BEFORE THE STATE OF WASHINGTON BOUNDARY REVIEW
BOARD FOR SNOHOMISH COUNTY

In re: 
CITY OF SULTAN ANNEXATION
PROPOSAL KNOWN AS THE
TORTORICE AREA ANNEXATION

BRB No. 01-2021
FINDINGS AND DECISION

DECISION SUMMARY

The City of Sultan proposed annexation proposal known as the Tortorice Area Annexation (BRB No. 01-2021) is hereby APPROVED.

PROCEDURAL HISTORY

On January 7, 2021, the City of Sultan (“City”) submitted a notice of intention (“NOI”) with the Washington State Boundary Review Board for Snohomish County (“the Board”) proposing a petition method annexation of approximately 39 acres of real property (“the Property”) along Sultan Basin Road and 132nd St. SE. The area includes six residences, has an assessed value of approximately $1,592,700, and has a comprehensive plan future land use designation of Urban Low Density Residential and is zoned R-7,200. The city, based on Resolution 20-24, proposes a future land use designation of Moderate Density with Moderate Density Residential zoning. The Property is located in the City of Sultan Urban Growth Area (“UGA”).
The City initiated the annexation by 60% petition method under RCW 35A.14.120. The Clerk of the Board deemed the NOI legally-sufficient on January 14, 2021. On February 24, 2021, the Board’s jurisdiction was invoked by the Snohomish County Council, per RCW 36.93.100.

HEARING

On May 6, 2021, at 6:00 PM, a quorum of the Board held a public hearing remotely, via Zoom platform. Board members in attendance at the hearing are Chad Bates (Chair), Dave Hambelton (Vice-Chair), Henry Veldman, Alison Sing, and Dave Gardner.

Public notice of the hearing was duly provided, pursuant to RCW 36.93.160. Specifically, notice was given by publication in the Everett Herald three times on April 11th, April 18th, and April 25th, 2021 the last of which was not less than five days prior to the date set for the public hearing. Public notice signs were also posted in 10 public places within the boundaries of the Property for 6 days prior to the date of the public hearing.

The Board heard testimony from Andy Galuska, Planning Director for the City of Sultan, Mrs. Tortorice, property owner, Reid Schockey, with Shockey Planning Group, on behalf of Mrs. Tortorice, and Eileen Canola, representing Snohomish County Planning and Development Services. No opposition to the annexation proposal was made.
The Board considered all written materials (Exhibits) submitted to the Board and entered into the record. A copy of the exhibit list is included at the end of the decision in the Appendix 1.

During the hearing, the Board invited supporting documentation related to the testimony provided, and directed the documentation, if any, to be emailed to the Clerk of the Board no later than close of public comment on May 6, 2021. Public Comment ended at 7:07 PM and no comments received by the Clerk. Following testimony from all parties of record and after affording time for public comment, the May 6, 2021, the public hearing was adjourned at 7:09 PM.

Immediately following a short recess, on May 6, 2021, the Board members, listed above, again met for public deliberation on the proposed annexation at the hearing location, remotely via Zoom platform. Public notice for the deliberation phase was also provided per above.

During its deliberations, the Board discussed the annexation proposal, pertinent testimony, and other evidence in the record. The Board considered the factors identified in RCW 36.93.170, the objectives stated in RCW 36.93.180, the proposed action’s consistency with the Growth Management Act as stated in RCW 36.93.157, and the Board’s authority under chapter 36.93 RCW.

After deliberating, a Board member made a motion to approve the City of Sultan’s Tortorice Area proposed annexation (01-2021), which was seconded, and passed by a vote of 5:0. The meeting adjourned at 7:42 PM.
On May 13, 2021, at 7:00 PM, the Board met again in remotely, via Zoom
Platform, enter and file its written decision as set forth herein.

DISCUSSION

I. GROWTH MANAGEMENT ACT

RCW 36.93.157 states that decisions of a Boundary Review Board located in
a county that is required or chooses to plan under RCW 36.70A.040 must be
consistent with RCW 36.70A.020, 36.70A.110 and 36.70A.210.

A. RCW 36.70A.020 establishes thirteen (13) planning goals that cover:

1) Urban growth
2) Reduce sprawl
3) Transportation
4) Housing
5) Economic development
6) Property rights
7) Permits
8) Natural resource industries
9) Open space and recreation
10) Environment
11) Citizen participation and coordination
12) Public facilities and services
13) Historic preservation
1) The Board addressed the planning goals 1 – 13, above, as follows:
   a) Mr. Veldman stated that this proposal was consistent with planning goals 1, 4, 5, 6, 7, and 12.
   b) Mr. Hambelton agreed with Mr. Veldman and added that this proposal also was consistent with planning goal 11.
   c) Mr. Gardner agreed with Mr. Veldman and Mr. Hambelton and added that this proposal also was consistent with planning goals 8 and 10.
   d) Mr. Sing agreed with Mr. Veldman, Mr. Hambelton, and Mr. Gardner and added that this proposal also was consistent with planning goal 2.
   e) Mr. Bates agreed with all members and noted that the interlocal agreement was impactful on the proposal’s consistency with the planning goals.

B. RCW 36.70A.110 Urban Growth Areas.

   The Board unanimously determines the proposal satisfies the Urban Growth requirement under RCW 36.70A.110.

C. RCW 36.70A.210 Countywide Planning Policies.

   The Board unanimously determines the Proper Countywide Planning Policies are in place under RCW 36.70A.210.

II. RCW 36.93.180 OBJECTIVES

   The Board considered each of the nine (9) objectives set forth in RCW 36.93.180 and whether each objective is applicable to this proposed annexation, and if so, whether the objective would be hindered, furthered, or does not apply.
1) **Preservation of Natural Neighborhoods and Communities.**

   The Board members unanimously agreed that this objective would be **furthered** by approval of the proposed annexation.

2) **Use of Physical Boundaries, Including But Not Limited to Bodies of Water, Highways, and Land Contours.**

   The Board members unanimously agreed that this objective would be **furthered** by approval of the proposed annexation.

3) **Creation and Preservation of Logical Service Areas.**

   The Board members unanimously agreed that this objective would be **furthered** by approval of the proposed annexation.

4) **Prevention of Abnormally Irregular Boundaries.**

   The Board members unanimously agreed that this objective would be **furthered** by approval of the proposed annexation.

5) **Discouragement of Multiple Incorporations of Small Cities and Encouragement of Incorporation of Cities in Excess of Ten Thousand Populations in Heavily Populated Urban Areas.**

   The Board members unanimously agreed that this objective **does not apply**.

6) **Dissolution of Inactive Special Purpose Districts.**

   The Board members unanimously agreed that this objective **does not apply**.

7) **Adjustment of Impractical Boundaries.**

   The Board members unanimously agreed that this objective would be **furthered** by approval of the proposed annexation.

8) **Incorporation of Cities or Towns or Annexation to Cities or Towns of Unincorporated Areas Which Are Urban in Character.**

   The Board members unanimously agreed that this objective would be **furthered** by approval of the proposed annexation.
The Board members unanimously agreed that this objective would be furthered by approval of the proposed annexation.

9) Protection of Agricultural and Rural Lands.

The Board members unanimously agreed that this objective does not apply.

**RCW 36.93.170 FACTORS**

The City of Sultan adequately addressed the factors identified in RCW 36.93.170 in support of the proposed annexation.

1) Population and Territory.

2) Municipal Services.

3) The Effect of the Proposal or Alternative on Adjacent Areas, Mutual Economic and Social Interests and the Local Governmental Structure of the County.

Board Member Mr. Veldman stated that all have been met in general and qualified by all the agencies that have been impacted have been involved in the discussion have supported the annexation.

Board Member Mr. Hambelton agreed with Mr. Veldman and added regarding number 3, above, that this proposal fits right into the social economic interests in the community. The jurisdictions worked well together and resolved the issues.

Mr. Sing believes the factors have been met and pointed out that the Agricultural soils may not apply however not all factors must be met to approve.

Mr. Bates concurred that the 3 factors have been met related to the proposal.
DECISION

NOW THEREFORE, the Board finds:

1. The jurisdiction of the Board was properly invoked, and the Board has jurisdiction over this matter;

2. A decision to approve the proposed annexation is consistent with and supported by RCW 36.70A.020, RCW 36.70A.110, and RCW 36.70.210;

3. Overall, the objectives of RCW 36.93.180 would be furthered by the proposed annexation;

Based upon the above findings, the Board **approves** the City of Sultan proposed annexation (01-2021) within Snohomish County, under Snohomish County Boundary Review Board File No. 01-2021.

Adopted by the Washington State Boundary Review Board for Snohomish County **by a vote of 5 to 0** this 13th day of May, 2021.

WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

Chad Bates, Chair

FILED THIS 13th day of May, 2021.

Pamela Yount, Clerk of the Board
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.

APPENDIX 1

Exhibits

A. Intake (NOI) & Jurisdiction Invocation

1_01-2021_City of Sultan Tortorice Check NOI Filing Fee 12 1 2020
2_01-2021_Email transmitting NOI resubmittal on 12 7 2021
3_01-2021_NOI Tortorice Portfolio - Revised 1.22.2021
4_01-2021_Approval of Legal and Maps by Assessor 1-8-2021
5_01-
2021_Sultan_Tortorice_Acknowledgement_LetterFiled_Eff_14Jan2021
6_01-2021_Email transmitting Acknowledgement Letter 1 15 2021
7-01-2021_01-2021 City of Sultan Clarification re Questions from PDS DPW
8 2021
9_01-2021_20071147 Staff Report to County Council 2 12 2021
7_01-2021_Mot 21-059 Invoked not Opposed recd 2 25 2021
8.
B. Notice and Routing (Affidavits of Mailing, Publication, Posting Verification)

10_01-2021_Hearing_Notice_BRB_Invoked_4-2-2021
11_01-2021_AMENDED_Hearing_Notice_BRB_Invoked_4-8-2021
12_01-2021_Notice of Public Hearing 01-2021
12.a._01-2021_Sign Posting around Area of Annexation

C. Hearing
D. City/Agency Comment

D.1. BRB File-06-2017-Sultan Tortorice NOI

D.1.a SnoCo Motion_17-349-County-Invokes-BRB-Juris-BRB file-06-2017

D.1.b SnoCo Motion_18-002-City-withdraws-NOI-06-2017

D.2. 12-2020 Sultan Tortorice NOI packet

D.2.a BRB File 12-2020 Sultan Tortorice NOI Acknowledgement of Withdrawal 23sep2020

D.3. 01-2021 NOI Tortorice Portfolio-From-BRB-1-15-21

D.3.a Email-BRB-City of Sultan Tortorice Annexation Proposal BRB File 01-2021-1-15-21

D.4 01-2021 NOI Tortorice-Revised-deleted-page 25-1-22-21

D.5 Email-PDS-County Depts-RE_ Resubmitted Sultan Tortorice Annexation-BRB File 01-2021 -1-19-21

D.6 Email-SWM staff-Assessor-issues-with legal-description-NOI-1-25-21

D.7. Email-PDS-County Assessor-Confusion-NOI 01-2021-emailed on 1-15-21

D.7.a Email-County Assessor-legal description-review-1-22-21
D.8._Email-CountyStaff-wrong legal description pg 25-confusing maps-mislabeled exhibits-1-22-21
D.8.a_Email-County Assessor-Wrong-legal description part of City Resolution-1-25-21
D.8.b_Email-County Staff-summarizing-issues-with-NOI that was issued on 1-15-21
D.9_Email-Initial Response from BRB-on-Issues Raised with NOI-by County Departments-1-22-21
D.10_Email-from BRB-issuing-Revised-NOI-deleting-page-25-wrong-legal-description-1-22-21
D.11_Email-PDS-to BRB-Notifying of Issues with NOI-01-2021-1-22-21
D.12_Email-PDS to County-Depts-Revised-NOI 01-2021-deleting page 25-
D.13_PW MEMO TO PDS-Issues-with-NOI-2-2-21
D.14._Email-PDS to BRB-forwarding-DPW Memo-Issues with NOI
D.14.a_Email-PDS to BRB-status of BRBs inquiry to City on inconsistencies with NOI-2-8-21
D.14.b_Email- BRB-to PDS-to send-City of Sultan-DPW-issues
D.14.c_Email- BRB-to County Staff-to seek clarification-with-City-1-22-21
D.15_Email-PDS to City Sultan-requesting-missing-60 percent-petition-density requirement-4duperacre-2-3-21
D.16_EMAIL-City Sultan to PDS-submitting-60 percent petition-that was not in NOI-2-4-21
D.17._SWM-comments- Resubmitted Sultan Tortorice Annexation-BRB File 01-2021
D.17.a_Financial Impacts for Annexation-SWM
D.18._DPW-Fiscal Impacts-2-8-21
D.18.a_Financial Impacts -Tortorice-DPW-TES
D.19._01-2021 City of Sultan Clarification re Questions from PDS DPW 2 8
2021
D.19.a_Email-BRB to PDS-forwarding-Citys repsonse to DPW issues-2-8-21
D.20_Sheriff-impact-Tortorice Annexation-2-9-21
D.21_PDS-Staff Report-Tortorice Annex-2-5-21
D.22_PowerPoint_Presentation-Council Briefing-2-16-21
D.23_Council - Proposed_Motion_21-059_Packet
D.24_Email-PDS to Council staff-list of issues with NOI-2-12-21
D.25_Council Staff_Report-2-16-21
D.26_list of concerns-with-NOI-01-2021-Tortorice Annex
D.27._Email PDS to Council staff-Error in Linked Resolution 20-24-2-12-21
D.27.a_Email-Council Staff-to-PDS-_ Error in Linked Resolution 20-24-
from-City-website-2-12-21
D.28_Email-Reid Shockey-PDS-Tortorice Annexation - Snohomish County
Council GLS - 2_
D.29_Council Mot 21-059-Invoking BRB Jurisdiction-Not Opposing
Annexation-Tortorice-File 01-2021
D.30._Council staff- to -Council_ Potential Boundary Review Board process
for Sultan Tortorice annexation-2-22-21
D.30.a_Memo - potential BRB process
D.31_PDS_Presentation_for_Hearing_PPT-BRB-Sultan-Tortorice-Annex-
01-2021