



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.

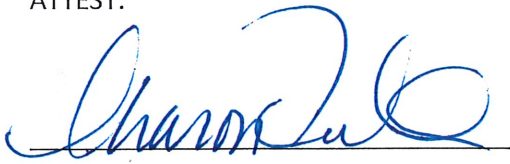
Section 4. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this Ordinance independent of the elimination of any such portion 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: 4-21-21

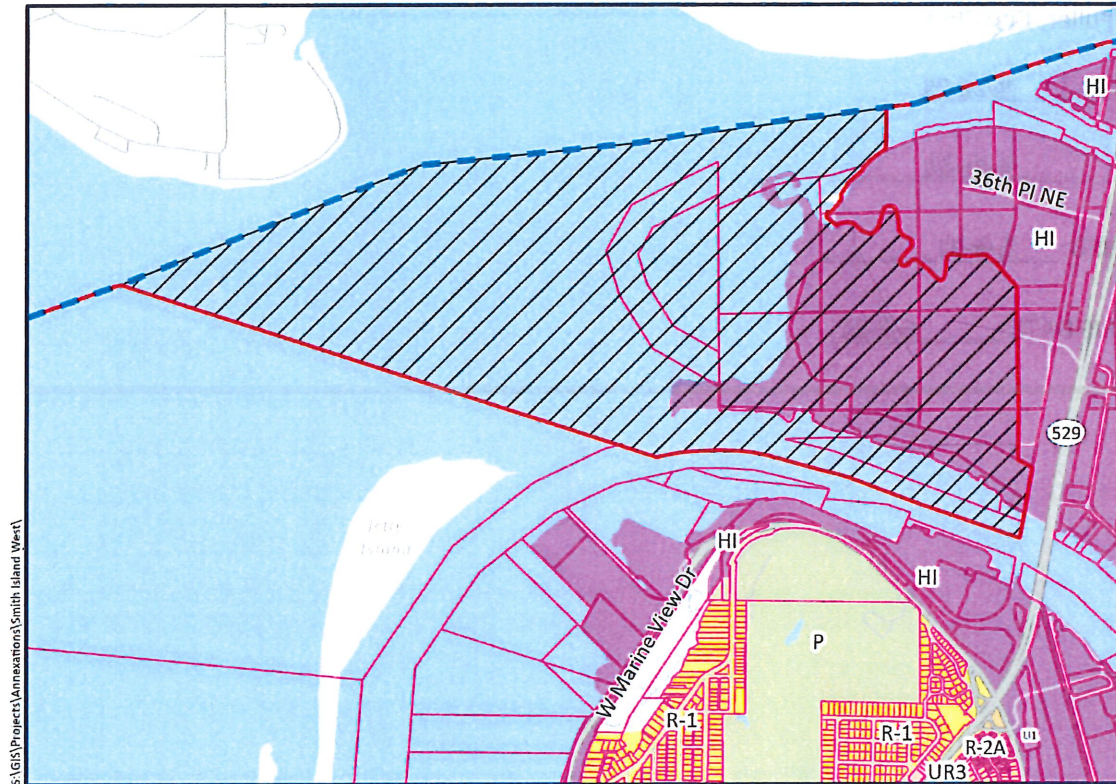
VALID: 4-26-21

PUBLISHED: 5-4-21

EFFECTIVE DATE: 6-7-21

Smith Island West Annexation

Exhibit 1



Municipal Urban Growth Boundary

Everett City Limit

Annexation Area

Parcel Boundary

Zoning Districts

Residential

- Single Family Detached Low Density (R-1)
- Single Family Detached Medium Density (R-2)
- Single Family Attached Medium Density (R2-A)
- Urban Residential 3 (UR3)

Commercial

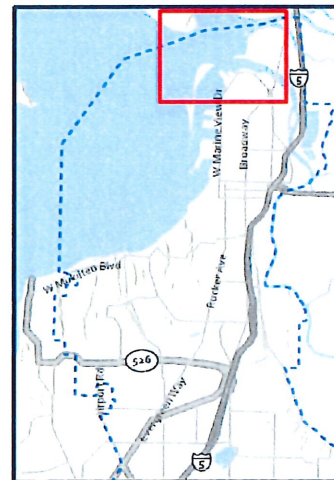
Mixed Urban (MU)

Industrial

- Heavy Industrial (HI)
- Light Industrial 1 (LI1)

Other

Park-Open Space (P)



SMITH ISLAND WEST ANNEXATION LEGAL DESCRIPTION

THAT PORTION OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M. AND SECTION 1, TOWNSHIP 29 NORTH, RANGE 4 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE MID-CHANNEL OF STEAMBOAT SLOUGH AND THE MID-CHANNEL OF UNION SLOUGH;

THENCE WESTERLY ALONG THE MID-CHANNEL OF STEAMBOAT SLOUGH FOR A DISTANCE OF 1,100 FEET THE TRUE POINT OF BEGINNING;

THENCE DUE SOUTH TO THE CENTERLINE OF A DIKE IN THAT PORTION OF GOVERNMENT LOT 4 IN SAID SECTION 5;

THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID DIKE TO THE SOUTH LINE OF SAID GOVERNMENT LOT 4, BEING THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER OF SAID DIKE, 60 FEET MORE OR LESS TO THE MID-CHANNEL OF AN EXISTING SLOUGH IN THE SOUTH HALF OF SAID SECTION 5;

THENCE CONTINUING SOUTHEASTERLY ON THE MID-CHANNEL LINE OF THE SLOUGH TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5;

THENCE SOUTH ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 TO THE SOUTH LINE OF SAID SECTION 5 AND THE NORTHEAST CORNER OF GOVERNMENT LOT 2 IN SECTION 8, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

THENCE SOUTH ON THE EAST LINE OF SAID GOVERNMENT LOT 2 TO INTERSECT THE GOVERNMENT MEANDER LINE;

THENCE SOUTHEASTERLY ALONG SAID GOVERNMENT MEANDER LINE TO INTERSECT THE PRESENT WESTERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD;

THENCE SOUTHERLY ON SAID RIGHT-OF-WAY TO INTERSECT THE MID-CHANNEL OF THE SNOHOMISH RIVER AND THE CITY LIMITS OF THE CITY OF EVERETT, WASHINGTON ESTABLISHED PURSUANT TO EVERETT ORDINANCE 4242, OCTOBER 27, 1967;

THENCE WESTERLY ALONG THE MID-CHANNEL OF THE SNOHOMISH RIVER AND THE NORTHERLY EDGE OF THE EVERETT CITY LIMITS ESTABLISHED PURSUANT TO RCW 35.21.160 AUGUST 26, 1965; TO A POINT WHICH IS 200.10 FEET NORTHEAST OF POINT NUMBER 91 AS DESCRIBED IN QUIT-CLAIM DEED TO PORT OF EVERETT SNOHOMISH COUNTY AUDITOR'S FILE NO. 1311394;

THENCE NORTHWESTERLY ALONG THE NORTHERLY EDGE OF THE CITY OF EVERETT CITY LIMITS AND THE NORTH LINE OF PROPERTY DESCRIBED IN SNOHOMISH COUNTY AUDITOR'S FILE NO. 1311394 FOR A

DISTANCE OF 7009.71 FEET TO THE NORTHERN MOST CORNER OF SAID CORNER OF SAID AUDITOR'S FILE NO. 1311394;

THENCE NORTHEASTERLY FOR A DISTANCE OF 4,368 FEET MORE OR LESS TO THE SOUTHWESTERLY CORNER OF THAT TRACT CONVEYED BY THE EVERETT IMPROVEMENT COMPANY TO SOUNDVIEW PULP COMPANY BY DEED DATED JUNE 2, 1937, RECORDED JUNE 15, 1937 IN VOLUME 249 OF DEEDS, PAGE 219, UNDER SNOHOMISH COUNTY AUDITOR'S FILE NO. 602450;

THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT AS DESCRIBED IN SNOHOMISH COUNTY AUDITOR'S FILE NO. 602450 FOR A DISTANCE OF 4040 FEET MORE OR LESS TO THE INTERSECTION OF WEST LINE OF SECTION 5, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;

THENCE EASTERLY ALONG THE MID-CHANNEL OF STEAMBOAT SLOUGH FOR A DISTANCE OF 2,295 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING 857.9 ACRES MORE OR LESS.

SITUATE IN SNOHOMISH COUNTY, WASHINGTON.