TOWN OF WOODWAY

ORDINANCE NO. 16-572

AN ORDINANCE OF THE TOWN COUNCIL FOR THE TOWN OF WOODWAY ANNEXING CERTAIN UNINCORPORATED TERRITORY COMMONLY KNOWN AS THE UPPER BLUFF, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Woodway ("Town") and Snohomish County ("County") are required by the State's Growth Management Act to plan for growth within urban unincorporated areas of the County designated for urban growth and future annexation by the Town; and

WHEREAS, both the Comprehensive Plans of the Town and the County reflect this planning through the designation of an unincorporated area adjacent to the Town as the Town's municipal urban growth area ("MUGA"); and

WHEREAS, the Town has planned for future urban growth within the Town's MUGA and annexation of the MUGA to the Town through the preparation of the *Woodway Municipal Urban Growth Area Subarea Plan* ("Subarea Plan"); and

WHEREAS, the Subarea Plan and related policies were adopted by the Town Council on August 5, 2013, and provide for specific zone districts to implement the goals and policies of said Subarea Plan upon annexation of properties within the MUGA to the Town; and

WHEREAS, the Subarea Plan is incorporated into the Town's Comprehensive Plan that has been reviewed and approved by the Washington State Department of Commerce as compliant with the State Growth Management Act and the Puget Sound Regional Council as consistent with the region's growth and transportation strategy; and

WHEREAS, the Town's pre-annexation zoning for its MUGA is divided into two zone districts – a mixed-use Urban Village district covering the railway and lowland area of Point Wells, and a single-family residential district covering the "Upper Bluff" area west of the westerly terminus of 238th Street; and

WHEREAS, the Town has previously adopted, pursuant to RCW 35A.14.330, preannexation zoning for the Upper Bluff that will be applicable upon annexation; and

WHEREAS, Point Wells LLC ("Developer") owns two parcels totaling over 35 acres on the Upper Bluff portion of the Town's MUGA; and

WHEREAS, Developer approached the Town with a proposal to annex the Upper Bluff and a portion of the railway into the Town pursuant to RCW 35A.14.120, and to develop Developer's property for single family residential development; and

WHEREAS, the Town received from Developer a request to commence annexation proceedings for an area described in Exhibit A ("Annexation Area"), and such request represented owners in excess of 10% of the assessed value of the Annexation Area; and

WHEREAS, having received such request, the Town Council, on September 23, 2015, authorized the circulation of a 60% petition providing for the annexation of the Annexation Area; and

WHEREAS, Developer presented the Town with a 60% annexation petition, duly executed by Developer, and on December 21, 2015, the Snohomish County Auditor certified that the petition was signed by the owners of property representing 94% of the assessed value of the property to be annexed; and

WHEREAS, on February 1, 2016, the Town Council set for public hearing on February 16, 2016, consideration of the petition, inviting interested persons to testify for and against the proposed annexation; and

WHEREAS, the public hearing was duly advertised and notice of the hearing was posted in three public places within the territory proposed for annexation; and

WHEREAS, on February 16, 2016, the Town Council held a public hearing and duly considered the petition and public comment, and the Council submitted a notice of intent to annex to the Washington State Boundary Review Board for Snohomish County ("BRB"); and

WHEREAS, on February 16, 2016, the Town Council found in Resolution 16-382, that annexation by the Town of the Annexation Area best serves the health, welfare and safety of the residents of the Town and the petitioner, and will encourage the most appropriate use of land within the Town's MUGA; secures safety from fire; promotes a coordinated development of the unbuilt bluff areas; encourages the integration of any new development of the Upper Bluff with the neighboring community; helps conserve and restore natural beauty and other natural resources; and facilitates the adequate provision of transportation, water, sewerage and other public uses.

WHEREAS, the Town Council further found in Resolution 16-382 that the Town's utilities, police, fire and other services are sufficient to service the Annexation Area, and that the proposed annexation is consistent with the State Growth Management Act.

WHEREAS, the Town has been notified by the BRB that the 45-day review period under RCW 36.93.100 ended on June 22, 2016 at 5:00 p.m. with no request for review having been filed.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council that:

Section 1. The Annexation Area is hereby annexed to the Town as of the effective date of this Ordinance.

Section 2. Upon annexation, the Annexation Area will be assessed and taxed at the same rate and on the same basis as other property within the Town.

Section 3. The Town's Comprehensive Plan shall apply to the Annexation Area upon the effective date of this Ordinance.

Section 4. Under the authority of RCW 35A.14.330, and pursuant to WMC 14.36, the Upper Bluff will be zoned Urban Restricted. The railway will be zoned Urban Village under WMC 14.40.

Section 5. If any portion of this resolution is found or rendered invalid or ineffective, all remaining provisions shall remain in full force and effect.

Section 6. This Ordinance shall take effect five (5) days after its passage, approval and publication as provided by law.

Passed by the Town Council this 5th day of July, 2016.

TOWN OF WOODWAY

Carla A. Nichols

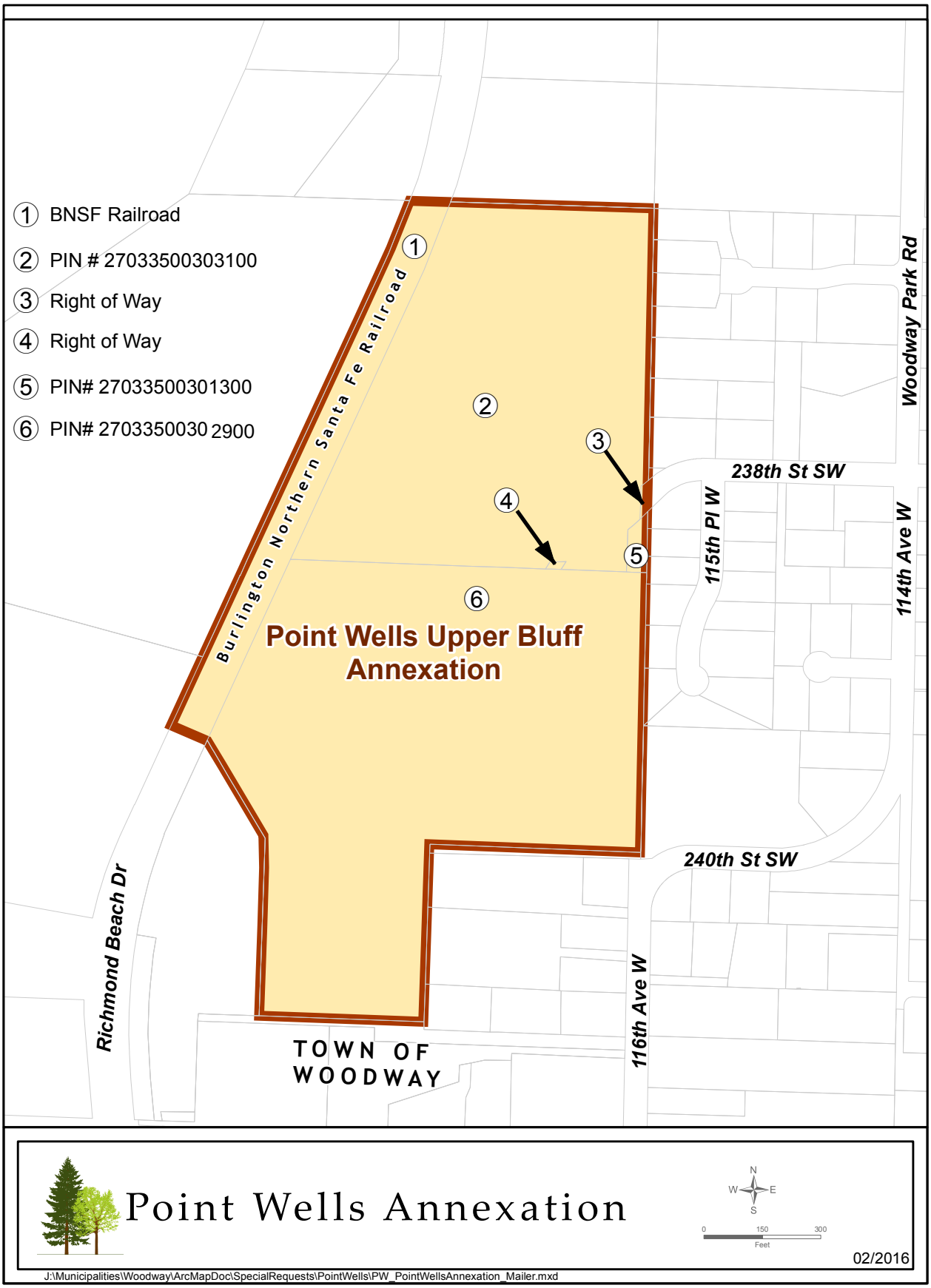
Carla A. Nichols, Mayor

Attest:

Joyce Bielefeld

Joyce Bielefeld, Clerk Treasurer

Exhibit A


① BNSF Railroad
② PIN # 27033500303100
③ Right of Way
④ Right of Way
⑤ PIN# 27033500301300
⑥ PIN# 2703350030 2900
Point Wells Upper Bluff Annexation
Burlington Northern Santa Fe Railroad
Woodway Park Rd
238th St SW
115th Pl W
114th Ave W
240th St SW
116th Ave W
Richmond Beach Dr
TOWN OF WOODWAY
Point Wells Annexation
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TOWN OF WOODWAY
POINT WELLS UPPER BLUFF ANNEXATION DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 E., W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 35;
THENCE WEST ALONG THE EAST AND WEST CENTERLINE OF SAID SECTION 35 TO THE WESTERLY RIGHT-OF-WAY LINE OF THE SEATTLE AND MONTANA RAILWAY COMPANY, NOW KNOWN AS THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY;
THENCE SOUTH 22°04'46" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OPPOSITE THE MOST WESTERLY CORNER OF PARCEL 1 OF SNOHOMISH COUNTY BOUNDARY LINE ADJUSTMENT NO. 04-109874, RECORDED UNDER AUDITOR'S FILE NO. 200405180215;
THENCE AT A RIGHT ANGLE TO THE RIGHT OF WAY, SOUTH 65°57'14" EAST, 100 FEET TO THE EASTERLY MARGIN OF SAID RIGHT-OF-WAY AND SAID MOST WESTERLY CORNER OF SAID PARCEL 1;
THENCE SOUTH 31°23'34" EAST, ALONG THE WESTERLY LINE OF SAID PARCEL, 291.15 FEET;
THENCE SOUTH 1°11'56" WEST, ALONG THE WEST LINE OF SAID PARCEL, 455.24 FEET, TO THE EXISTING TOWN BOUNDARY;
THENCE ALONG THE EXISTING TOWN BOUNDARY THE FOLLOWING COURSES:
SOUTH 88°33'35" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, 422.92 FEET;
THENCE NORTH 1°11'56" EAST, ALONG THE EAST LINE AND NORTHERLY EXTENSION OF SAID PARCEL, 473.27 FEET;
THENCE SOUTHEAST, 520.27 FEET TO THE INTERSECTION WITH THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 35 AT A POINT THAT IS 1010.0 FEET NORTH OF THE SOUTH QUARTER CORNER;
THENCE NORTH ALONG SAID LINE TO THE CENTER OF SAID SECTION 35 AND THE **POINT OF BEGINNING**;

PACE Engineers, Inc.
Prepared by: David Fulton PLS
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September 15, 2015