

CITY OF SULTAN, WASHINGTON  
Application for Annexation  
Tortorice Properties

**9. *Written discussion of how proposed annexation meets the goals and policies related to annexation in the City’s Comprehensive Plan.***

The City of Sultan has adopted *Annexation Policies, Goals and Guidelines* which are submitted by reference with this request.

*“The City of Sultan’s Comprehensive Plan has specifically designated Urban Growth Areas (UGA’s) earmarked for annexation to fulfill its economic, social and growth management needs.”*

-- Policy, Page 2, Planning Context

The property lies within the Sultan UGA which anticipates annexation. The annexation fills a gap in the City’s Urban Growth Area, east of Sultan Basin Road. Properties to the east, south and west are a part of the City already. This annexation would fill that gap.

Comprehensive Plan policies include LU 2.2.1:

“Support annexation proposals that meet the following criteria:

- The area can be supported with adequate facilities and urban services consistent with capital facilities plans for public facilities and utilities;
- There is an adopted land use plan for the annexation area;
- The annexation achieves the growth and economic needs and goals for the city as set forth in the comprehensive plan”

We believe that the City staff will find that the area can be served by existing facilities. In terms of a “land use plan”, we accept the Low to Moderate Residential designation on the Land Use Map; an actual platting of the property will occur upon annexation. And because it is included in the City’s Urban Growth Area boundary, it supports achievement of the growth goals of the City.

**10. *Written discussion of how the annexation meets the factors and objectives to be weighed by the Boundary Review Board RCW 36.93.170 and 180.***

The Tortorice Annexation is virtually identical to the 124<sup>th</sup> Street Annexation in 2016<sup>1</sup>. In that case, the Boundary Review Board found that:

- As outlined in RCW 36.93.170, the proposal provides for public facilities and services.

---

<sup>1</sup> BRB No. 2-2016 -- September 2016

*“The Board found that the City's notice of intention adequately addressed the relevant statutory factors and supports its proposal to annex this area.”*

- The objectives of RCW 36.93.180 would be furthered by the annexation.

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

Furthered:

1. Preservation of Natural Neighborhoods and Communities.
2. Use of Physical Boundaries
3. Creation and Preservation of Logical Service Areas
4. Prevention of Abnormally Irregular Boundaries
7. Adjustment of Impractical Boundaries.

The other of nine objectives were deemed not to apply. None were found to hinder the objectives outlined in the RCW.

- Approval of (the 124<sup>th</sup> Street) annexation is consistent with RCW 36.70A.020, RCW 36.70A.110 and RCW 36.70.210.<sup>2</sup>

The Boundary Review Board approved the 124<sup>th</sup> Street Annexation *unanimously*. In that same case, the State Court of Appeals, in subsequently affirming the City's annexation found that "...substantial evidence supports the (BRB) decision that annexation is consistent with the statutory factors set forth in RCW 36.93.170, the objectives set forth in RCW 36.93.180, and the relevant provisions of the Growth Management Act (GMA)..." and further found that "...the City and the County have previously designated the annexation area as meeting the requirements for a UGA. (124<sup>th</sup> Street) is an area designated for growth by both entities. The annexation is consistent with that designation."

Again, the Tortorice Annexation is virtually identical to the 124<sup>th</sup> Street Annexation as approved by the Boundary Review Board, Snohomish County Superior Court and the Washington Court of Appeals. Given the nature and geographic proximity of the two annexations, we assume that these conclusions apply equally to the Tortorice request.

**11. *Written discussion of how the proposed annexation meets RCW Sections 36.70A.020, .110, and .210 of the Growth Management Act.***

**RCW 36.70A.020:** In the 124<sup>th</sup> Street Annexation decision, the Boundary Review Board found that it was consistent with RCW 36.70A.020 because:

---

<sup>2</sup> Decision, Paragraph 4

RCW 36.70A.020(1): development will occur within an urban growth area,  
RCW 36.70A.020(9) open space and recreation will be encouraged,  
RCW 36.70A.020(10) the environment will be protected and enhanced,  
RCW 36.70A.020(12) because the City will provide for public facilities and services.

These same findings can be made for the proposed Tortorice Annexation. Additionally, we submit that the following findings can be made:

RCW 36.70A.020 (2) because new development would be contained within a designated Urban Growth Area boundary, thus reducing sprawl.

RCW 36.70A.020 (6) because property rights would be preserved for the owner who would be allowed to develop the property in a manner consistent with development to the west and north which are identically situated from a zoning and public services standpoint.

RCW 36.70A.020 (7) because future development under the City's zoning, subdivision, sensitive areas and other regulations would be predictable and consistent with other development on adjacent properties within the City boundaries.

**RCW 36.70A.110:** This chapter deals with the criteria for establishment of urban growth area boundaries. That section has been implemented through adoption of the City's GMA comprehensive plan including an urban growth area encompassing the proposed Tortorice Annexation.

**RCW 36.70A.210 (Countywide Planning Policies):** In the 124<sup>th</sup> Street Annexation decision, the Boundary Review Board found that it was consistent with RCW 36.70A.210 because it was "generally consistent with Snohomish County county-wide planning policies OD-1 to promote development within urban growth areas; OD-2 to allow development within the incorporated and unincorporated portions of the UGA; and OD-9 to develop comprehensive plans, policies, and development regulations providing for the orderly transition of unincorporated to incorporated areas within (the) UGA."