

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.

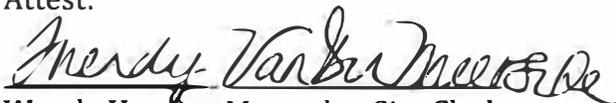
PASSED BY the City Council and APPROVED by the Mayor this 22nd day of February 2022.

CITY OF ARLINGTON



Barbara Tolbert, Mayor

Attest:



Wendy Van Der Meersche, City Clerk

Approved as to form:



Steven J. Peiffle, City Attorney

FINALIZED
SNOHOMISH COUNTY COUNCIL

Date: 03/07/22

01/10/22
Council Action Date



Debbie Eco, CMC
Clerk of the Council

WASHINGTON STATE
BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY

FILE NO. 08-2021

RESO. NO. 2022-003

ADOPTED BY DIST. 3/2/2022

BRB SIG. Gricelda Montes

DATE 3/4/2022

CERTIFICATION OF ORDINANCE

I, Wendy Van Der Meersche, being the duly appointed City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2022-003 was approved at the February 22, 2022 City Council meeting.

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”

A true and correct copy of the original ordinance is attached.

Dated this 23rd day of February, 2022.



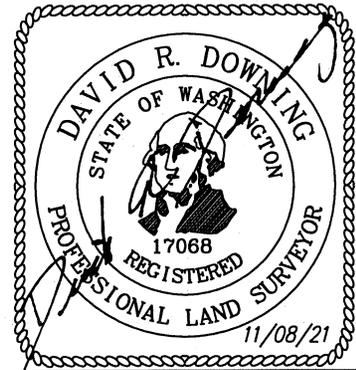

Wendy Van Der Meersche
City Clerk for the City of Arlington

A PORTION OF THE NORTH 1/2 OF THE NORTHEAST QUARTER OF
SECTION 26, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.
A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER
OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.

LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST SECTION CORNER OF NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION SOUTH 00°34'00" WEST FOR A DISTANCE OF 30.04 FEET TO THE SOUTH RIGHT OF WAY LINE OF 172ND STREET N.E., ALSO KNOWN AS SISCO HEIGHTS ROAD, THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF SAID ROAD NORTH 86°28'54" WEST FOR A DISTANCE OF 1275.14 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY SOUTH 01°20'04" WEST FOR A DISTANCE OF 11.69 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY NORTH 86°31'00" WEST FOR A DISTANCE OF 586.33 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1949.55 FEET AND CONSUMING AN ARC ANGLE OF 11°57'20" AND HAVING AN ARC LENGTH OF 406.80 FEET TO THE NORTH LINE OF SAID SECTION; THENCE ALONG SAID NORTH LINE NORTH 86°28'54" WEST FOR A DISTANCE OF 286.11 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION; THENCE ALONG THE WEST LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. SOUTH 02°05'03" WEST FOR A DISTANCE OF 1362.85 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. SOUTH 87°13'46" EAST FOR A DISTANCE OF 2584.10 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. AND ALSO BEING THE SOUTHWEST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.; THENCE ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. SOUTH 89°23'07" EAST FOR A DISTANCE OF 659.22 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.; THENCE ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. NORTH 00°41'47" EAST FOR A DISTANCE OF 1298.98 FEET TO THE SOUTH RIGHT OF WAY LINE OF 172ND STREET N.E., ALSO KNOWN AS SISCO HEIGHTS ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 89°15'30" WEST FOR A DISTANCE OF 662.16 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



D. R. DOWNING LAND SURVEYING, INC
PROFESSIONAL LAND SURVEYORS

4229 76th ST. N.E. SUITE 202
MARYSVILLE, WA., 98270
(360) 653-5385

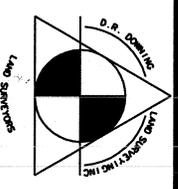
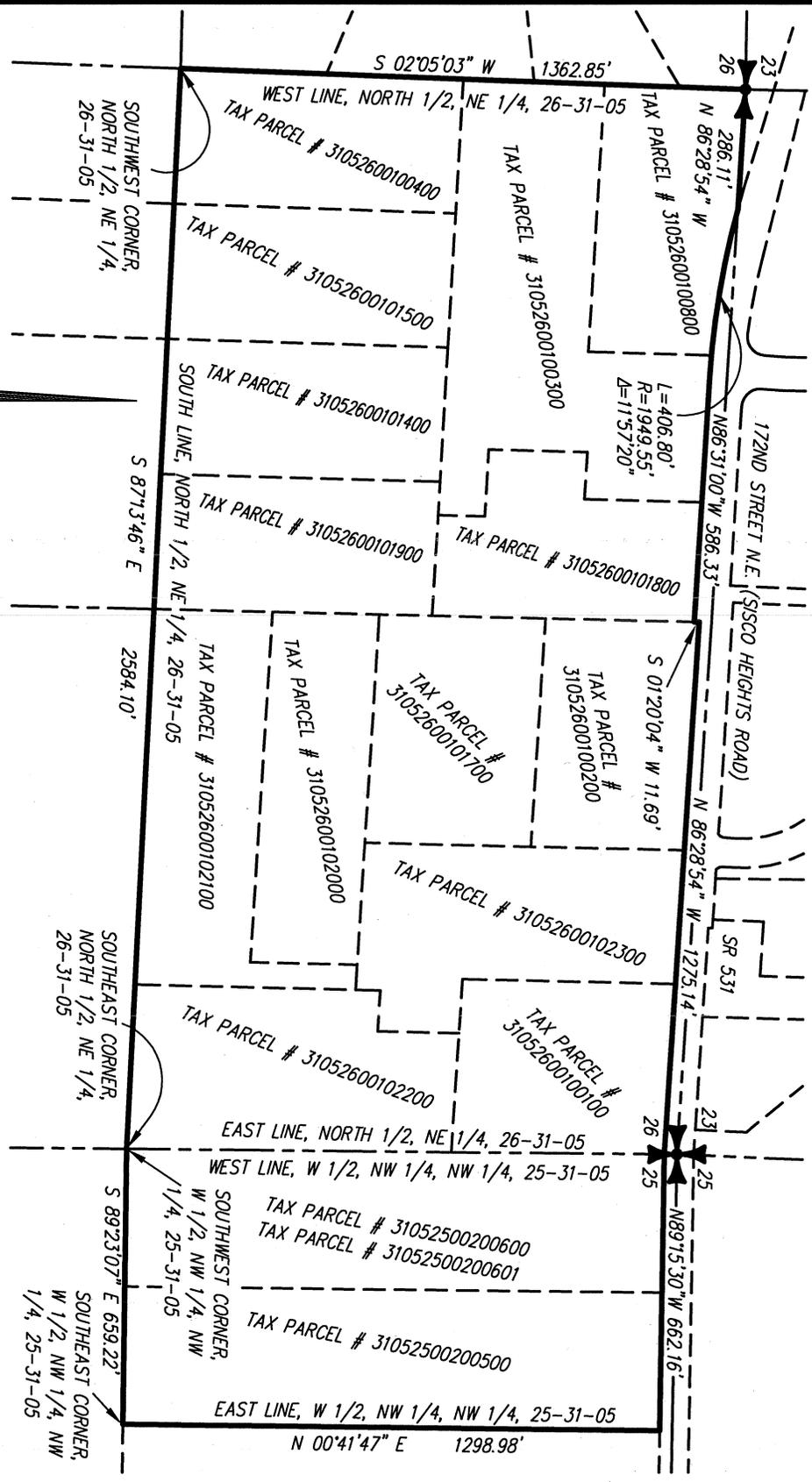
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SCALE: N.T.S.

JOB# 21-009

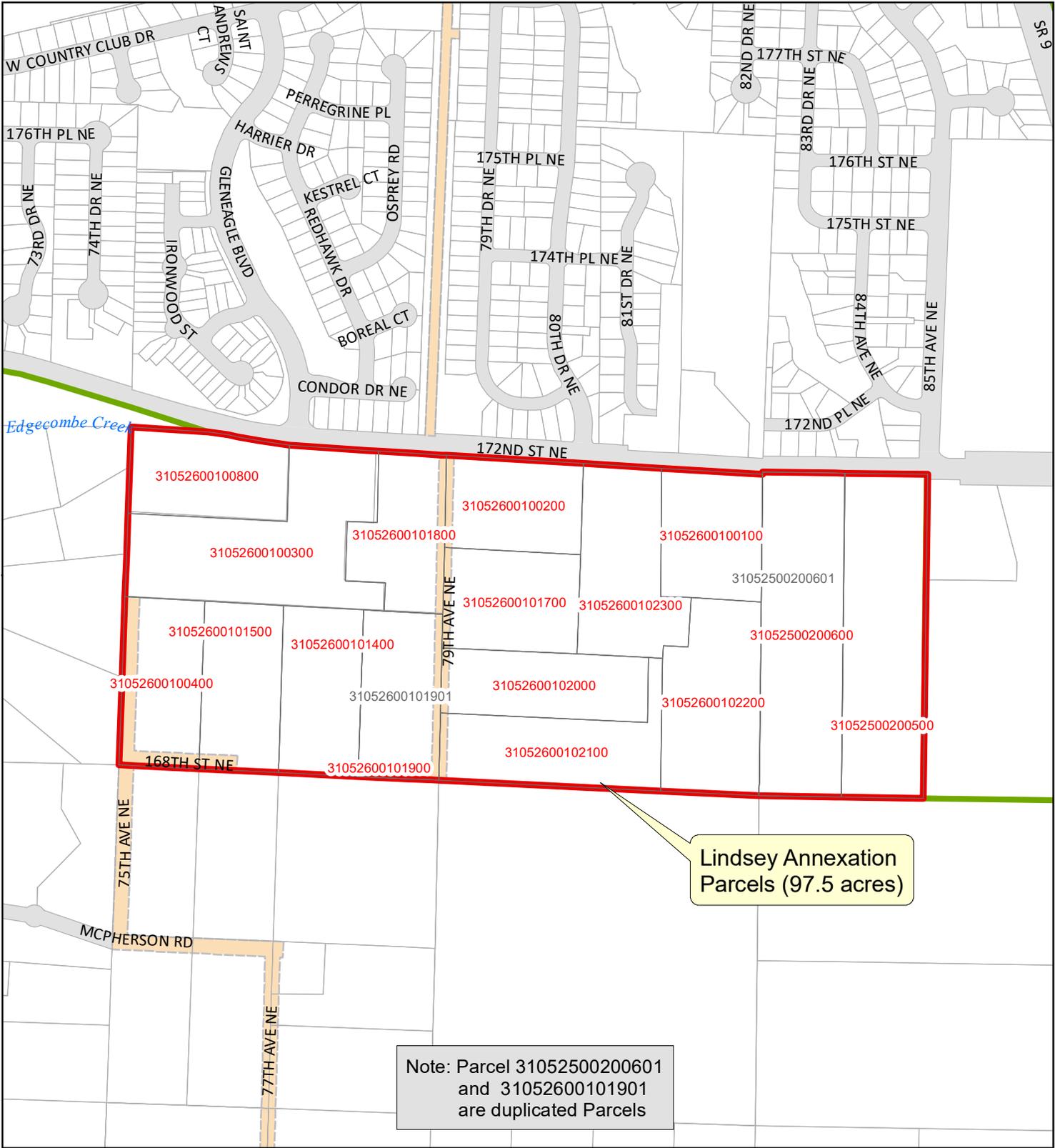
SH 1 OF 2

A PORTION OF THE NORTH 1/2 OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.
 A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.



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 MARYSVILLE, WA., 98270
 (360) 653-5385

DATE: 02/26/21
 SCALE: 1" = 400'
 JOB#: 21-009
 SH 2 OF 2



Legend

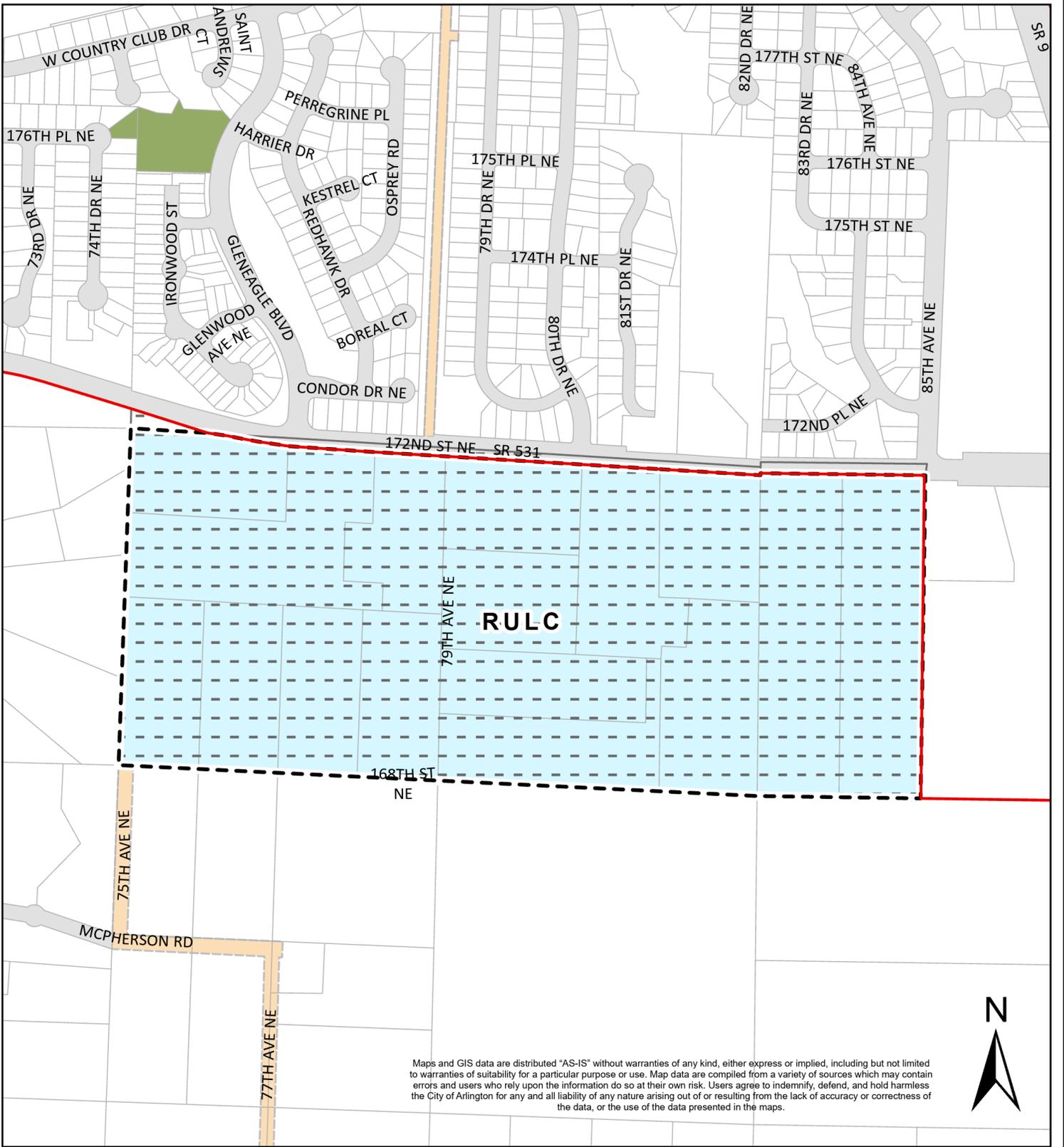
- Annexation
- City Limits
- Arlington UGA
- Assessor Parcels
- Public Right of Way
- Private Road
- Parks

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City of Arlington

Lindsey Annexation

Scale: 1 inch = 550 feet	File: LindseyAnnexOFM8.5x11_21
Date: 1/21/2021	Cartographer: kdh/akc



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Legend City Limits Lindsay Boundary Private Road Public Right of Way Parcels		Zoning and Overlays RULC - Residential Ultra Low Capacity MPN - Master Planned Neighborhood		City of Arlington Lindsay Annexation ~Zoning~	
		Scale:	1:6,600	File:	PlanningLayouts\ LindsayAnnexZoning8.5x11_22
		Date:	2/18/2022	Cartographer:	kdh

