



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-111

REVISING THE SOUTHWEST URBAN GROWTH AREA,  
AMENDING ORDINANCE NO. 06-053, AND AMENDING  
AMENDED ORDINANCE NO. 05-069

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.110 requires Snohomish County to designate urban growth areas (UGA) within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature (RCW 36.70A.110(1)) and (WAC 365-195-335 (1)(a)); and

WHEREAS, the Snohomish County Council designated a Final UGA for the Southwest (SW) UGA (Ordinance No. 94-123) on June 28, 1995, after holding public hearings from April 19, 1994, through January 18, 1995, in conformance with the requirements of the GMA; and

WHEREAS, on June 28, 1995, the county council approved Amended Ordinance No. 94-125 which adopted a GMA Comprehensive Plan including a General Policy Plan (GPP) and Future Land Use map; and

WHEREAS, the Snohomish County Council amended the Final UGA for the SW UGA on September 20, 1998 (Ordinance No. 98-071), June 23, 2002 (Ordinance No. 02-011), October 6, 2003 (Ordinance No. 03-061), and July 19, 2006 (Ordinance No. 06-053), in conformance with the requirements of the GMA; and

WHEREAS, the planning goals of the GMA, which guide development of comprehensive plans and implementing ordinances, state that development shall be encouraged "in urban areas where adequate public facilities and services exist or can be provided in an efficient manner" (RCW 36.70A.020(1)), and that "the inappropriate conversion of undeveloped land into sprawling, low-density development" is to be reduced (RCW 36.70A.020(2)); and

WHEREAS, the GMA states that a UGA "may include territory that is situated outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth" (RCW 36.70A.110(1)); and

WHEREAS, the GMA states that "[u]rban growth should be situated first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources" (RCW 36.70A.110(3)) and (WAC 365-195-335(1)(e)); and

WHEREAS, the GMA requires that, based upon the population projection made for the county by the Washington State Office of Financial Management (OFM), the UGAs in the county "shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period" (RCW 36.70A.110(2)) and (WAC 365-195-335(1)(d)); and

WHEREAS, RCW 36.70A.110(2) requires that Snohomish County and its cities use the growth management population projection made for the county by the OFM as the basis for urban growth area determination; and

WHEREAS, OFM issued growth management population projections for Snohomish County in January 2002 that included a range for potential 2025 total county population that varied from a low of 795,725 to a high of 1,062,903; and

WHEREAS, the territory added to the SW UGA herein is consistent with the requirements of RCW 36.70A.110(1) being characterized by urban growth or adjacent to territory already characterized by urban growth; and

WHEREAS, the SW UGA expansion provides an adequate amount of land to accommodate the twenty-year population and employment allocation (WAC 365-195-335(3)(e)(v)); and

WHEREAS, RCW 36.70A.130(3) directs counties planning under the GMA to take legislative action to review and, if needed, revise its comprehensive plan and development regulations to ensure that the plan is capable of accommodating forecasted population growth for the succeeding 20-year period; and

WHEREAS, Snohomish County amended the Snohomish County Growth Management Act Comprehensive Plan (GMACP) on December 21, 2005, through passage of Amended Ordinance No. 05-069; and

WHEREAS, the County Council did not amend the SW UGA boundary as part of the 10-Year update and, as a result, did not include any proposal to amend the SW UGA boundary; and

WHEREAS, the territory added to the Southwest UGA herein is consistent with the requirements of RCW 36.70A.110(1) being characterized by urban growth or adjacent to territory already characterized by urban growth; and

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to the comprehensive plan or development regulations; and

WHEREAS, the Snohomish County Council has determined that the consideration of such proposed amendments and revisions to the comprehensive plan and development regulations would promote a county purpose as established under RCW 36.70A.130 and RCW 36.70A.470 and Chapter 30.74 SCC; and

WHEREAS, on April 19, 2006, the Snohomish County Council held a public hearing to receive public testimony on proposed County and non-County initiated amendments to the comprehensive plan for consideration on the 2006 Final Docket; and

WHEREAS, the Snohomish County Council, on April 19, 2006, approved, by Motion No. 06-080, a list of docket proposals for inclusion on the 2006 Final Docket and authorized the County Executive, through the Department of Planning and Development Services (PDS), to process the 2006 Final Docket consistent with Chapters 30.73 and 30.74 SCC; and

WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed final review and evaluation of the 2006 Final Docket, including the proposals to amend the map and text of the comprehensive plan, and forwarded recommendations to the Snohomish County Planning Commission; and

WHEREAS, As part of the County's public review process for the 2006 Final Docket, the County considered proposals known as SW 12a Goemaere and SW 12b Bentley/Krause; and

WHEREAS, on July 13, 2006 the Planning Advisory Committee (PAC) of Snohomish County Tomorrow (SCT) reviewed a proposal to amend the first paragraph of Countywide Planning Policy (CPP) UG-14(d) to remove the current prohibition on the use of the UGA expansion criteria six through eight for the Southwest UGA, by providing for the use of any one of ten listed conditions for expansion of a UGA, in the Southwest UGA; and

WHEREAS, on September 14, 2006, the Planning Advisory Committee (PAC) of Snohomish County Tomorrow (SCT) reviewed a proposal to amend Countywide Planning Policy UG-14(d)(7) to allow urban growth area (UGA) expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use and recommended the proposed amendment to the SCT Steering Committee; and

WHEREAS, on September 26, 2006, and October 24, 2006, the Planning Commission held public hearings to receive public testimony on the proposed amendments to the comprehensive plan; and

WHEREAS, on September 27, 2006, the SCT Steering Committee reviewed the PAC recommendation to amend Countywide Planning Policy UG-14(d)(7) to allow urban growth area (UGA) expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use; and

WHEREAS, on October 3, 2006, and October 24, 2006, the Snohomish County Planning Commission deliberated on the 2006 Final Docket at the conclusion of the public hearing and voted to recommend adoption of the proposed package of comprehensive plan and regulatory amendments, with certain modifications as enumerated in its recommendation letters of October 3, 2006, and October 24, 2006; and

WHEREAS, on October 25, 2006, the SCT Steering Committee reviewed the PAC recommendation and made a positive recommendation to the County Council to amend the first paragraph of Countywide Planning Policy (CPP) UG-14(d) to remove the current prohibition on the use of the UGA expansion criteria six through eight for the Southwest UGA, by providing for the use of any one of ten listed conditions for expansion of a UGA, in the Southwest UGA; and

WHEREAS, the amendments to Countywide Planning Policy UG-14 and General Planning Policy text on pages LU-91 and LU-92, authorizing this text change had not yet been adopted at the time of the planning commission hearing and therefore the proposals to amend the SW UGA did not at that time meet one of the criteria for approval - SCC 30.74.060(2)(d); and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and December 20, 2006, and on December 20, 2006 approved Amended Ordinance No. 06-098 to amend the first paragraph of Countywide Planning Policy (CPP) UG-14(d) to remove the current prohibition on the use of the UGA expansion criteria six through eight for the Southwest UGA, by providing for the use of any one of ten listed conditions for expansion of a UGA, in the Southwest UGA; and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and December 20, 2006, and on December 20, 2006, approved Amended Ordinance No. 06-097 to amend Countywide Planning Policy UG-14(d)(7) to allow urban growth area (UGA) expansions to accommodate level II health and social service facilities (HSSFs) provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use; and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and December 20, 2006, and on December 20, 2006, approved Amended Ordinance No. 06-113 to amend General Planning Policy text on pages LU-91 and LU-92 to amend the definition of the Public/Institutional Use designation to include level II HSSFs and to allow urban growth area UGA expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use; and

WHEREAS, the amendment to CPP UG-14 provides for consistency between CPP UG-14 and GPP LU 1.11.A; and

WHEREAS, the County Council held a public hearing on December 11, 2006, continued to December 13 and 20, 2006 to consider the entire record, including the Planning Commission recommendations on the full package of comprehensive plan and regulatory amendments, and to hear public testimony on this Ordinance No. 06-111.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1:** The county council makes the following findings:

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. This modification of the SW UGA, as depicted in Exhibits A and B to this ordinance, which are attached hereto, is consistent with applicable GPP Goal LU 1, "Establish compact, clearly defined UGAs" and Goal LU 2 "Establish development patterns that use urban land more efficiently."
- C. The County Council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance No. 98-071, Amended Ordinance No. 02-011, Amended Ordinance No. 03-061 and Ordinance No. 06-053.
- D. The County Council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance No. 93-004, Amended Ordinance No. 06-097, Amended Ordinance No. 06-113, and Amended Ordinance No. 06-098.
- E. Snohomish County, in consultation with the Cities of Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo and Woodway, and other cities, conducted a review and evaluation program of the densities being achieved in urban areas and the land use policies of the GPP as required by RCW 36.70A.215.
- F. SCT with a consultant, ECONorthwest, developed a Phase II report titled "Recommended Method for Evaluating Local Reasonable Measures Programs" in June of 2003.
- G. A "Reasonable Measures" report was completed by Snohomish County in 2005 covering all of the unincorporated UGAs throughout Snohomish County including the SW UGA. The methodology recommended in the ECONorthwest report for evaluating Reasonable Measures was used in evaluating the Snohomish County effort to implement Reasonable Measures as documented in the 2005 report.
- H. The Reasonable Measures report concluded that Snohomish County has implemented a wide range of Reasonable Measures including permitting accessory dwelling units, providing housing tax credits and allowing density bonuses to developers.
- I. Consideration of Reasonable Measures, prior to consideration of expansion of the UGA, is required by CPP UG-14b. A list of Reasonable Measures to increase population, commercial or industrial capacity was included in the adopted CPPs as "Appendix C," and was considered. The Buildable Lands Report revealed no inconsistency between actual and planned for growth, so implementation of reasonable measures is not a condition to UGA expansions. However, pursuant to the countywide planning policies, the county has nonetheless implemented several

reasonable measures and considered additional reasonable measures, as documented in the Snohomish County Reasonable Measures Background Report.

- J. Urban Growth area expansions with a land use designation of Public/Institutional Use are not subject to GPP LU 1.A.11 as this land use designation and implementing zoning designation allow only churches, level II HSSFs, and school instructional facilities and do not accommodate additional population.
- K. Public and institutional uses are necessary to serve the public. Urban growth area expansions for HSSFs should be facilitated to accommodate churches, level II HSSFs, and school instructional facilities.
- L. This modification of the SW UGA, as depicted in Exhibits A and B to this ordinance, which are attached hereto, includes an area contiguous with the existing boundary and adjacent to areas characterized by urban growth and that have relatively few development constraints.
- M. The proposed amendments have been broadly disseminated and there has been early and continuous public participation in the review of this modification to the SW UGA.
- N. Criteria used in establishing an area's suitability to be included in the UGA are a compilation of applicable state laws (RCWs and WACs), the CPPs, the GPP policies and input from public meetings.
- O. The proposal known as SW 12a Goemaere is located east of 39<sup>th</sup> Ave. SE, north of Jewell Road and north of property owned by Northshore School District. The proposal is to change the land use designation from Rural Residential to Public /Institutional Use (P/IU) and to change the zoning designation from R-5 to R-7200.
  - 1. The addition of the 7.7 acre Northshore School District Fernwood Elementary School property immediately to the south of the proposed expansion area SW 12a creates a logical boundary. The additional area would not create any additional residential capacity because the land use designation would change from Rural Residential to Public/Institutional Use, the zoning designation would change from R-5 to R-7200, and the current use as a school would not change.
  - 2. The proposal is consistent with GPP Goals, Objectives and Policies, including the following land use designation policy:
    - a. The Public/Institutional Use designation can be applied to existing or planned public and privately owned and/or operated properties including churches, schools, parks, government buildings, utility plants and other government operations or properties within UGAs or adjacent to UGAs. The P/IU designation can be applied to existing areas within a UGA, as well as areas being added to a UGA concurrent with a re-designation to P/IU. When applying the P/IU designation, the following requirements apply:
    - b. All residential, commercial, or industrial UGA expansions are subject to the requirements of LU 1.A.11. Institutional UGA expansions are not subject to the requirements of LU 1.A.11, provided that the land added to a UGA is

designated P/IU concurrent with or prior to the UGA expansion. Subsequent re-designations of land added to a UGA under the P/IU designation are subject to the applicable requirements of LU 1.A.11 for residential, commercial, or industrial UGA expansions. Where land added to a UGA is designated P/IU, the implementing zone will be R-7,200, R-8,400, or R-9,600. When applied to land designated P/IU concurrent with or prior to a UGA expansion, these implementing zones shall allow only churches, level ii health and social services facilities, and school instructional facilities unless the land is re-designated to urban commercial, residential, or industrial in compliance with the UGA expansion requirements of LU 1.A.11.

3. The area adjacent is characterized by urban growth, can be served by existing and planned public facilities and services, will provide adequate residential capacity within the SW UGA, contains few development constraints, and is easily served by urban services.
4. Urban Growth area expansions with a land use designation of Public/Institutional Use are not subject to GPP LU 1.A.11 as this land use designation and implementing zoning designation allows churches, level II HSSFs, and school instructional facilities which serve an existing population and does not create additional residential capacity.

P. The proposal known as SW 12b Bentley/Krause, located east of 39<sup>th</sup> Ave. SE, north of 188<sup>th</sup> St. SE., is to change the land use designation from Rural Residential to Urban Low Density Residential and to change the zoning designation from R-5 to R-9600. The proposal is approximately 20 acres and would accommodate an additional population of approximately 200 persons.

1. The proposal is consistent with GPP Goals, Objectives and Policies, including condition 5 of GPP LU Policy 11.1.A. which allows for UGA expansion as a technical correction that does not increase residential capacity by more than 0.5% or 20 acres. The additional increase in population of 200 persons does not exceed the total population capacity allowed for in the composite UGA safety factor of 15%, as stated in GPP LU Policy 1.A.1. The area adjacent is characterized by urban growth, can be served by existing and planned public facilities and services, will provide adequate residential capacity within the SW UGA, contains few development constraints and is easily served by urban services.
2. The proposed UGA boundary is logical in that it squares off the existing UGA, is adjacent to urban development and provides connectivity between 188<sup>th</sup> St. SE and 43<sup>rd</sup> Ave. SE once development occurs.

Q. Addendum No. 3 to the Snohomish County GMACP 10-Year Update EIS was issued on September 8, 2006, for the SW 12a Goemaere and SW 12b Bentley/Krause proposals. This addendum adds information and analysis of previously identified significant impacts and alternatives to the EIS issued for the county's GMACP 10-Year Update. The information in this addendum expands on previous identified alternatives, but does not substantially change the analysis of

significant impacts and alternatives analyzed in the EIS. No additional significant impacts beyond those identified in the original EIS are expected to occur.

- R. The additional population accommodated for the SW 12b Bentley/Krause proposal were considered in Addendum No. 3, to the Snohomish County GMACP 10-Year Update EIS, issued on September 8, 2006 and in the final supplemental environmental impact statement (FSEIS) to the EIS issued for the 2005 Snohomish County GMACP 10-Year Update, issued December 4, 2006.

**Section 2.** The county council makes the following conclusions, based on its findings of facts and on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

- A. This modification to the SW UGA is consistent with the requirements of the GMA and the planning goals set out in RCW 36.70A.020(1) and (2).
- B. This modification to the SW UGA maintains the GPP's consistency with the CPPs for Snohomish County.
- C. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the UGA.
- D. This modification to the SW UGA retains the overall direction and growth management strategy of the original GMA comprehensive plan adopted in 1995 and as amended since then in response to changing conditions and to specific directives from various orders and decisions of the Central Puget Sound Growth Management Hearings Board regarding the plan's consistency with the GMA.
- E. The proposals to expand the Southwest UGA (SW UGA) individually meet the criteria for UGA expansions as stipulated in GPP 1.A.11 and other GPP land use designation policies.
- F. The criteria allows for individual UGA expansions provided that the total of all technical corrections that expand the UGA does not exceed 20 acres or does not exceed the residential capacity by more than 0.5%, which ever is less. The cumulative revisions based on technical corrections will result in a net increase of approximately 20 acres to the SW UGA.
- G. Institutional UGA expansions are not subject to the requirements of LU 1.A.11, provided that the land added to a UGA is designated P/IU concurrent with or prior to the UGA expansion.
- H. Addendum No. 3 to the Snohomish County GMACP 10-Year Update EIS was issued on September 8, 2006, for the SW 12a Goemaere and SW 12b Bentley/Krause proposals.
- I. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA and consistent with chapter 30.73 SCC.



**Section 3.** The county council bases its findings and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

**Section 4.** Based on the foregoing findings and conclusions, the Snohomish County Council hereby adopts the amendments to the Southwest Urban Growth Area as shown on Exhibit A (a map individually identified as SW12a Goemaere/Fred Lind Manor) attached hereto and incorporated by reference into this ordinance as if set forth in full.

**Section 5.** Based on the foregoing findings and conclusions, the Snohomish County Council hereby adopts the amendments to the Southwest Urban Growth Area as shown on Exhibit B (a map individually identified as SW12b Bentley/Krause) attached hereto and incorporated by reference into this ordinance as if set forth in full.

**Section 6.** Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan Future Land Use Map, adopted as Exhibit HH to Amended Ordinance No. 05-069 on December 21, 2005, and last amended by Ordinance No. 06-053, amending the Southwest UGA, on July 19, 2006, is hereby amended for SW 12a Goemaere/Fred Lind Manor as indicated on Exhibit A attached hereto and incorporated by reference into this ordinance as if set forth in full.

**Section 7.** Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan Future Land Use Map, adopted as Exhibit HH to Amended Ordinance No. 05-069 on December 21, 2005, and last amended by Ordinance No 06-053, amending the Southwest UGA, on July 19, 2006, is hereby amended for SW 12b Bentley/Krause as indicated on Exhibit B attached hereto and incorporated by reference into this ordinance as if set forth in full.

**Section 8.** The county council directs the Code reviser to update SCC 30.060 pursuant to the authority in SCC 1.02.020(3) upon adoption of this ordinance.

**Section 9.** 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 20<sup>th</sup> day of December, 2006.

SNOHOMISH COUNTY COUNCIL  
Snohomish County Washington

Kirke Sievers  
Kirke Sievers, Council Chair

ATTEST:

Sheila McCullister  
Clerk of the County Council, *asst.*

- Approved
- Emergency
- Vetoed

Date January 9, 2007

~~MARK SOINE~~  
Deputy Executive  
County Executive

APPROVAL AS TO FORM ONLY

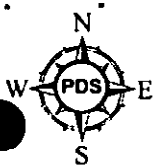
ATTEST:

\_\_\_\_\_  
Deputy Prosecuting Attorney

Lucy Bagon Date 01-09-07

D-13

Exhibit A  
Amended Ordinance No. 06 -111  
GMA Comprehensive Plan Map  
Southwest Urban Growth Area  
SW 12a Goemaere



# 2006 Final Docket

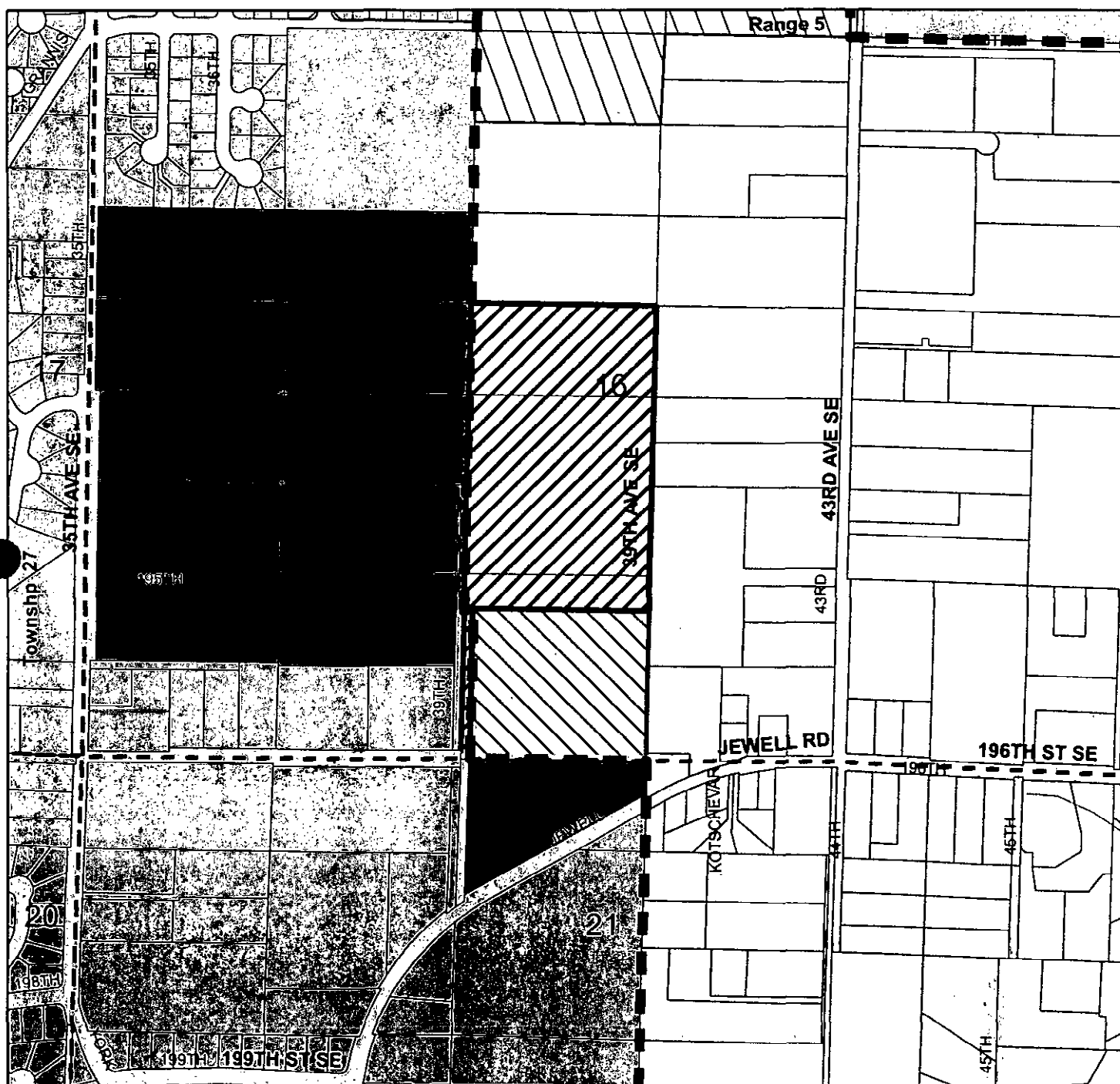
## Proposed Comprehensive Plan Amendment



Snohomish County

GMA Comprehensive Plan

### SW 12a (Goemaere / Fred Lind Manor)



#### Proposed Plan Amendment:

- SW12a (Goemaere/Fred Lind Manor)  
Expand Urban Growth Area Boundary and Redesignate Rural Residential (1 DU/5 Ac. Basic) to Public/Institutional.
- Additional UGA Expansion  
Redesignate Rural Residential (1 DU/5 Ac. Basic) to Public/Institutional Use.

#### Existing Plan Designations:

- Public/Institutional
- Rural Res. (1DU/5 Ac. Basic)
- Urban Low Density Res.
- Urban Medium Density Res.
- Rural / Urban Transition Area

- Urban Growth Area Boundary
- Current Incorporated Cities
- Assessor Parcel Base
- Section Grid
- Township-Range Grid

December 2006

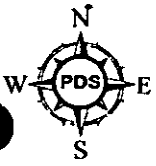
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Produced by Snohomish County Department of Planning and Development Services, Cartography/GIS Team

Map Document: (W:\p\gicarto\A\Menu\p\117\Docket\2006\Final Docket\County Council\_hearing\12-11-06\_Individual Ordinance Maps\SW12a\_FLU\_121506.mxd) 12/15/2006

Exhibit B  
Amended Ordinance No. 06-111  
GMA Comprehensive Plan Map  
Southwest Urban Growth Area  
SW 12b Bentley/Krause



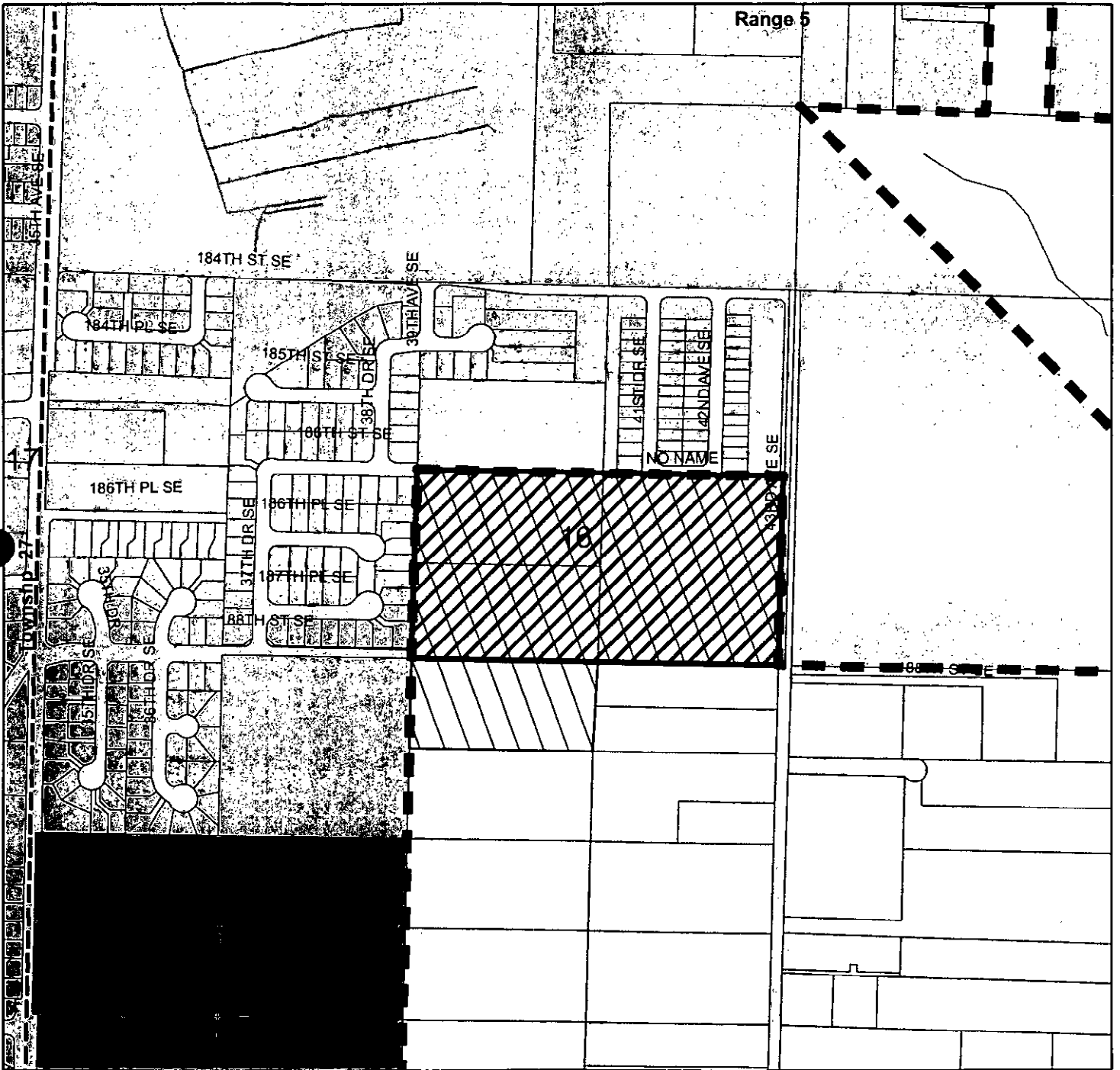
**2006 Final Docket**  
**Proposed Comprehensive Plan Amendment**  
 Planning Commission Recommendation



GMA Comprehensive Plan

**SW 12b ( Bentley / Krause )**

Snohomish County



**Proposed Plan Amendment:**

**SW12b ( Bentley/Krause )**

Expand Urban Growth Area Boundary and Redesignate Rural Residential ( 1 DU/5 Ac. Basic) and Rural/Urban Transition Area to Urban Low Density Residential (4-6 DU/Ac.)

**Existing Plan Designations:**

- Rural Res. (1DU/5 Ac. Basic)
- Urban Low Density Res.
- Urban Medium Density Res.
- Rural / Urban Transition Area

- Urban Growth Area Boundary
- Current Incorporated Cities
- Assessor Parcel Base
- Section Grid
- Township-Range Grid



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