

**City of Lake Stevens
Lake Stevens, WA**

ORDINANCE NO. 1041

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ANNEXING APPROXIMATELY ONE HUNDRED AND EIGHT (108) ACRES KNOWN AS THE “RHODORA ANNEXATION,” INTO THE CITY PURSUANT TO RCW 35A.14.120; ASSIGNING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS UPON ANNEXATION; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF CITY INDEBTEDNESS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 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 2017-022 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; 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 legally described in attached 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 and within unincorporated Snohomish County, and may generally be described as an area of approximately one hundred and eight (108) 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 of Lake Stevens Urban Growth Area.; and

WHEREAS, on June 12, 2018 a properly noticed public hearing was to be held, but due to a lack of quorum, the hearing was postponed to the following special council meeting on June 19, 2018 and persons who wished to provide testimony were heard. At that hearing the City Council considered the

Rhodora Annexation, land use and zoning designations, and then issued a Notice of Intent to Annex and adopt land use and zoning designations for the annexed parcels by adopting Resolution 2018-018 and;

WHEREAS, on June 29, 2018 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 July 17, 2018; and

WHEREAS, on August 16, 2018, the jurisdiction of the Washington State Boundary Review Board for Snohomish County was invoked under RCW 36.93.100(3a); and

WHEREAS, on September 25, 2018 a properly noticed public hearing was held to allow for additional public testimony on the proposed annexation prior to a hearing before the Boundary Review Board, pursuant to RCW 35A.14.130 and all persons who wished to provide testimony were heard. At that hearing the City Council considered the Rhodora Annexation, land use and zoning designations, and reaffirmed their previous action to submit a Notice of Intent to Annex to the Boundary Review Board and adopt land use and zoning designations for the annexed parcels by the previous adoption of Resolution 2018-018 and;

WHEREAS, on October 1, 2018, the Washington State Boundary Review Board for Snohomish County held a duly notice public hearing on the “Rhodora” annexation and took public comment from representatives of the City of Lake Stevens, representatives of Snohomish County, parties opposed to the annexation who invoked the jurisdiction of the board, and other parties and public opposed and in favor of the annexation; and

WHEREAS, on October 30, 2018 the Washington State Boundary Review Board for Snohomish County adopted formal written findings approving the “Rhodora” annexation into the City of Lake Stevens finding that the “Rhodora” annexation (1) was consistent with the planning goals set forth in RCW 36.70A.020; (2) satisfied the Urban Growth requirement under RCW 36.70A.110; (3) adequately addressed the annexation factors as set forth in RCW 36.93.170; and (4) furthered the annexation objectives as set forth in RCW 36.93.180; and

WHEREAS, the City Council conducted an additional duly noticed public hearing on December 11, 2018, to consider the proposed annexation and the assignment of zoning and comprehensive plan designation by the adoption of this Ordinance No. 1041,

WHEREAS, on February 5, 2019 the Snohomish County Superior Court dismissed with prejudice an appeal of the “Rhodora” annexation which was filed on November 29, 2018;

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.

SECTION 2. The area legally described in attached Exhibits A and 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 described in attached Exhibits A and B, 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) and WR (Waterfront Residential) as depicted in attached Exhibit C.

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 ____ day of _____.

John Spencer, Mayor

ATTEST:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

First Reading: December 11, 2018

Second and Final Reading: February 19, 2019

Date of Publication: _____

Effective Date: _____

Greg A. Rubstello, City Attorney