

1 BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW
2 BOARD FOR SNOHOMISH COUNTY

3 In re:

4 CITY OF SULTAN 124TH STREET
5 ANNEXATION PROPOSAL

BRB NO. 02-2016

FINDINGS AND DECISION

7 **DECISION SUMMARY**

8 The City of Sultan's proposed 124th Street Annexation (BRB No. 02-2016) is
9 hereby **APPROVED**.

11 **PROCEDURAL HISTORY**

12 On December 21, 2015, the City of Sultan (the "City") submitted a notice of
13 intention with the Washington State Boundary Review Board for Snohomish
14 County (the "Board") proposing a petition method annexation of approximately 80
15 acres located east and north of the incorporated city, north of 124th Street, west of
16 323rd Avenue SE and within the Sultan Urban Growth Area. The notice of intention
17 was deemed legally sufficient by the Chief Clerk of the Board on April 4, 2016. The
18 notice of intention states that the annexation area contains approximately 4
19 residences with an assessed valuation of \$1,080,000. The Sultan City Council
20 initiated the annexation by 60% petition method.

21 The Board's jurisdiction was invoked by the Snohomish County Council (the
22 "County") and by registered voters residing within the annexation area.

HEARING

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2 On August 18, 2016, the Board held a public hearing in public meeting room
3 #2 on the first floor of the Robert J. Drewel Building, 3000 Rockefeller Avenue,
4 Everett, WA. Notice of the hearing was given pursuant to RCW 36.93.160. During
5 the hearing, the Board heard testimony from representatives of the City of Sultan,
6 representatives of property owners within the annexation area, representatives of
7 registered voters within the annexation area who invoked the Boards jurisdiction
8 and Snohomish County. The Board received and considered written material and
9 other evidence, including but not limited to the notice of intention and attachments.
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DISCUSSION

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12 Following closure of the public hearing on August 18, 2016, the Board met
13 for deliberation in open session on August 25, 2016. After discussing the
14 annexation proposal, pertinent testimony, and other evidence in the record, the
15 Board reached a unanimous decision to approve the annexation. In approving the
16 annexation, the Board, as discussed more fully below, considered all of the factors
17 identified in RCW 36.93.170 and the objectives of RCW 36.93.180, and determined
18 that its decision is consistent with the growth management act pursuant to RCW
19 36.93.157.
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A. FACTORS

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22 The Board considered and discussed all of the factors identified in RCW
23 36.93.170. The Board found that the City's notice of intention adequately
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1 addressed the relevant statutory factors and supports its proposal to annex this
2 area.

3 B. OBJECTIVES

4 The Board considered each of the nine (9) objectives set forth in RCW
5 36.93.180, whether each objective is applicable to this annexation, and, if so,
6 whether it would be hindered or furthered.

7 1. Preservation of Natural Neighborhoods and Communities. This
8 objective is furthered. Specifically, the proposal maintains natural neighborhoods
9 and communities.
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11 2. Use of Physical Boundaries, Including But Not Limited to Bodies of
12 Water, Highways, and Land Contours. The Board unanimously agreed this
13 objective is furthered.

14 3. Creation and Preservation of Logical Service Areas. The Board
15 determined this objective is furthered. The proposal is contiguous to the City's
16 current municipal boundaries and lies fully within the City's Urban Growth Area.
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18 4. Prevention of Abnormally Irregular Boundaries. This objective is
19 furthered. Specifically, it brings in a portion of the City's Urban Growth Area thus
20 preventing and correcting any irregular boundaries.

21 5. Discouragement of Multiple Incorporations of Small Cities and
22 Encouragement of Incorporation of Cities in Excess of Ten Thousand Population in
23 Heavily Populated Urban Areas. This objective does not apply.
24

1 6. Dissolution of Inactive Special Purpose Districts. This objective does
2 not apply.

3 7. Adjustment of Impractical Boundaries. The Board determined this
4 objective is furthered. Specifically, the annexation will create a more practical
5 boundary in the northern section of the City's UGA.

6 8. Annexation to Cities of Unincorporated Areas Which Are Urban in
7 Character. This objective does not apply. Specifically, the area is considered more
8 rural for long term planning purposes.

9 9. Protection of Agricultural and Rural Lands. The Board determined
10 that this objective does not apply. Specifically, the property has not been identified
11 or designated by the County as long-term, productive agricultural land, nor is it
12 shown as such on their Resource Lands Map.
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16 **C. GROWTH MANAGEMENT ACT**

17 RCW 36.93.157 requires that the Board's decision be consistent with the
18 following sections of the Growth Management Act: RCW 36.70A.020 (GMA
19 planning goals); RCW 36.70A.110 (county's designation of urban growth areas and
20 potential annexation areas); RCW 36.70A.210 (county-wide planning policies and
21 criteria for approval by County legislative authority).

22 This decision is consistent with RCW 36.70A.020, as all planning goals were
23 discussed and considered either during public testimony, deliberation, or as part of
24 the written documentation. The Board's decision to approve the annexation is
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1 consistent with RCW 36.70A.020(1) because development will occur within an
2 urban growth area, RCW 36.70A.020(5) because economic development
3 consistent with adopted comprehensive plans will be encouraged, RCW
4 36.70A.020(9) because open space and recreation will be encouraged, RCW
5 36.70A.020(10) because the environment will be protected and enhanced, RCW
6 36.70A.020(11) because the City did perform a comprehensive citizen participation
7 effort designed to inform the public about the annexation and its effect on the
8 residents in the proposed annexation area, and with RCW 36.70A.020(12) because
9 the City will provide for public facilities and services.
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11 The decision is consistent with RCW 36.70A.110 because the City and
12 County both have adopted comprehensive plans.

13 The decision is consistent with RCW 36.70A.210 in that the annexation
14 proposal is generally consistent with Snohomish County county-wide planning
15 policies OD-1 to promote development within urban growth areas; OD-2 to allow
16 development within the incorporated and unincorporated portions of the UGA; and
17 OD-9 to develop comprehensive plans, policies, and development regulations
18 providing for the orderly transition of unincorporated to incorporated areas within
19 UGA.
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21 DECISION

22 **NOW THEREFORE**, the Board finds:

- 23 1. The jurisdiction of the Board was properly invoked and the Board has
24 jurisdiction over this matter.
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2. The objectives of RCW 36.93.180 would be furthered by the proposal.
3. Consideration of all factors outlined in RCW 36.93.170 indicates the proposal provides for public facilities and services.
4. A decision to approve the proposed annexation is consistent with RCW 36.70A.020, RCW 36.70A.110 and RCW 36.70.210.

Based upon the above, a motion was made, seconded, and passed on a vote of 5 to 0 to **APPROVE** the City of Sultan's 124th Street Annexation as submitted.

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Adopted by the Washington State Boundary Review Board for Snohomish
County by a vote of 4 to 0 this 1st day of September, 2016.

WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY



JACKIE RAE, CHAIR

FILED THIS 2nd day of September, 2016.



Heidi Turner, Chief Clerk

NOTICE

Pursuant to RCW 36.93.160(5), this decision shall be final and conclusive unless within thirty (30) days from the date of this decision a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files a notice of appeal in the Superior Court.

