

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1349-21**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
ANNEXING CERTAIN PROPERTY KNOWN AS THE TORTORICE
ANNEXATION AREA TO THE CITY OF SULTAN; PROVIDING FOR
SEVERIBILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Chapter 35A.14 RCW authorizes the City of Sultan ("City") to annex any portion of unincorporated county territory lying contiguous to the City boundaries and within the City's designated Urban Growth Area; and

WHEREAS, the Snohomish County Council and the City of Sultan approved an Urban Growth Area with the Future Land Use Map of the General Policy; and

WHEREAS, on December 13, 2019, the City of Sultan received a 10 percent petition and Notice of Intent to annex the area commonly known as the "Tortorice Annexation" area for an annexation meeting the requirements of RCW 35A.14.120, initiated by Halina Tortorice ("Petitioner"); and

WHEREAS, the Tortorice Annexation is approximately thirty-nine and four hundredth (39.04) acres, contains seven parcels, and has boundaries contiguous to the City, more specifically described in Exhibit A; and

WHEREAS, Petitioner owns five parcels in the proposed Tortorice Annexation area, which contains a total assessed value of approximately \$976,700, representing 61.3 percent of the assessed value in the Tortorice Annexation; and

WHEREAS, the City desires to work with property owners adjacent to the City in unincorporated Snohomish County and within the established Urban Growth Area of to become part of the City of Sultan; and

WHEREAS, RCW 43.21C.222 provides that annexation of territory by a city is exempt from the State Environmental Policy Act ("SEPA"); and

WHEREAS, the area proposed for the Tortorice Annexation is within the City's Urban Growth Area established by Snohomish County under the State Growth Management Act ("GMA") and annexation of the Tortorice Annexation would be consistent with the GMA; and

WHEREAS, a notice application concerning the proposed Tortorice Annexation was published in the Everett Herald on July 30, 2020 and August 6, 2020; and

WHEREAS, having received the Tortorice Annexation written notification of intent to commence annexation that satisfies the ten percent assessed value threshold, the City Council reviewed the matter at its regular public meeting on July 9, 2020; and

WHEREAS, on August 13, 2020, the City Council held a public meeting and accepted the 10% Petition for Annexation and allowed the Petitioner to circulate the 60% Petition for Annexation; and

ATTACHMENT A

WHEREAS, the Sultan City Council directed staff at its August 13, 2020 City Council meeting of their desire to annex the Tortorice Annexation into the City of Sultan to implement the City's Comprehensive Long-Range Plan and thereby make developable land accommodations for the approved County growth allocation target; and

WHEREAS, the City Council believes annexation of the Tortorice Annexation with adoption of the City's proposed land use designation of Moderate Density to the Comprehensive Plan and the Zoning designation of Moderate Density Residential is appropriate and achieves the goals of GMA; and

WHEREAS, RCW 35A.14.120 establishes a process to annex unincorporated territory with petitioners who own not less than 60% of the value, according to the assessed valuation for general taxation of the property for which the annexation is petitioned; and

WHEREAS, the Sultan City Council held a public hearing concerning the proposed Tortorice Annexation at its regularly scheduled City Council meeting on October 22, 2020; and

WHEREAS, after the public hearing at the October 22, 2020, meeting, the Sultan City Council passed a resolution declaring the City's intent to annex the Tortorice Annexation area; and

WHEREAS, a Notice of Intention was filed on January 7, 2021 with the Boundary Review Board and, following approval of the legal description for the property involved, the proposal was deemed legally sufficient with an effective filing date of January 14, 2021; and

WHEREAS, the Boundary Review Board invoked jurisdiction and held a duly noticed public hearing on May 6, 2021: and

WHEREAS, the Boundary Review Board issued an approval for the annexation on May 13, 2021; and

WHEREAS, the Boundary Review Board's decision was not appealed by any party; and

WHEREAS, the City Council has determined that the public interest and general welfare of the City will be served by the Tortorice Annexation; and

WHEREAS, the City Council accordingly desires to annex the 1 Tortorice Annexation into the City of Sultan; and

WHEREAS, RCW 35A.14.140 requires that the City effect the annexation by ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Findings: The City Council hereby adopts the above recitals set forth above in support of the annexation of the Tortorice Annexation. The Council further finds that the public interests and general welfare of the City of Sultan would be served by the Tortorice Annexation.

ATTACHMENT A

Section 2. Annexation: The City of Sultan hereby annexes the Tortorice Annexation Area, which is legally described in the attached **Exhibit A** and depicted in the attached map **Exhibit B**, which exhibits are incorporated by this reference.

Section 3. Zoning Designation: City staff is directed to amend the City Zoning Map to reflect the designated zoning district for the Annexation. The entire annexed area shall have a zoning designation of Moderate Density.

Section 4. Assessment and Taxation: All property within the Tortorice Annexation Area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Sultan is assessed and taxed, to pay for the portion of outstanding City indebtedness that has been approved by the voters, contracted for, incurred prior to, or existing as of the effective date of this Ordinance.

Section 5. Effective Date: For purposes of property taxation and the levy of property taxes in calendar year 2021 under RCW 84.09.030, this Ordinance shall be effective, and the boundaries of the City shall include the Tortorice Annexation Area as of January 1, 2021. For all other purposes, including but not limited to the purposes set forth in RCW 35A.14.150, this Ordinance shall be effective, and the boundaries of the City shall include the Tortorice Annexation Area five (5) days after the date of publication.

Section 6. Filing of Annexation Ordinance: Upon adoption of this ordinance, City staff is directed to file two certified copy of this Ordinance with the legal description and map to the Snohomish County Council and the Snohomish County Boundary Review Board in accordance with RCW 35A.14.140, and to submit a certificate of annexation to the Washington State Office of Financial Management ("OFM") as provided in RCW 35A.14.700; and further authorized to transmit a copy of this Ordinance to the Washington State Department of Revenue and any such other entities as is required or appropriate.

Section 7. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24th DAY OF JUNE 2021.

CITY OF SULTAN

Russell Wiita, Mayor

ATTEST/AUTHENTICATED:

Tami Pevey, City Clerk

APPROVED AS TO FORM:

Hillary Evans, Attorney