

TOWN OF WOODWAY  
COUNCIL MEETING AGENDA

MONDAY, MAY 20, 2024  
6:00 P.M.

Woodway Town Hall | 23920 113<sup>th</sup> Place W. | Woodway, WA

- |           |     |   |
|-----------|-----|---|
| 6:00 P.M. |     | Call to Order, Flag Salute, & Roll Call                         |
| 6:00 P.M. |     | Public Comments*  |
| 6:05 P.M. | I   | Twin Maples Traffic Calming                                     |
| 6:15 P.M. | II  | Approval of Payments – <i>May 20, 2024 Claims</i>               |
| 6:20 P.M. | III | Council Reports   |
| 6:25 P.M. | IV  | Mayor’s Report  |
| 6:30 P.M. | V   | Town Administrator’s Report                                     |
| 6:35 P.M. | VI  | Public Hearing on Ordinance 2024-657: Annexation of Point Wells |
| 7:35 P.M. | VII | Ordinance 2024-657: Annexation of Point Wells                   |
| 7:50 P.M. |     | Public Comments*  |
| 7:55 P.M. |     | General Council Discussion – Choice of Subjects                 |
| 8:00 P.M. |     | Meeting Ends  |

*Council agendas are subject to change before or during the council meetings upon motion. All times are approximate.*

*\*Anyone with a disability requiring special accommodations or anyone wishing to make a public comment for this meeting via video or audio connection should contact the Town Clerk's Office at Town Hall or call (206)542-4443 before 1:00 p.m. the Thursday preceding the Council Meeting. For TDD relay service, call (206)587-5500, or outside the Seattle area #1-800-833-6388.*



TOWN OF WOODWAY  
CLAIMS APPROVAL

“I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein and that the claim is a just, due, and unpaid obligation against the Town of Woodway, Snohomish County, Washington, and that I am authorized to authenticate and certify to said claims.”

\_\_\_\_\_  
Clerk Treasurer

The following transactions are approved for 2024 payment:

Claims checks #014520 through 014526 and EFT #648 ..... \$22,925.25

This 20<sup>th</sup> day of May 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\*Note: one large item is being paid

- \$18,420.63 – US Bank – 1<sup>st</sup> half 2024 interest payment on bond

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## MEMORANDUM

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**TO:** Town Council  
**FROM:** Eric Faison, Town Administrator  
**SUBJECT:** Point Wells Annexation Ordinance  
**DATE:** May 20, 2024  
**CC:** Mike Quinn, Mayor

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### **Background**

The Town has been planning for the annexation of its municipal urban growth area, including Point Wells, since 1999. This process has included the adoption of pre-annexation comprehensive plan policies, zoning designations, and development regulations, as well as bilateral agreements with Snohomish County in 2016 and 2018. In 2019, the Town also resolved a long-standing conflict with the City of Shoreline by executing a Settlement and Interlocal Agreement, where the parties agreed to work together to facilitate the Town’s annexation of Point Wells.

The agreement with Shoreline provides the Town with the first opportunity to annex Point Wells. In relevant part, Section III.A of the agreement provides that the Town will “use its best efforts to effectuate the annexation of Point Wells as expeditiously as reasonably possible . . . .” After approval of the agreement, Shoreline worked with the legislature to create a new method of annexation.

As a result of Shoreline’s efforts, RCW 35A.14.296 came into effect on June 11, 2020. The statute provides a process through which the Town and the County can effectuate the annexation of Point Wells by mutual agreement, without the property owner’s consent. As it relates to Point Wells, the statute provides two additional parties with the option to participate in the agreement – the City of Shoreline and Olympic View Water & Sewer District.

### **Interlocal Agreement**

Two years later, in October 2022, the Town engaged the County in drafting an annexation interlocal agreement pursuant to RCW 35A.14.296. Shoreline and Olympic View elected to participate as parties to the agreement in February 2023. The parties completed negotiations in September 2023. And in October 2023, following public hearings in each of the jurisdictions, the parties executed the interlocal agreement.

The adopted four-party agreement addresses not only statutory requirements, but it also amends existing bilateral agreements to address specific concerns raised by the parties. The most significant of these amendments is an amendment to the Town’s agreement with Shoreline. The amendment provides for increased clarity related to the mitigation of development impacts.

Following approval of the interlocal agreement, the Town filed a Notice of Intent to annex Point Wells with the Snohomish County Boundary Review Board. After a public meeting, the Board elected not to exercise its jurisdiction. As a result, the annexation proposal was deemed approved on February 29, 2024. With the Board's approval, the Town Council has the requisite authority to annex Point Wells pursuant to RCW 35A.14.296 by adoption of an annexation ordinance.

### **Annexation Ordinance**

On May 20, Council will hold a public hearing on a draft ordinance effectuating the annexation of Point Wells. Following the public hearing, Council has the option to approve the ordinance, delay consideration of the ordinance, or to reject the ordinance. If Council approves the ordinance, the annexation will be complete five days after publication of the ordinance. If Council rejects the ordinance, Council may consider a resolution or other formal action notifying Shoreline, pursuant to Section III.A.1 of the Settlement and Interlocal Agreement, of the Town's election to support Shoreline's efforts to annex Point Wells.

# **TOWN OF WOODWAY**

## **ORDINANCE 2024-657**

AN ORDINANCE OF THE TOWN COUNCIL FOR THE TOWN OF WOODWAY, WASHINGTON, ANNEXING CERTAIN TERRITORY COMMONLY KNOWN AS POINT WELLS, PURSUANT TO INTERLOCAL AGREEMENT AS PROVIDED IN RCW 35A.14.296; PROVIDING FOR THE ASSESSMENT AND TAXATION OF REAL PROPERTY IN THE ANNEXATION AREA, APPLICATION OF THE TOWN'S COMPREHENSIVE PLAN, APPLICATION OF THE TOWN'S ZONING REGULATIONS IN CHAPTER 14.40 WMC, APPLICATION OF EXISTING INDEBTEDNESS, THE BENEFITS OF THE ANNEXATION, THE SUFFICIENCY OF THE TOWN'S SERVICES, PUBLIC NOTICE, CORRECTION OF ERRORS, SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town of Woodway ("Town") and Snohomish County ("County") are required to plan under RCW 36.70A, the State's Growth Management Act, for growth within unincorporated areas of the County designated for urban growth and future annexation; and

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

WHEREAS, the Town's MUGA is adjacent to and within the same County-designated urban growth area as the Town; 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 Town's Subarea Plan and related policies were adopted by the Town Council in 2020, 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, which 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 has previously adopted, in Woodway Municipal Code Chapter 14.40, pre-annexation zoning for its MUGA that will be applicable upon annexation; and

WHEREAS, the Town's pre-annexation zoning for its MUGA includes a mixed-use Urban Village district at Point Wells; and

WHEREAS, the Town, the County, the City of Shoreline, and Olympic View Water & Sewer District, on October 10, 2023, executed an interlocal agreement to facilitate the annexation of the Town's MUGA pursuant to RCW 35A.14.296; and

WHEREAS, the Town Council for the Town has determined that the above referenced process is the most appropriate mechanism under state law to annex the remainder of the Town's MUGA; and

WHEREAS, on October 2, 2023, the Town Council adopted Resolution 2023-454, declaring its intent to annex the Town's MUGA ("Annexation"), and authorized the Mayor to file with the Snohomish County Boundary Review Board a Notice of Intention to Annex, along with any other necessary documents; and

WHEREAS, the boundaries of the Annexation are depicted and described on Exhibits A and B to this Ordinance ("Annexation Area"), which are attached hereto and incorporated by this reference as if set forth in full; and

WHEREAS, the Town submitted the Notice of Intent to Annex the Annexation Area to the Snohomish County Boundary Review Board ("BRB") and the proposal was deemed legally sufficient with an effective filing date of November 27, 2023; and

WHEREAS, following the 45-day review period and a special meeting on February 29, 2024, the BRB did not invoke its jurisdiction and deemed the Annexation approved; and

WHEREAS, the Annexation by the Town best serves the health, welfare and safety of the residents of the Town and the Annexation Area; encourages the most appropriate use of land within the Annexation Area; secures safety from fire; promotes a coordinated development between the Town and the Annexation Area; encourages the integration of any new development of the Annexation Area 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; and

WHEREAS, the Town's utilities, police, fire, and other services are sufficient to service the Annexation Area, and the Annexation is consistent with the State Growth Management Act, and

WHEREAS, after consideration of the public comment received, both written and oral, on this ordinance, the related facts and issues, the Town's comprehensive planning and development regulations, the Town Council believes it is in the public interest and consistent with the Town's planning to annex the Annexation Area.

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

- Section 1. The above recitals are adopted as findings in support of this Ordinance.
- Section 2. The Annexation Area, both described and depicted in Exhibits A and B to this ordinance, which Exhibits are incorporated herein by this reference, is hereby annexed to the Town on the effective date of this ordinance.
- Section 3. The Annexation Area will be assessed and taxed at the same rate and on the same basis as other property within the Town's boundaries upon the effective date of this ordinance.
- Section 4. The Annexation Area shall be subject to the existing indebtedness of the Town upon the effective date of this ordinance.
- Section 5. The City Clerk shall provide a certified copy of this annexation ordinance and any other necessary documents to the County, including the BRB, in accordance with the requirements of RCW 35A.14.296.
- Section 6. The Town's Clerk-Treasurer is authorized to make any necessary corrections to this Ordinance and its exhibits, including but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any reference thereto.
- Section 7. If any part or portion of this ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion. Any act consistent with this ordinance and prior to the effective date is hereby ratified and affirmed.
- Section 8. This ordinance shall be effective five (5) days after passage and summary publication of this ordinance by ordinance title only.

PASSED this 20<sup>th</sup> day of May 2024 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

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Michael S. Quinn, Mayor

ATTEST:

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Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:

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Greg Rubstello, Town Attorney

Date Passed by the Town Council:

Date Published:

Effective Date:

Draft



# TOWN OF WOODWAY

## ORDINANCE 2024-657 | EXHIBIT A

### POINT WELLS ANNEXATION AREA

#### PARCEL DESCRIPTION

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, INCLUDING THE TIDELANDS ABUTTING, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED SOUTHWEST QUARTER OF SECTION 35, SAID POINT ALSO BEING THE SOUTH QUARTER CORNER OF SECTION 35; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, TO THE EASTERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILWAY COMPANY, FORMERLY KNOWN AS THE GREAT NORTHERN RAILWAY COMPANY, SAID POINT ALSO BEING ON THE WESTERLY BOUNDARY LINE OF THAT TOWN OF WOODWAY ANNEXATION, DATED APRIL 21, 1997, UNDER ORDINANCE NO. 97-325, SAID POINT ALSO BEING **THE POINT OF BEGINNING**; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND EXISTING TOWN BOUNDARY LINE, A DISTANCE OF 249.39 FEET, MORE OR LESS, TO THE NORTH LINE OF THE E.L. REBER TRACT AS DESCRIBED UNDER SNOHOMISH COUNTY COURT CAUSE NO. 40540, DATED OCTOBER 18, 1943; SAID POINT ALSO BEING 247.50 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE AFOREMENTIONED SOUTHWEST QUARTER OF SECTION 35; THENCE EASTERLY, PARALLEL WITH AND 247.50 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTH LINE AND COINCIDENT WITH THE SOUTHERLY BOUNDARY OF THE VACATED PORTION OF HEBERLEIN ROAD, AS SHOWN IN A VACATION OF COUNTY ROAD RIGHT-OF-WAY, DATED FEBRUARY 26, 1962, TO THE NORTHWEST CORNER OF THAT BRIGGS SHORT PLAT AS FILED FOR RECORD IN SNOHOMISH COUNTY, WASHINGTON, IN BOOK NO. 42 AT PAGE 20, UNDER AUDITOR'S FILE NO. 9402015006; SAID POINT ALSO BEING ON THE EAST MARGIN OF RICHMOND BEACH DRIVE NW AND THE EXISTING TOWN BOUNDARY LINE; THENCE NORTHERLY, ALONG THE NORTHERLY EXTENSION OF THE AFORESAID EAST MARGIN OF RICHMOND BEACH DRIVE NW COUNTY ROAD AND TOWN BOUNDARY LINE, 20 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH 267.50 FEET, WHEN MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE AFOREMENTIONED SOUTHWEST QUARTER OF SECTION 35; THENCE CONTINUING ALONG THE TOWN BOUNDARY LINE, EASTERLY, PARALLEL WITH AND 267.50 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTH LINE, 100.67 FEET; THENCE CONTINUING ALONG THE TOWN BOUNDARY LINE, NORTHERLY, 269.23 FEET; THENCE EASTERLY, 157 FEET TO THE WESTERLY LINE OF THAT TOWN OF WOODWAY – POINT WELLS UPPER BLUFF ANNEXATION, DATED JULY 5, 2016, UNDER ORDINANCE NO. 16-572, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF PARCEL 1 OF SNOHOMISH COUNTY BOUNDARY LINE ADJUSTMENT NO. 04-109874, RECORDED UNDER AUDITOR'S FILE NO. 200405180215; THENCE NORTH 01°11'56" EAST, ALONG THE WEST LINE OF SAID PARCEL 1 AND TOWN BOUNDARY LINE, 455.24 FEET; THENCE NORTH 31°23'34" WEST, ALONG SAID WEST LINE OF PARCEL 1 AND TOWN BOUNDARY LINE, 291.15 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 1, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SEATTLE AND MONTANA RAILWAY COMPANY, NOW KNOWN AS THE BURLINGTON

NORTHERN SANTA FE RAILWAY COMPANY; THENCE AT A RIGHT ANGLE TO THE RIGHT OF WAY, NORTH 65°57'14" WEST, 100 FEET TO THE WESTERLY MARGIN OF SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND EXISTING TOWN BOUNDARY TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED SOUTHWEST QUARTER OF SECTION 35; THENCE WESTERLY, ALONG THE NORTH LINE AND ITS WESTERLY EXTENSION THEREOF, TO THE INNER HARBOR LINE; THENCE SOUTHERLY, ALONG THE INNER HARBOR LINE TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE AFOREMENTIONED SOUTHWEST QUARTER OF SECTION 35; THENCE EASTERLY, ALONG THE SOUTH LINE AND ITS WESTERLY EXTENSION THEREOF TO **THE POINT OF BEGINNING**.

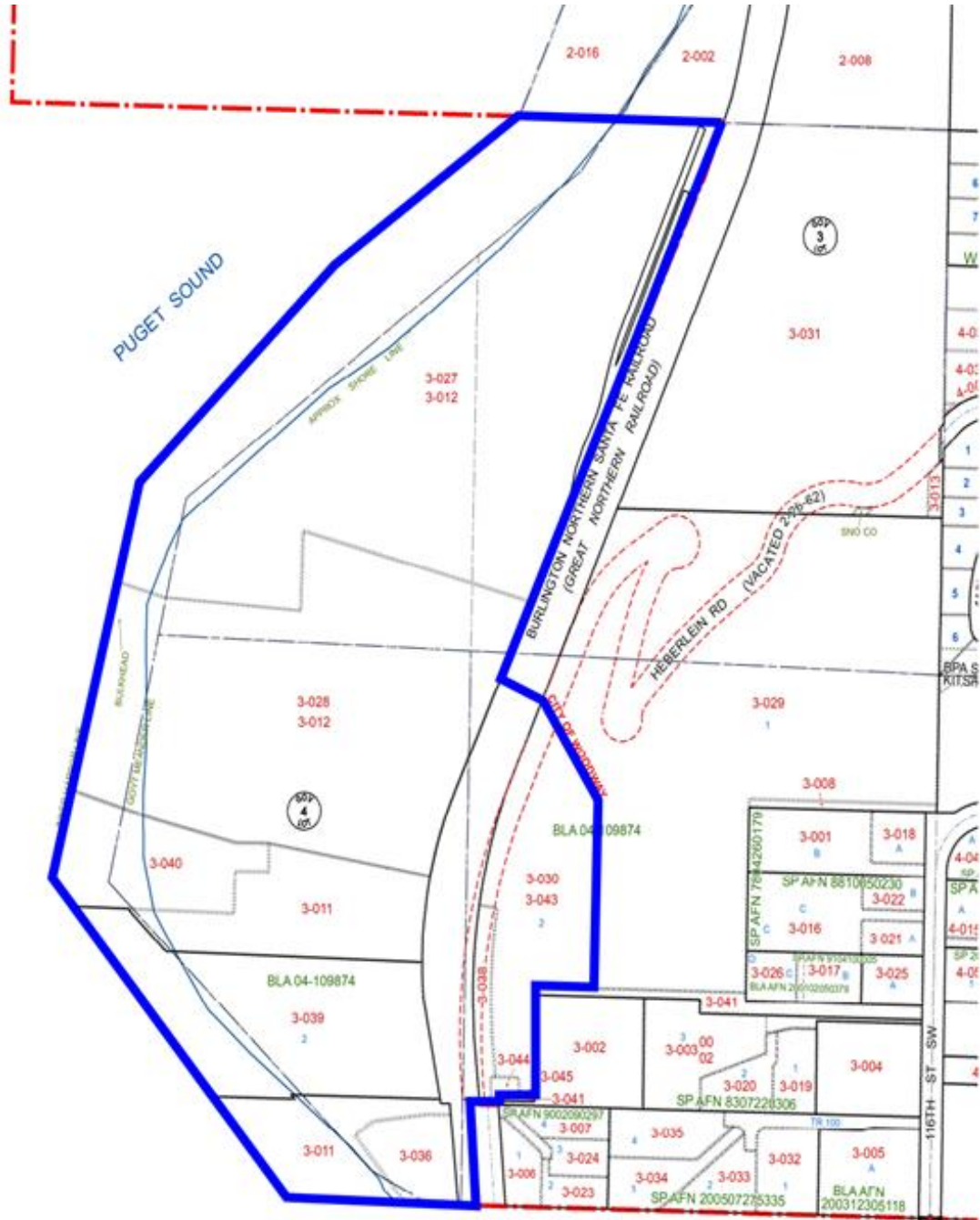
THE DESCRIPTION HEREIN IS INTENDED TO INCLUDE ALL PARCELS, ROADS AND GOVERNMENT LOTS WITHIN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON INCLUDING THOSE TIDELANDS ABUTTING. THE SIDELINES SHALL BE EXTENDED AND/OR SHORTENED TO BE COINCIDENT WITH THE EXISTING TOWN BOUNDARY LINE.


SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

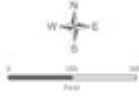



# TOWN OF WOODWAY

## ORDINANCE 2024-657 | EXHIBIT B



 **Town of Woodway**  
**Point Wells Annexation Area**





PROJECT: 2024-657 WOODWAY GEN 3/4/2024 12:28pm\gis\Task\_Points\Annexation.mxd