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CITY OF LYNNWOOD

ORDINANCE NO. 2878

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, ANNEXING TO THE CITY OF LYNNWOOD
THE APPROXIMATELY 4.7-ACRE AREA KNOWN AS
PERRINVILLE, AND PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, RCW 35A.14.120 and 35A.14.140 authorize the City Council to resolve to annex into the City unincorporated territory contiguous to the City's boundary upon submittal of a petition for annexation, to conduct a public hearing on the annexation, and to provide by ordinance for the annexation; and

WHEREAS, pursuant to RCW 35A.14.140, the City Council considered annexation of an unincorporated County island by direct petition, consisting of approximately 4.7-acres located southeast of the intersection of Olympic View Drive and 76th Avenue West, and generally known as Perrinville (City File No. 2008-ANX-0002), which area is legally described on Exhibit A attached hereto and incorporated by this reference ("the Perrinville Annexation Area"); and

WHEREAS, the Perrinville Annexation Area meets the requirements of RCW 35A.14.120 and 35A.14.130; and

WHEREAS, the City Council is authorized, pursuant to RCW 35A.14.330 and 35A.14.340, to establish proposed zoning regulations to become effective upon the annexation of any area that might reasonably be expected to be annexed to the City at any future time; and

WHEREAS, the City's Community Development Department recommended certain pre-annexation zoning designations for the properties in the Perrinville Annexation Area, as shown on Exhibit B attached hereto and incorporated by this reference; and

WHEREAS, the City Council conducted a public hearing on the proposed Perrinville Annexation on September 13, 2010; and

WHEREAS, the City Council conducted public hearings on the proposed zoning regulations for the Perrinville Annexation Area on July 12, 2010 and September 13, 2010; and

WHEREAS, on September 24, 2007, the City Council approved a future land use designation of "Local Commercial" (LC) for the properties in Perrinville (on the Future Land Use Plan map in the City's Comprehensive Plan); and

WHEREAS, the City Council determined that the public interest is served best by annexing the Perrinville Annexation area, and on May 10, 2010, passed Resolution No. 2010-03 accepting the 10% Petition, and on September 13, 2010, passed Resolution No. 2010-11, stating the City's intent to annex the Perrinville Annexation Area, and providing for submission of a Notice of Intent to Annex to the Snohomish County Boundary Review Board; and

1
2 WHEREAS, the City Council determined that the proposed zoning designations described on
3 Exhibit B would be consistent with the City's Comprehensive Plan and with RCW 35A.14.330, and
4 would be in the interest of the public health, safety, morals, and the general welfare, and on
5 September 13, 2010, adopted Ordinance No. 2848, establishing pre-annexation zoning for the
6 Perrinville Annexation Area; and
7

8 WHEREAS, on October 27, 2010, in accordance with Resolution No. 2010-11, the City filed
9 a Notice of Intent to Annex the Perrinville Annexation Area with the Snohomish County Boundary
10 Review Board; and
11

12 WHEREAS, on November 16, 2010, following approval of the legal description for the
13 annexation area, the Board deemed the Notice of Intent to be legally sufficient with an effective filing
14 date of October 31, 2010; and
15

16 WHEREAS, the Snohomish County Boundary Review Board did not invoke jurisdiction over
17 the proposed Perrinville annexation; and
18

19 WHEREAS, all statutory requirements have been completed, including those set forth in
20 RCW 35A.14.120 and 35A.14.340; now, therefore
21

22 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN
23 AS FOLLOWS:
24

25 Section 1. The Perrinville Annexation Area, legally described on Exhibit A, is hereby annexed
26 to the City of Lynnwood as of the effective date of this Ordinance.
27

28 Section 2. Upon annexation, the property in the Perrinville Annexation Area shall be assessed
29 and taxed at the same rate and on the same basis as the other property in the City of Lynnwood.
30

31 Section 3. The City of Lynnwood's Comprehensive Plan shall be deemed to apply to the
32 Perrinville Annexation Area from and after the effective date of this Ordinance.
33

34 Section 4. The Perrinville Annexation Area shall have the zoning designation and be subject to
35 the City's zoning and other land use regulations as stated in Ordinance No. 2848, and as shown on
36 Exhibit B to this Ordinance, from and after the effective date of this Ordinance. The Official Zoning
37 Map of the City of Lynnwood shall be revised to include these designations as of the effective date of
38 this Ordinance.
39

40 Section 5. This Ordinance shall take effect and the Perrinville Annexation Area shall become
41 part of the City of Lynnwood forty-five (45) days from the date of passage of this Ordinance
42 consistent with the requirements of RCW 35A.14.140 and 35A.14.150.
43

44 Section 6. A certified copy of this Ordinance shall be filed with the Snohomish County Council.
45

46 Section 7. If any section, sentence, clause or phrase of this ordinance should be held to be
47 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality

1 shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
2 ordinance.

3
4 Section 8. This ordinance or a summary thereof consisting of the title shall be published in the
5 official newspaper of the City. Notice of the proposed effective date of this Ordinance, together with
6 a description of the property to be annexed and other matters required by statute, shall be published in
7 accordance with RCW 35A.14.140.

8
9 PASSED BY THE CITY COUNCIL, the 28th day of February, 2011.

10
11 APPROVED:

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13
14 _____
15 Don Gough, Mayor

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17 ATTEST/AUTHENTICATED:

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19
20 _____
21 Pat Dugan
22 Interim Finance Director

23
24 APPROVED AS TO FORM:

25
26
27 _____
28 Rosemary Larson
29 City Attorney

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31
32 PASSED BY THE CITY COUNCIL: 02/28/2011

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34 PUBLISHED: 03/03/2011

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36 EFFECTIVE DATE: 04/14/2011

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38 ORDINANCE NUMBER: 2878