – PELLERIN SEWER ANNEXATION

WHEREAS, on May 26, 2017, the Snohomish County Council (“county council”) received a request from the Lake Stevens Sewer District (“the District”) to annex approximately 27 acres of territory that is within unincorporated Snohomish County, the City of Lake Stevens urban growth area, and the District’s planning area. The proposed annexation is located, in general, to the south and east of South Lake Stevens Rd, west of 111th Street SE and north 18th Street SE; and

WHEREAS, the proposed annexation is subject to RCW 57.02.040 requiring the county council to review a proposed annexation action and either approve it or not approve it; and

WHEREAS, the proposed annexation fulfills the requirements of RCW 57.02.040(3)(a), (b), and (c) relating to consistency with the county’s Growth Management Act Comprehensive Plan (GMACP), its supporting documents and related plans, and should be approved; and

WHEREAS, the proposed annexation is consistent with the applicable factors and objectives of the Boundary Review Board (BRB), county codes, and other applicable statutes governing the review of annexation actions. The proposed annexation is consistent with adopted Countywide Planning Policies and the county’s GMACP, as set out in a Planning and Development Services Department (PDS) staff report dated May 16, 2018.  

NOW, THEREFORE ON MOTION,

1. The county council does hereby approve the annexation and will not invoke the jurisdiction of the BRB;

2. The county council Clerk is directed forthwith to file this Motion with the BRB, together with a copy of the PDS staff report dated May 16, 2018.

PASSED this 23rd day of May, 2018.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

[Signature]

Council Vice Chair

ATTEST:

[Signature]

Asst. Clerk of the Council
MEMORANDUM

TO:       Councilmember Stephanie Wright, Council Chair
          Councilmember Terry Ryan, Council Vice-Chair
          Councilmember Sam Low, District 5
          Councilmember Nate Nehring, District 1
          Councilmember Brian Sullivan, District 2

FROM:     Barb Mock, Director
          Planning and Development Services

VIA:      Eileen Canola, Senior Planner
          Planning and Development Services

SUBJECT:  Lake Stevens Sewer District – Pellerin Annexation, BRB #02-2018

DATE:     May 16, 2018

The Department of Planning and Development Services (PDS) is providing this report to summarize issues and information regarding the Lake Stevens Sewer District’s (“the District”) proposed sewer service annexation, known as the Pellerin Sewer Annexation - Boundary Review Board (BRB) No. 02-2018. This report addresses factors and objectives that the BRB must consider in evaluating the proposal. Those factors and objectives are analyzed because, if the Snohomish County Council (County Council) should choose to invoke BRB jurisdiction, those would be the considerations that the BRB would take into account.

The report also reviews consistency with applicable comprehensive plans and the Countywide Planning Policies (CPPs), impacts as required under Snohomish County Code (SCC), and comments submitted by Snohomish County (“the County”) departments and other public agencies regarding the proposal. This report is provided pursuant to SCC 3.52.120, and Revised Code of Washington (RCW) 57.02.040 and .045, 57.24.060 through .100, 36.93.100, .157, .170 and .180, and 36.70A.020, .110 and .210.

This is a petition method annexation by a sewer district, and there is an abbreviated review schedule per RCW 57.02.040. The 30-day review period for County Council to approve the proposed annexation or to hold a hearing expires May 30, 2018.

The County Council’s authority for reviewing sewer service annexations is set forth in RCW 57.02.040 and 36.93.100 and SCC 3.52.120. It is SCC 3.52.120 that requires the County Executive to review the
annexation and make a recommendation to the County Council. The options for the County Council are to either:

- approve, and not invoke the jurisdiction of the BRB, or
- not approve the annexation, and to invoke the jurisdiction of the BRB jurisdiction.

If the County Council approves the annexation, BRB jurisdiction could be invoked by another party with standing to invoke jurisdiction during the 45-day BRB review period, which ends June 14, 2018. The County Council findings and decision to approve or not approve the annexation will be transmitted to the BRB.

FINDINGS:

I. Background/Land Use/Zoning

The District has submitted a Notice of Intention (NOI) to the BRB for the proposed petition method annexation under RCW 57.24.060 through .100, of an area adjacent to the sewer district. The proposed annexation is known as the Pellerin Sewer Annexation, BRB No. 02-2018.

According to the NOI, the properties proposed for annexation by the district include approximately 26.84 acres total with nine residences. The assessed valuation is not provided in the NOI. The annexation area is generally located to the south and east of S Lake Stevens Rd, west of 111th Street SE and abuts 18th Street SE on its southern edge. The northwest portion of the proposed annexation extends out to the north towards S Lake Stevens Road (see maps, Exhibits A and B). The proposed annexation area is in the unincorporated Lake Stevens Urban Growth Area (UGA). The properties are designated Urban Low Density Residential on the Snohomish County Future Land Use Map (FLUM), with R-7,200 and R-9,600 zoning.

The proposed annexation area is surrounded by the District’s boundaries on three sides. Portions of the proposed annexation sit adjacent to the sewer district’s boundary to the north and west, while the whole of the eastern border is adjacent to the sewer district’s boundary. The District provides sewer service for incorporated City of Lake Stevens (“the City”), as well as much of the unincorporated Lake Stevens UGA. The District is the only sewer provider serving the Lake Stevens UGA, and there is no alternative sewer service provider that serves the area.

A large portion of the proposed sewer district annexation has also been proposed for annexation by the City as part of the pending Pellerin municipal annexation (BRB #01-2018). The Pellerin municipal annexation has been deemed approved by the BRB and as of this writing the City in taking the required steps to finalize the annexation. In the future the City may look to annex the rest of the subject properties into its incorporated boundary.

Since the City is served by the District, the proposed annexation by the District is complementary to the City’s proposed annexation. This proposed sewer district annexation is not dependent upon
annexation by the City. Likewise, annexation by the City is not dependent upon approval of this annexation.

The effect of this proposal would be that the subject properties would be included in the corporate boundaries of the District and receive sewer service from the district.

II. County Department/External Agency Review

The NOI for the proposed annexation was circulated for review to County departments and agencies. Comments, including those expressing no concerns, were received from Public Works, Parks, Recreation and Tourism (Parks), and Finance. Comments, including those from PDS, have been incorporated into this report under the relevant sections.

PDS requested that County departments and external agencies evaluate the proposal against the requirements in RCW 57.02.040, and the factors and objectives in RCW 36.93.170 and .180 that the BRB must assess when considering such a proposal. As required by SCC 3.52.120, fiscal, departmental, and countywide impacts were considered. The proposal was also reviewed for consistency with the Growth Management Act (GMA), CPPs, and other local plans. Review material for the proposal was sent to the following departments and agencies:

County Departments/Agencies Contacted

<table>
<thead>
<tr>
<th>Assessor</th>
<th>Human Services</th>
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<tbody>
<tr>
<td>Auditor</td>
<td>Parks, Recreation, and Tourism</td>
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<td>District Court</td>
<td>Planning and Development Services</td>
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<tr>
<td>Emergency Management</td>
<td>Property Management</td>
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<td>Enhanced 911</td>
<td>Public Works</td>
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<td>Finance</td>
<td>Sheriff</td>
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Other Agencies Contacted

Puget Sound Energy
Snohomish County 911

III. Analysis of Impacts and Consistency with State Statutes, County Code and Local Plans

A. The following comments relate to RCW 57.02.040(3) – Criteria for approval by county legislative authority.

a. This proposal is in compliance with the development program in the county comprehensive plan, particularly Goal UT3 and associated objectives and policies:

Goal UT3 - Work with cities and special districts to produce coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element, UGA area plans, and city plans.
The proposed annexation area is within the Lake Stevens UGA. The proposed annexation would not extend sewer service into the rural area. The proposed annexation area is within the sewer district’s planning boundaries as identified in its comprehensive plan.

b. This proposal is in compliance with the District’s Comprehensive Sewer Plan approved by the Department of Ecology.

c. The proposal is consistent with the Snohomish County Capital Facilities Plan (CFP) as applicable. The CFP relies upon external public agencies to provide sanitary sewer service. The CFP adopts the comprehensive sewer system plan for the District as set forth in Section 2.3 of the CFP. As there is no potential for competition with another sewer purveyor, approval of this sewer district annexation would be consistent with the overall goal of the CFP to ensure that the subject property will be provided with adequate public facilities.

B. The following comments relate to RCW 36.93.157 -- “The decisions of a boundary review board located in a county that is required or chooses to plan under RCW 36.70A.040 (the Growth Management Act (GMA) -- who must plan) must be consistent with RCW 36.70A.020 (Goals of GMA), 36.70A.110 (Comprehensive Plans -- Urban Growth Areas) and 36.70A.210 (Countywide Planning Policies).”

1. The annexation proposal is consistent with the CPPs. The properties are located within the Lake Stevens UGA. A large portion of the proposed sewer district annexation has already been proposed for annexation by the City as part of the pending Pellerin municipal annexation (BRB #01-2018), and in the future the City may look to annex the rest of the subject properties into its incorporated boundary. Since the City is served by the District, the proposed annexation by the District is complementary to the City’s proposed annexation. The proposal would allow for the provision of sewer service to these properties, which is consistent with CPP policy:

   PS-9 The County and cities shall permit new development in urban areas only when sanitary sewers are available with the exception of where sewer service is not likely feasible for the duration of the jurisdiction’s adopted plan.

2. The proposal would not extend sewer outside the UGA consistent with the following CPP policy:

   DP-6 Sanitary sewer mains shall not be extended beyond Urban Growth Areas (UGAs) into rural areas except when necessary to protect basic public health and safety and the environment, and when such sewers are financially supportable at rural densities and do not result in the inducement of future urban development outside of UGAs. Sewer transmission lines may be developed through rural and resource areas to meet the needs of UGAs as long as any extension through resource areas does not adversely impact the resource lands. Sanitary sewer connections in rural areas are not allowed
except in instances where necessary to protect public health and safety and the environment. Sanitary sewer mains are prohibited in resource areas.

C. The following comments relate to RCW 36.93.170 – Factors to be considered by the Boundary Review Board. The comments listed below describe how the factors apply to this annexation, elaborating on those topics within each factor that are particularly relevant to this annexation. BRB factors contained in RCW 36.93.170 incorporate 1997 amendments that provide for integrated consideration of the GMA and related GMA implementation statutes:

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

i. As described under Section III.A of this report, the proposal is consistent with the development program in the county comprehensive plan, as the proposed area is in the Lake Stevens UGA and designated for urban residential development and urban services, including sewer.

ii. Snohomish County Department of Public Works-Surface Water Management Division (SWM) commented that portions of the suspended Drainage District 8 are within the proposed sewer district annexation area. However, the proposed sewer district annexation is not anticipated to have any effect on the suspended Drainage District.

iii. The NOI submitted by the District adequately addressed the factors that the BRB considers. There were no additional comments related to factor 1.

Factor 2. Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units.
i. There is no impact on services provided by the County.

ii. The proposal would allow extension of sewer service to properties within the Lake Stevens UGA.

Factor 3. The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

There were no comments applicable to factor 3.

D. The following comments relate to RCW 36.93.180 - Objectives of the Boundary Review Board.

Objective 1. Preservation of natural neighborhoods and communities.

This objective is of lesser relevance in review of a utility district annexation, where there is no potential competition with another water and sewer purveyor, and where the property will remain under the jurisdiction of the County, as utility district boundaries do not normally define neighborhood identity. Since the area is within the Lake Stevens UGA, and the District serves the majority of the Lake Stevens UGA, the proposal furthers the objective of preserving natural communities to the extent that this objective applies.

If this were an annexation by a city, the County would carefully review how this annexation would preserve natural neighborhoods without also annexing the adjacent urban unincorporated residential areas to the north and south. Doing so would further the preservation of a cohesive residential area under a single jurisdiction.

Objective 2. Use of physical boundaries, including, but not limited to bodies of water, highways and land contours.

This proposed annexation furthers the objective to the extent that it uses the 18th Street SE right-of-way (ROW) as the southern boundary and the existing sewer district boundaries as the eastern, western, and part of the northern boundaries.

Objective 3. Creation and preservation of logical service areas.

This objective is furthered by annexing an area within the Lake Stevens UGA and within the District’s planning boundary that currently has no sewer service.

PDS notes that the NOI shows that if the proposed annexation area were to be approved, the new boundary would create a one-parcel island to the east of 15th Street SE (identified in attachments A and B), completely surrounded by the sewer district that will remain unserved by the sewer district. Therefore, it also would have been logical to annex this parcel, which is urban residential in nature, along with the proposed annexation.

If this was an annexation by a city, the County would carefully review whether it would be logical to exclude this urban unincorporated residential island because, in that case, it would
create a situation where the County would have to continue to provide services to an area completely separated by the proposed annexation area. Since this is a sewer district annexation that does not affect County services, those concerns are not applicable to this proposal.

The NOI shows the nearest sewer service point is located northwest of the proposed annexation area and abutting the parcel that will remain outside of the sewer district. The NOI also shows a planned sewer service point that would better serve the proposed annexation area and would avoid the unserved island identified above. A more logical boundary for this proposed annexation might have included the parcel nearest the existing sewer service point. According to sewer district staff, as a property owner initiated petition method annexation, that parcel was not included because there were insufficient signatures to include that property. Since the area is adjacent to the sewer district on three sides and abuts a planned new sewer service point, PDS deems that the omission of that parcel is not an impediment to logical sewer service for the subject area. The excluded parcel would not be able to develop to urban densities until it is served by sewer.

The proposed annexation would further this objective by annexing an area that is adjacent to the current boundary of the District and within the Lake Stevens UGA. However, the proposal would create an irregular boundary by creating a one parcel island without sewer service but completely surrounded by the sewer district. Therefore it would have been logical to annex this parcel in order to prevent an irregular boundary.

If this was an annexation by a city, the County would carefully review whether creating such an irregular boundary would be logical because, in that case, it would create a situation where the County would have to continue to provide services to an area completely surrounded by an incorporated city. Since this is a sewer district annexation that does not affect County services, those concerns are not applicable to this proposal.

A more regular boundary for this proposed annexation would have included the excluded parcel to the northwest of the subject area, which would be surrounded by the sewer district boundaries following annexation. According to sewer district staff, as a property owner initiated petition method annexation, that parcel was not included because there were insufficient signatures to include that property. Since the proposed annexation area is adjacent to the sewer district on three sides and abuts a planned new sewer service point, PDS deems that the omission of that parcel is not an impediment to sewer service for the subject area. The excluded parcel would not be able to develop to urban densities until it is served by sewer.

Objective 5. Discouragement of multiple incorporations of small cities and encouragement of incorporations of cities in excess of ten thousand population in heavily populated urban areas.
This objective does not apply to this proposal.

Objective 6. **Dissolution of inactive special purpose districts.**
This objective does not apply to this proposal.

Objective 7. **Adjustment of impractical boundaries.**
This objective does not apply to this proposal, as the existing boundaries are not impractical.

Objective 8. **Annexation to cities or towns of unincorporated areas, which are urban in character.**
This objective does not apply to the proposed annexation because it is for utility service only.

Objective 9. **Protection of designated agricultural and rural resource lands.**
This objective does not apply to this proposal.

E. **The following comments relate to SCC Section 3.52.120 – Council Request for Review.**

1. **Total assessed value, and impacts upon comprehensive plans, transportation systems, utility plans.**
   a. The NOI did not include assessed value. Sewer district annexations do not affect the County’s property tax revenues and therefore assessed value is not an important factor for impact to the County’s revenues and services.
   b. SWM commented that the proposed sewer district annexation does not change any County or SWM district boundaries and does not affect SWM revenues or programs. Portions of the suspended Drainage District 8 are within the proposed sewer district annexation area. However, the proposed sewer district annexation is not anticipated to have any effect on the suspended Drainage District.
   c. It is PDS’ view that this proposed annexation will have no impact on County transportation systems.
   d. The proposed annexation is consistent with relevant comprehensive plans and utility plans as described under Section III.A above.

2. **Law enforcement, courts, parks, county budget, and community comments.**
   a. It is the view of PDS that the proposed annexation would have no impact for law enforcement or courts.
   b. It is the view of PDS that the proposed annexation would have no impact for Parks.
   c. There are no anticipated impacts to County budget or services.
CONCLUSIONS:

Based on County review, PDS concludes that the subject annexation proposal is consistent with the applicable statutory provisions governing special district annexations.

This conclusion has been reached by comprehensively reviewing the proposed annexation against the requirements of RCW 57.02.040(3)(a), (b) and (c) for water and sewer annexations, the applicable BRB factors and objectives, County codes, and other applicable statutes.

PDS notes that the NOI shows the proposed annexation area were to be approved, the new boundary would create a one parcel island completely surrounded by the sewer district that will remain unserved by the sewer district and create an abnormal boundary. Therefore, it also would have been logical to annex this parcel, that urban residential in nature, along with the proposed annexation.

If this was an annexation by a city, the County would carefully review whether it would be logical to exclude this urban unincorporated residential island because, in that case, it would create a situation where the County would have to continue to provide services to and area completely separated by the proposed annexation area. Since this is a sewer district annexation that does not affect County services, those concerns are not applicable to this proposal.

A more logical boundary for this proposed annexation would have included the excluded parcel to the northwest of the subject area, which would be surrounded by the sewer district boundaries following annexation. According to sewer district staff, as a property owner initiated petition method annexation, that parcel was not included because there were insufficient signatures to include that property. Since the proposed annexation area is adjacent to the sewer district on three sides and abuts a planned new sewer service point, PDS deems that the omission of that parcel is not an impediment to sewer service for the subject area. The excluded parcel would not be able to develop to urban densities until it is served by sewer.

The recommendation to the County Council from PDS is to not invoke the jurisdiction of the BRB and to approve the annexation of the Pellerin Sewer Annexation area by the District.

Attachments:
   - Exhibit A – Map of the Proposed Pellerin Sewer Annexation
   - Exhibit B – Map of the Vicinity of the Proposed Pellerin Sewer Annexation

cc: Ken Klein, Executive Director
    Barb Mock, Director, PDS
    Mike McCrary, Deputy Director, PDS
    Ikuno Masterson, AICP, Manager, PDS
    Jacqueline Reid, AICP, Supervisor, PDS
    Yorik Stevens-Wajda, Council Legislative Analyst