

ORDINANCE NO. 2022-003

AN ORDINANCE ANNEXING TO THE CITY OF ARLINGTON A PORTION OF THE NORTH ½ OF THE NORTHEAST QUARTER OF SECTION 26, OF TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, COMMONLY KNOWN AS THE LINDSAY ANNEXATION

WHEREAS, Chapter 35A.14 RCW authorizes the City of Arlington (“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 Arlington approved an Urban Growth Area with the Future Land Use Map; and

WHEREAS, on August 12, 2020, the City of Arlington received a 10 percent petition and Notice of Intention to Annex the area commonly known as the “Lindsay Annexation” area for and annexation meeting the requirements of RCW 35A.14.120, initiated by Joe Matthias representing the landowners (“Petitioners”); and

WHEREAS, the Lindsay Annexation is approximately ninety-seven and eight tenths (97.8) acres and has boundaries contiguous to the City, more specifically described in Exhibit A; and

WHEREAS, the Petitioners own parcels in the proposed Lindsay Annexation area, which combined contains a total assessed value of approximately \$7,465,400, representing eighty-nine (89) percent of the total assessed value of \$8,424,000 in the Lindsay Annexation area; 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 Lindsay Annexation is within the City’s Urban Growth Area established by Snohomish County under the State Growth Management Act (“GMA”) and annexation of the Lindsay Annexation would be consistent with the GMA; and

WHEREAS, the notice of application concerning the proposed Lindsay Annexation was published in the Everett Herald on June 21, 2021; and

WHEREAS, the annexation was presented to the City of Arlington Planning Commission at their public meeting on January 21, 2021, February 2, 2021, and June 15, 2021; and

WHEREAS, having received the Lindsay Annexation written notification of intent to commence annexation that satisfies the ten percent assessed value threshold, the City Council reviewed the matter for consideration at its regular public meeting on February 16, 2021; and

WHEREAS, on June 7, 2021, the City Council held a public meeting and accepted the 10% Petition for Annexation and allowed the proponent to circulate the 60% Petition for Annexation; and

WHEREAS, the annexation of the Lindsay Annexation area, with the adoption of the City's proposed land use designation of Residential Ultra Low Capacity with Master Planned Neighborhood Overlay is appropriate and achieves the goals of the 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 Arlington City Council held a public hearing concerning the proposed Lindsay Annexation at its regularly scheduled City Council meeting on July 7, 2021; and

WHEREAS, after the public hearing at the July 7, 2021 meeting, the Arlington City Council passed a resolution declaring the City's intent to annex the Lindsay Annexation area; and

WHEREAS, a Notice of Intention was filed on August 18, 2021 with the Boundary Review Board, the Board requested additional information to be added to the legal description and map on October 8, 2021; and

WHEREAS, a revised legal description and map was filed on November 8, 2021 with the Boundary Review Board and following approval of the legal description for the properties involved, the proposal was deemed legally sufficient with an effective filing date of December 6, 2021.

WHEREAS, the 45-day review period ended on January 20, 2022 at 5:00 pm with no request for review having been filed. The City may now proceed with finalizing the annexation

NOW, THEREFORE, the City Council of the City of Arlington does hereby ordain as follows:

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

Section 2. Annexation: The City of Arlington hereby annexes the Lindsay Annexation area, which is legally described in the attached Exhibit A and depicted as Lindsay Annexation in the attached Exhibit B, which exhibits are incorporated by this reference.

Section 3. Zoning Designation: Zoning for the Lindsay Annexation shall continue to have the zoning designation of Residential Ultra Low Capacity with Master Planned Neighborhood Overlay.

Section 4. Assessment and Taxation: All property within the Lindsay Annexation area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Arlington 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 2022 under RCW 84.09.030, this Ordinance shall be effective, and the boundaries of the City shall include the Lindsay Annexation area as of August 1, 2022. 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 Lindsay 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 copies of this Ordinance with the legal description and map to the Snohomish County Council and the Washington State Boundary Review Board of Snohomish County in accordance with RCW 35A.14.140, and to submit a certificate of annexation to the Washington State Office of Financial Management (“OFM”) as provide in RCW 35A.14.700; and further authorize 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 and APPROVED by the Mayor this 22<sup>nd</sup> day of February 2022.

CITY OF ARLINGTON

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Barbara Tolbert, Mayor

Attest:

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Wendy Van Der Meersche, City Clerk

Approved as to form:

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Steven J. Peiffle, City Attorney