



CO00000406

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 02-012

MODIFYING THE URBAN GROWTH AREA FOR THE CITIES OF BOTHELL, BRIER,  
EDMONDS, EVERETT, LYNNWOOD, MILL CREEK, MOUNTLAKE TERRACE,  
MUKILTEO AND WOODWAY

AMENDING AMENDED ORDINANCE NO. 94-123,  
AMENDED ORDINANCE NO. 94-125 AND AMENDED ORDINANCE NO. 98-071

WHEREAS, on June 28, 1995, the Snohomish County Council approved Amended Ordinance 94-125, which adopted the Snohomish County Growth Management Act Comprehensive Plan (GMACP), including a General Policy Plan (GPP), Future Land Use Map, Capital Facilities Plan, and Transportation Element; and

WHEREAS, the Growth Management Act (GMA), codified at chapter 36.70A RCW, requires Snohomish County to designate one or more urban growth areas (UGAs) within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature; and

WHEREAS, the county designated a UGA that included the cities of Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo, and Woodway (Southwest UGA) through the adoption of Amended Ordinance 94-123 on June 28, 1995; and

WHEREAS, on September 9, 1998, the Snohomish County Council adopted Amended Ordinance No. 98-071, which removed Smith and Spencer Islands from the Southwest UGA; and

WHEREAS, Amended Ordinance No. 94-123 recognized that land use patterns within the UGA, as identified by joint planning efforts with affected cities, could require future adjustments to the UGA boundary; and

WHEREAS, between 1998 and 2001, the county and the City of Mill Creek conducted a joint planning process pursuant to an interlocal agreement to develop a UGA plan for the Mill Creek East UGA planning area; and

WHEREAS, the joint planning process included a detailed analysis of the land uses and the location of the UGA boundary in the Mill Creek East UGA planning area; and

WHEREAS, the Mill Creek East UGA Plan provides for revisions to the eastern UGA boundary that create a more logical alignment along Sunset Road and the adjoining utility corridor; and

WHEREAS, the Snohomish County Planning Commission considered the Mill Creek East UGA Plan, including the proposed UGA boundary change, at a work session on October 23, 2001, and at a joint public hearing with the City of Mill Creek Planning Commission on November 20, 2001; and

WHEREAS, the Snohomish County Planning Commission deliberated on and recommended adoption of the Mill Creek East UGA Plan and proposed UGA boundary change on December 4, 2001; and

WHEREAS, the Snohomish County Council held public hearings on April 24, May 1, May 15, and May 30, 2002, to consider the proposed UGA boundary change and adoption of the proposed Mill Creek East UGA Plan, including the planning commission's recommendations and the public testimony at the council hearing on April 24, 2002, as well as written comments submitted to both the planning commission and county council; and

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The Snohomish County Council adopts and incorporates the foregoing recitals and sections 1 and 2 of Ordinance No. 02-011 as findings of fact and conclusions.

**Section 2.** Based on the entire record, including all written and oral testimony before the council and planning commission, the Snohomish County Council makes the following additional findings of fact and conclusions:

- A. The Mill Creek East UGA Plan area is located within the Southwest UGA, east of the City of Mill Creek and west of the Southwest UGA boundary.
- B. The county and City of Mill Creek conducted a joint planning and participation process between 1998 and 2001 for review of the proposed plan alternatives and UGA boundary change.
- C. Areas within incorporated city limits are automatically designated as UGAs under the GMA. Subject to applicable GMA requirements, counties also have the discretion to include unincorporated areas within a UGA after consulting with all cities located within the UGA. The county has invited and considered input from the City of Mill Creek with respect to the proposed UGA boundary change through the joint planning process.
- D. The current boundary of the Southwest UGA, located near the intersection of Sunset Road and 41<sup>st</sup> Avenue SE, splits parcels and neighborhoods, resulting in properties being located partially within the UGA and partially in the surrounding rural area. This ordinance modifies the UGA boundary to coincide with a utility corridor and the Sunset Road right-of-way, such that the boundary line no longer split parcels.

- E. In changing the boundary for the Southwest UGA, this ordinance removes eight acres from the UGA and adds six acres, resulting in a net reduction of two acres. The eight acres removed by this ordinance are not characterized by urban growth because:
- i) They include portions of individual lots developed with single-family residences at a density of approximately 1 dwelling per two acres, which is below the generally accepted minimum density of 4-5 dwelling units per acre necessary to qualify as urban development.
  - ii) They are not served with public sewer and are not located within the boundaries of a sewer district service area.
- F. The adjustment to the UGA boundary implemented by this ordinance preserves natural features and existing neighborhoods.
- G. There has been early and continuous public participation in the development of both the Mill Creek East UGA Plan and the UGA boundary adjustment implemented by this ordinance.
- H. The adjustment to the UGA boundary implemented by this ordinance is consistent with the requirements of the Growth Management Act, specifically RCW 36.70A.110 and RCW 36.70A.215.
- I. The GMACP and CPPs require continuing growth and land capacity monitoring, and include an amendment process that ensures an adequate land supply throughout the 20-year planning period.
- J. The boundary adjustment implemented by this ordinance results in a net reduction in the Southwest UGA. Pursuant to CPP UG-14 (d), a buildable lands analysis is not required because this ordinance does not expand the UGA boundary.
- K. The UGA boundary adjustment implemented by this ordinance is consistent with CPP UG-1(a)-(j); which provides that UGA boundaries should be closely based on identifiable physical boundaries, exclude designated resource lands, and include openspace along the boundary edge.
- L. The UGA boundary adjustment implemented by this ordinance is consistent with the GMACP and further implements GPP LU Policy 1.C.1 by creating a boundary, defined by roads and transmission lines, that does not result in split properties.
- M. Prior to both the planning commission and county council public hearings, citizens, interest groups, public agencies, and the media were notified by means of published legal notices, press releases, and mailed notices to all property owners within the unincorporated UGA.

- N. The planning commission held public hearings on the Mill Creek East UGA Plan and UGA boundary change on November 20, 2001. The planning commission received, reviewed and considered oral and written testimony from citizens, interest groups and public and private agencies and this testimony is all part of the Planning Commission's hearing record.
- O. The Snohomish County Council held public hearings on April 24, May 1, May 15, and May 30, 2002, to consider the proposed UGA boundary change and adoption of the proposed Mill Creek East UGA Plan, including the planning commission's recommendations and public testimony at the council hearing on April 24, 2002, as well as written comments submitted to both the planning commission and county council. The county council received, reviewed, and considered oral and written testimony from citizens, interest groups, and public and private agencies.
- P. The county council has fully considered public input from the citizens and the City of Mill Creek in making its decisions with respect to the Southwest UGA boundary.

**Section 3.** The county council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

**Section 4.** Based on the foregoing findings and conclusions, the Snohomish County Council hereby amends Amended Ordinance No. 94-124, adopted on June 28, 1995 and last amended by Amended Ordinance No. 98-071 on September 9, 1998, by deleting Exhibit A, entitled "Southwest Lower," which was therein incorporated, and by replacing that exhibit and incorporating therein a new Exhibit A: a map, entitled "Southwest Lower," that depicts the modified UGA boundary for the Southwest UGA east of the City of Mill Creek. Exhibit A is attached hereto and incorporated herein by this reference as though set forth in full.

**Section 5.** Based on the foregoing findings and conclusions, the county council hereby amends Amended Ordinance No. 98-071, adopted on September 9, 1998, by deleting Exhibit B, which was therein incorporated, and by replacing that exhibit and incorporating therein a new Exhibit B: county assessor's maps that accurately depict the boundary of the Southwest UGA. Exhibit B is attached hereto and incorporated herein by this reference as though set forth in full.

**Section 6.** Severability and savings: If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 30<sup>th</sup> day of May, 2002

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ATTEST:

Sheila McCallister  
Asst. Clerk of the Council

Gary D. Nelson  
Chairperson

- ( ) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

DATE: 6/13/02

ATTEST:

Laura Nelson

Gary Weikel  
for Robert J. Drewel  
County Executive

GARY WEIKEL  
Deputy Executive






Approved as to form only:

Brent D. Lloyd

Brent D. Lloyd  
Deputy Prosecuting Attorney

D-1

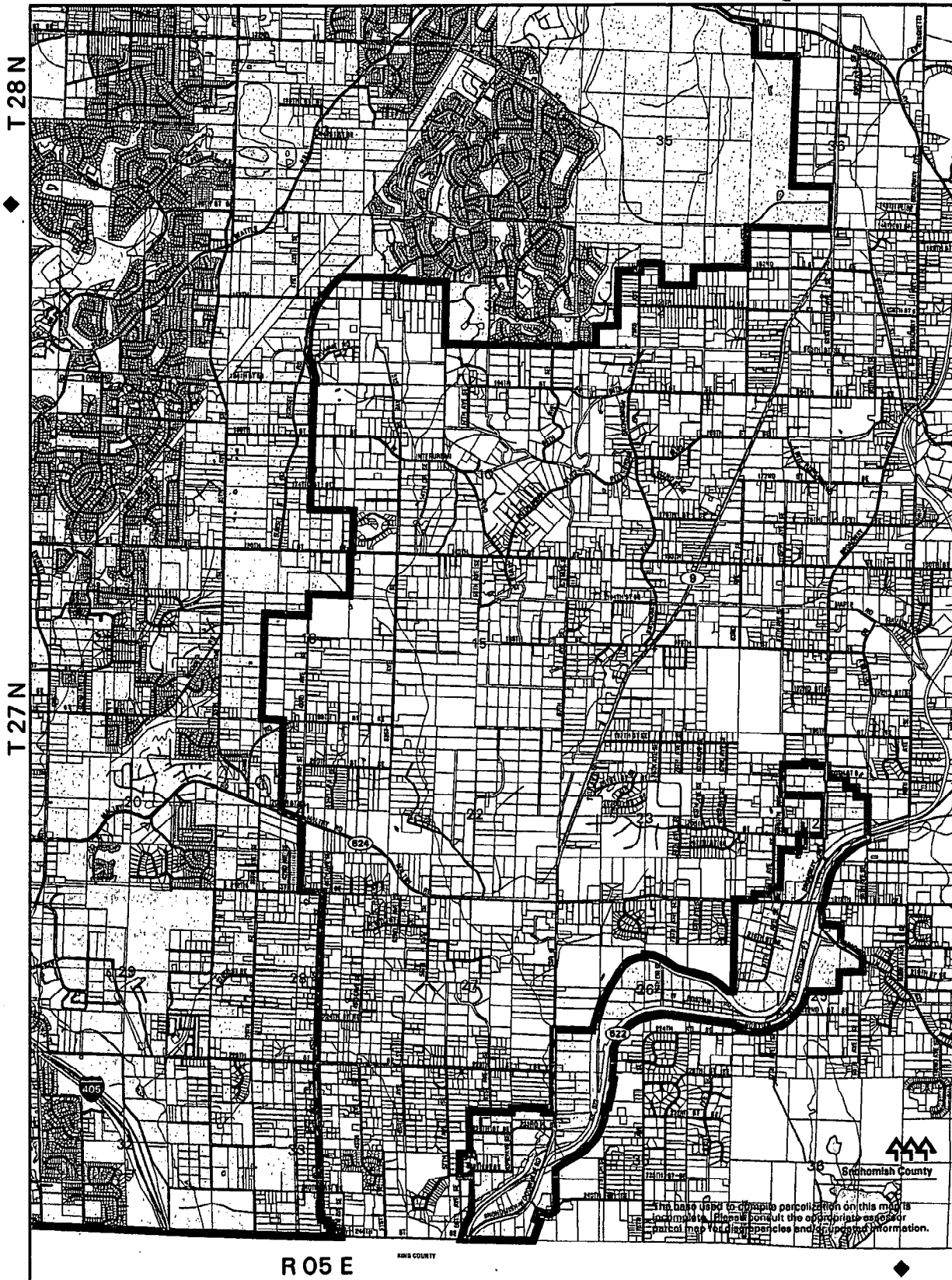
# SOUTHWEST LOWER Urban Growth Area

- |   |                   |   |   |
|---|-------------------|---|---|
|  | Incorporated City |  | City Limits                                     |
|  | Urban Growth Area |  | Local Streets<br>(county maintained)            |
|  | UGA Boundary      |  | Arterial Streets<br>(Arterial Circulation Plan) |

0 3000 6000

Scale in Feet

Effective July 10, 1995; County Council Ord. 94-124  
 Effective Sept. 20, 1998; County Council Ord. 98-071  
 Effective Jan. 08, 2001; County Council Ord. 00-094  
 Effective \_\_\_\_\_; County Council Ord. \_\_\_\_\_



Snohomish County

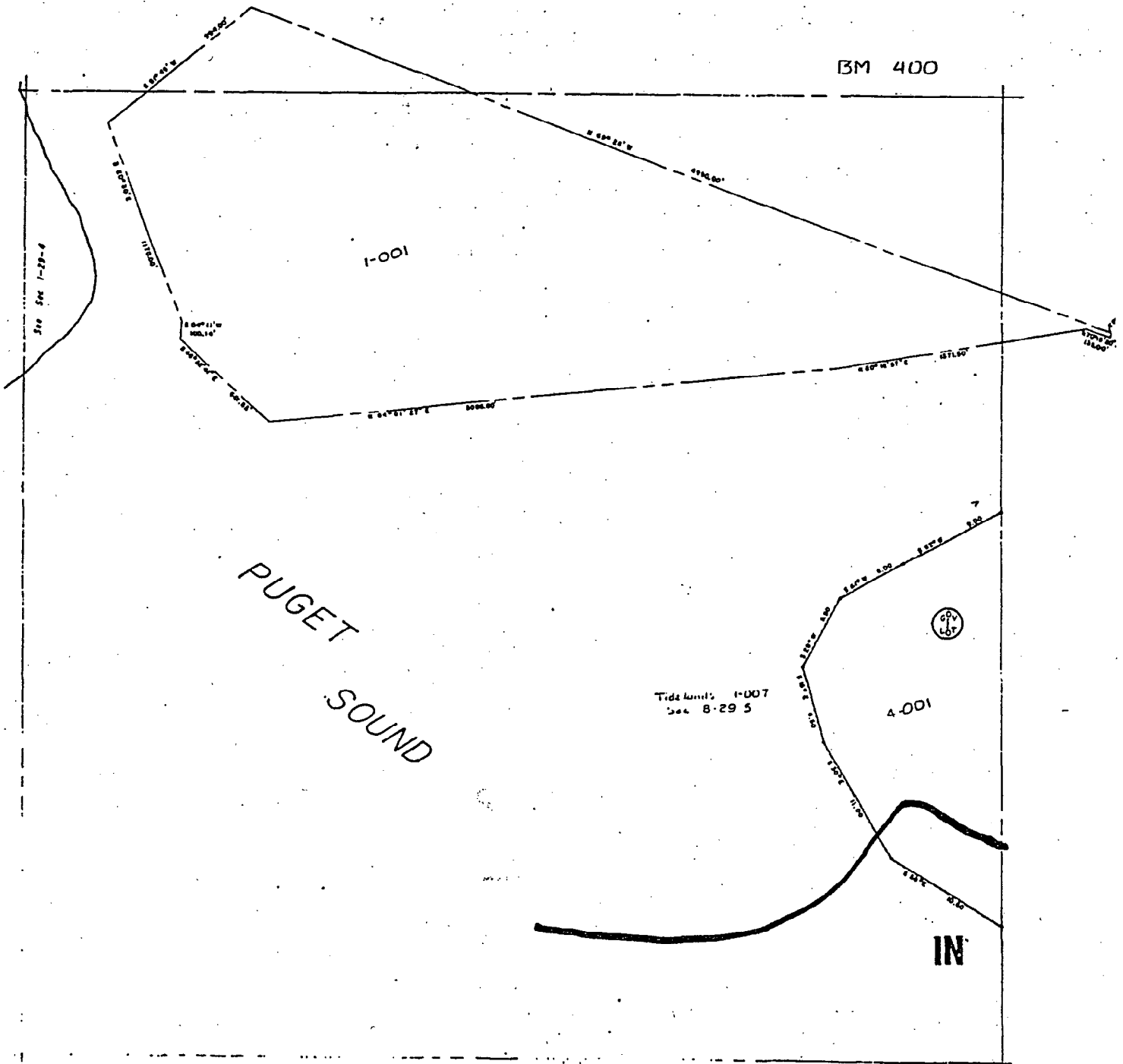
Map data used to develop parcelization on this map is  
 inaccurate. Please consult the appropriate govern-  
 mental map for discrepancies and/or update information.

R 05 E

**EXHIBIT B  
ORDINANCE 02-012**

SEC. 6, TWP. 29N, RNG. 5 E.W.M.

1" = 400'



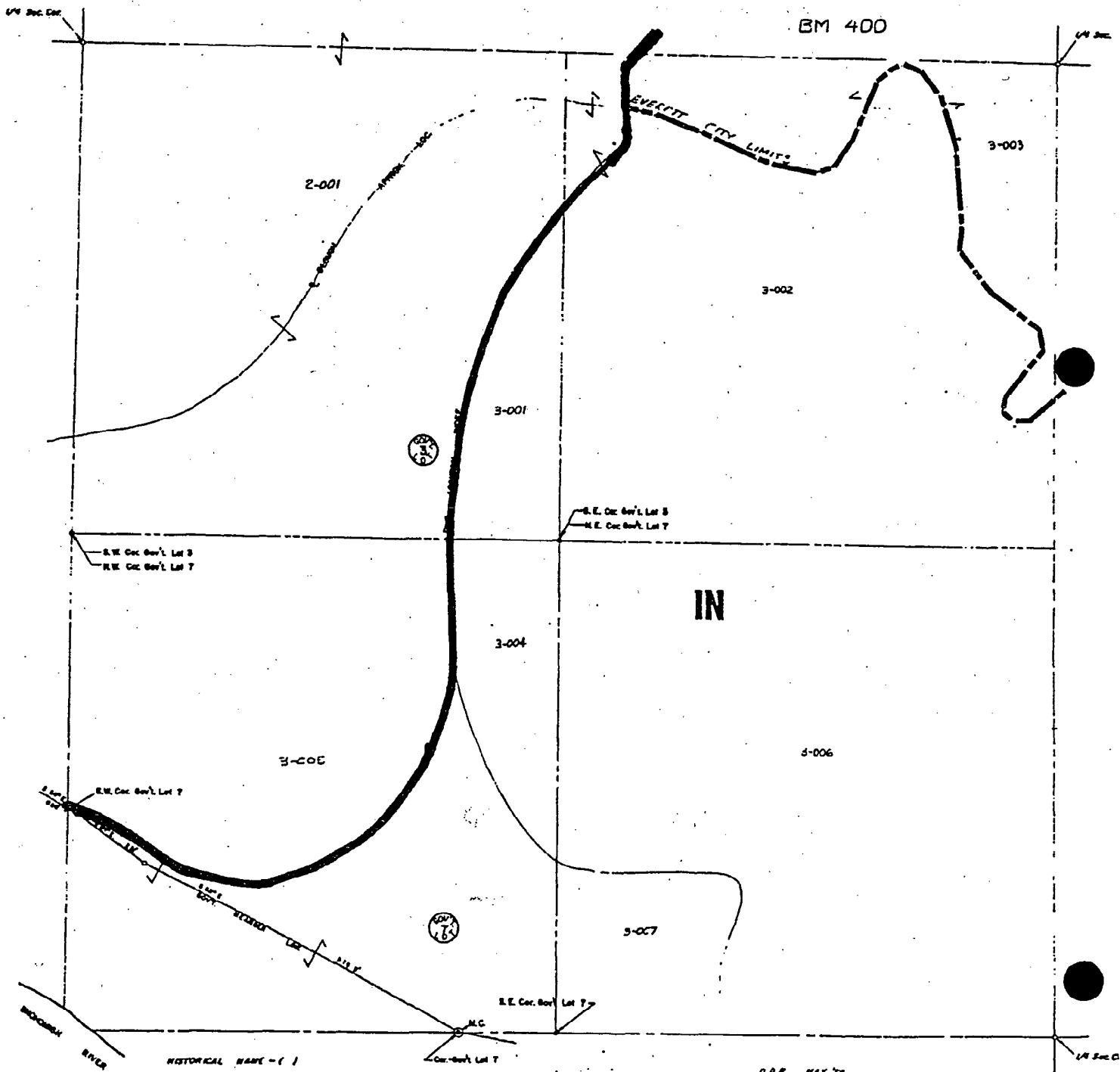
NOTE:  
This is not a survey, it is a parcel map  
used for location of monuments only

L.P.C. April '95

Exhibit B

MAY 25 1995

S.W. 1/4, SEC. 5, T. 29, R. 5 E.  
1" = 200'



BM 400

3-003

2-001

3-002

3-001

S.E. Cor. Sec. 2, Lot 3  
N.E. Cor. Sec. 2, Lot 7

S.E. Cor. Sec. 3, Lot 3  
N.E. Cor. Sec. 3, Lot 7

IN

3-004

5-006

S.E. Cor. Sec. 3, Lot 7

3-005

5-007

MICHIGAN RIVER

HISTORICAL NAME - ( )  
ROAD DESIGN LIMITS

S.E. Cor. Sec. 5, Lot 7

NOTE:  
This is not a survey, it is a parcel map  
used for location of monuments.

D.R., MAY '72

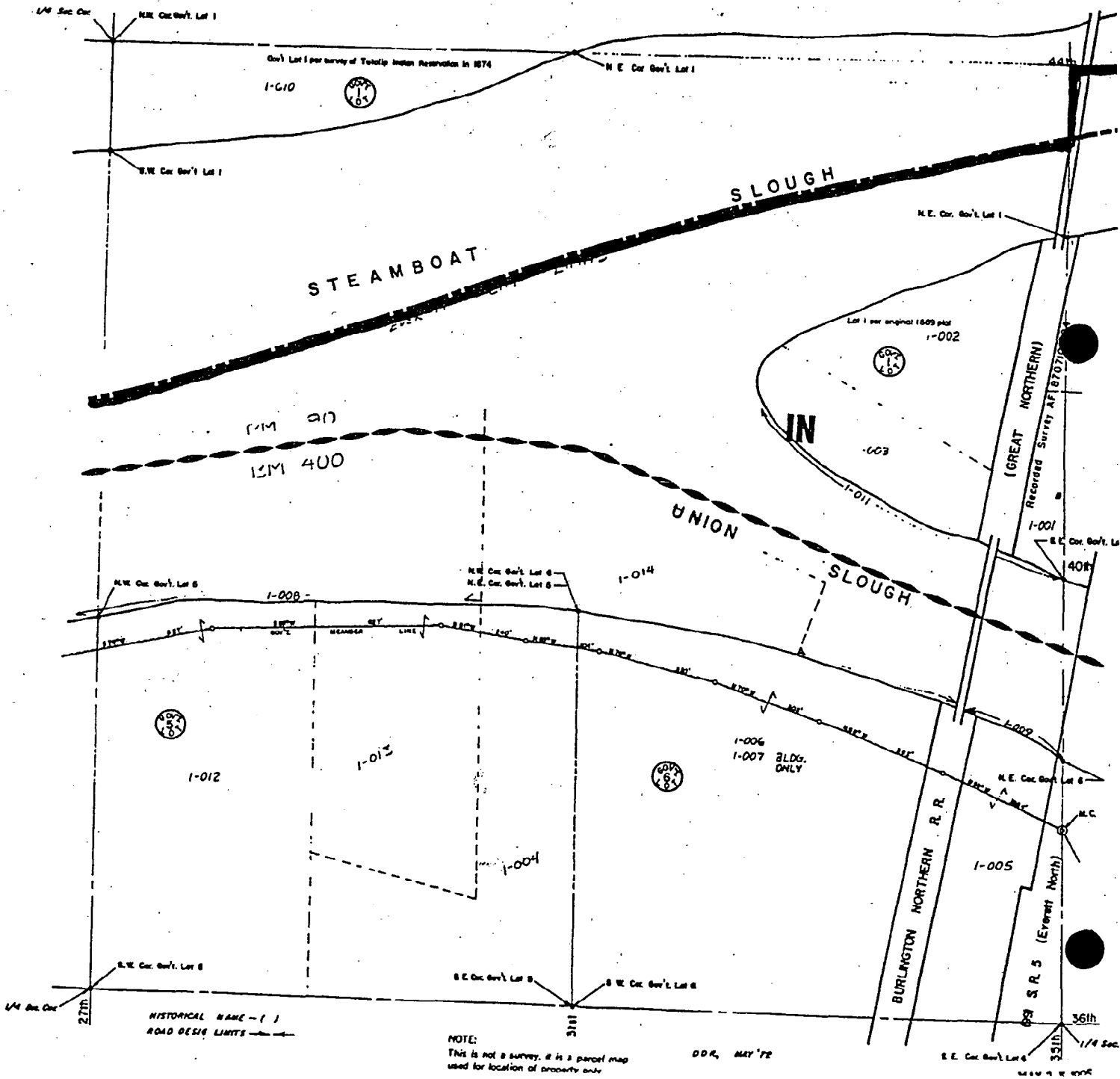
MAY 25 1995





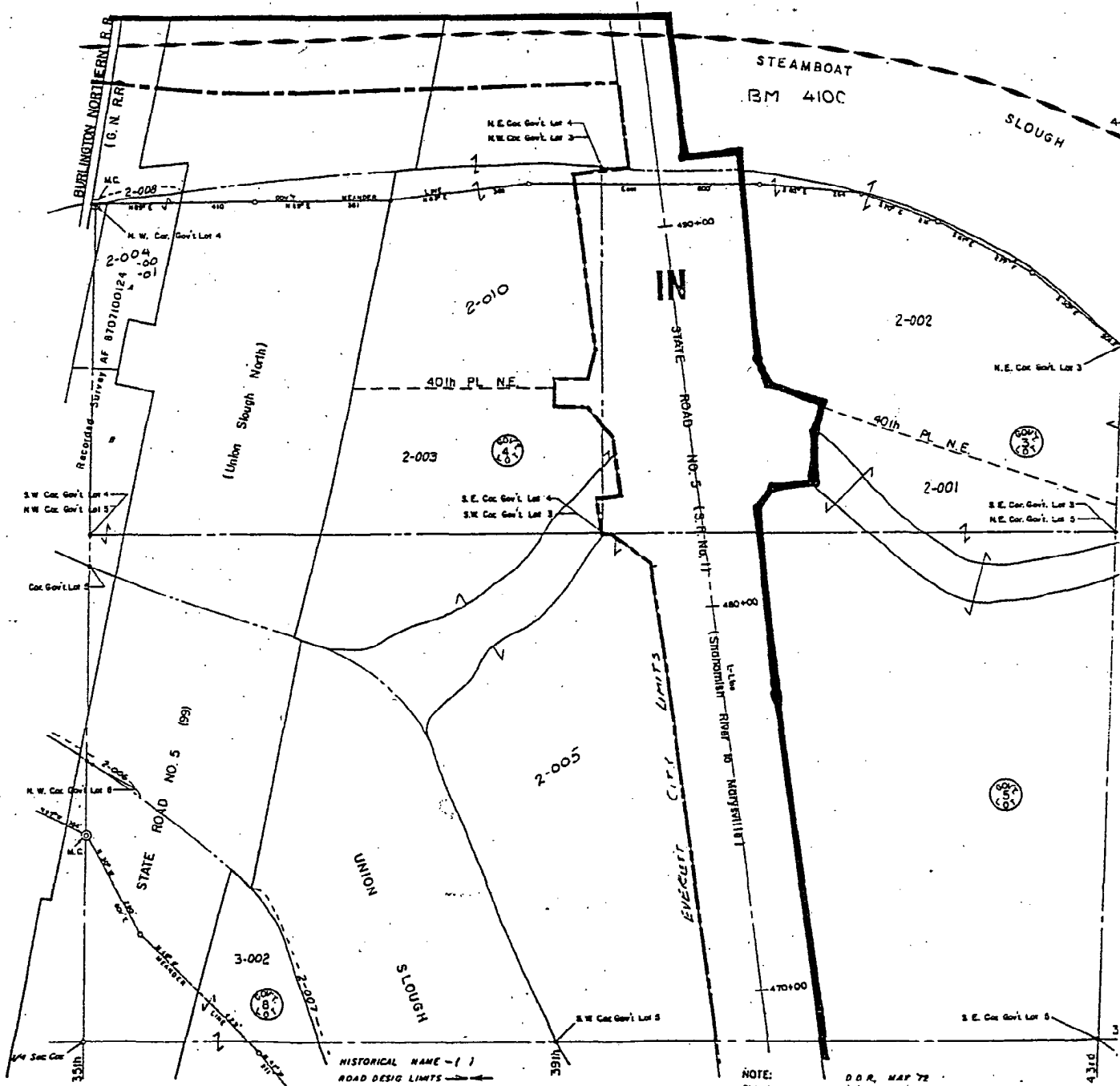
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1" = 200'



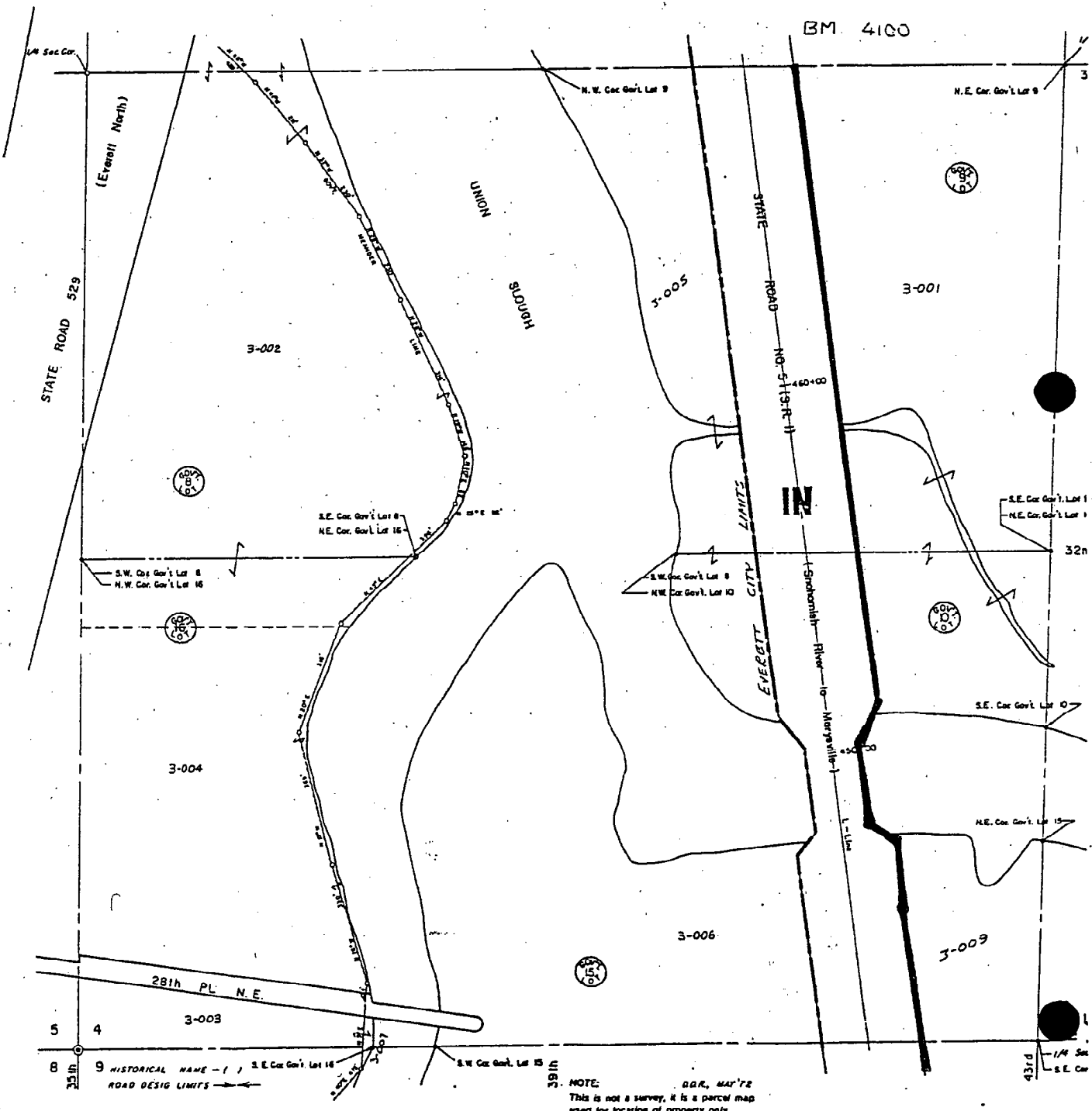
N.W. 1/4, SEC. 4, T. 29, R. 5 E.

1" = 200'



NOTE: D.O.R. MAP 72  
This is not a survey, it is a parcel map  
used for location of property only

S.W. 1/4, SEC. 4, T. 29, R. 5 E.  
 1" = 200'

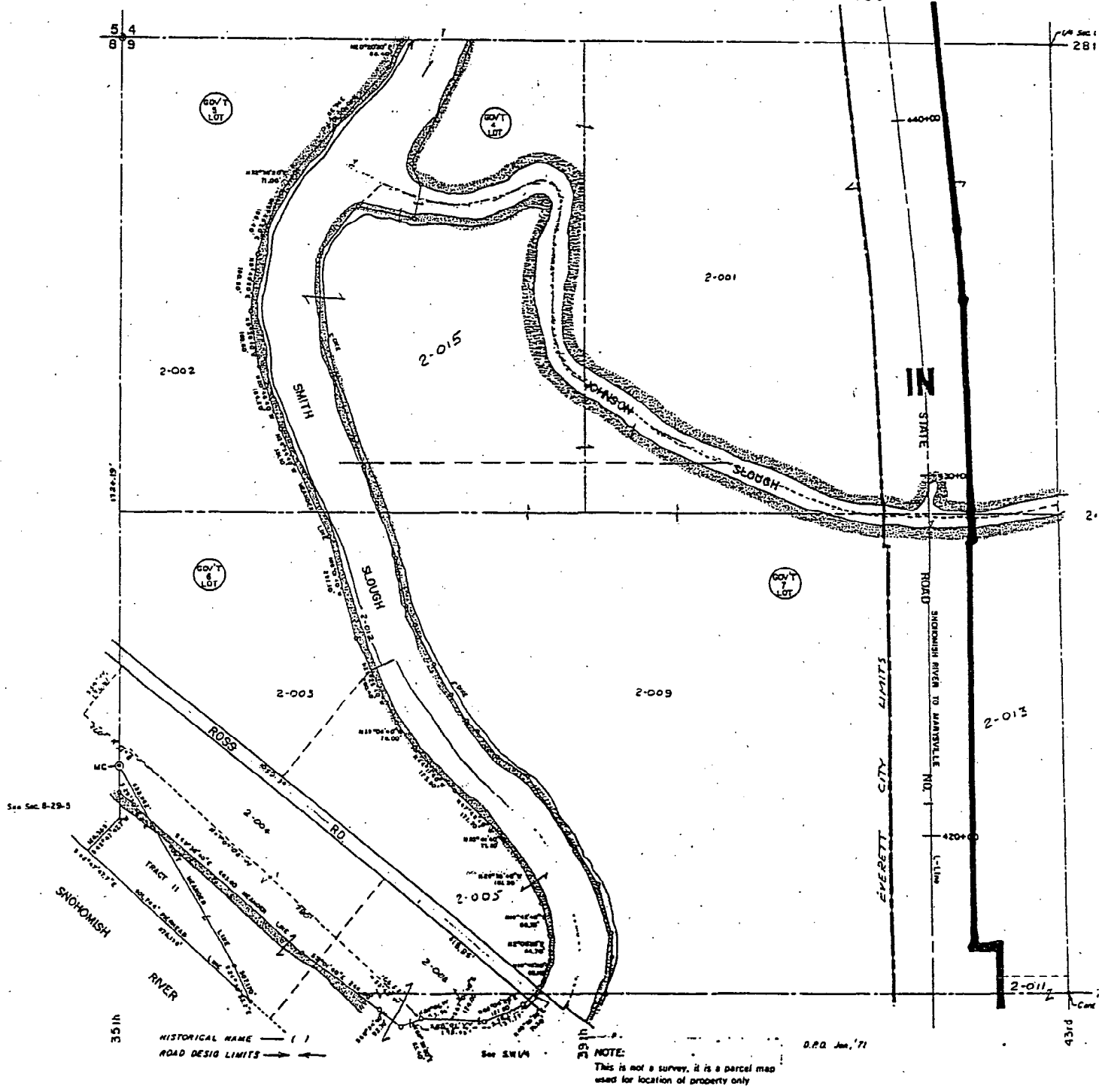


NOTE: D.A.R. MAR'72  
 This is not a survey, it is a parcel map  
 used for location of property only

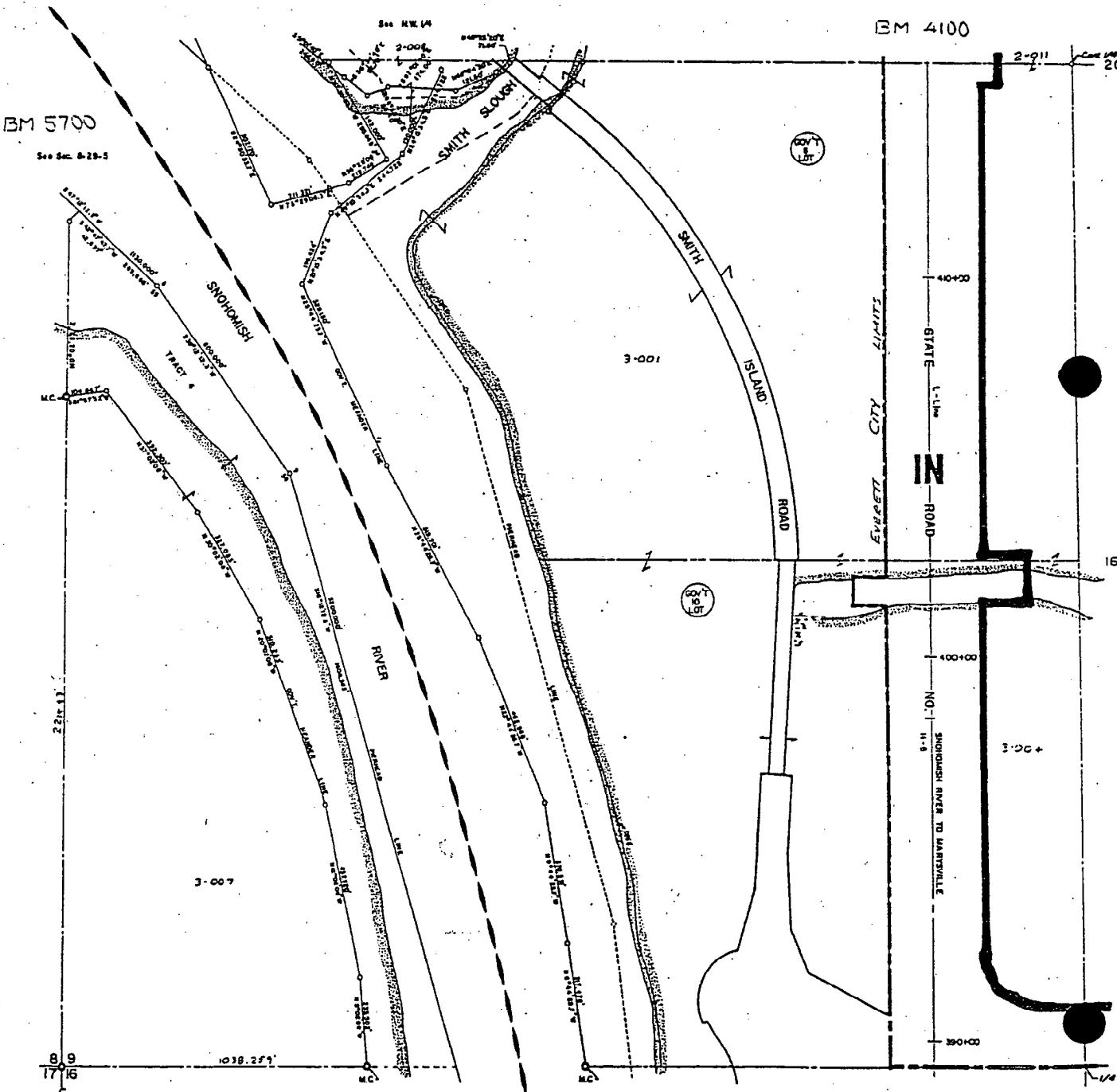
NW 1/4, SEC. 9, T. 29N, R. 5E

1" = 200'

BM 4100



SW. 1/4, SEC. 9, T. 29 N., R. 5 E.  
1"=200'



BM 5700  
See Sec. 8-28-5

BM 4100

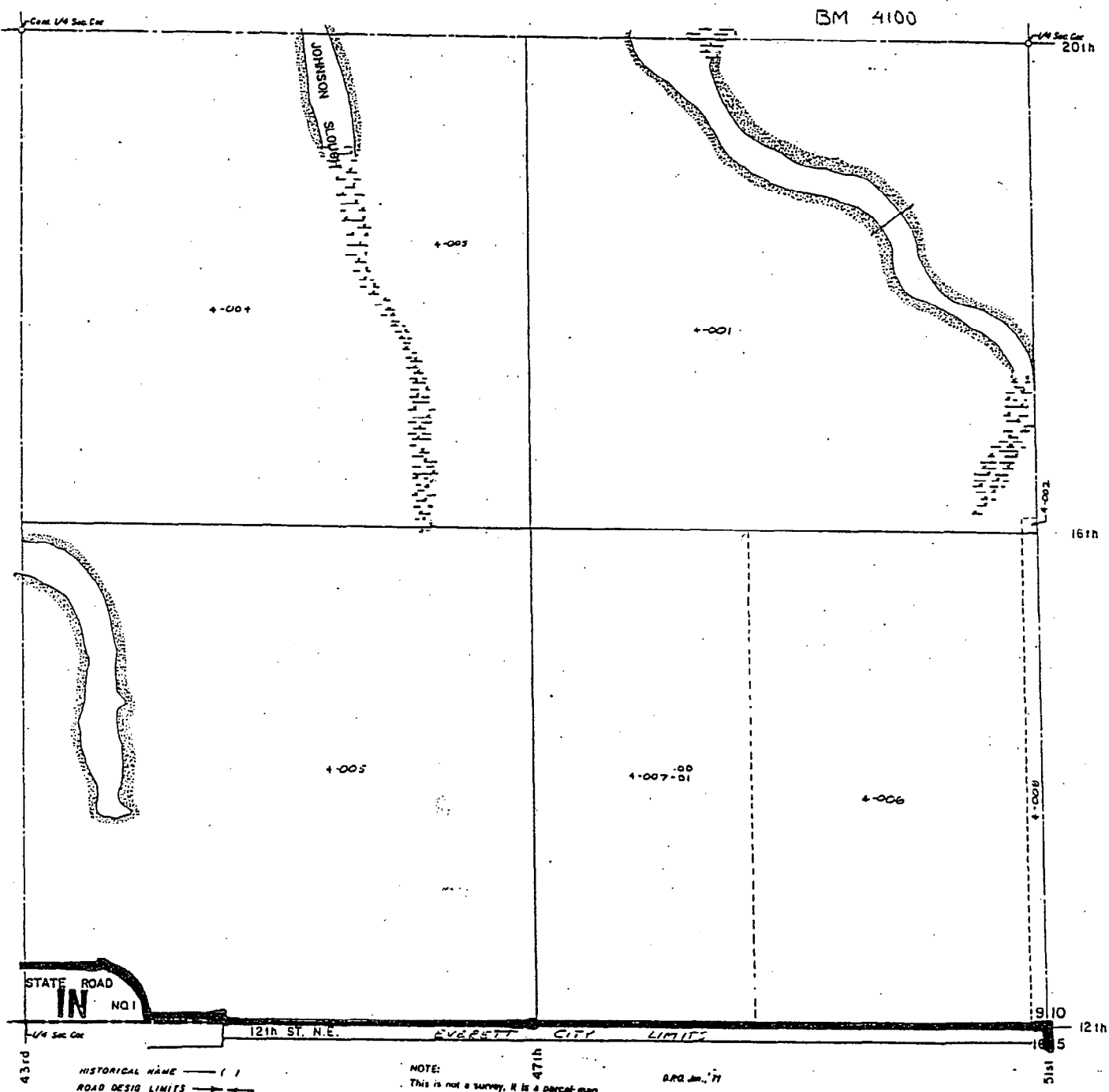
HISTORICAL NAME ( )  
ROAD DESIG LIMITS → ←

NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

D.P.O. 11-77

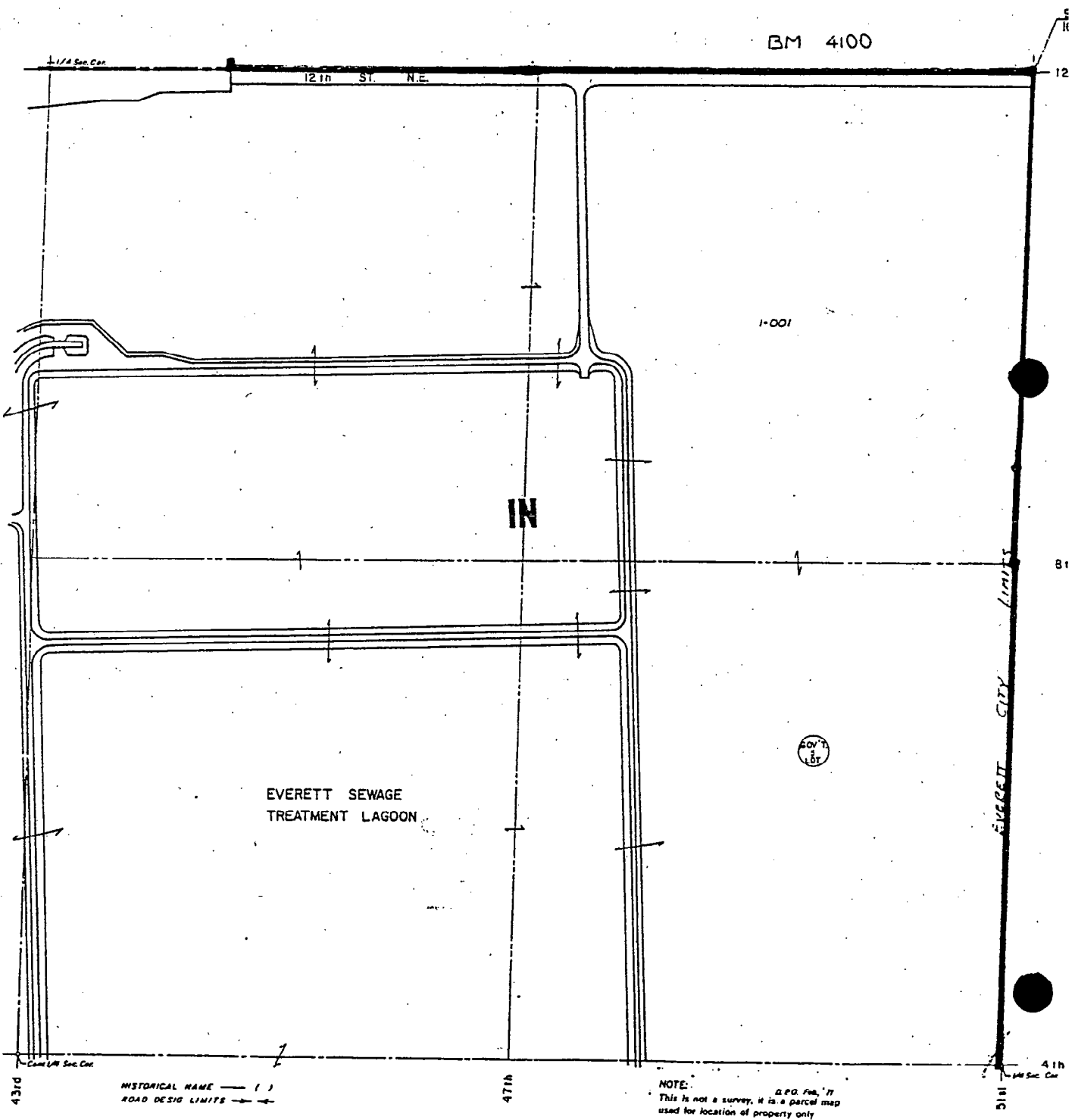
D.P.C.

S.E. 1/4, SEC. 9, T.29N, R.5E.  
1"=200'



NE 1/4, SEC 16, T29N, R.5E.  
1" = 200'

BM 4100



EVERETT SEWAGE  
TREATMENT LAGOON

IN

12 in. St. N.E.

1-001

EVERETT CITY Limits

1/4 Sec. Cor.

HISTORICAL NAME ( )  
ROAD DESIG LIMITS <- ->

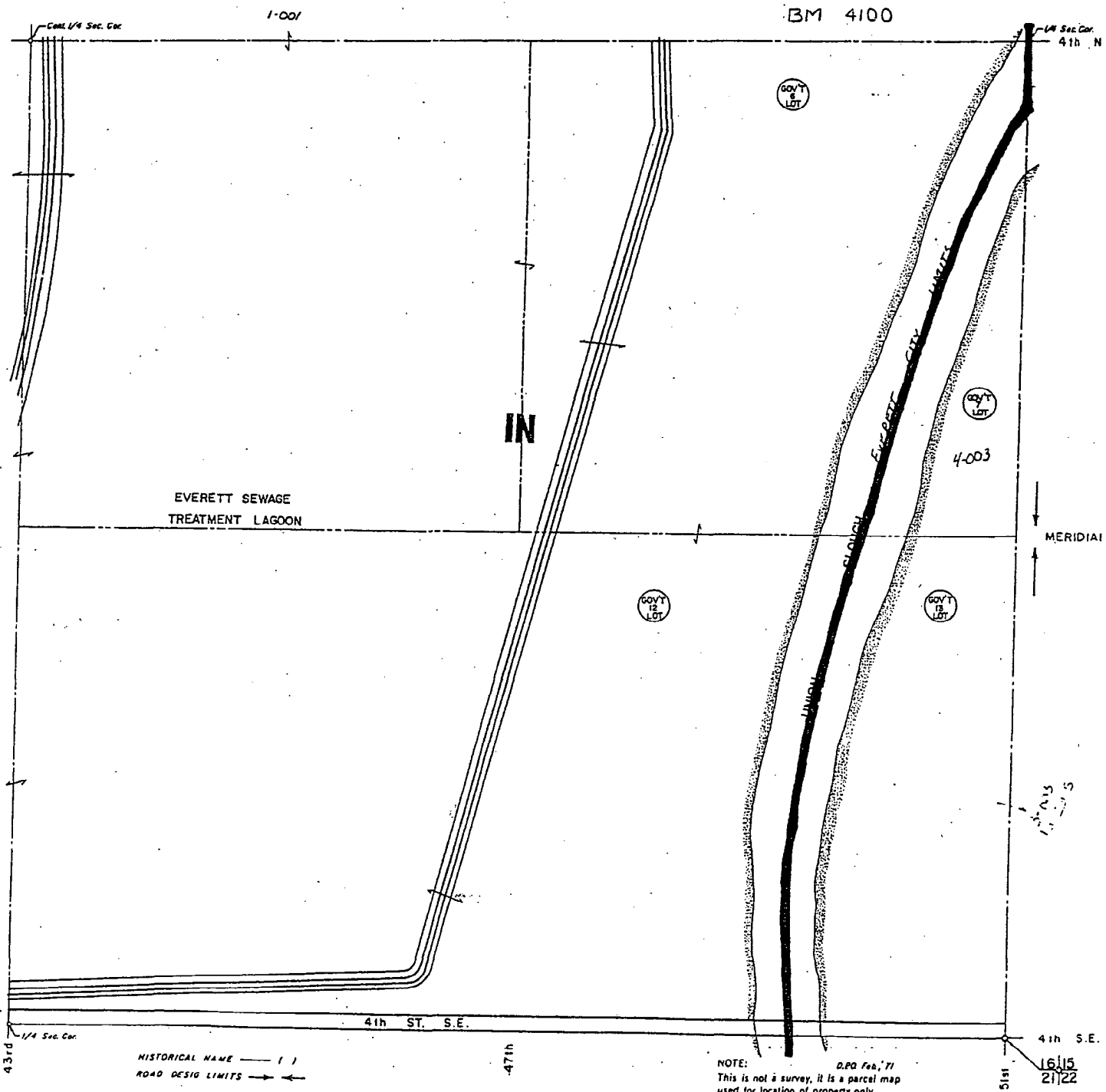
4th

NOTE:  
This is not a survey, it is a parcel map  
used for location of property only.

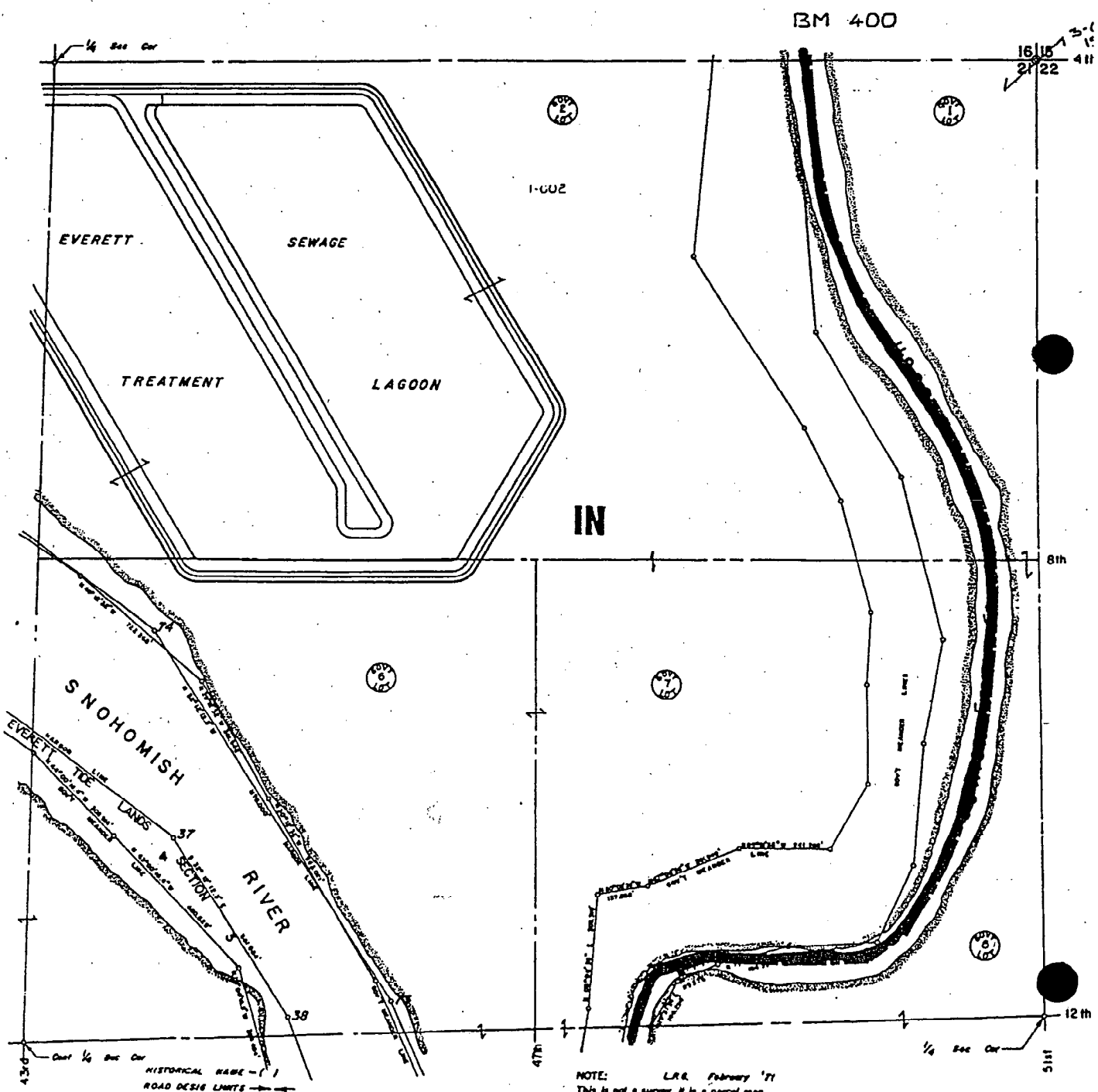
4th  
1/4 Sec. Cor.



S.E. 1/4, SEC. 16, T. 29N., R. 5E.  
1"=200'



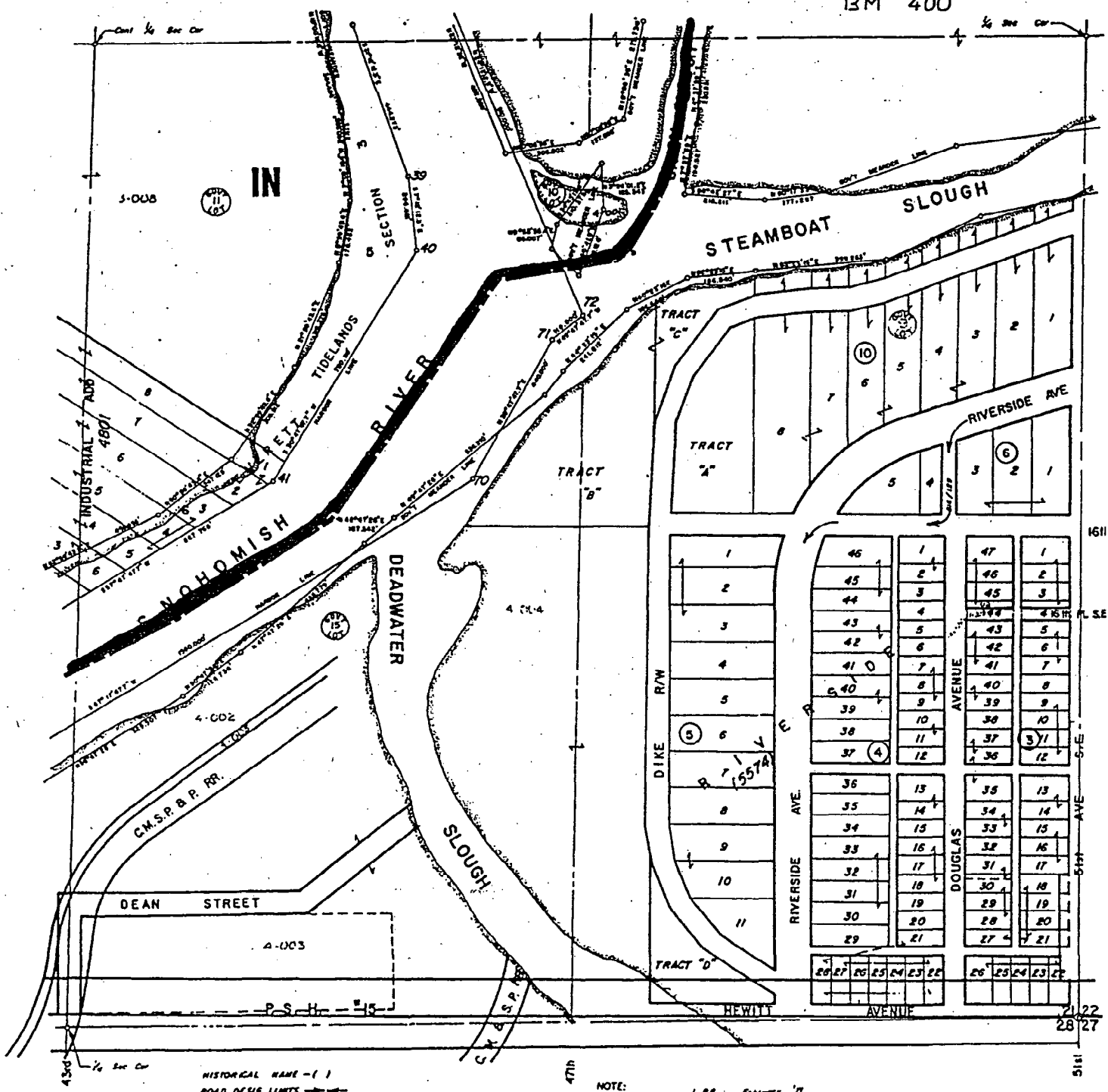
N.E. 1/4 SEC. 21, T. 29, R. 5  
1" = 200'



S. E. 1/4 SEC. 21, T. 29, R. 5

1" = 200'

BM 400

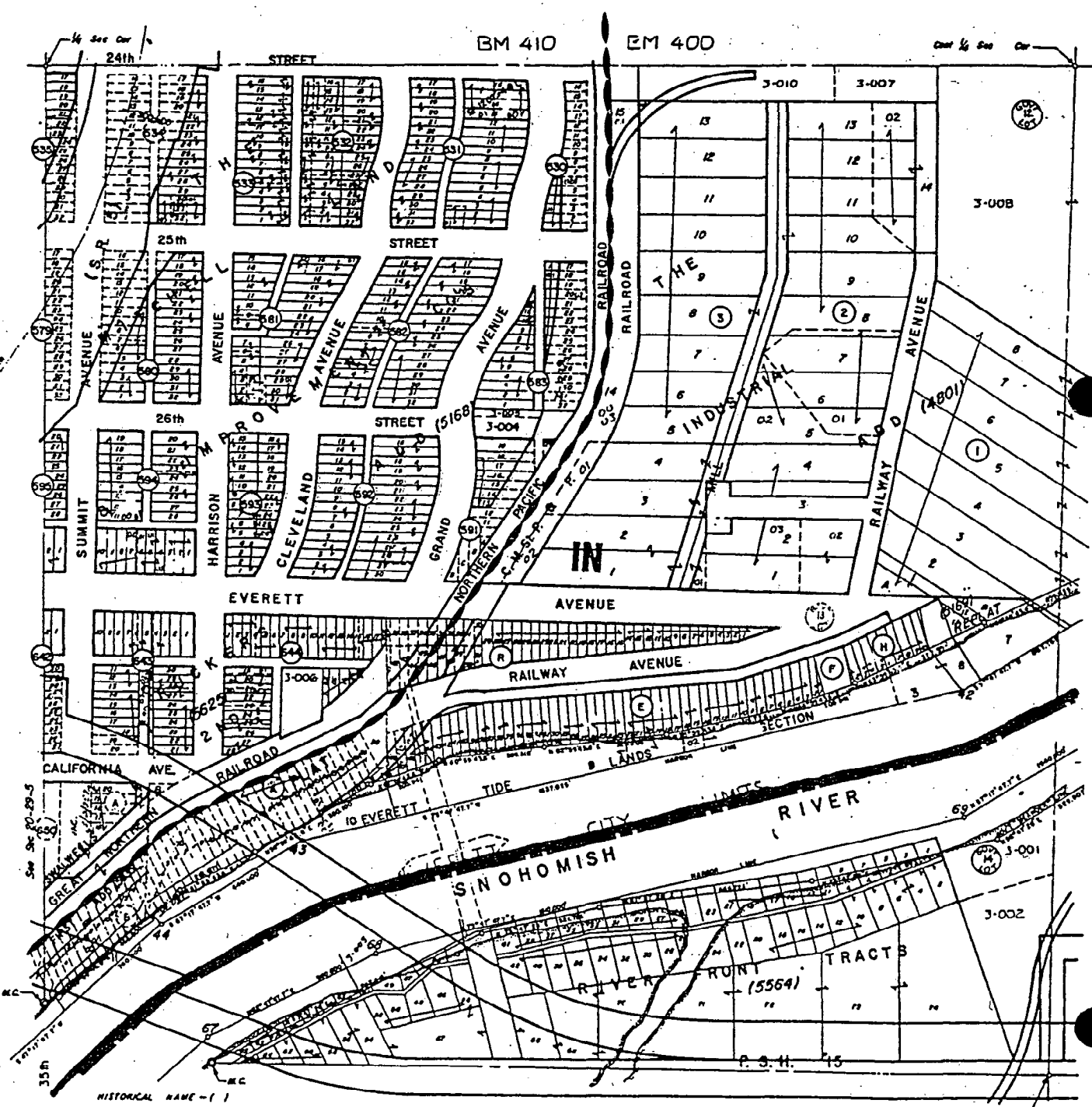


HISTORICAL NAME - ( )  
ROAD DESIG LIMITS

NOTE: L.P. February '79  
This is not a survey. It is a parcel map.

MAY 25 1995

S. W. 1/4 SEC. 21, T. 29, R. 5  
1" = 200'

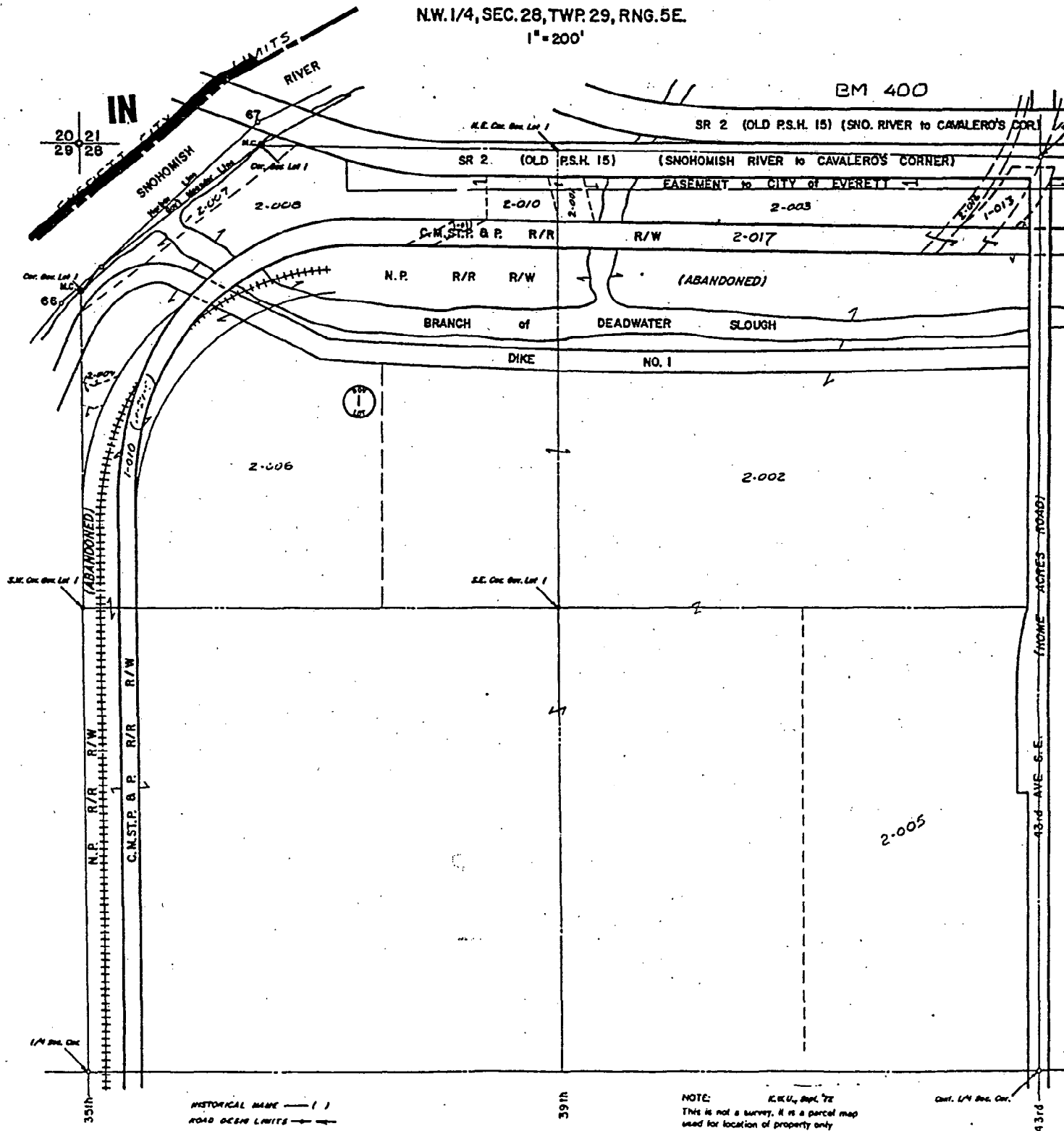


NOTE:  
This is not a survey. L. P. E. February '71  
It is a parcel map  
used for location of property only

MAY 25 1935

N.W. 1/4, SEC. 28, TWP. 29, RNG. 5E.  
1" = 200'

BM 400



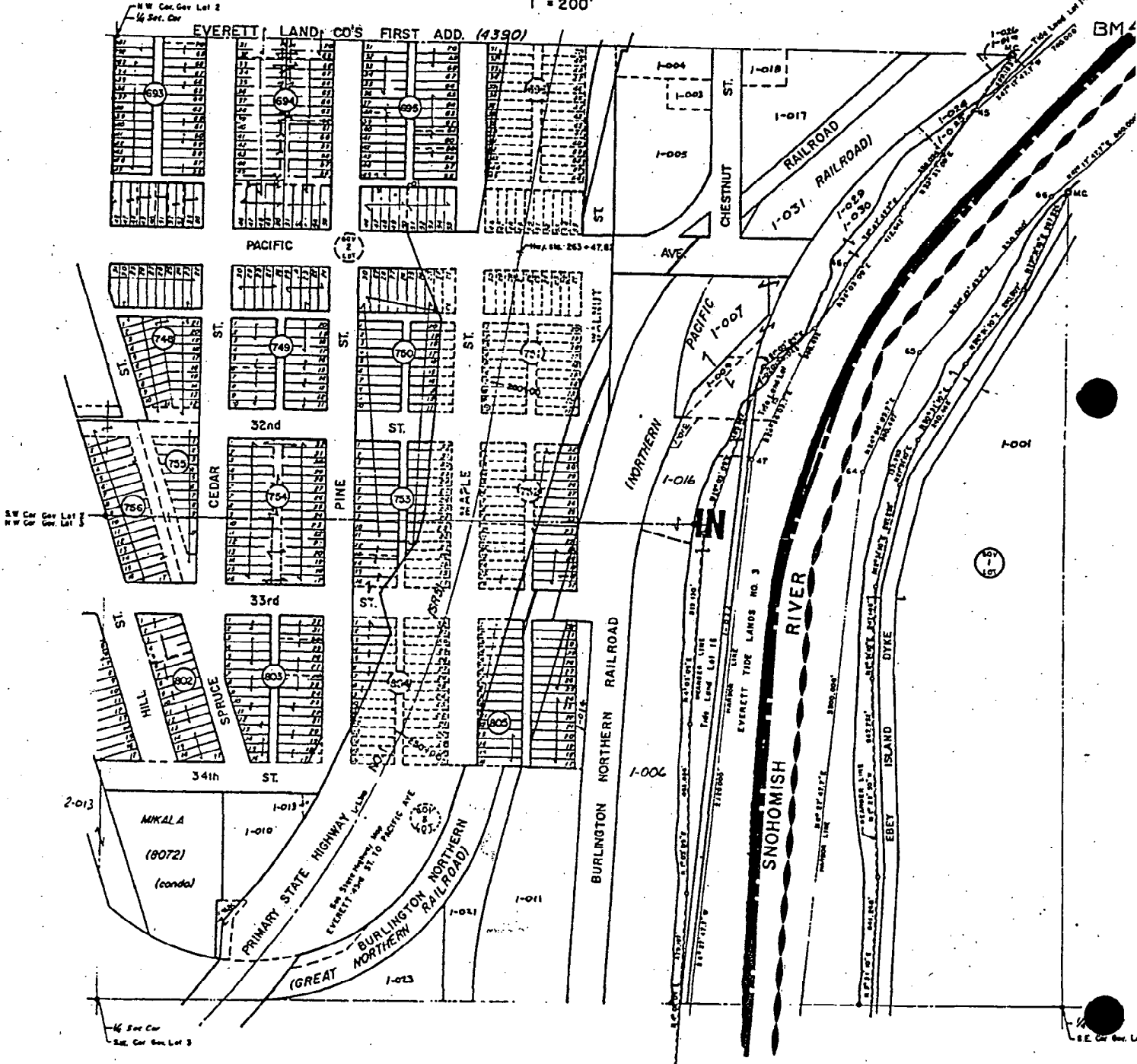
NOTE: K.K.U., Book 72  
This is not a survey, it is a parcel map  
used for location of property only

HISTORICAL NAME ( )  
ROAD OCEAN LIMITS →

HOME ACRES ROAD  
4310' AVE. 6-E  
4316'

N.E. 1/4, SEC. 29, T29N., R.5E.

1" = 200'



NOTE: PAM, April '76  
 This is not a survey, it is a parcel map  
 used for location of property only

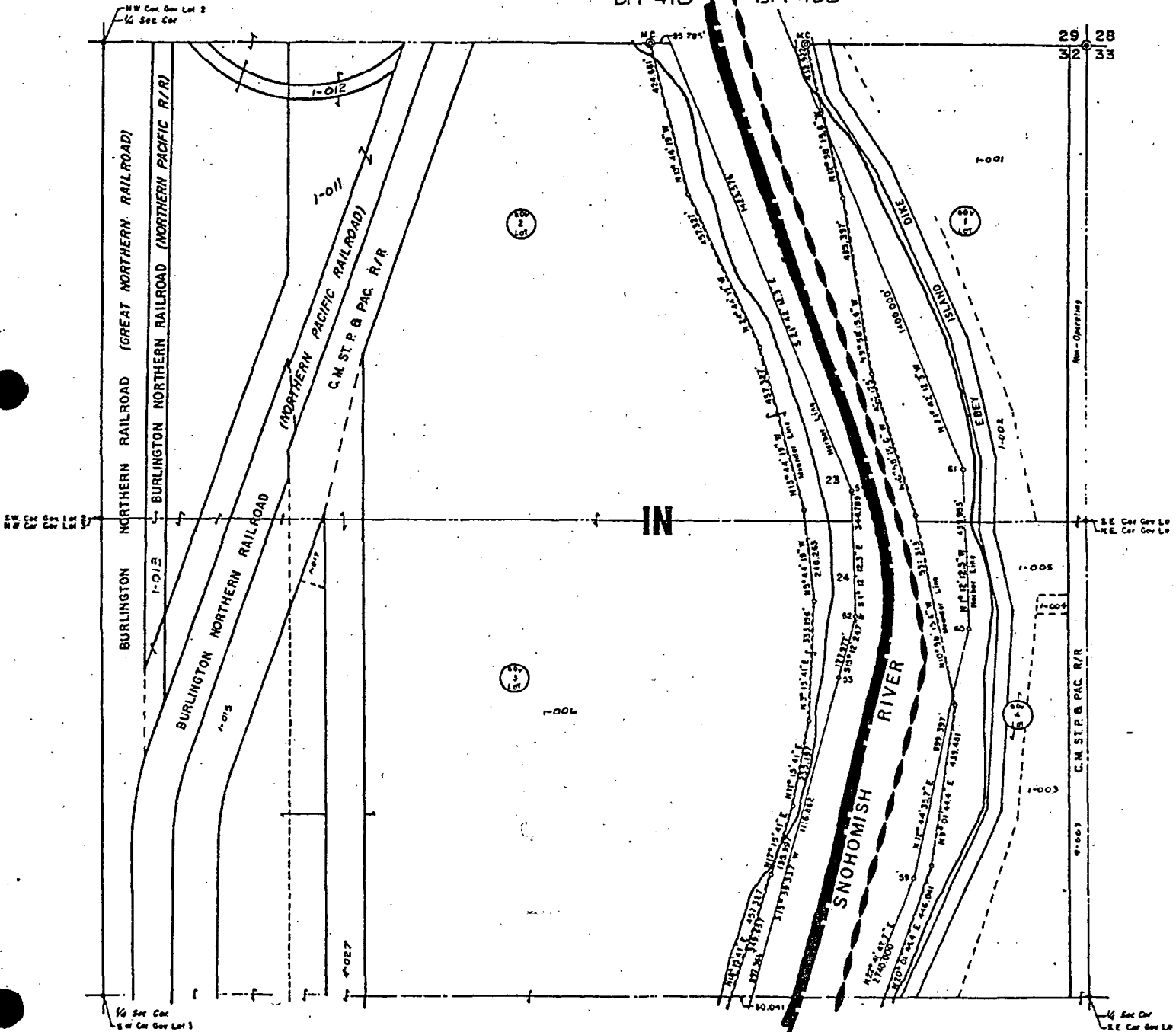
MAY 25 1983

N.E. 1/4, SEC. 32, T.29N., R.5E.W.M.

1"=200'

BM 410

BM 400

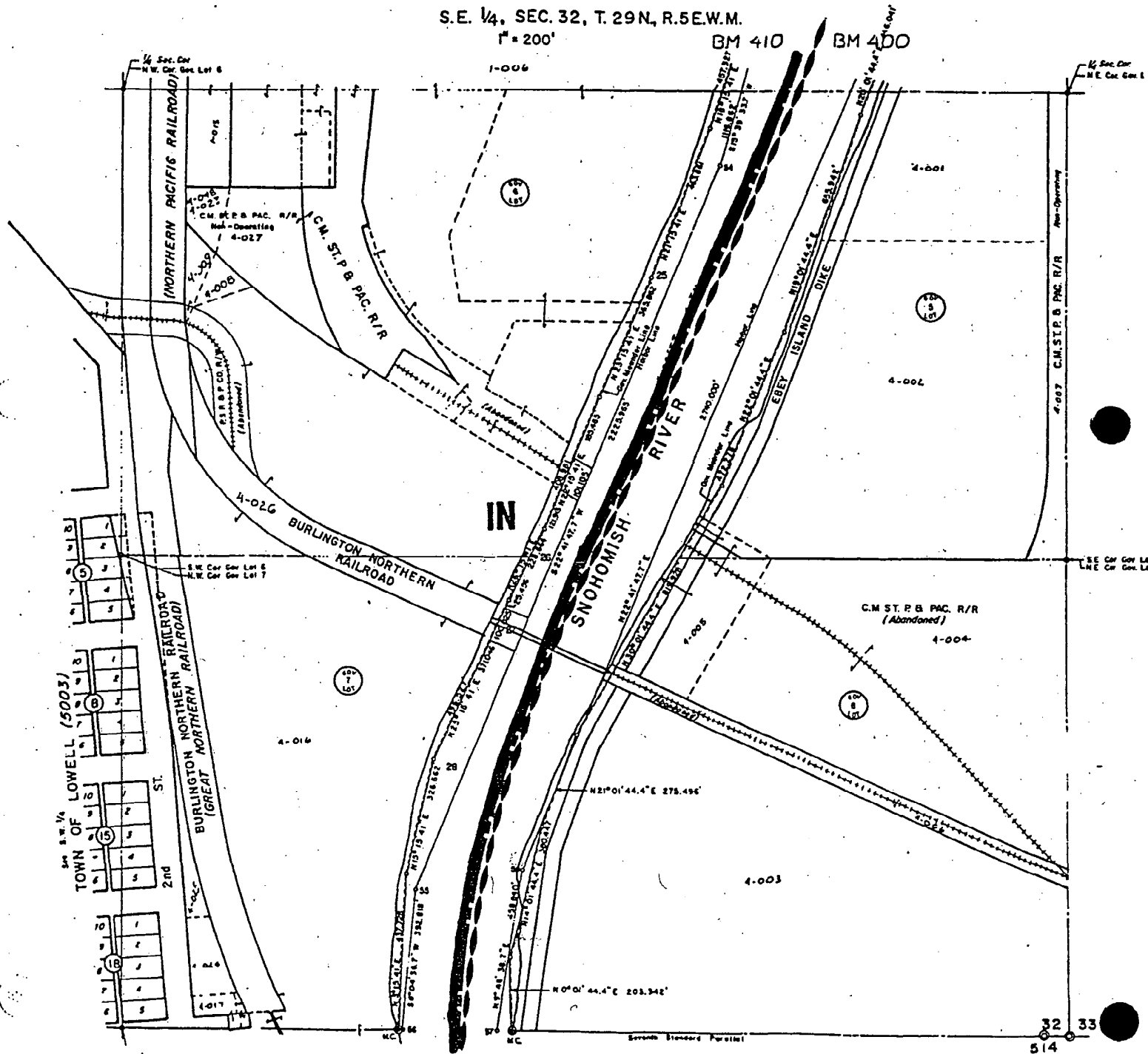


NOTE:  
This is not a survey, it is a partial map  
used for location of property only.

P.A.M., July, 74

MAY 2 5 1985

S.E. 1/4, SEC. 32, T. 29N, R. 5E.W.M.  
1" = 200'



P.A.M. 446, 74  
 NOTE:  
 This is not a survey. It is a parcel map  
 used for location of property only.

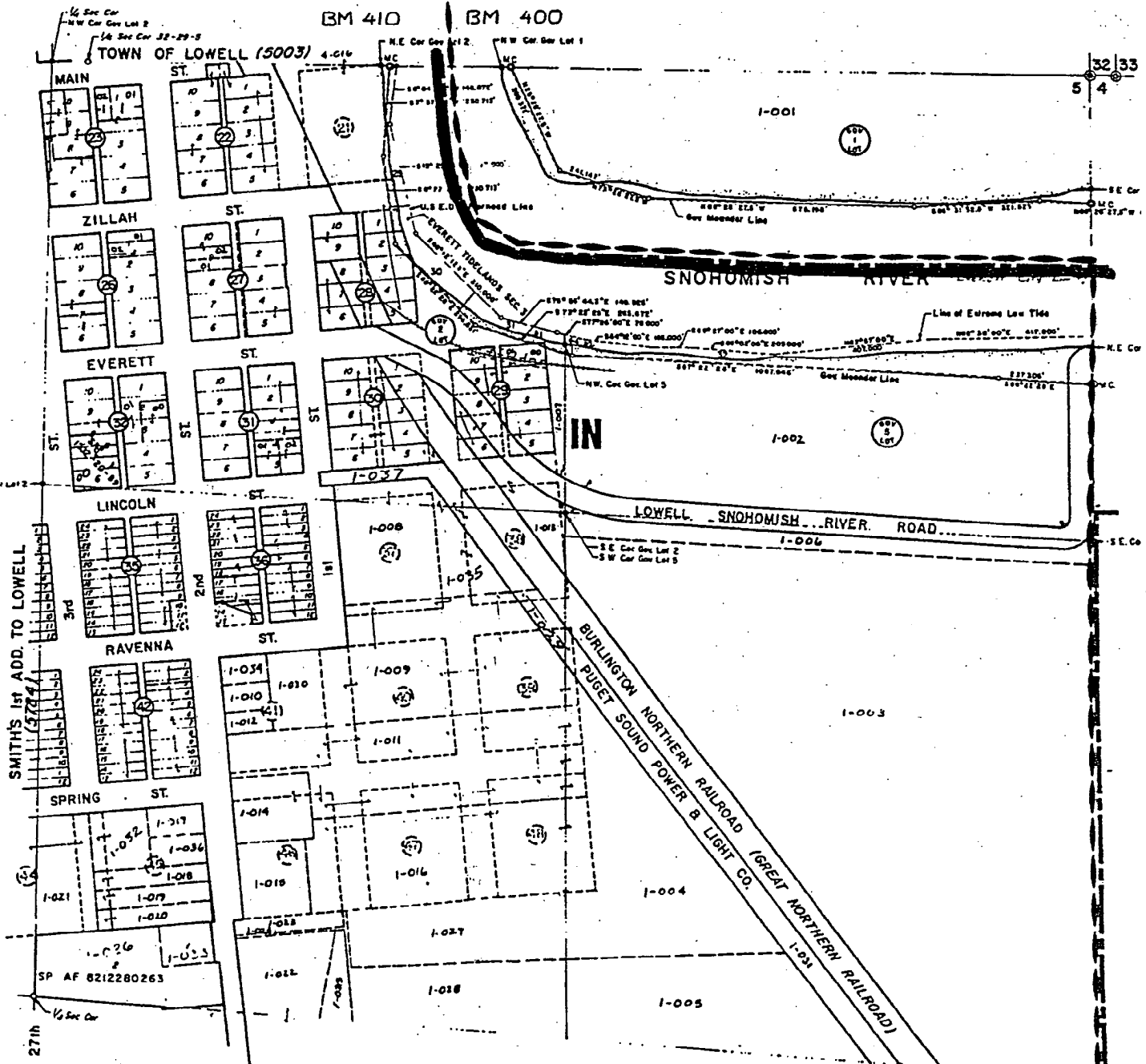
MAY 25 1955



N.E. 1/4, SEC. 5, T.28N., R.5E.W.M.

1" = 200'

BM 410 BM 400



SMITH'S 1st ADD. TO LOWELL

HISTORICAL NAME — ( )  
ROAD DEEM LIMITS —>

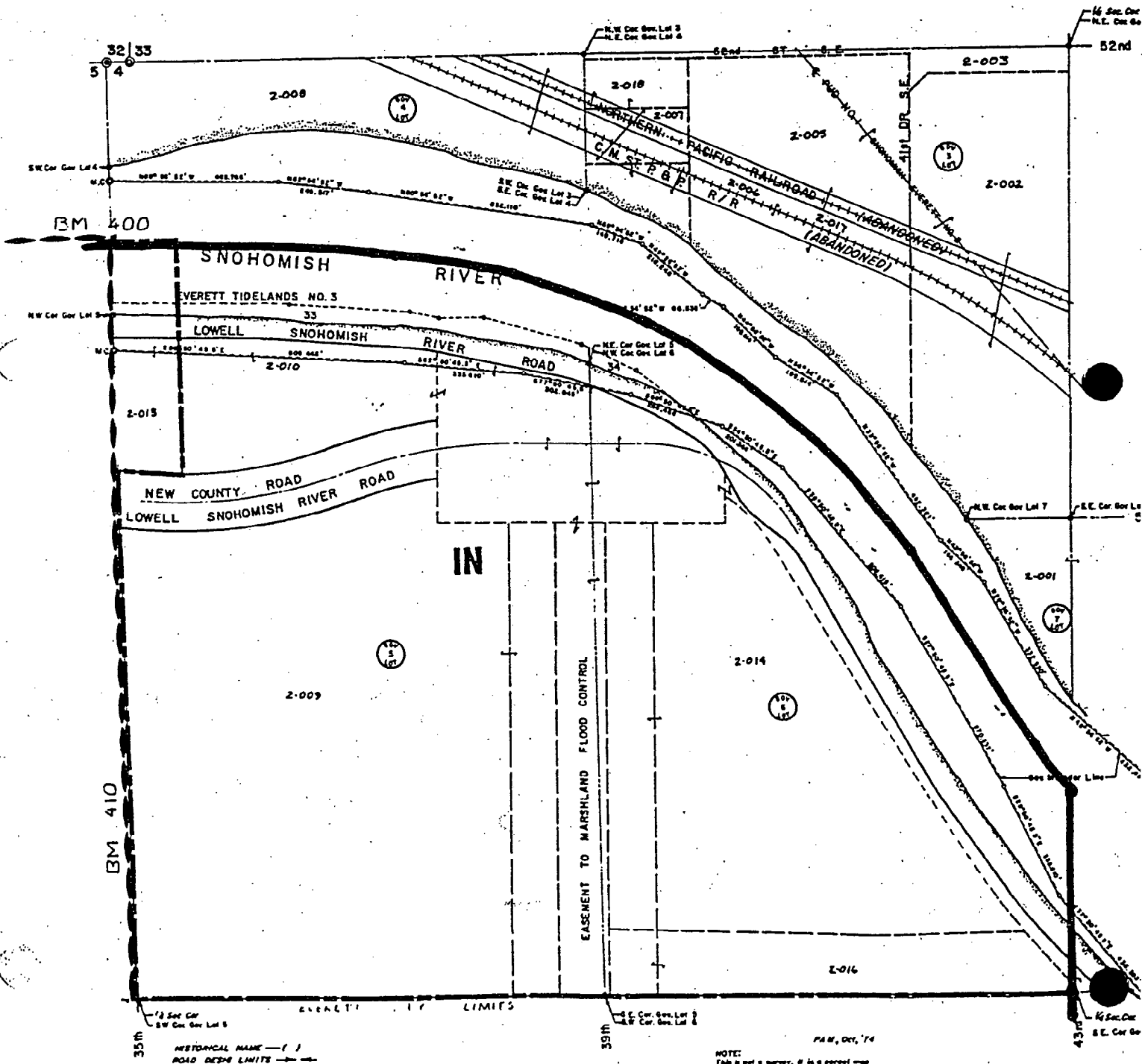
NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

PA M, April, '74

MAY 25 1985

N.W. 1/4, SEC. 4, T.28N, R.5E.W.M.

1" = 200'



HISTORICAL NAME — ( )  
ROAD DESIG LIMITS ———

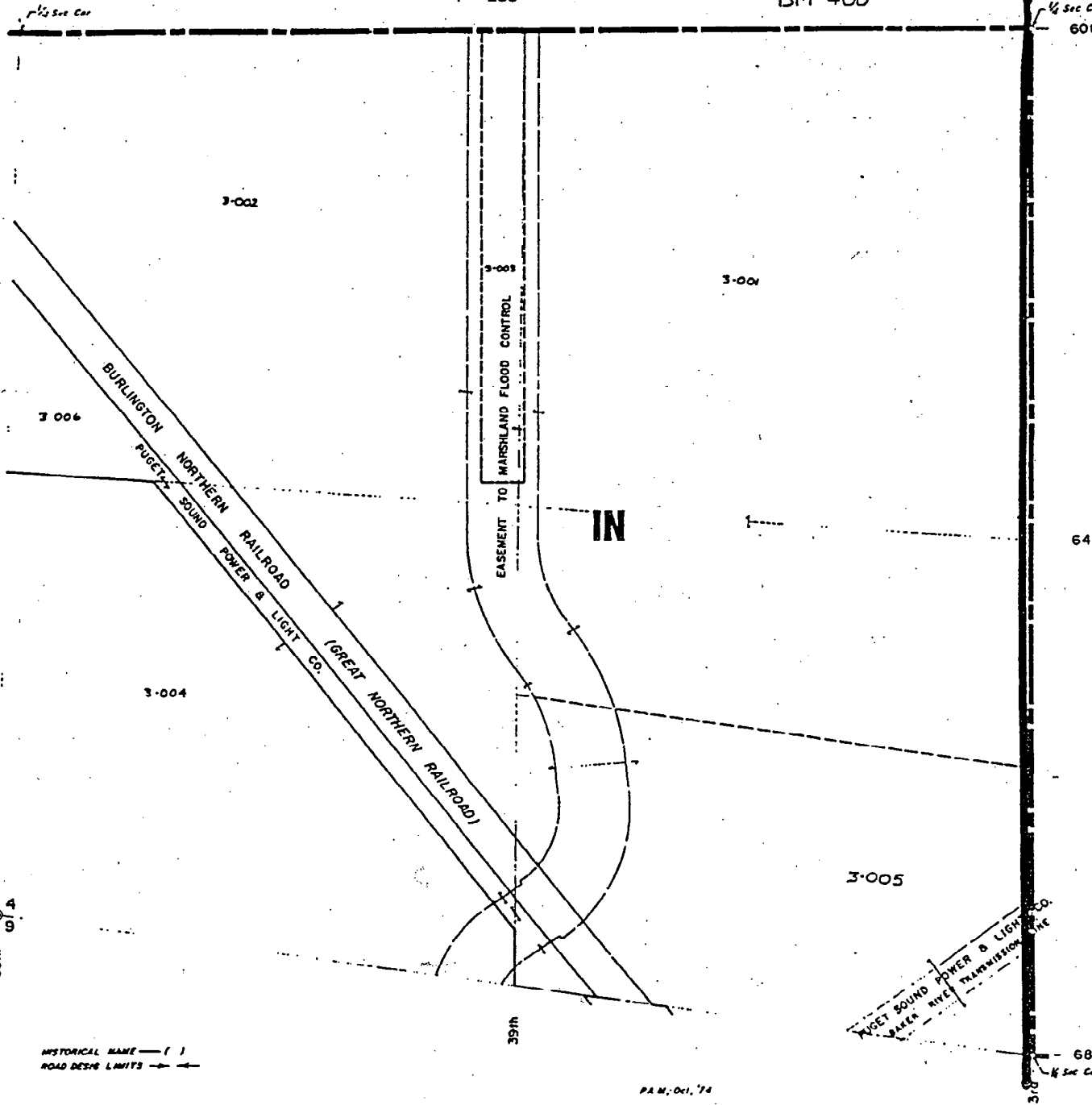
NOTE:  
This is not a survey, it is a record used for location of property only.

MAY 25 1935

S.W. 1/4, SEC. 4, T.28N., R.5E.W.M.

1" = 200'

BM 400



351h  
0.15  
0.14

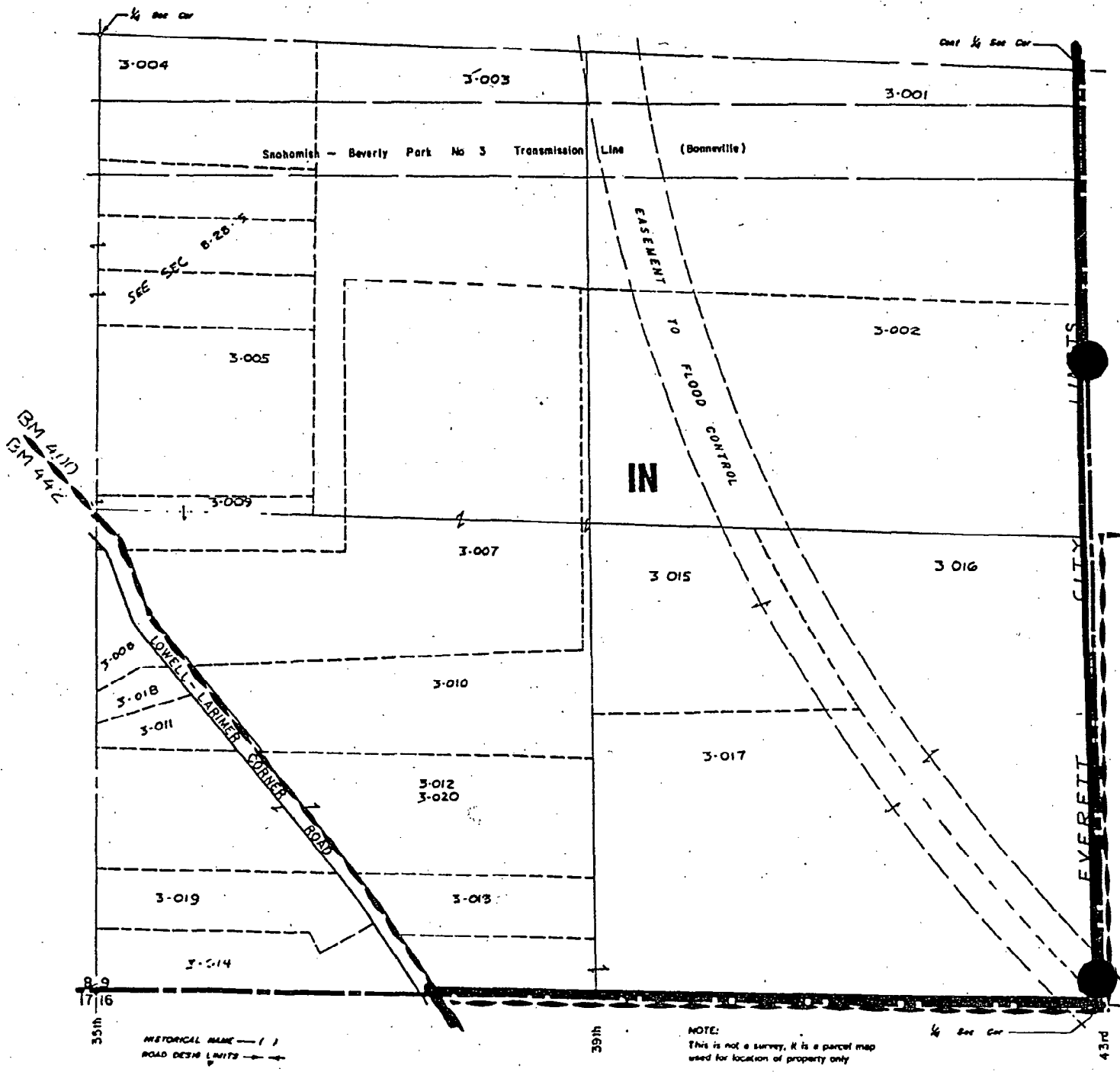
HISTORICAL NAME ( )  
ROAD DESIGN LIMITS —>—>

NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

P.A.M., Oct. '74

MAY 25 1995

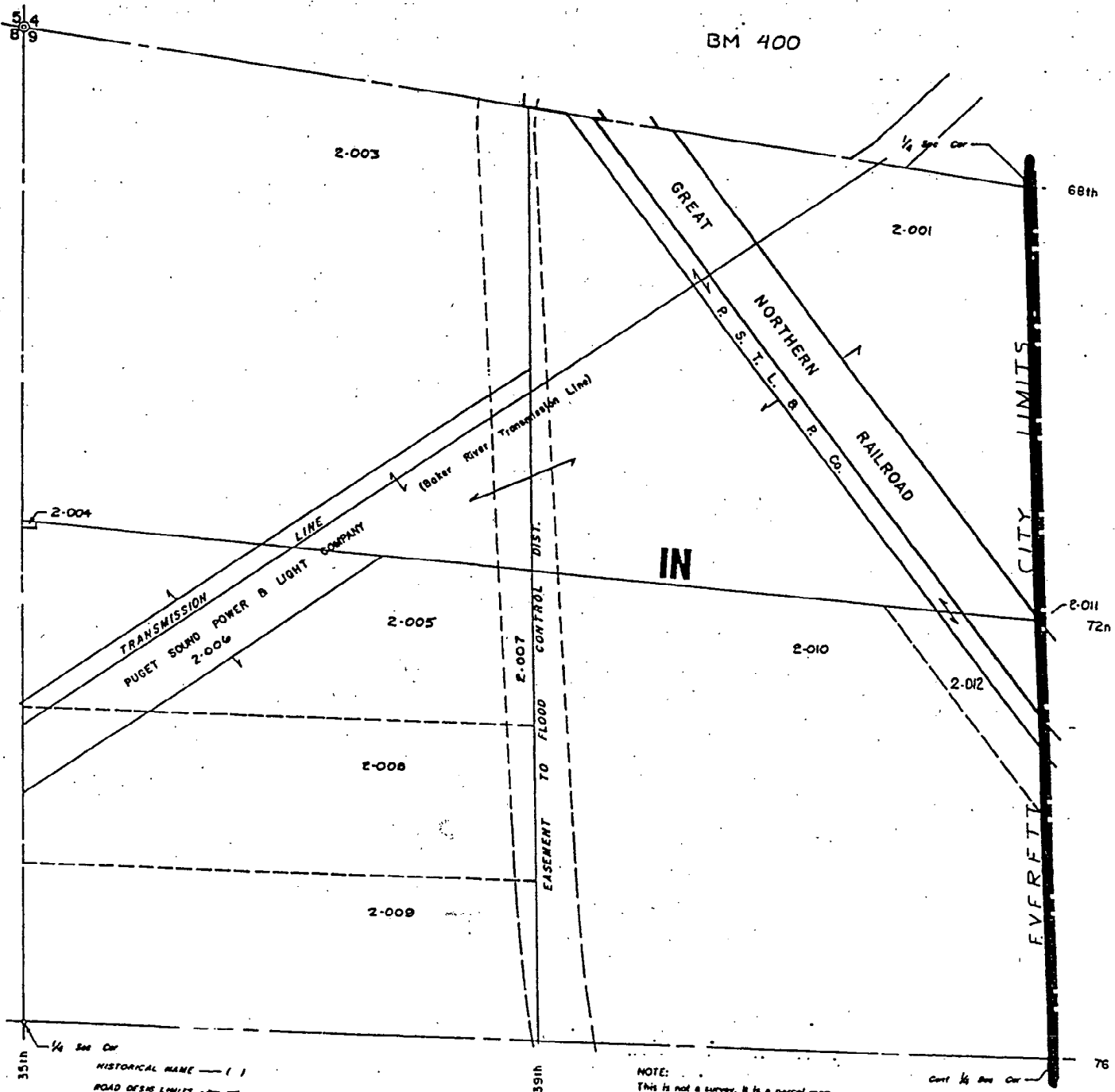
S.W. 1/4 SEC. 9, T. 28, R. 5  
 1" = 200'



NOTE:  
 This is not a survey, it is a parcel map  
 used for location of property only  
 L.A.R. December '70

N.W. 1/4 SEC. 9, T. 28, R. 5

1" = 200'





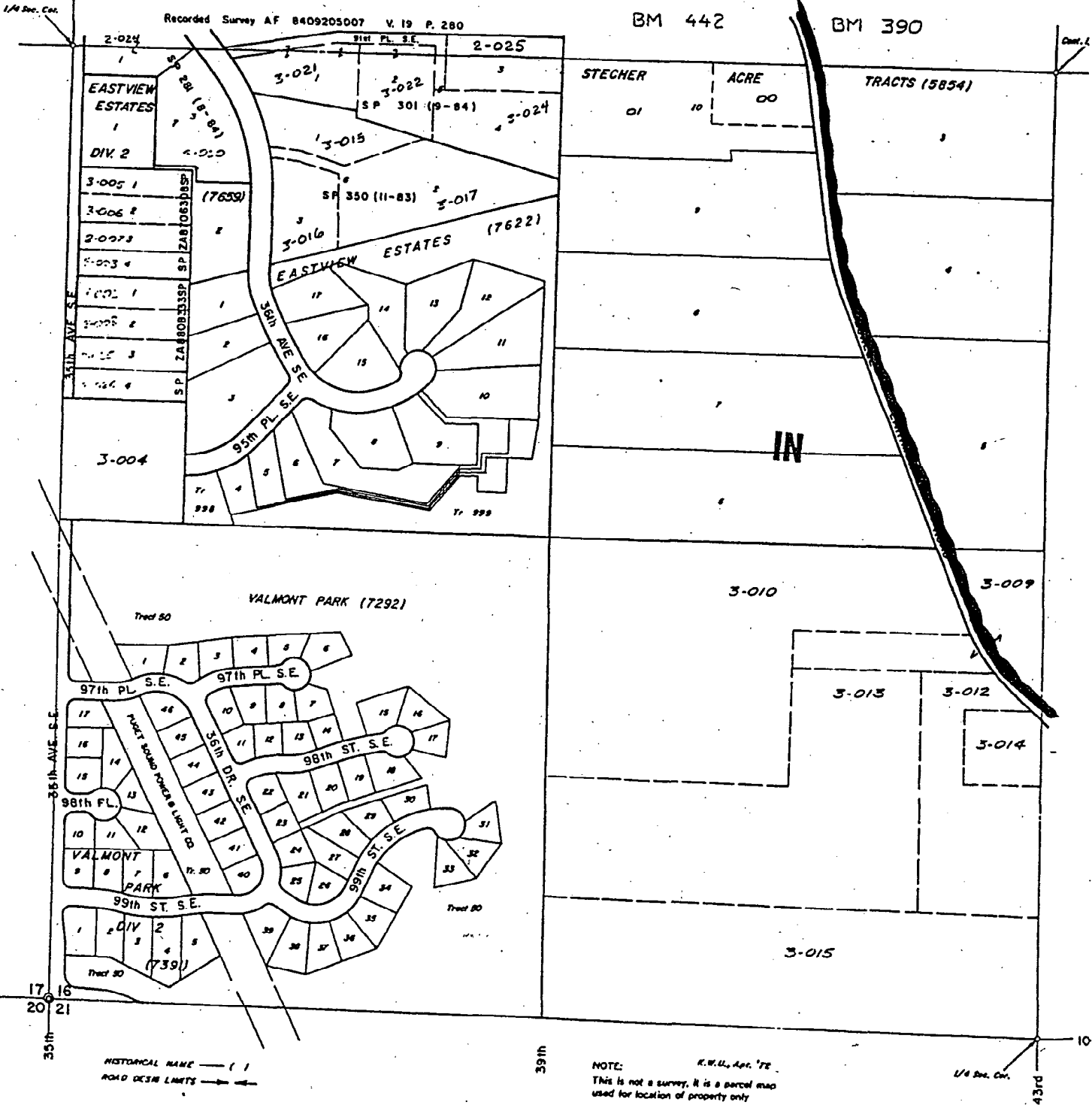
S.W. 1/4, SEC. 16, TWP. 28, RNG. 5E.

1"=200'

Recorded Survey AF 8409205007 V. 19 P. 280

BM 442

BM 390



HISTORICAL NAME — ( )  
ROAD DESIGN LIMITS — — —

NOTE: R.W.M., Apr. '78.  
This is not a survey, it is a parcel map  
used for location of property only.

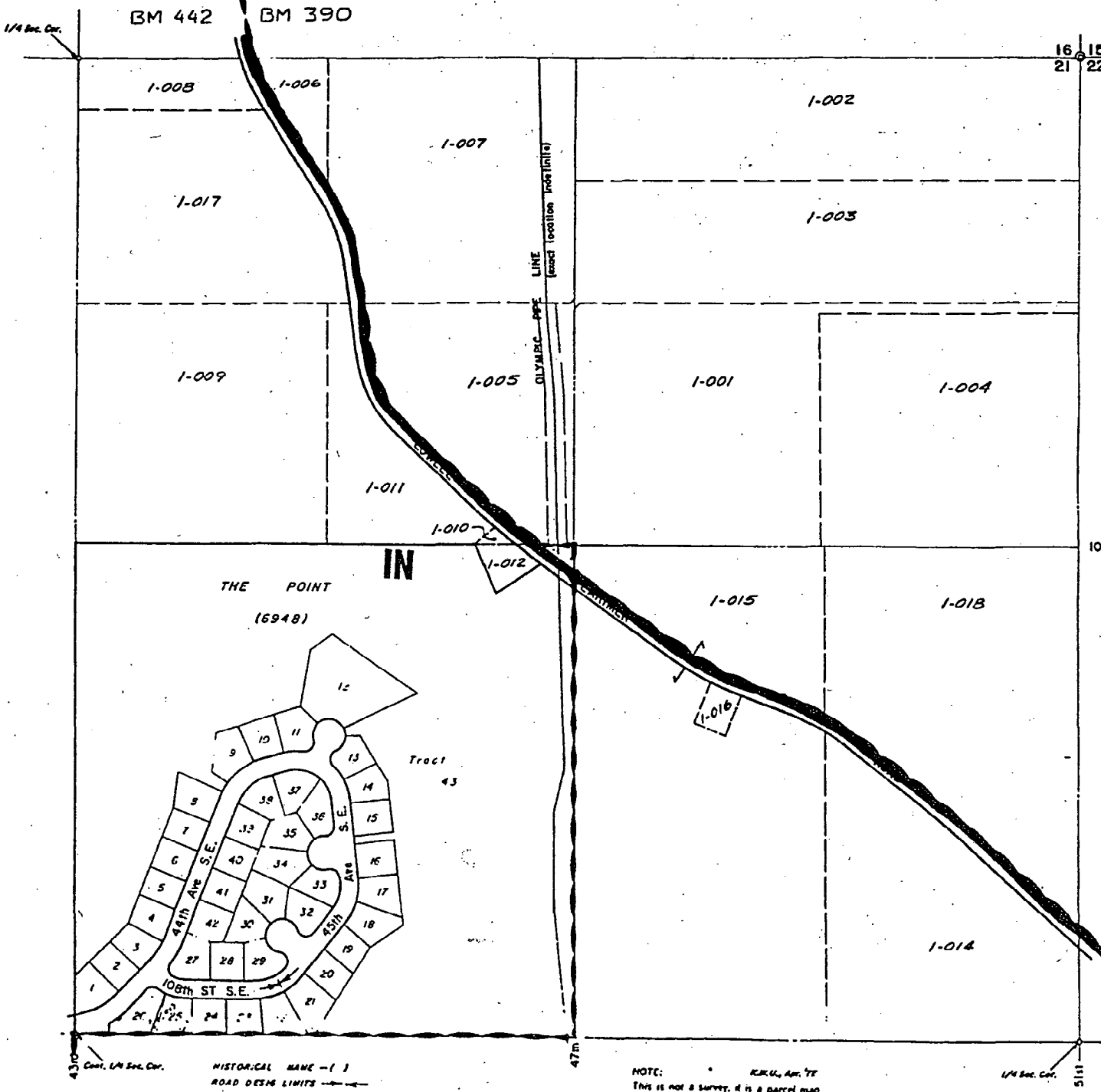
1/4 Sec. Cor. piece





N.E. 1/4, SEC. 21, TWP. 28, RNG. 5E.

1" = 200'



HISTORICAL NAME - ( )  
ROAD DESIGN LIMITS

NOTE: This is not a survey. It is a parcel map used for location of property only.



S.W. 1/4, SEC. 22, TWP. 28, RNG. 5E.

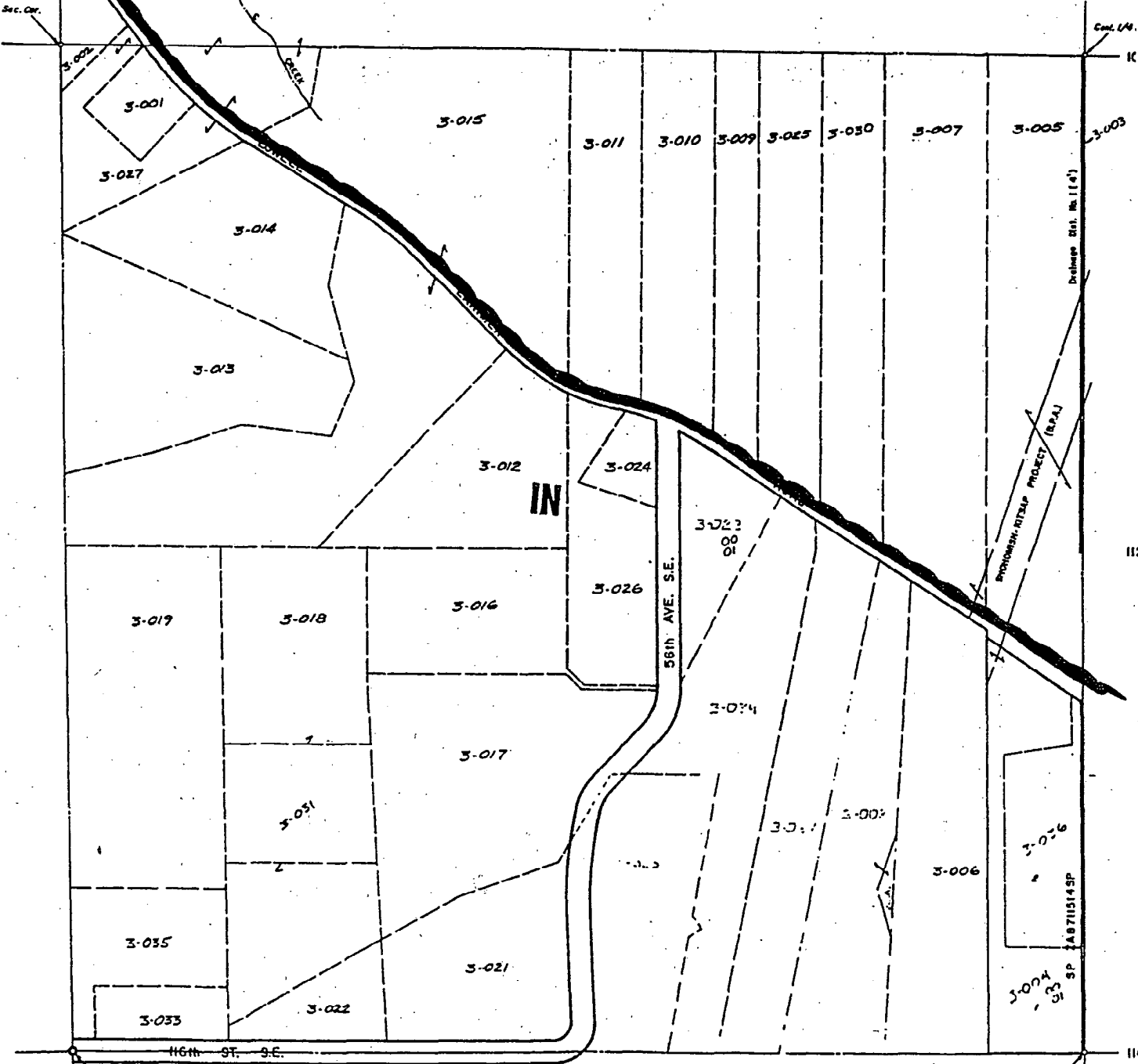
1"=200'

BM 440

BM 390

1/4 Sec. Cor.

Cont. 1/4.



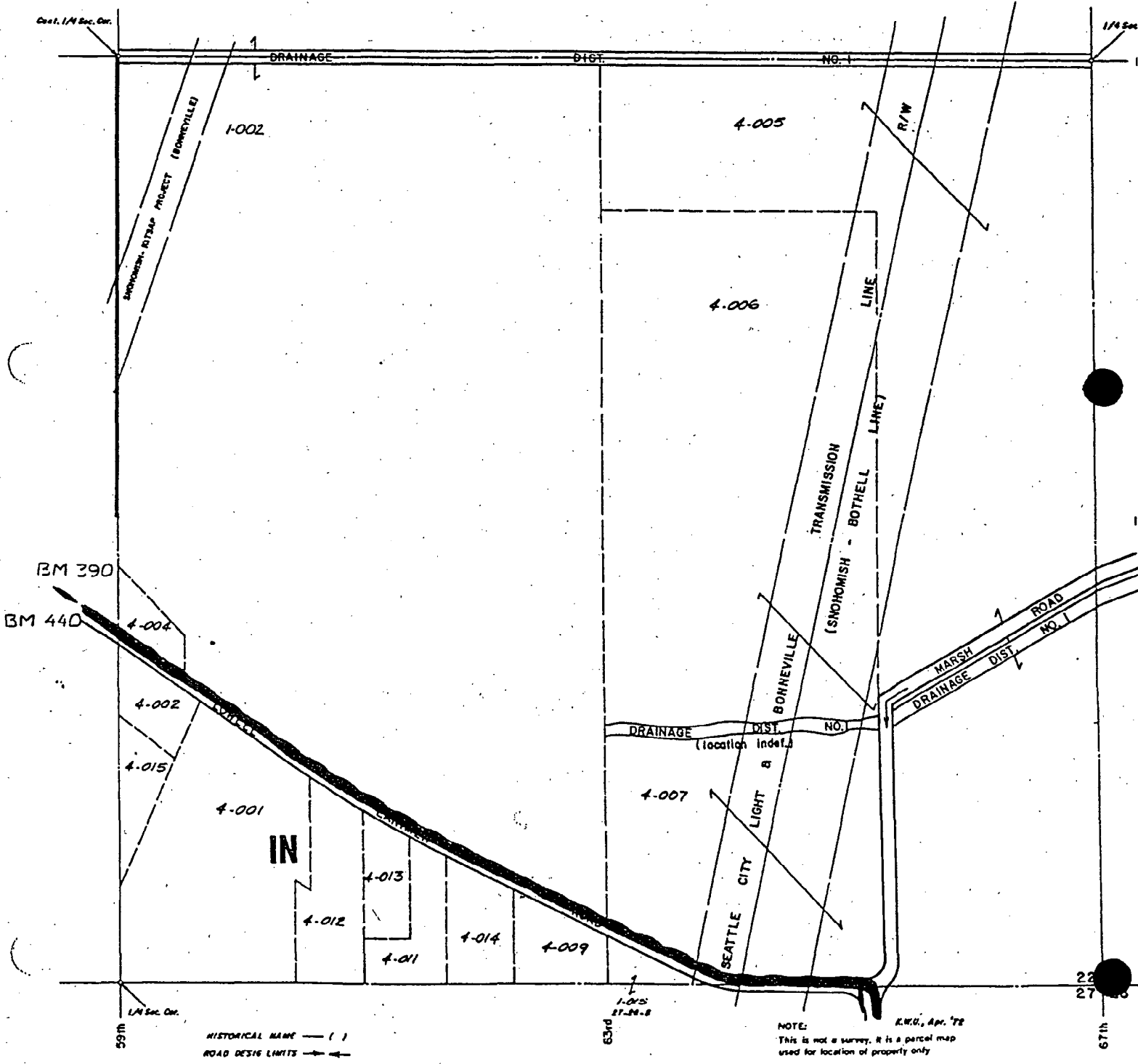
21 22  
 28 27  
 HISTORICAL NAME --- ( )  
 ROAD DESIGN LIMITS ---

NOTE: R.W.U., Apr. '72  
 This is not a survey, it is a parcel map  
 used for location of property only.

MAY 25 1995

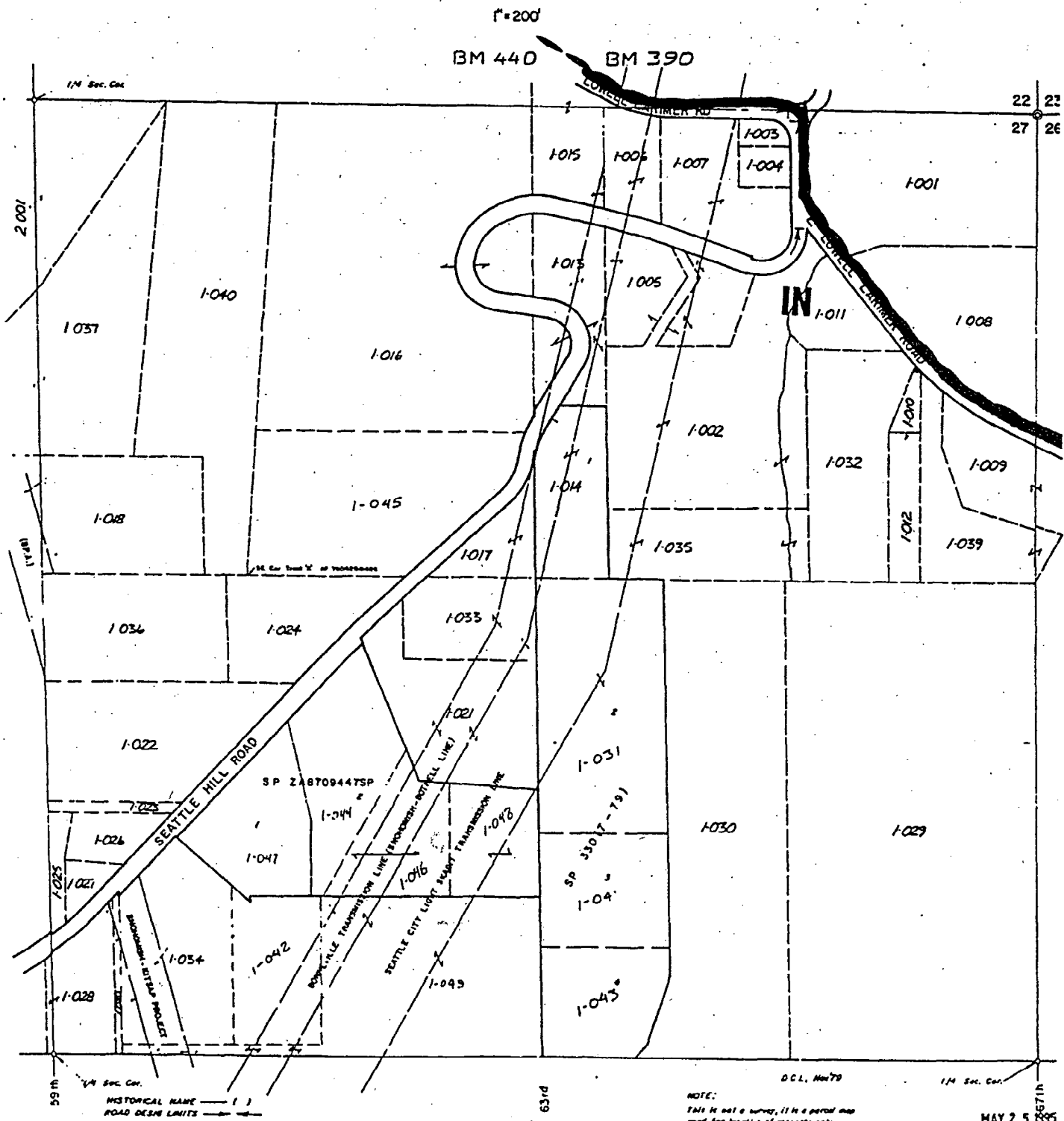
S.E. 1/4, SEC. 22, TWP. 28, RNG. 5E.

1"=200'



NOTE: This is not a survey, it is a parcel map used for location of property only. K.W.O., Apr. '72

N.E. 1/4, SEC. 27, T. 28N, R. 5E.W.M.



MAY 25 1995



S.W. 1/4, SEC. 26, TWP. 28, RNG. 5E.

1" = 200'

BM 440 BM 390

1/4 Sec. Cor.

Cont. 1/4 Sec.

1241

128th

132nd

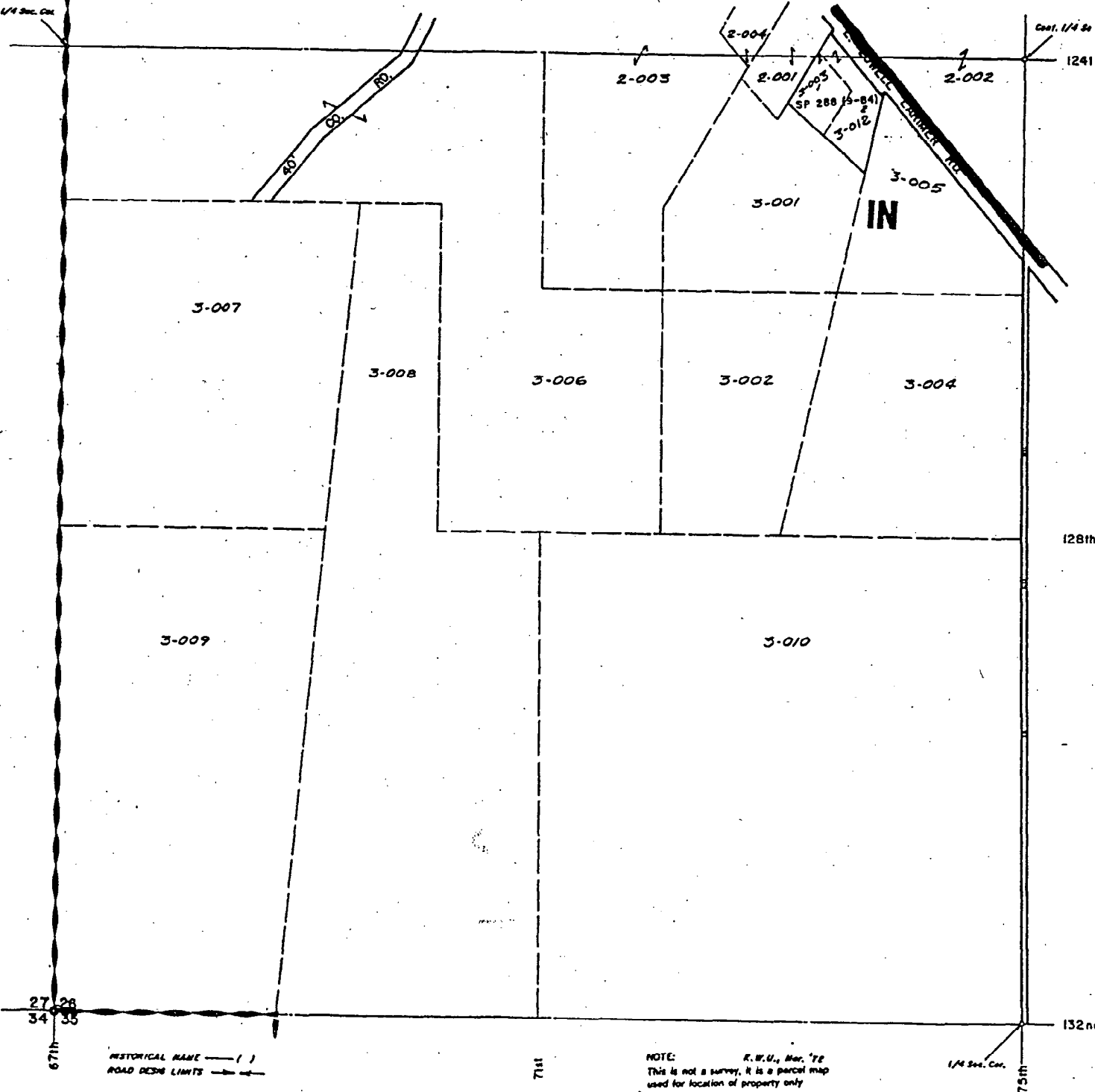
75th

27 28  
34 35

HISTORICAL NAME ( )  
ROAD DESIGN LIMITS

NOTE: R.W.U., Mar. '98  
This is not a survey, it is a parcel map  
used for location of property only

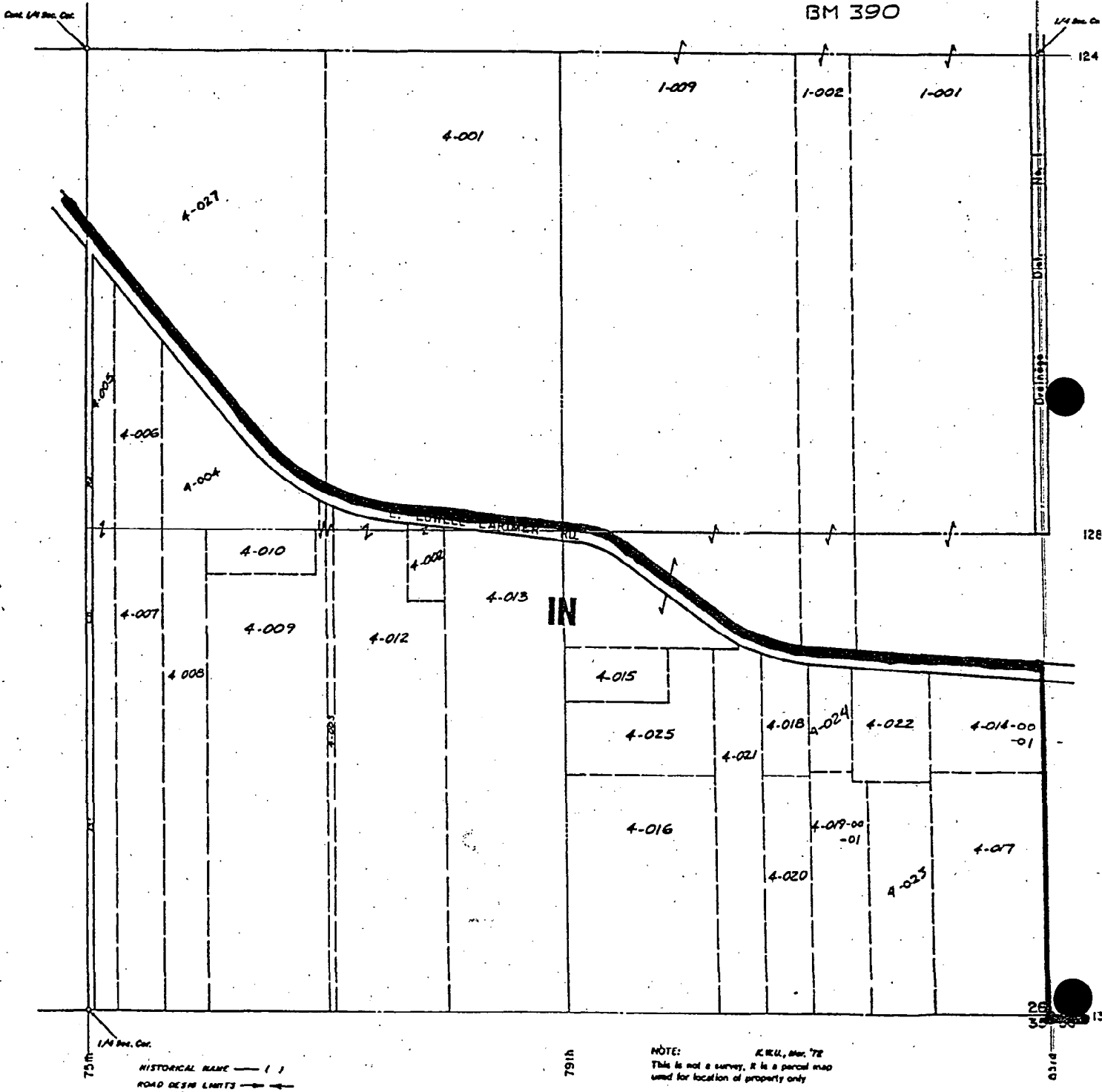
MAY 25 1995



S.E. 1/4, SEC. 26, TWP. 28, RNG. 5E.

1" = 200'

BM 390



HISTORICAL NAME ( )  
ROAD DESIGN LIMITS ( )

NOTE: K.R.U., Mar. 78  
This is not a survey, it is a parcel map  
used for location of property only

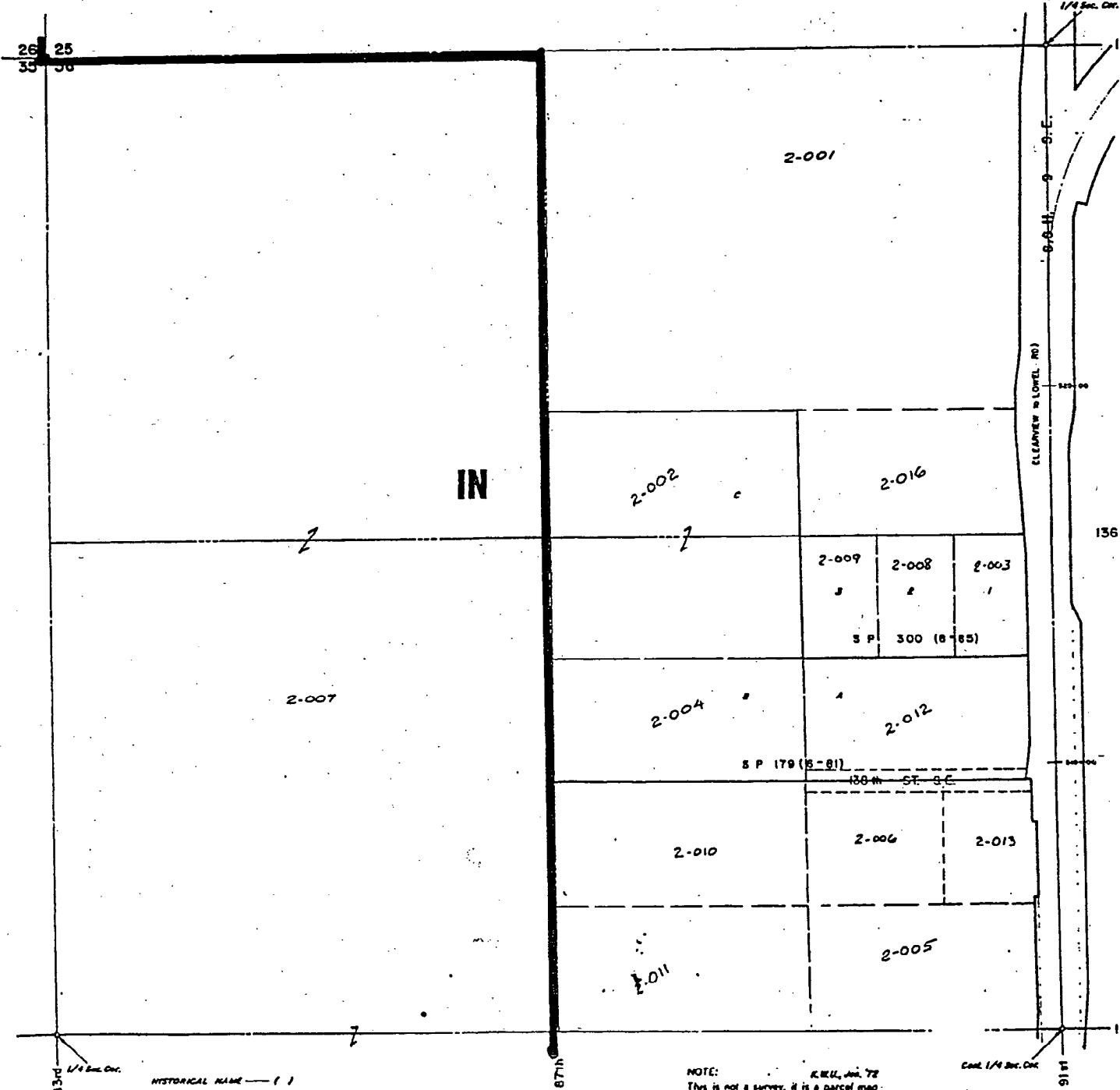
MAY 2 1955



N.W. 1/4, SEC. 36, TWP 28, RNG. 5E.

1" = 200'

BM 390



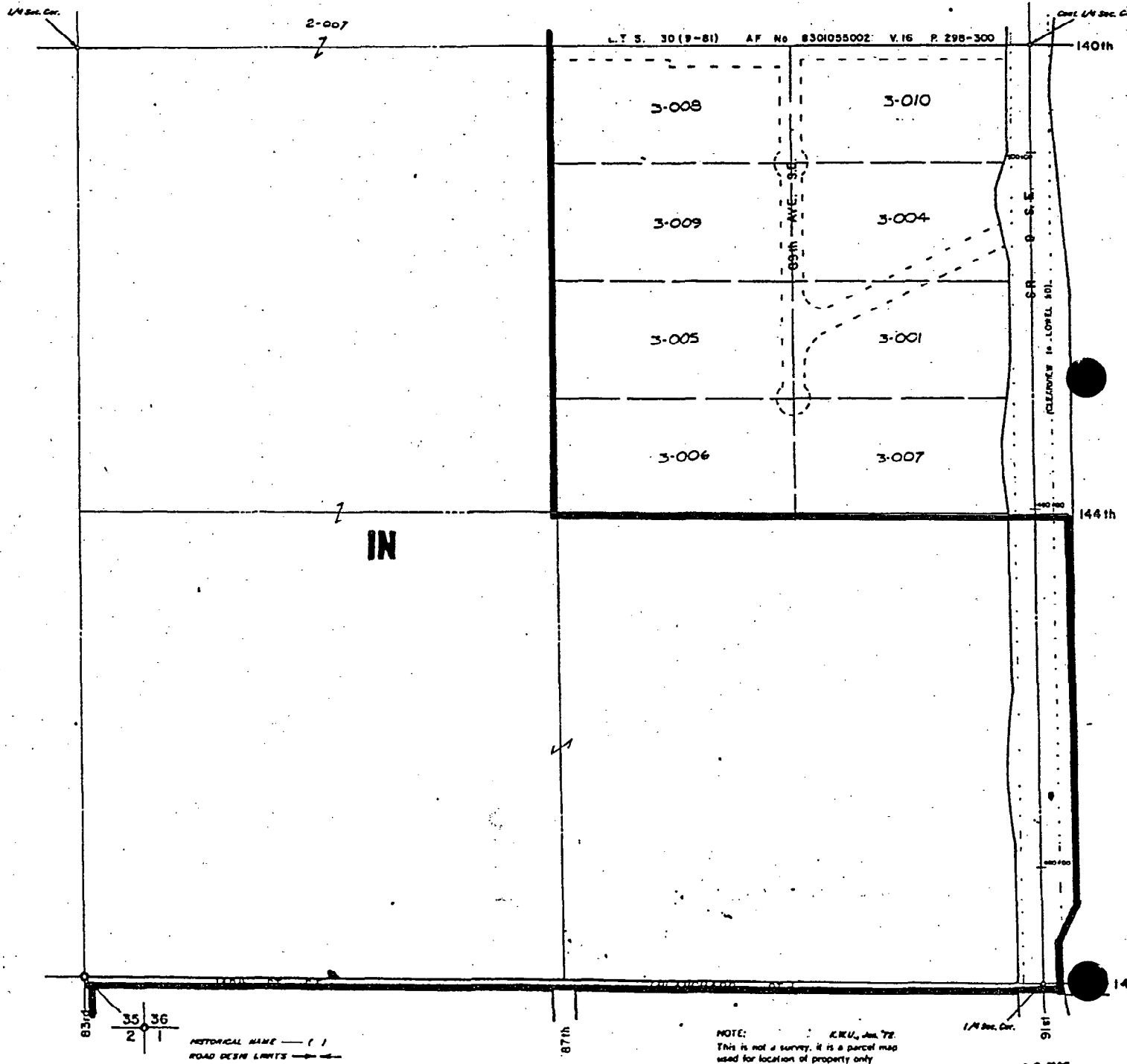
NOTE: This is not a survey, it is a parcel map used for location of property only.

MAY 25 1995

S.W. 1/4, SEC. 36, TWP. 28, RNG. 5E.

1"=200'

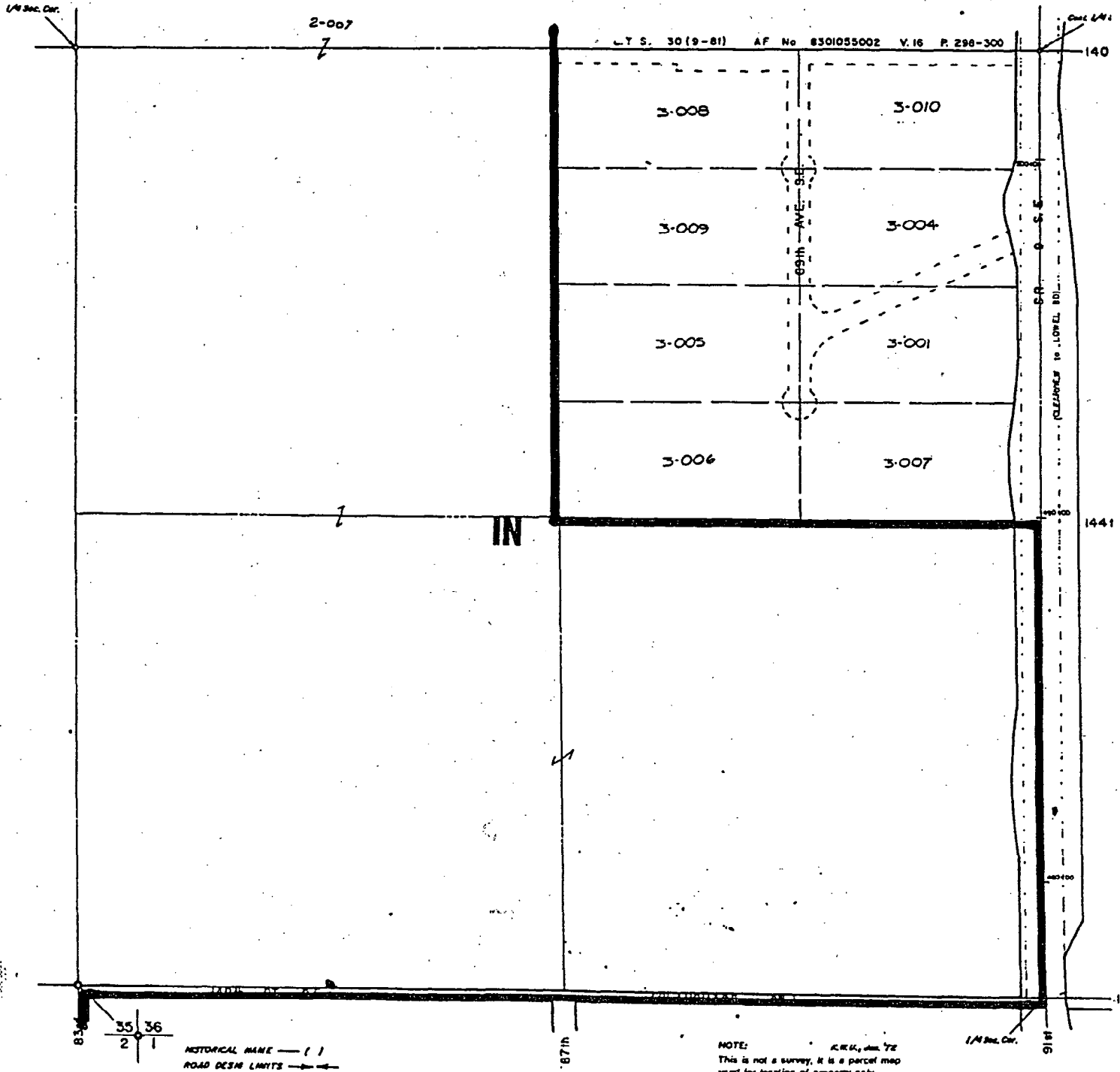
BM 390



S.W. 1/4, SEC. 36, TWP. 28, RNG. 5E.

1" = 200'

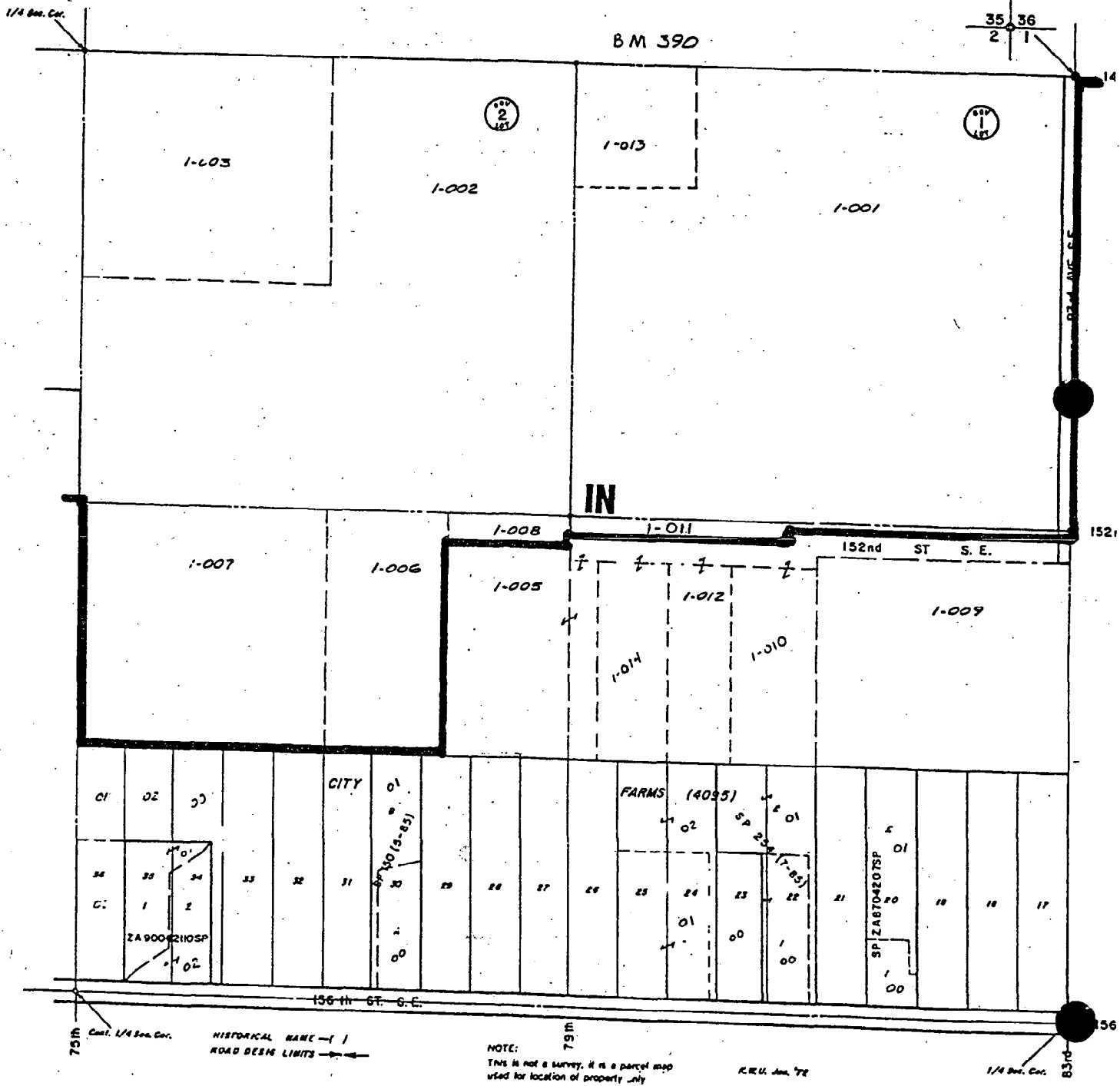
BM 390



MAY 25 1935

N.E. 1/4, SEC. 2, TWP. 27, RNG. 5E.

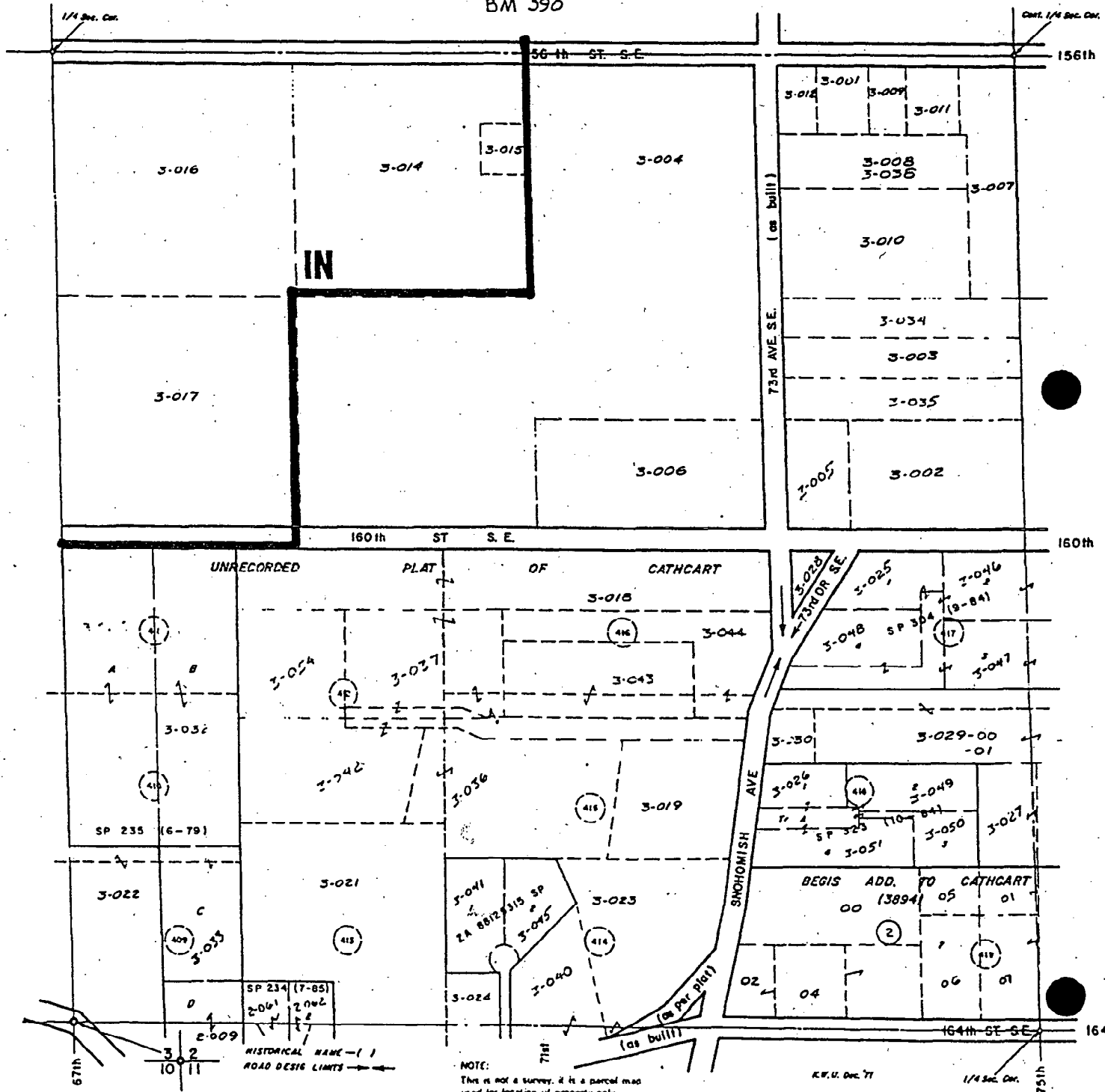
1" = 200'





S.W. 1/4, SEC. 2, TWP. 27, RNG. 5E.

1" = 200'  
BM 390



NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

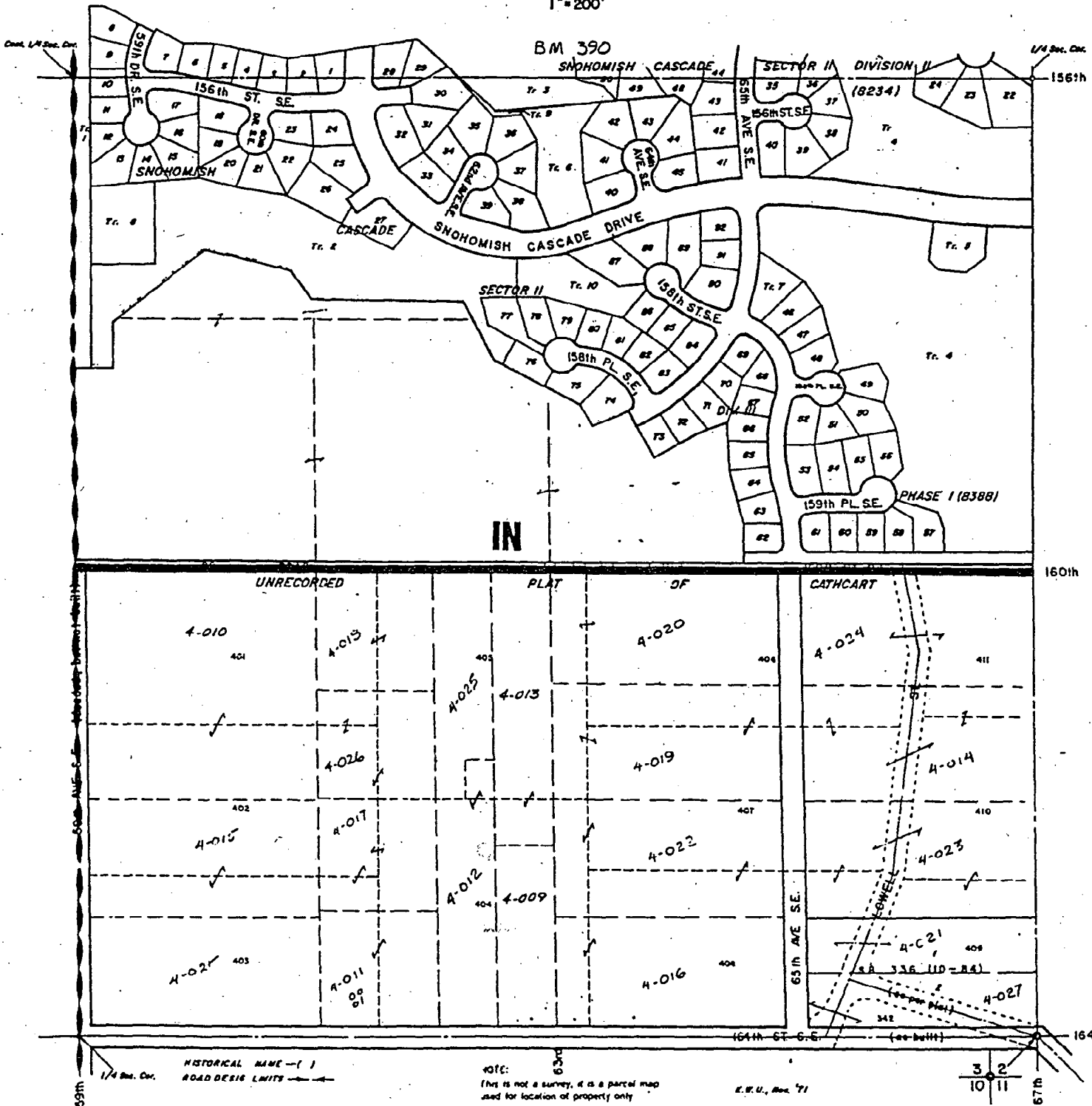
R.E.U. Dec. 77

1/4 Sec. Cor.

11/10/88

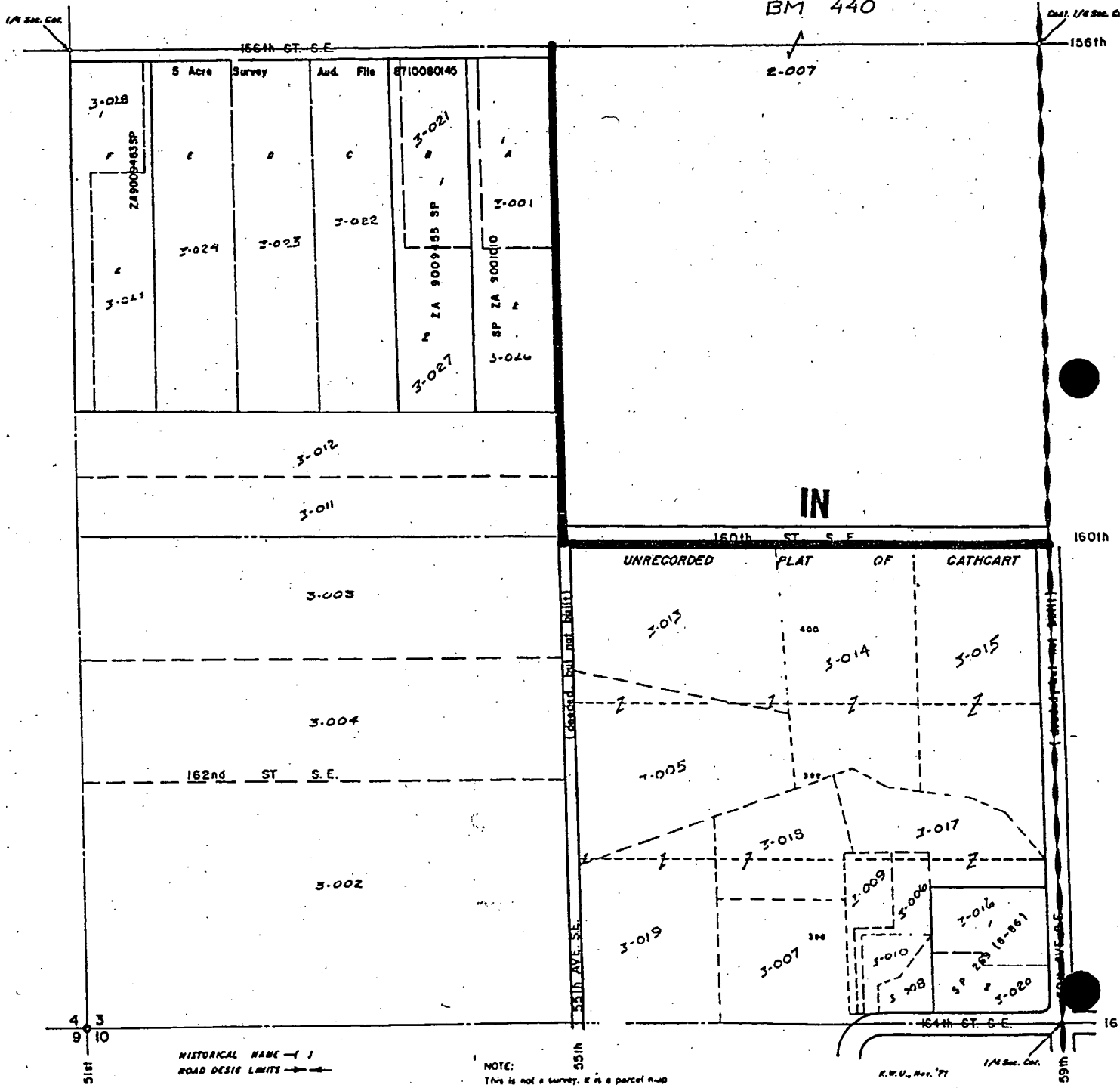
S.E. 1/4, SEC. 3, TWP. 27, RNG. 5E.

1"=200'



MAY 25 1995

S.W. 1/4, SEC. 3, TWP. 27, RNG. 5E.  
1" = 200'







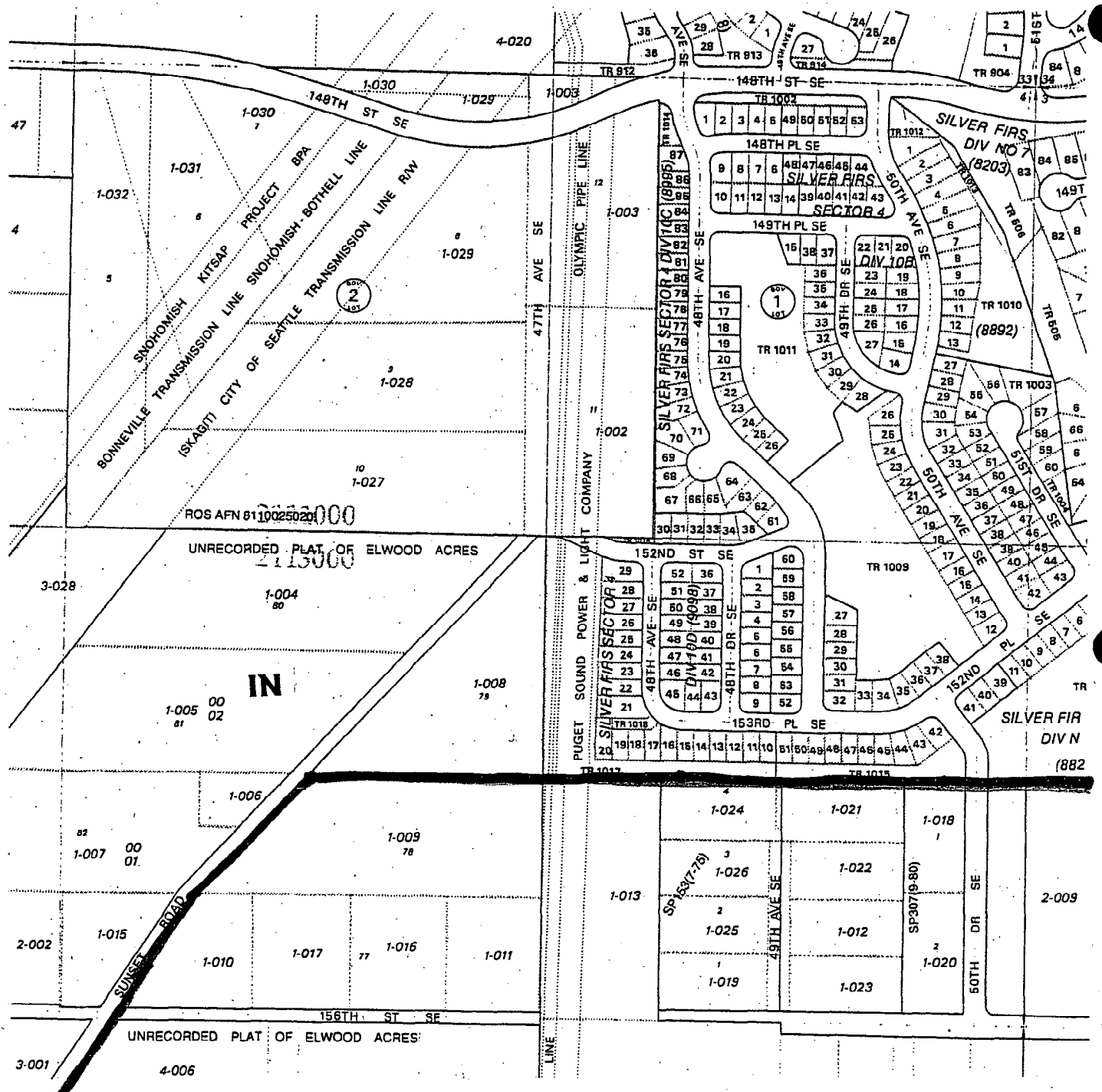
QUARTER **NE** SECTION **4** TOWNSHIP N.W.B.L. **27** RANGE E.W.M. **5**

SE-33-28-5

A product of the Snohomish County Assessor's Office  
Map produced on August 31, 2001

THIS IS NOT A SURVEY IT IS A TAX MAP. MAP LINES FOR THE LOCATION OF PROPERTY ONLY.  
PROPERTY LINES ARE SHOWN BY THE PROPERTY TAX MAP. THE PROPERTY TAX MAP IS NOT A SURVEY.  
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NW-4-27-5



SE-4-27-5



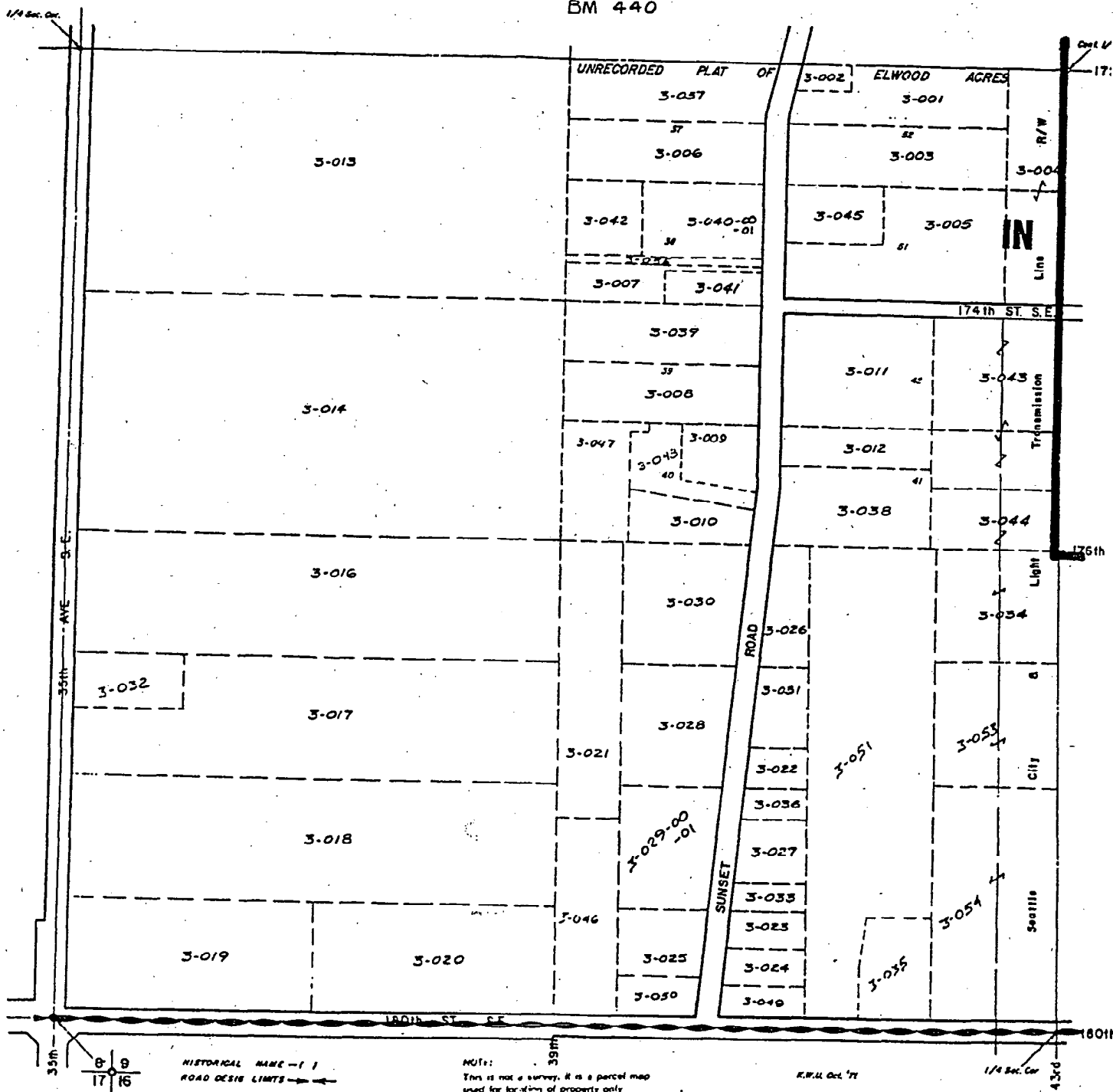






S.W. 1/4, SEC. 9, TWP. 27, RNG. 5E.  
1" = 200'

BM 440



8 9  
17 16

HISTORICAL NAME - ( )  
ROAD DESIGN LIMITS → →

NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

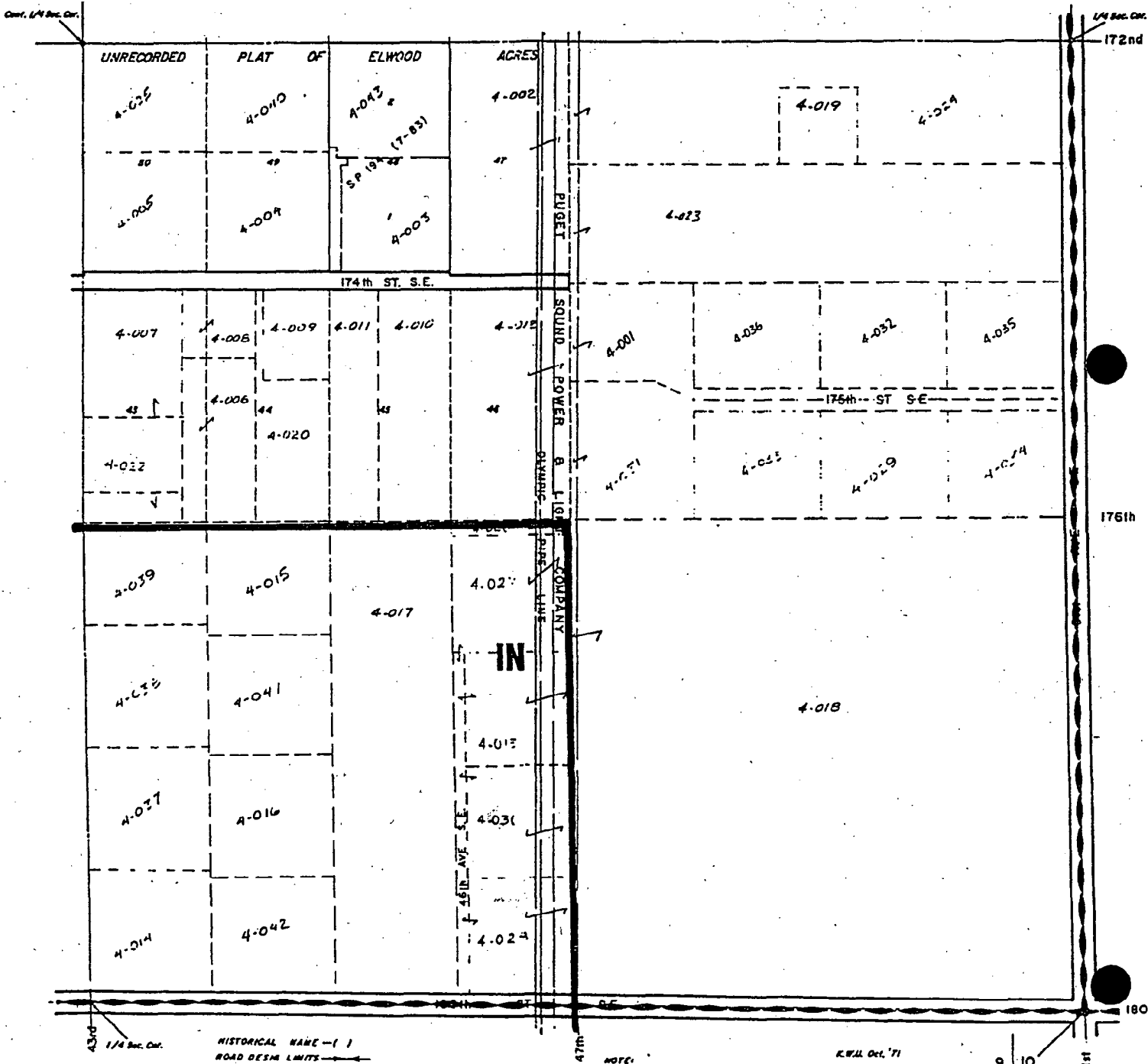
R.W.H. Oct. '78

1/4 Sec. Cor.  
43.0

S.E. 1/4, SEC. 9, TWP. 27, RNG. 5E.

1" = 200'

BM 440



HISTORICAL NAME - ( )  
ROAD DESM. LIMITS

NOTE:  
This is not a survey if it is parcel map  
used for location of property only

K.W.L. Oct. '71

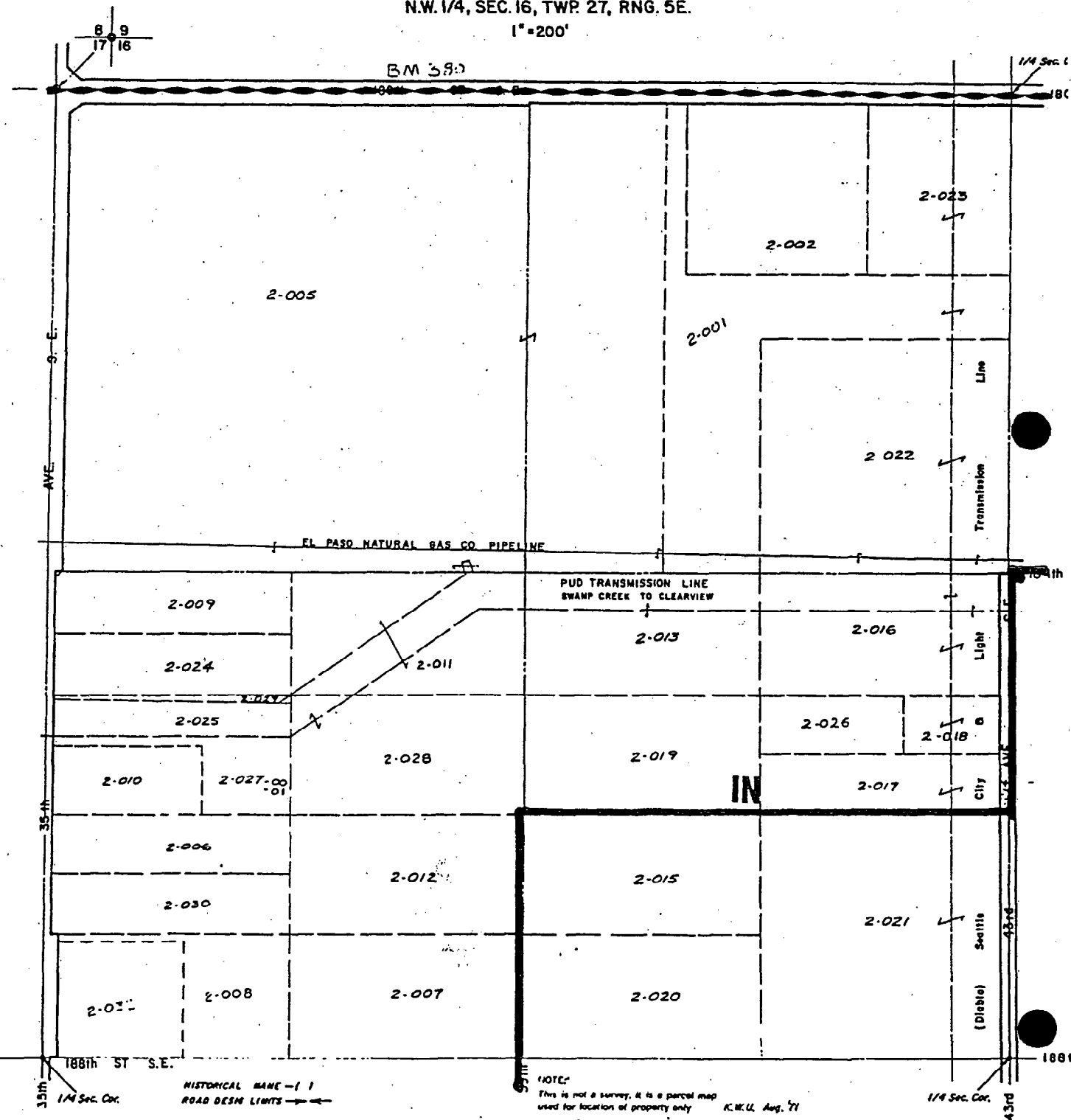
9 10 16 15  
511





N.W. 1/4, SEC. 16, TWP 27, RNG. 5E.

1" = 200'



BM 380

1/4 Sec. 6  
JBC

35th AVE S.E.

EL PASO NATURAL GAS CO. PIPELINE

PUD TRANSMISSION LINE  
SWAMP CREEK TO CLEARVIEW

Transmission Line

188th

Light

City

Scotline  
(Diable)

43rd

188th ST S.E.

1/4 Sec. Cor.

HISTORICAL NAME - ( )  
ROAD DESM LIMITS → →

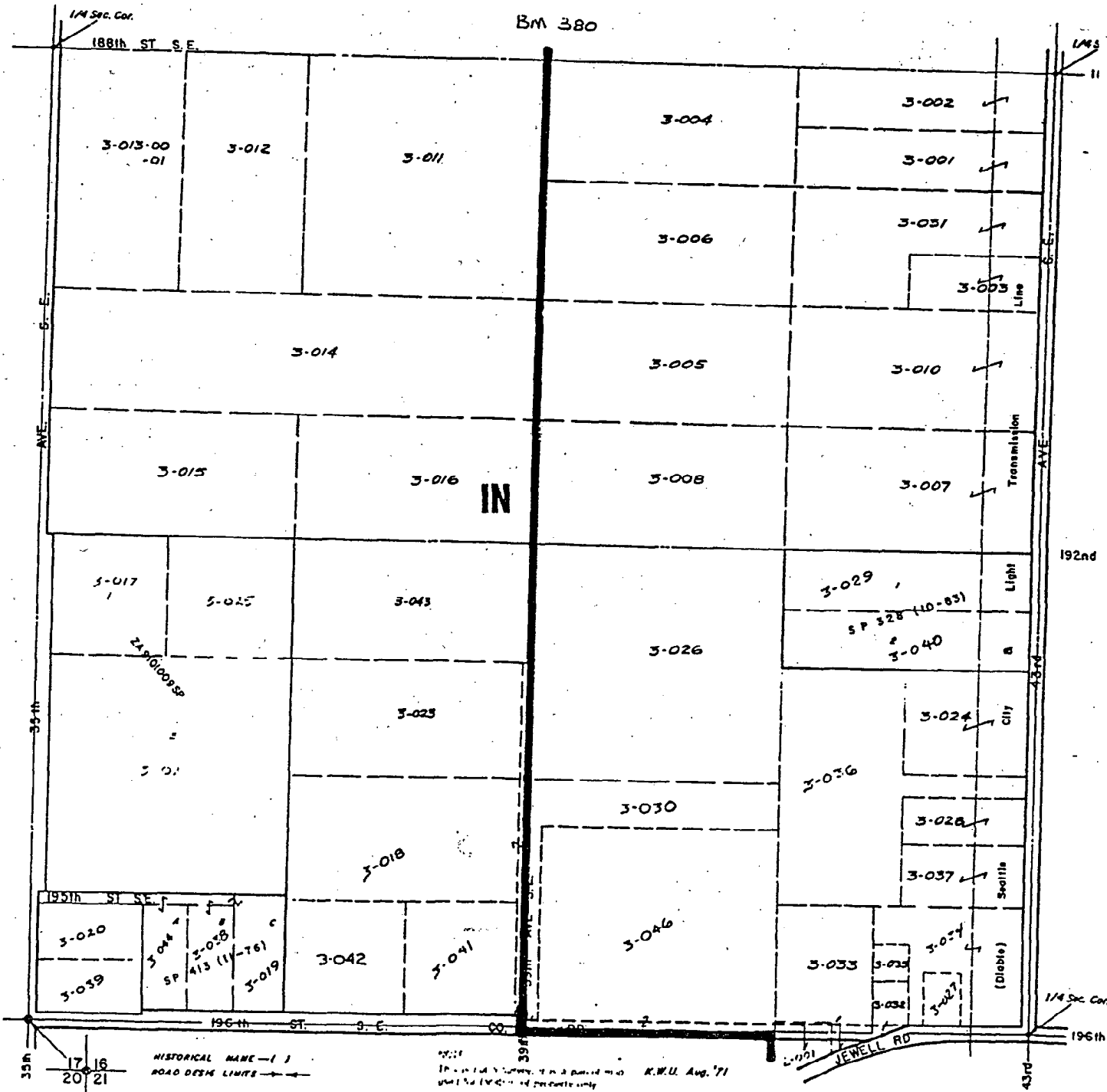
NOTE:  
This is not a survey. It is a parcel map  
used for location of property only K.W.U. Aug. 71

1/4 Sec. Cor.

188th

43rd

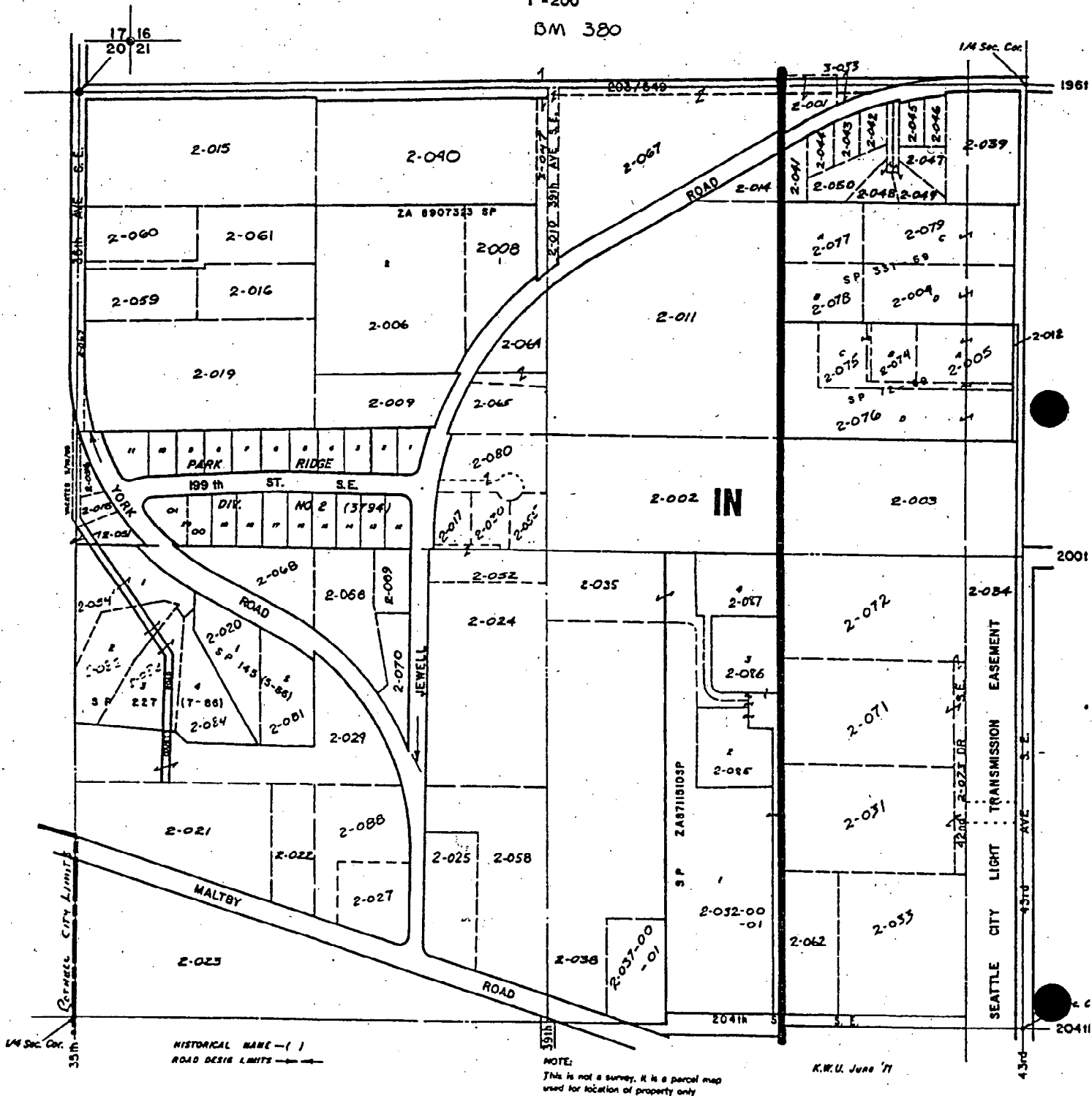
SW 1/4, SEC. 16, TWP. 27, RNG. 5E.  
1" = 200'



N.W. 1/4, SEC. 21, TWP. 27, RNG. 5E.

1"=200'

DM 380



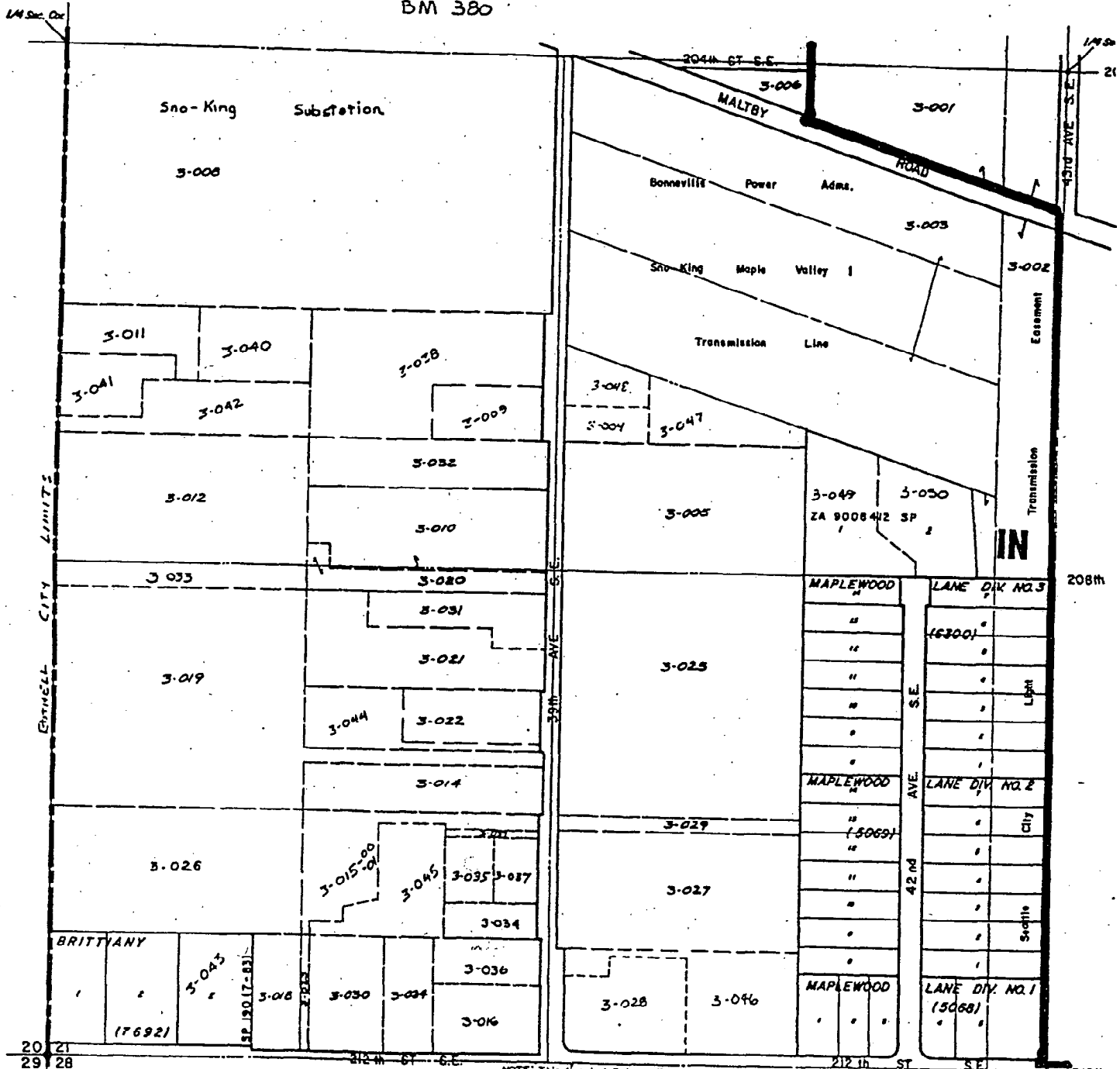
HISTORICAL NAME - ( )  
ROAD DESIGN LIMITS

NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

K.W.U. June '77

S.W. 1/4, SEC. 21, TWP. 27, RNG. 5E.  
1"=200'

BM 380



EMMELL CITY LIMITS

BRITTANY

20  
29  
28

HISTORICAL NAME - ( )  
ROAD DESIGN LIMITS → →

NOTE: This line indefinite, adjusted to conform with survey of section 28-27-0  
NOTE:  
This is not a survey. It is a parcel map  
used for location of property only

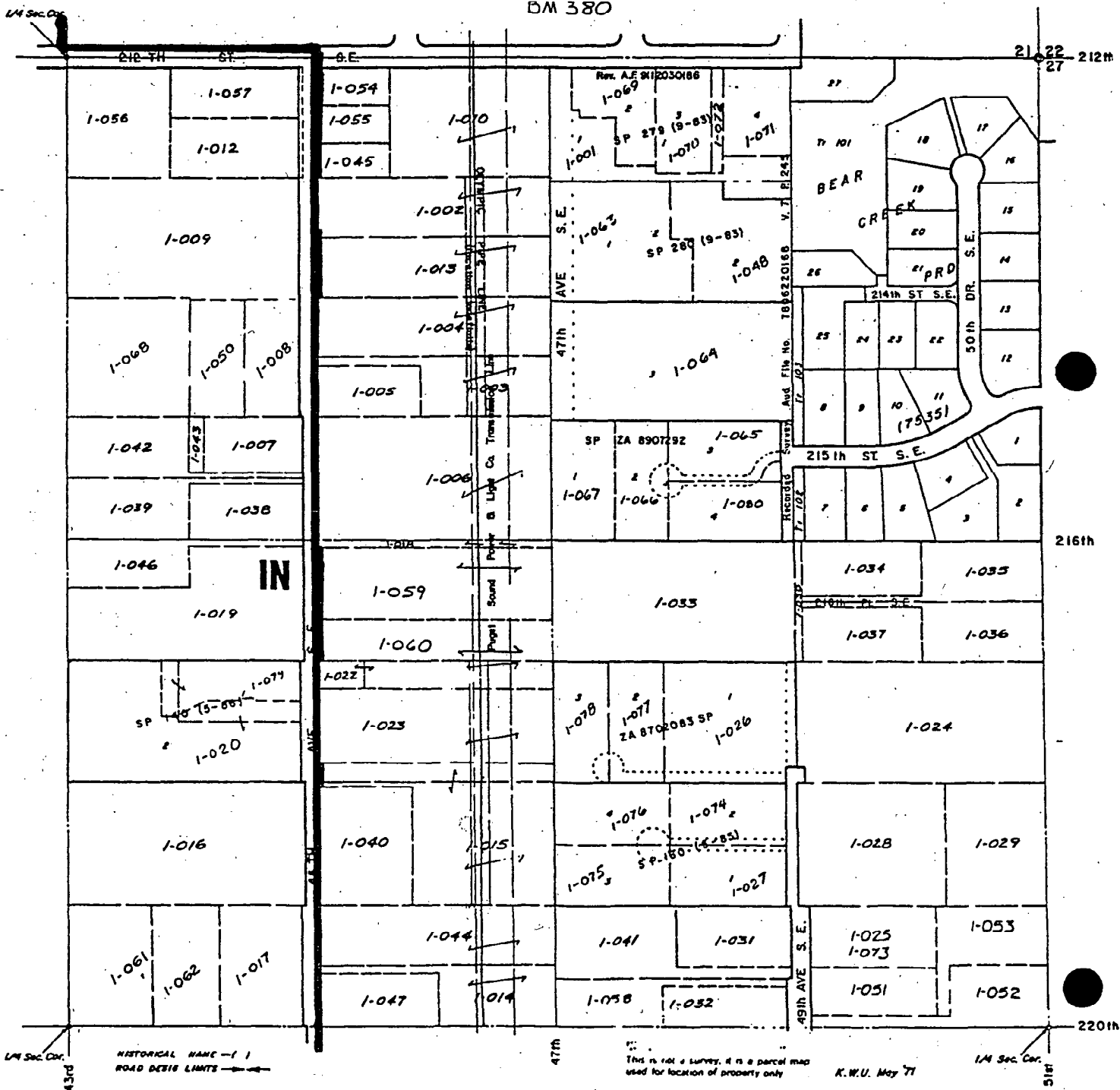
KRMU, June '71

1/4 Sec. Cox

N.E. 1/4, SEC. 28, TWP. 27, RNG. 5E.

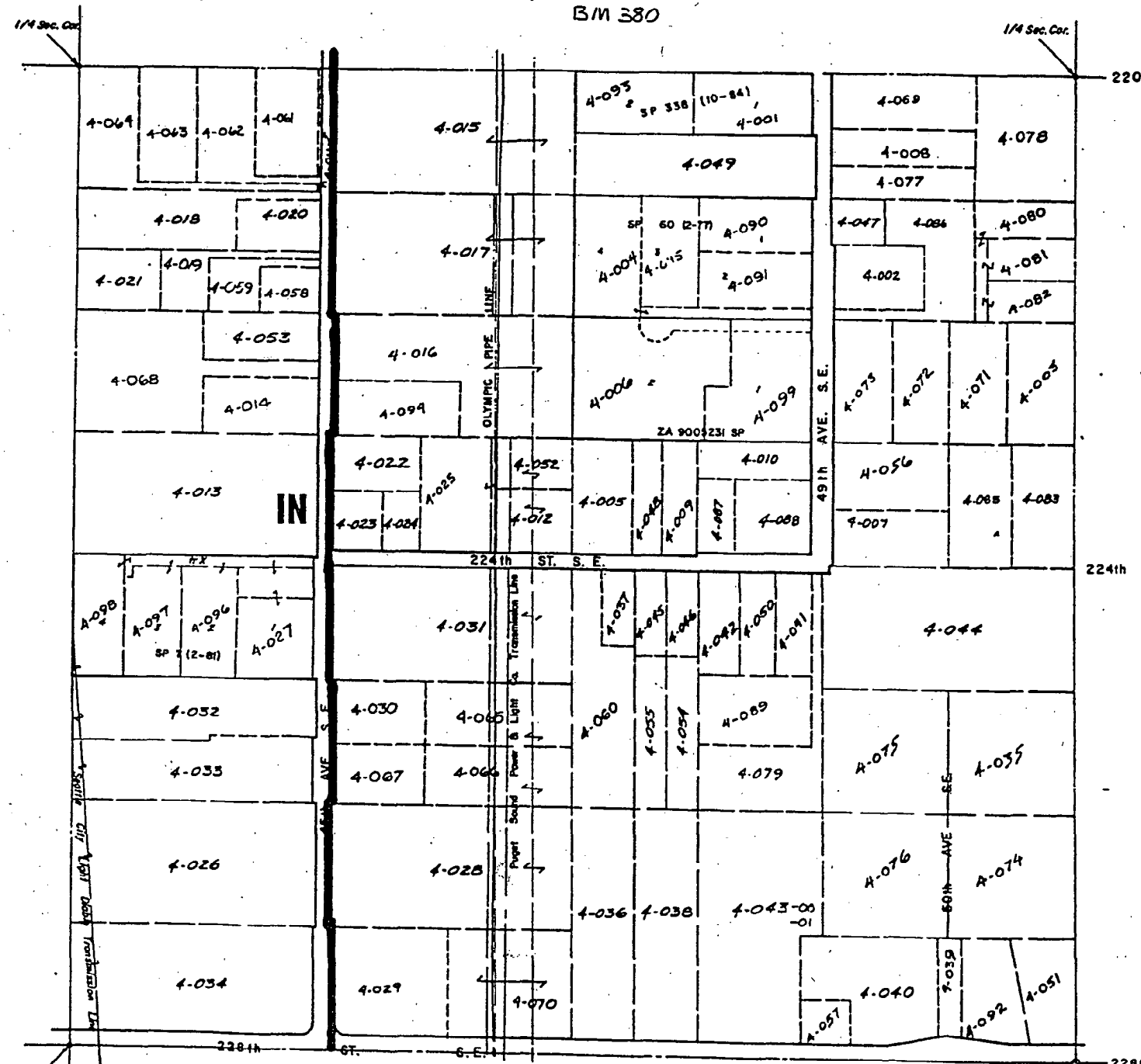
1"=200'

DM 380



S.E. 1/4, SEC. 28, TWP. 27, RNG. 5E.  
1"=200'

B/M 380



HISTORICAL NAME - ( )  
ROAD DESIGN LIMITS - - - -

NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

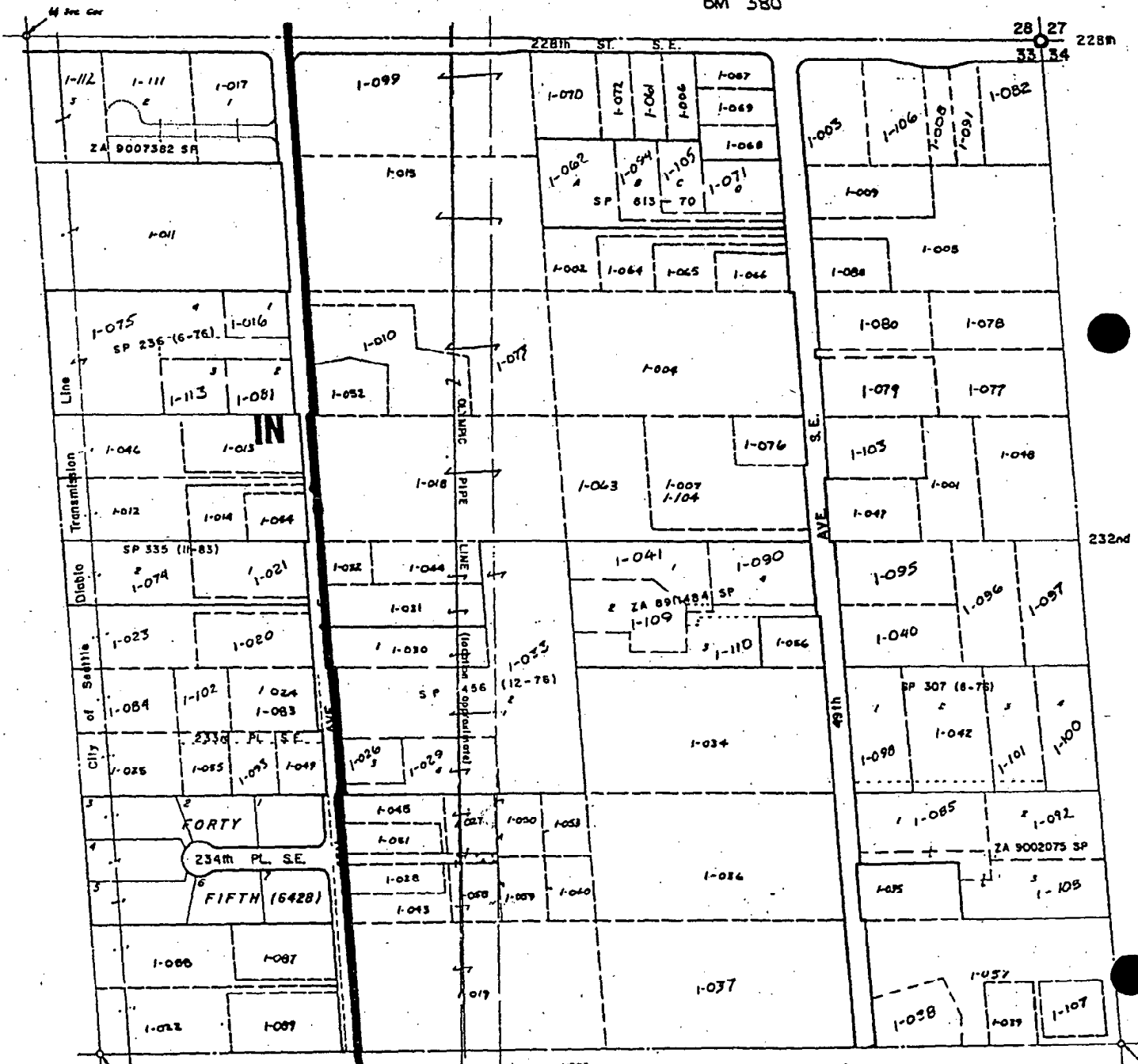
K.W.U. May '71

28 27  
33 34

MAY 25 1995

N.E. 1/4, SEC. 33, T.27N., R.5E  
 1" = 200'

BM 380



HISTORICAL NAME - ( )  
 ROAD BEING LIMITS - <math>\rightarrow</math>

NOTE:  
 This is not a survey, it is a parcel map  
 used for location of property only

D.A.M., APRIL 77

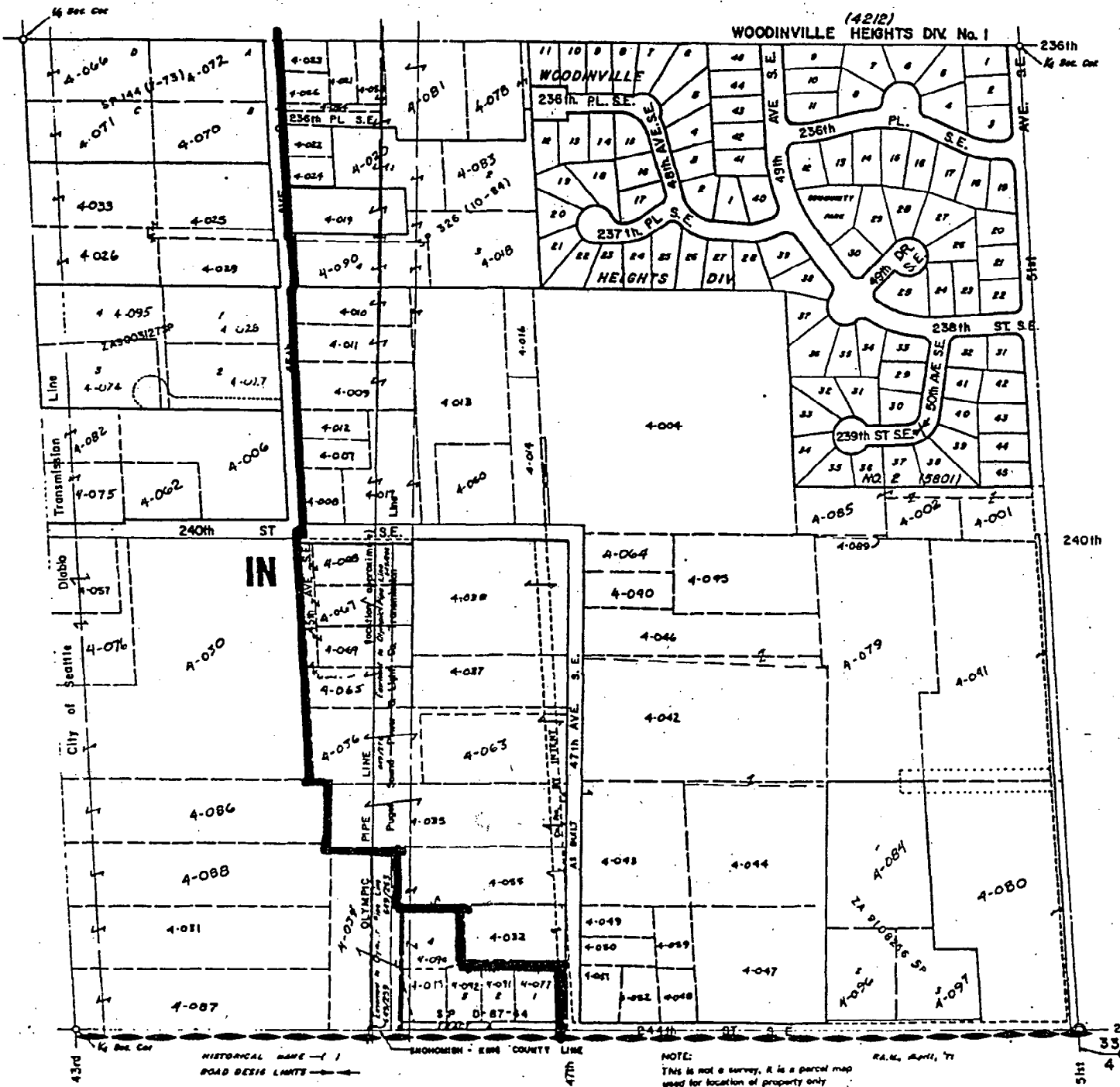
MAY 2 5 1995



S. E. 1/4, SEC. 33, T.27N., R.5E.

1" = 200'

BM 380



HISTORICAL NAME - 1  
ROAD DESIGN LIMITS

NOTE:  
THIS IS NOT A SURVEY, IT IS A PARCEL MAP  
USED FOR LOCATION OF PROPERTY ONLY  
R.A.M., April, 71

MAY 25 1995