



ORDINANCE NO. 3801-21

AN ORDINANCE Annexing and Establishing Zoning for the Smith Island West Annexation Area, amending Ordinance No. 1671-89 (as amended)

WHEREAS,

- A. The City of Everett is provided authority to annex contiguous unincorporated territory pursuant to RCW 35.13.180; and
- B. The area is the last remaining unincorporated part of Smith Island that is located within Everett's Municipal Urban Growth Area (MUGA), as designated in the Countywide Planning Policies. Properties within a city's MUGA are expected to be annexed; and
- C. There are no residents within the subject area and owners of the two industrial property assemblages have indicated their desire to be annexed to the City of Everett; and
- D. The City of Everett already provides water to properties abutting the remaining unincorporated portion of Smith Island; and
- E. The area is not within the boundaries of any fire protection district, while the City already provides fire, police and other public safety services to incorporated areas north and east of the area; and
- F. The only street access to the area is through public streets and highways located within the Everett city limits; and
- G. RCW 35.13.470 provides for annexation through the process of an Interlocal Agreement (ILA) between the annexing city and the county, and this process is applicable to the specific circumstances affecting the subject properties on Smith Island; and
- H. Consistent with Council Resolution 7519, an ILA between the city and Snohomish County regarding annexing the subject properties to the city has been approved with the city adopting by reference county codes delineated in ILA Exhibit C for the sole purpose of allowing the county to complete permits and fire inspections prior to the effective date of the annexation; and
- I. On February 4, 2021, the Boundary Review Board notified the city that the proposal was deemed legally sufficient and there had been no request for review so the action is deemed approved and the city authorized to finalize the proposed annexation; and

- J. The upland portion of the annexation area is designated *Industrial* in Everett’s Comprehensive Plan and *Urban Mixed Use Industrial* in Everett’s Shoreline Master Program; and
- K. The Planning Commission held a public hearing regarding establishment of the implementing zone for the subject area upon annexation to the city and recommended that the area be zoned *Heavy Industrial* as shown in PC Resolution 20-06, Exhibit 1.

WHEREAS, THE CITY COUNCIL FINDS:

- 1. The subject property proposed for annexation is located within Everett’s MUGA; and
- 2. At least sixty percent of the boundaries of the territory proposed for annexation is contiguous to Everett’s current municipal boundaries; and
- 3. The city and Snohomish County have jointly approved an interlocal agreement regarding annexation of the proposed portion of Smith Island; and
- 4. *Heavy Industrial* is the appropriate implementing zone for the area consistent with the comprehensive plan and shoreline master program designations; and
- 5. The proposed zoning bears a substantial relation to public health, safety or welfare and promotes the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: The Smith Island-West annexation is approved consistent with the terms of the ILA and with an effective date of June 7, 2021.

Section 2: The zoning of that portion of the City of Everett shown on the map in Exhibit 1 is hereby established as *Heavy Industrial*, amending Ordinance No. 1671-89 (as amended).

Section 3. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references and ordinance numbering.

Section 4. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this Ordinance independent of the elimination of any such portion as may be declared invalid.

Section 5. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Cassie Franklin, Mayor

ATTEST:

Sharon Fuller, City Clerk

PASSED: _____

VALID: _____

PUBLISHED: _____

EFFECTIVE DATE: _____