

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 98-071

REVISING THE EXISTING 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 AND  
AMENDED ORDINANCE NO. 94-125

WHEREAS, the Growth Management Act, Chapter 36.70A RCW ( GMA) requires Snohomish County to designate an urban growth area (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

WHEREAS, the Snohomish County Council designated a Final UGA for the Cities of Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo and Woodway (Amended 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 94-125 which adopted a GMA Comprehensive Plan including a General Policy Plan and Future Land Use map, both of which were last amended by Ordinance No. 98-051 on August 3, 1998; and

WHEREAS, several appellants filed appeals to various provisions of the plan with the Central Puget Sound Growth Management Hearings Board (*Sky Valley, et al. v. Snohomish County*, Consolidated Case No. 95-3-0068c); and

WHEREAS, the Board issued a Final Decision and Order in *Sky Valley* on March 12, 1996, and an Order on Motions to Reconsider and Correct on April 15, 1996, and directed the county to reconsider and amend, if necessary, some portions of the text and maps of its GMA Comprehensive Plan; and

WHEREAS, the Board's Final Decision and Order affirmed the County's action removing the Spencer Island, Smith Island and Island Crossing areas from the agricultural designation and placing them in the UGA; and

WHEREAS, the Board's Final Decision and Order was appealed to Superior Court (*Agriculture for Tomorrow, et al. v. Central Puget Sound Growth Management Hearings Board*); and

WHEREAS, Snohomish County Superior Court Judge James Allendoerfer issued a written order finding that the County's removal of the Spencer Island, Smith Island and Island Crossing areas from the agricultural designation and placement within the UGA was not supported by substantial evidence in the record before the Board or Court; and

WHEREAS, the Court remanded these areas to the Board for a detailed explanation of its holding, and at its discretion, entry of findings on GMA criteria with respect to removal of these areas from agricultural designation and inclusion in the UGA; and

WHEREAS, the Board subsequently remanded these areas to the county, ordering the county to conduct public hearings with respect to the GMA designations of these three areas; and

WHEREAS, the Snohomish County Planning Commission held a hearing on June 23, 1998, on proposed plan map and UGA amendments in these areas without being able to reach a majority recommendation; and

WHEREAS, the county council held public hearings on August 19 and 26, 1998, and September 2 and 9, 1998, to consider the planning commission's public hearing record; and

WHEREAS, the county council considered the planning commission's and its own hearing record including written and oral testimony submitted during the council hearings.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

A. The county council hereby adopts and incorporates by reference the findings and conclusions adopted in Section 1 of Amended Ordinance 98-072 with respect to the Smith and Spencer Island areas.

B. The county council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative record developed in adopting Amended Ordinance 94-123.

C. The county council determined in Amended Ordinance 98-072 that Smith and Spencer Islands should be designated as agricultural land pursuant to RCW 36.70A.170. The GMA allows land designated as agricultural to be included within a UGA only if the municipality within the UGA has adopted a program authorizing the transfer or purchase of development rights. RCW 36.70A.060. There is no evidence in the record indicating that the city of Everett has adopted such a program.

With respect to the Biringer Farm on North Spencer Island which is owned by the Port of Everett, the City and the Port of Everett have suggested that this property should be included in the UGA and that inclusion meets the intent of RCW 36.70A.060. The Port has indicated tentative plans to restore a portion of the Biringer Farm site into estuarine habitat. While the county council supports the Port's plans, the council does not find that these plans furnish a suitable basis for inclusion of the area within the UGA. The council concludes that the county's development regulations would allow the Port to complete its project, and that it is unnecessary for the site to be within the UGA in order to carry out these plans.

D. The county council takes notice of a report issued by the People for Puget Sound indicating that the Smith and Spencer Island area along the Snohomish River has some of the greatest potential for restoration of Puget Sound Chinook Salmon habitat in the region, which has been proposed for listing as a threatened species under the Endangered Species Act by the National Marine Fisheries Service.

E. The county council finds that in the area of North Spencer Island and Smith Island, Interstate 5 creates an appropriate physical boundary and distinct edge separating agricultural land from the developed urban area.

F. The county council concludes that Smith and Spencer Island, designated as agricultural lands pursuant to the GMA in Amended Ordinance 98-072, should be removed from the Southwest Cities UGA as indicated on the map attached to this ordinance as Exhibit A.

G. Considering Changes to the UGA Boundary.

1. The GMA requires that the county consult with cities with respect to the location of an urban growth area which contain a city's municipal boundaries. The county has invited and considered input from the city of Everett with respect to the determination of whether the Spencer Island and Smith Island areas should remain within the UGA, in accordance with Judge Allendoerfer's decision.
2. The county has met all state and local requirements for interjurisdictional coordination with regard to the modification of the UGA boundary.

Section 2. The county council hereby repeals the map labeled Everett North and identified as Exhibit A attached to Ordinance No. 94-123 as adopted on June 28, 1995, and replaces it with a new map labeled Exhibit A attached hereto and incorporated herein, which depicts the revised UGA boundary for the Southwest Cities UGA. The county council hereby repeals Exhibit B attached to Ordinance No. 94-123 and replaces it with a new set of maps labeled Exhibit B, attached hereto and incorporated herein, which are county assessor's maps that accurately depict the revised boundaries of the Southwest Cities UGA.

Section 3. The county council hereby amends the Future Land Use map of the Snohomish County Growth Management Act Comprehensive Plan-General Policy Plan which was adopted as Map 4 of Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Amended Ordinance No. 98-051 on August 3, 1998, to include the boundaries of the Southwest Cities UGA as depicted in Exhibit A which is attached hereto and incorporated herein by this reference.

Section 4. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Passed this 9<sup>th</sup> day of September, 1998.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
Kirk Stevens  
Chair

ATTEST:

Kathleen J. Bratton  
Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

Date: 9/10/98  
[Signature]  
County Executive

APPROVED AS TO FORM

Pamela Dykes 9/8/98  
Deputy Prosecuting Attorney

ATTEST:  
[Signature]

R04 E

R05 E

T 30 N








T 29 N

Marysville

Refer to Marysville UGA map for this area

# EVERETT North

## EXHIBIT A ORD. NO. 98-071

-  Incorporated City Area
-  North Everett Urban Growth Area
-  Area to be Removed from UGA
-  UGA Boundary
-  City Limits
-  Local Streets (county maintained)
-  Arterial Streets (Arterial Circulation Plan)

0 1320 2640 3960 5280

Scale in Foot  
Original map scale 1:24,000

Snohomish County disclaims any warranty of merchantability or fitness for use of this map for any particular purpose, other than that of general information. The user of this map assumes all responsibility for any errors, omissions, and liability arising from any use of this map.

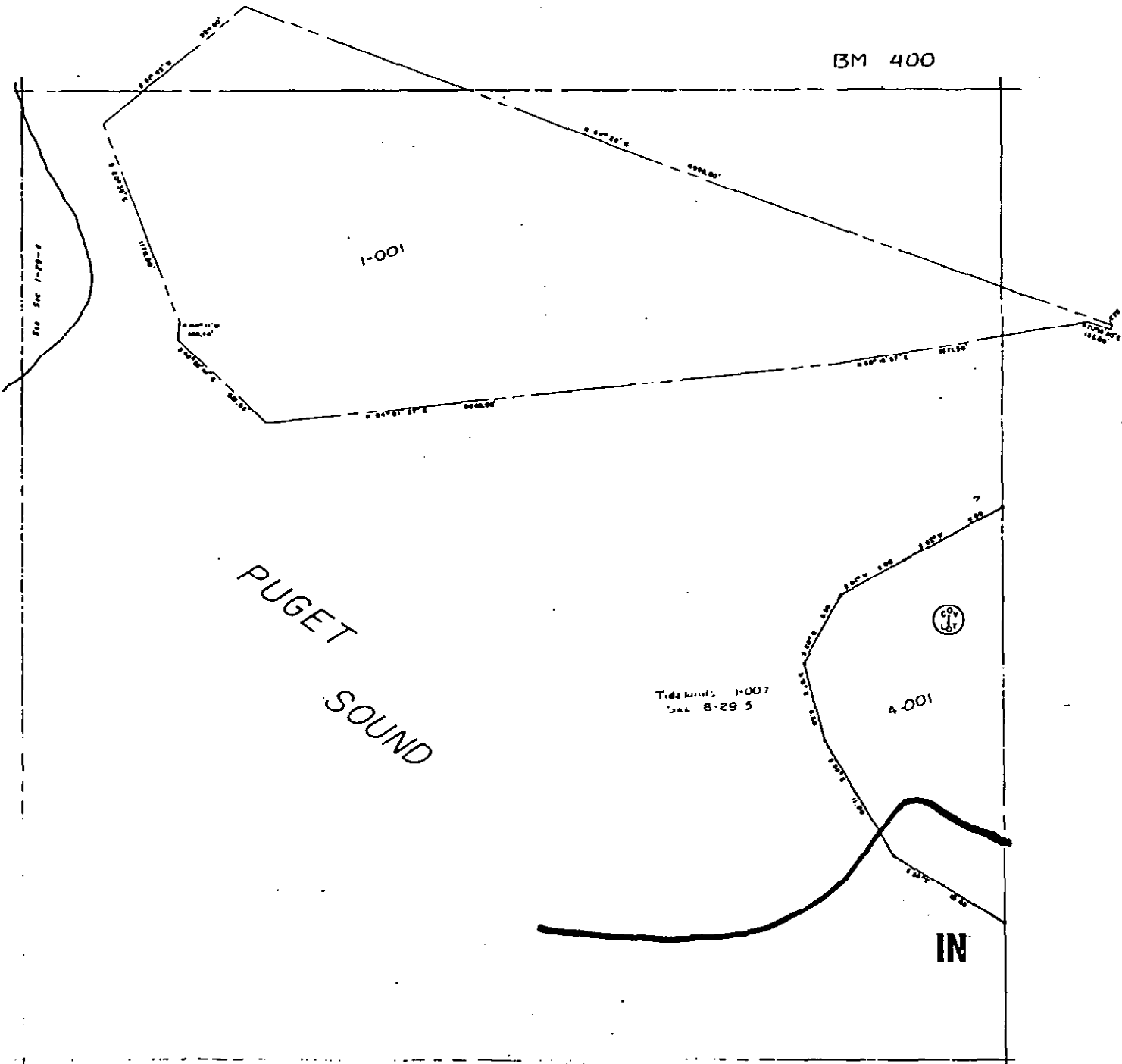


Snohomish County

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Exhibit B  
Amended Ord 98-071

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 proposed work.

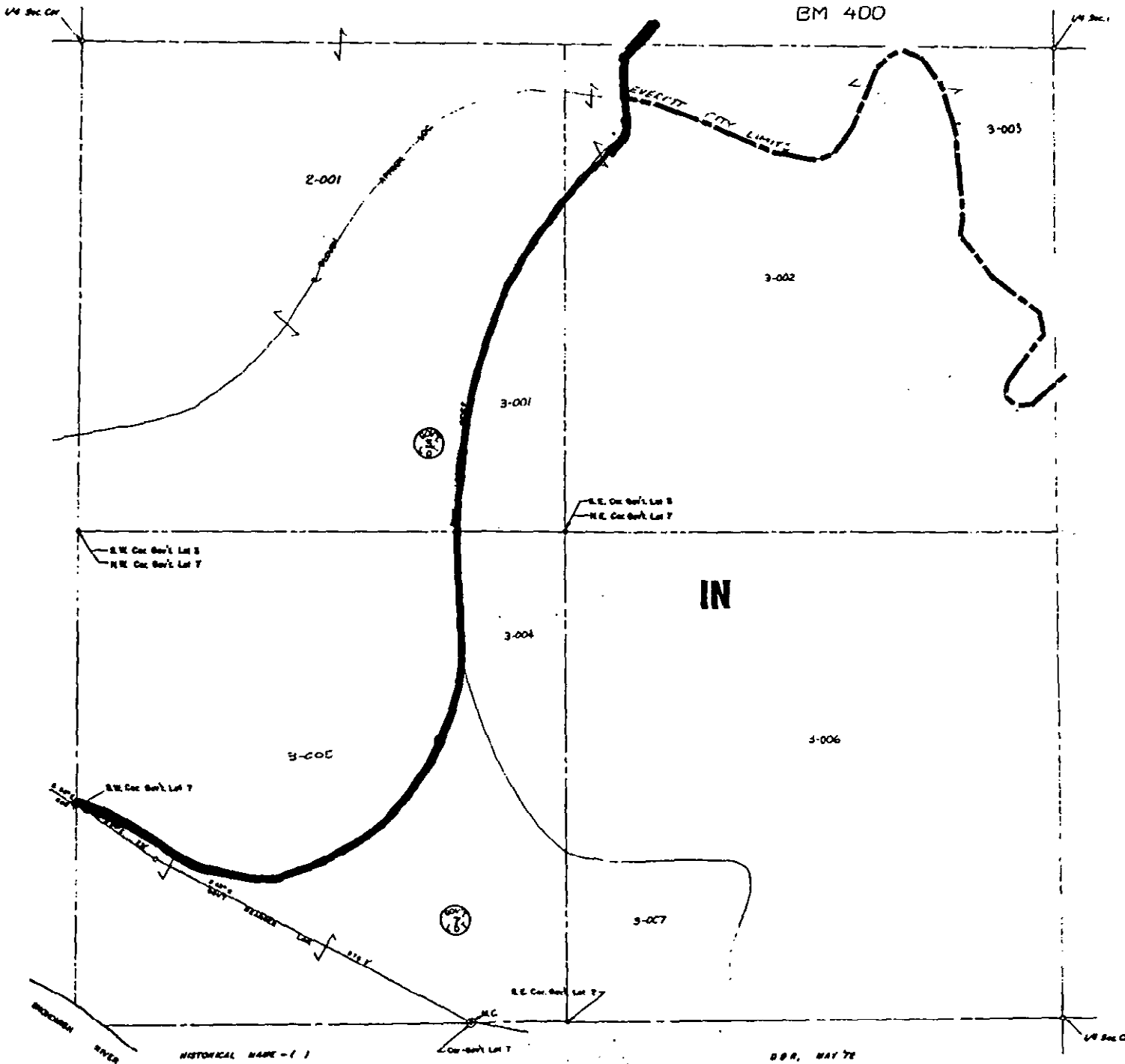
Exhibit B

MAY 25 1995

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

1" = 200'

BM 400



HISTORICAL NAME - ( )  
ROAD BEEM LIMITS - - - - -

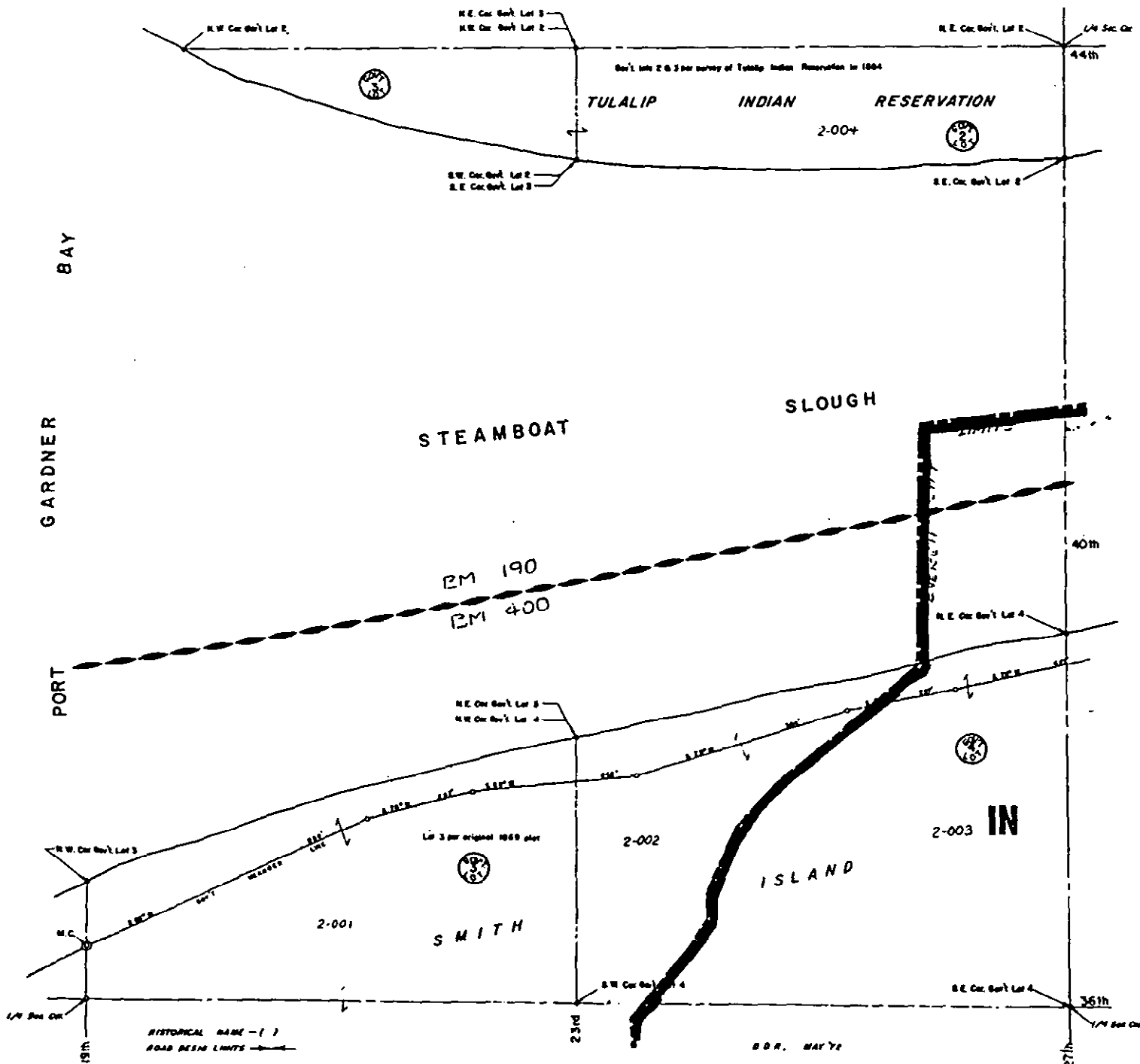
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used for location of monuments.

D.B.R., MAY 78

MAY 25 1995

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1" = 200'



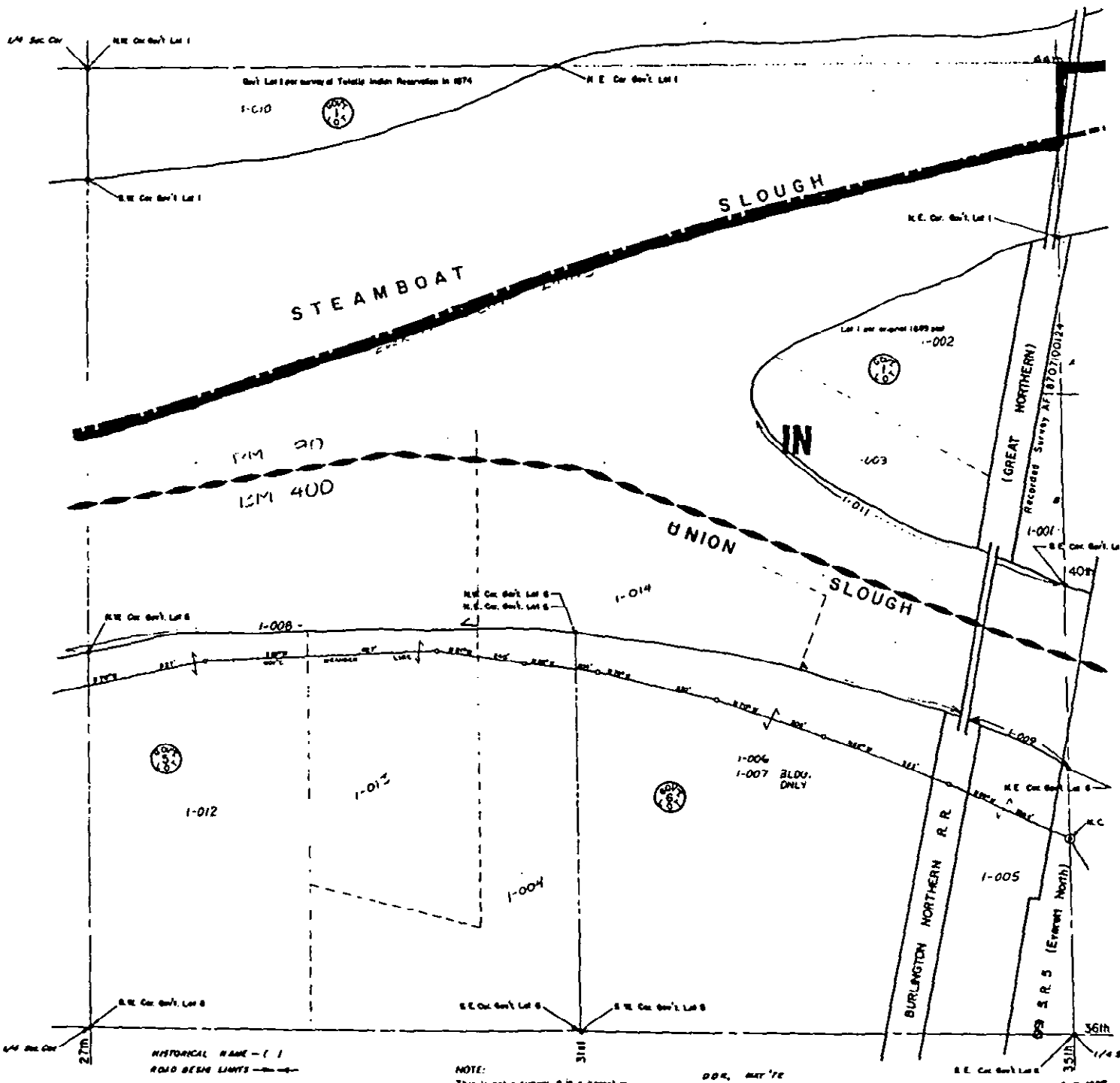
NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

MAY 7 5 1935



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

1" = 200'

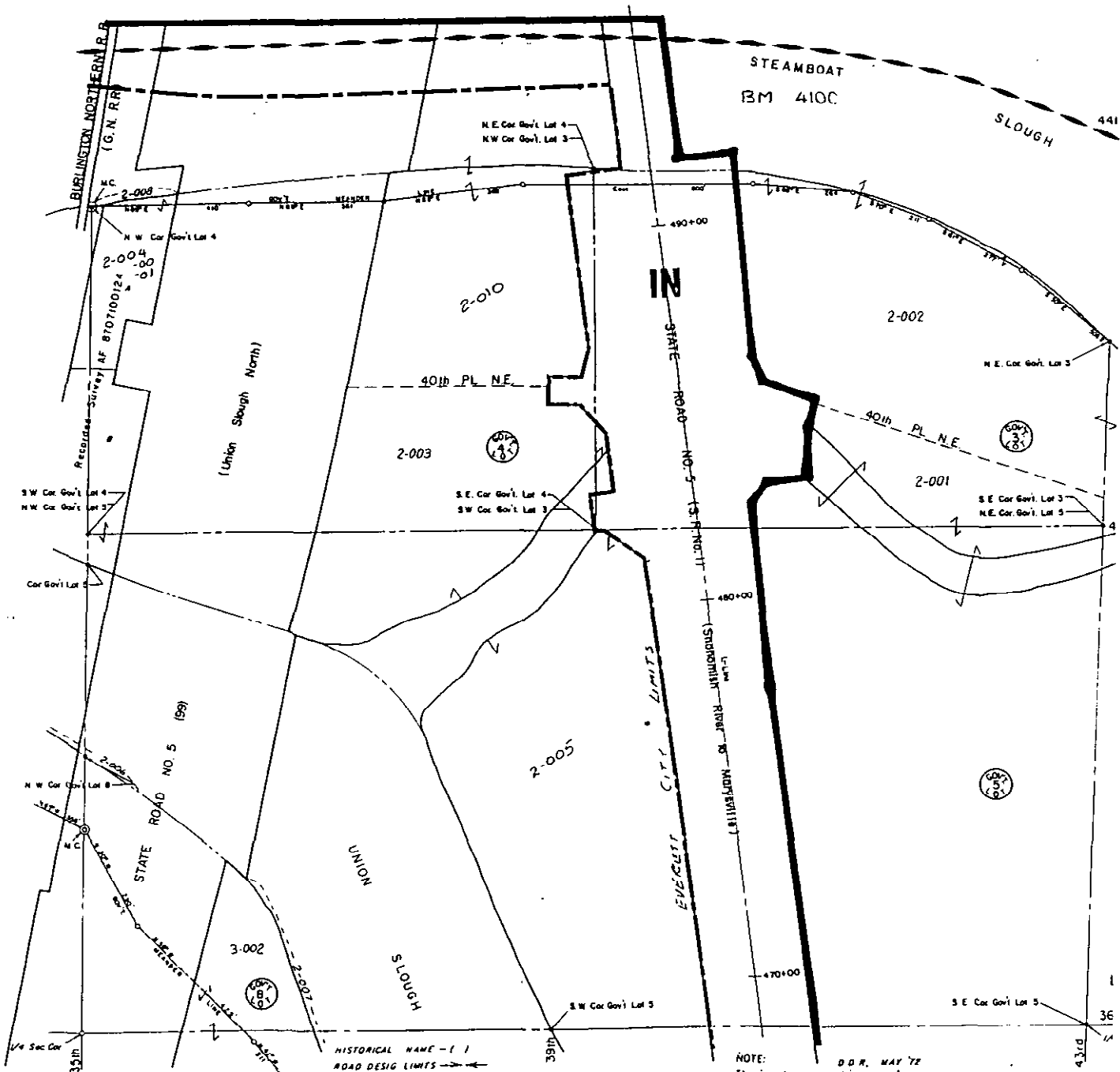


NOTE:  
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used for location of property only

MAY 25 1895

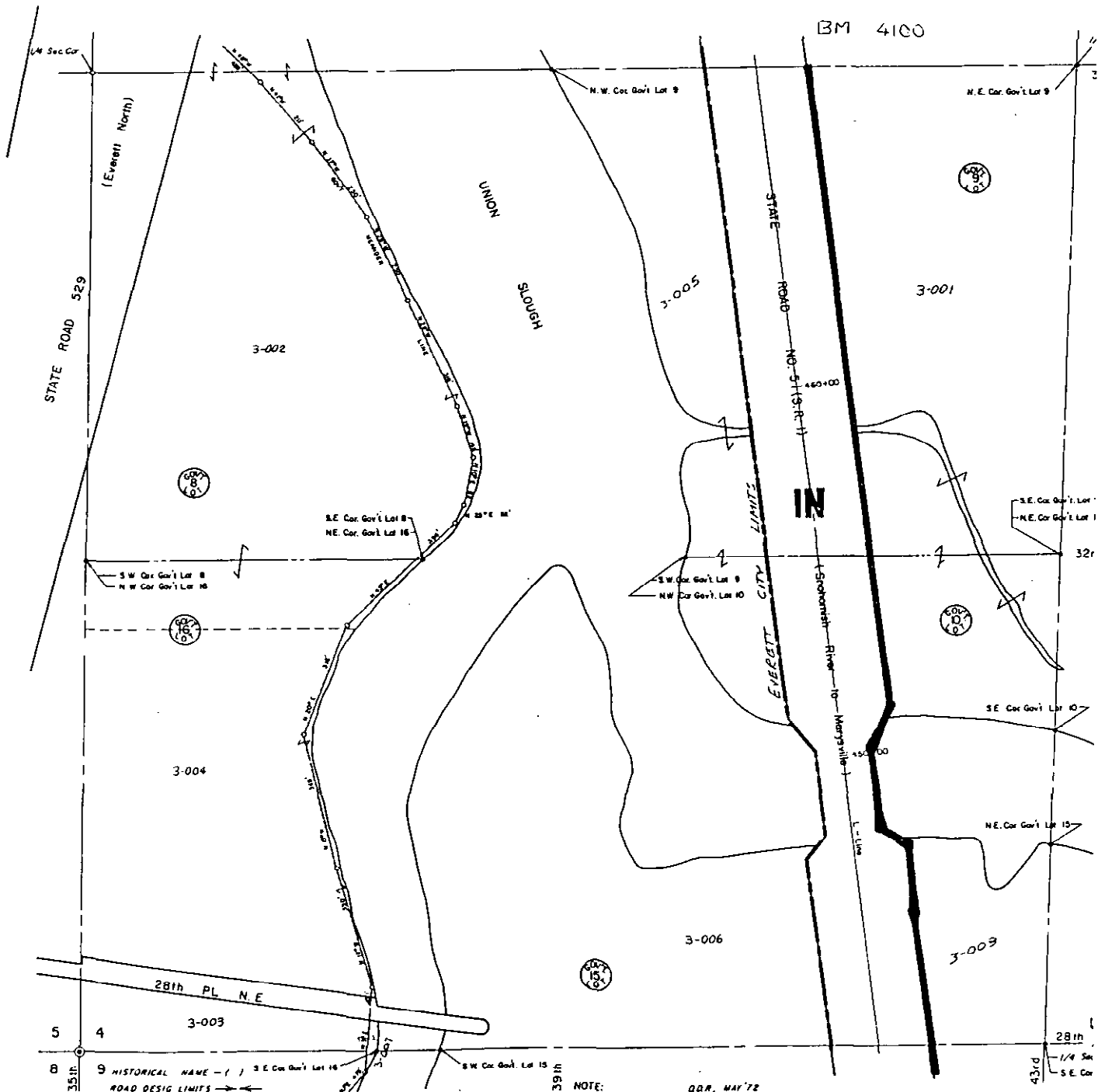
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1" = 200'



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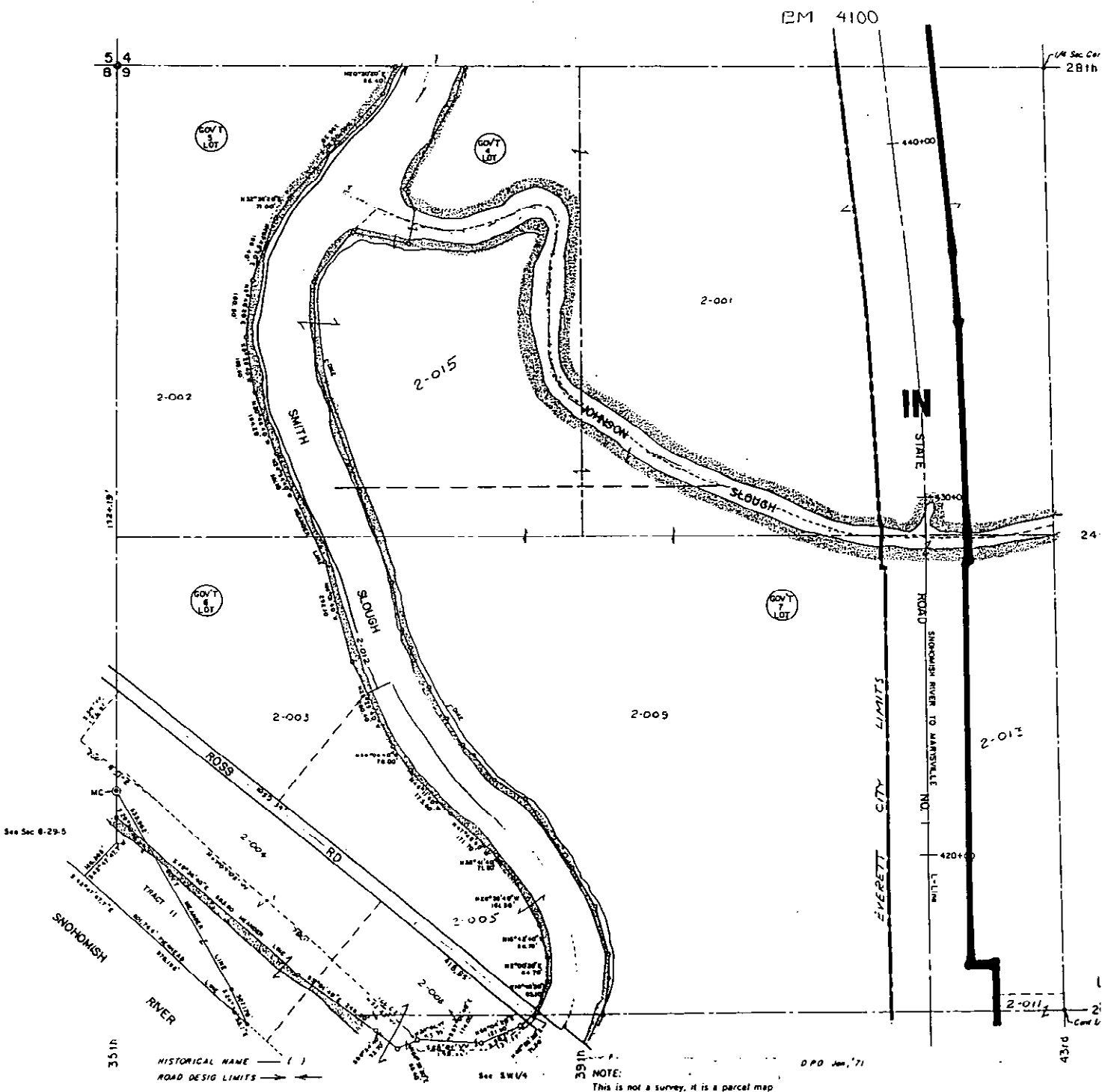
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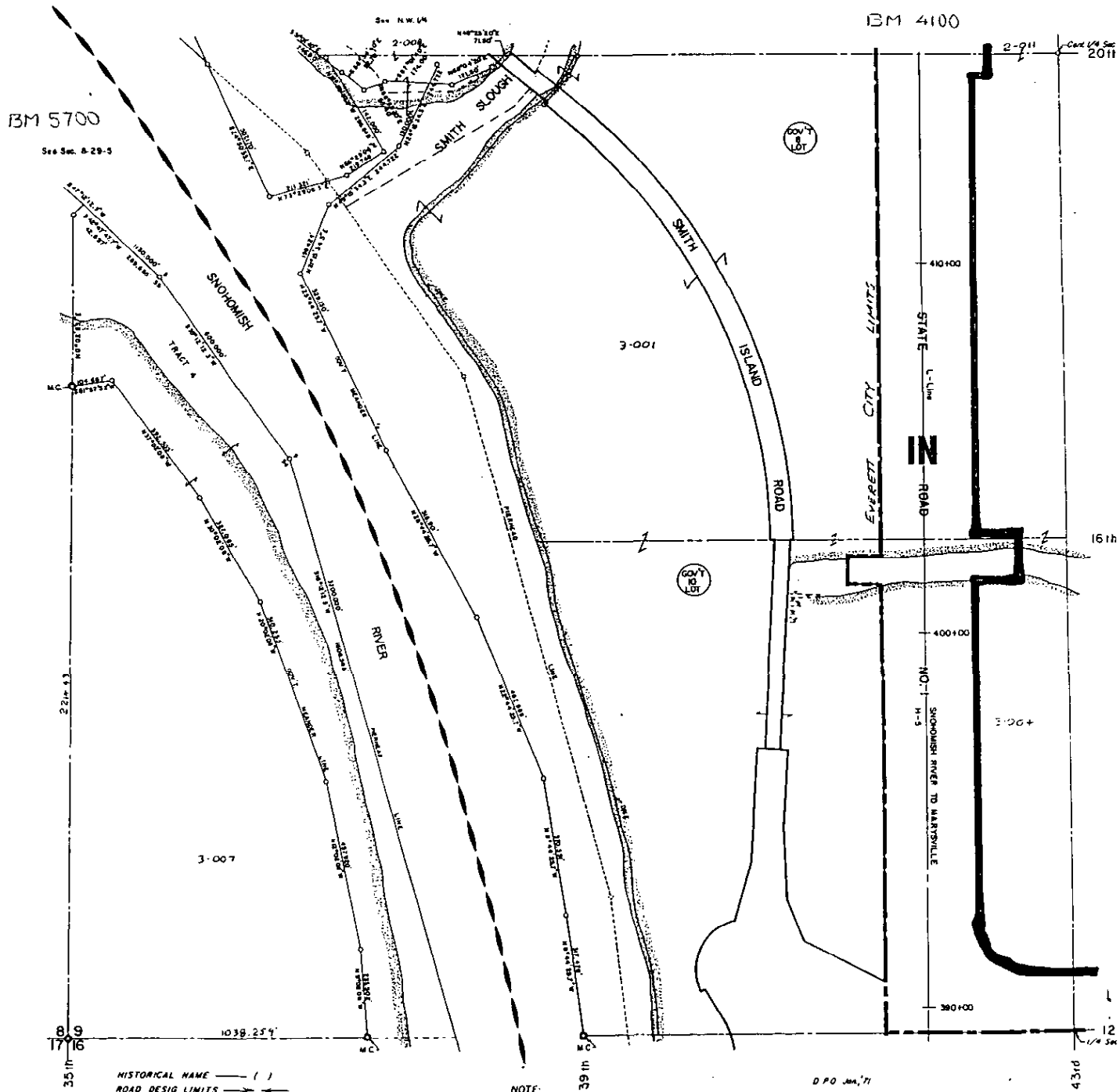
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This is not a survey, it is a parcel map  
used for location of property only

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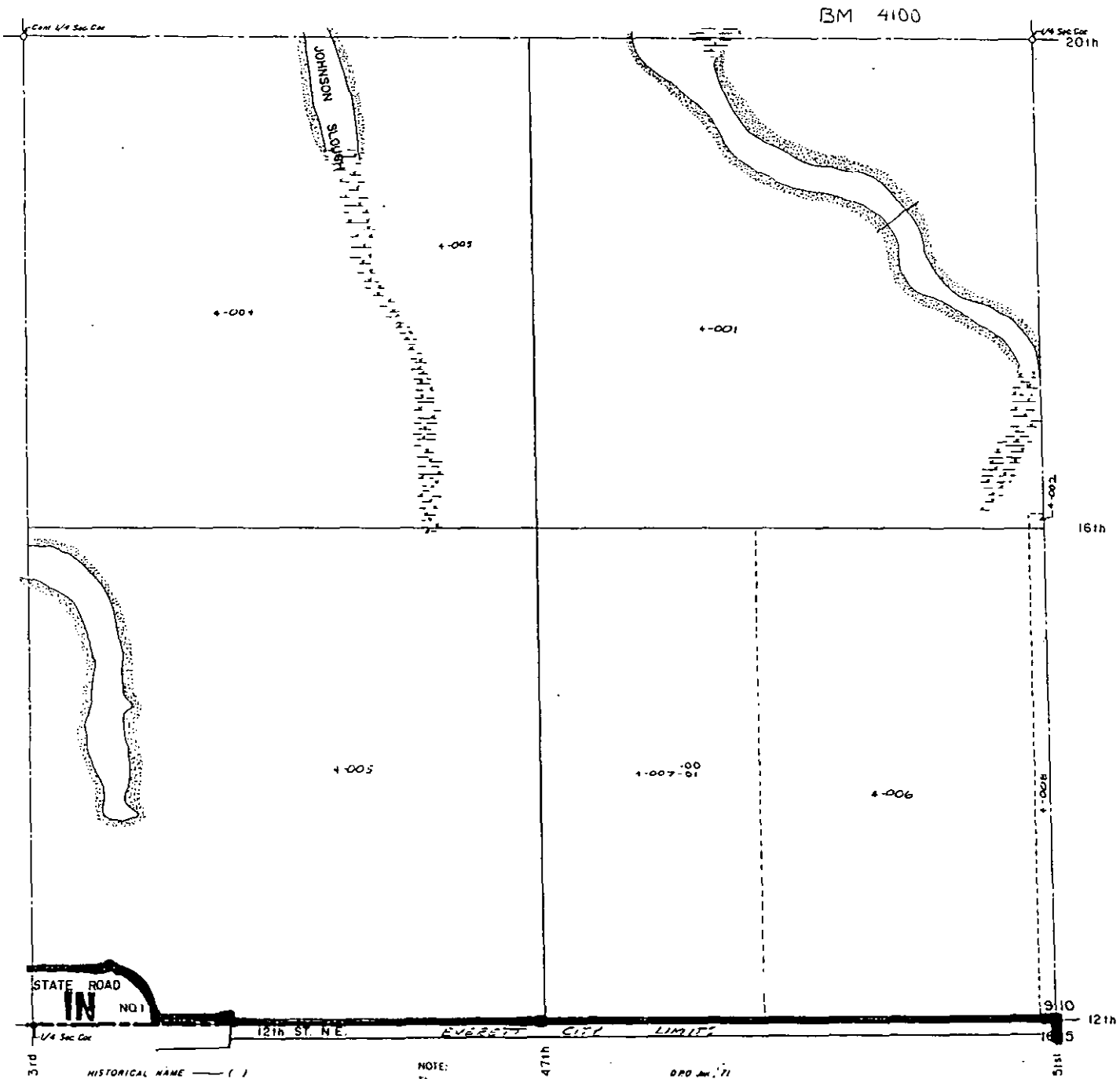
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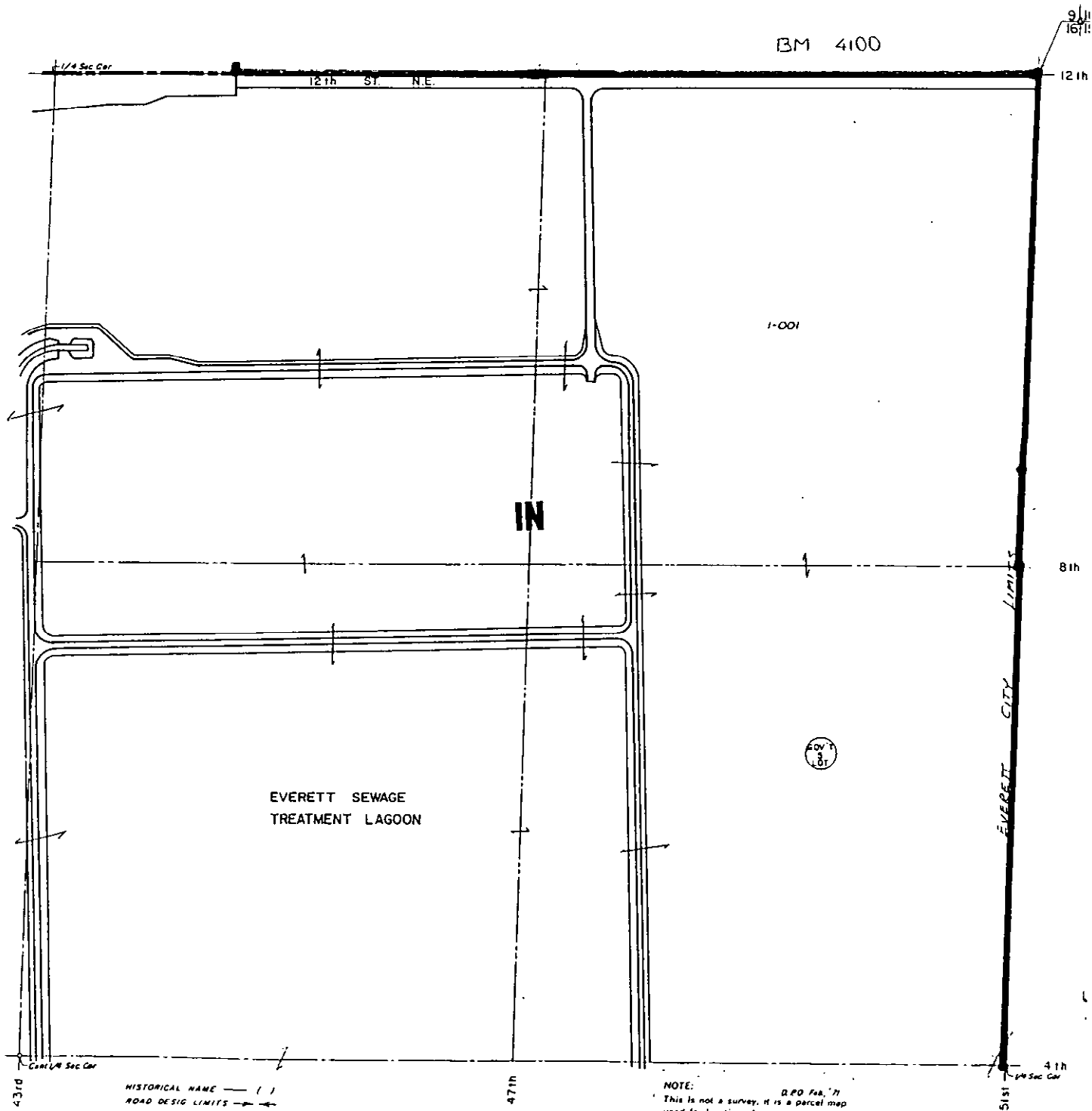
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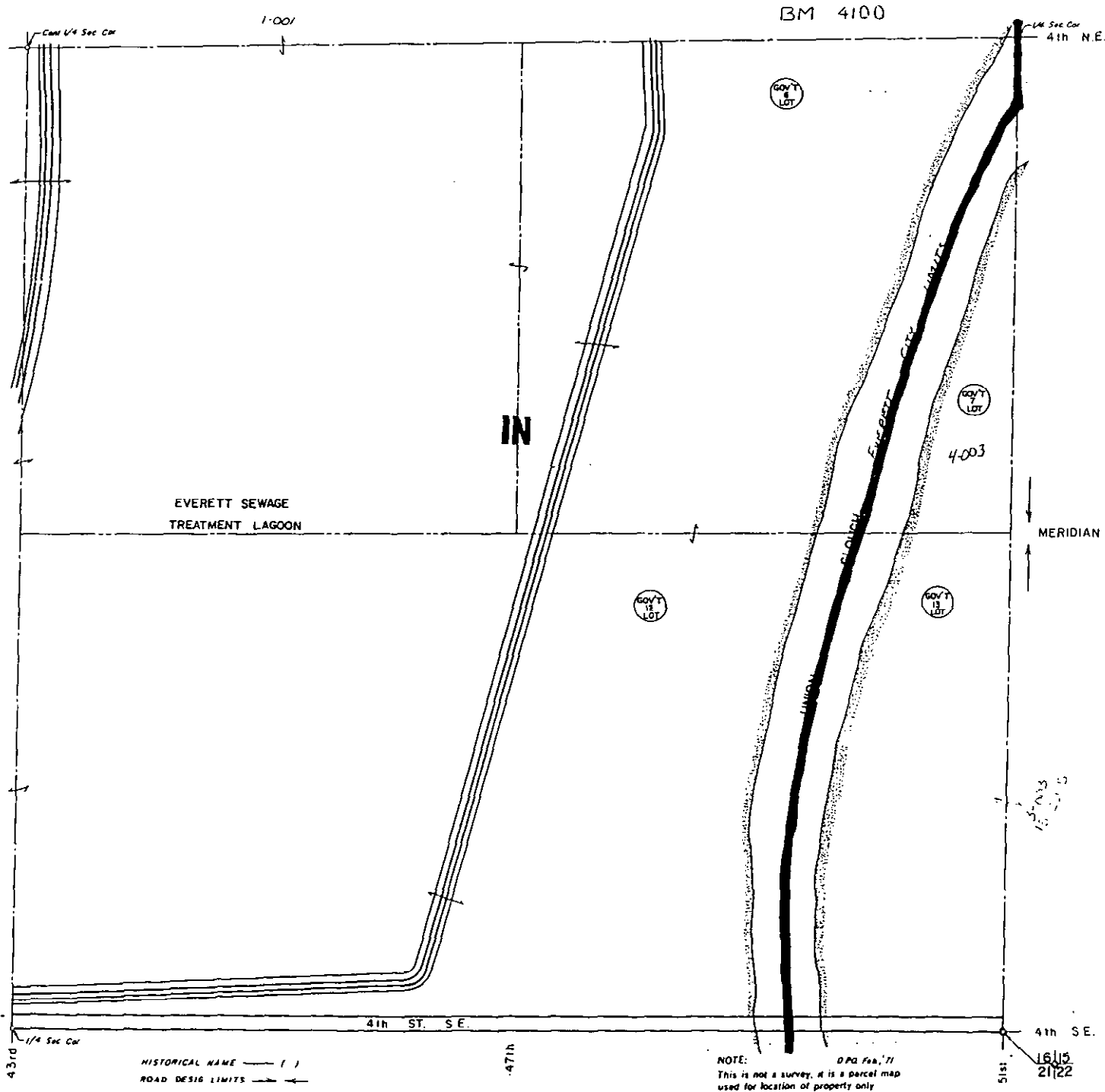
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1" = 200'

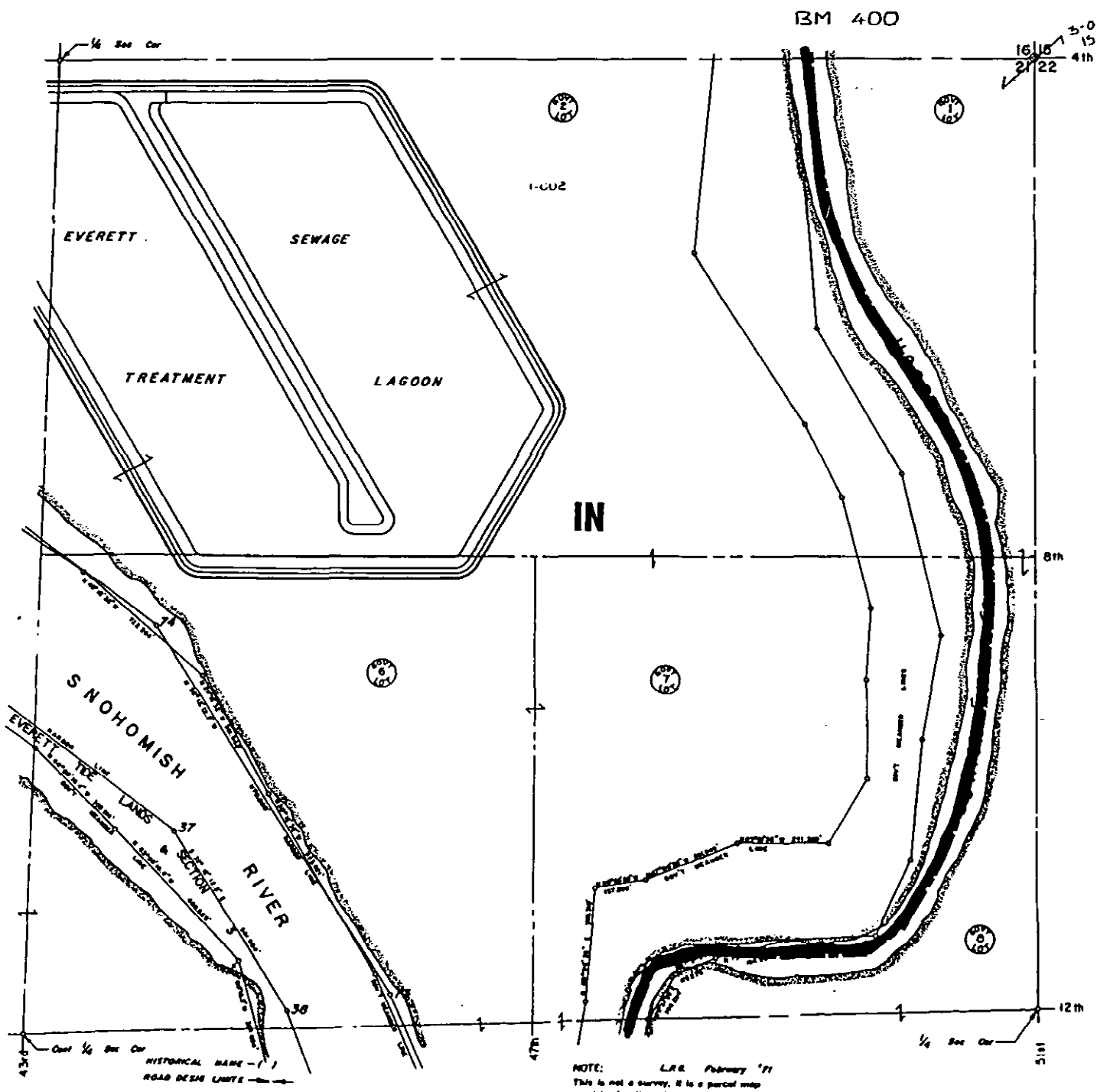


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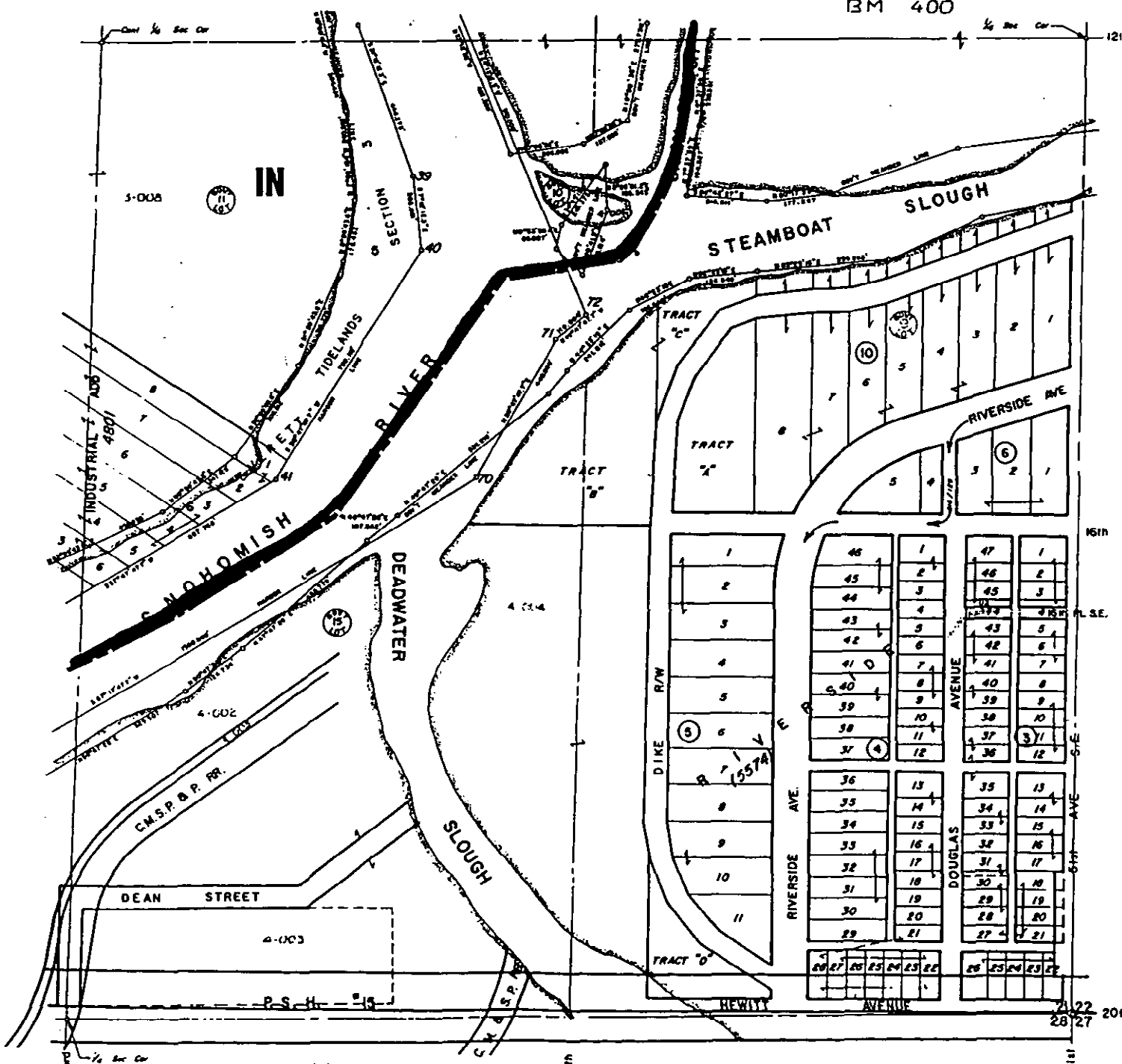


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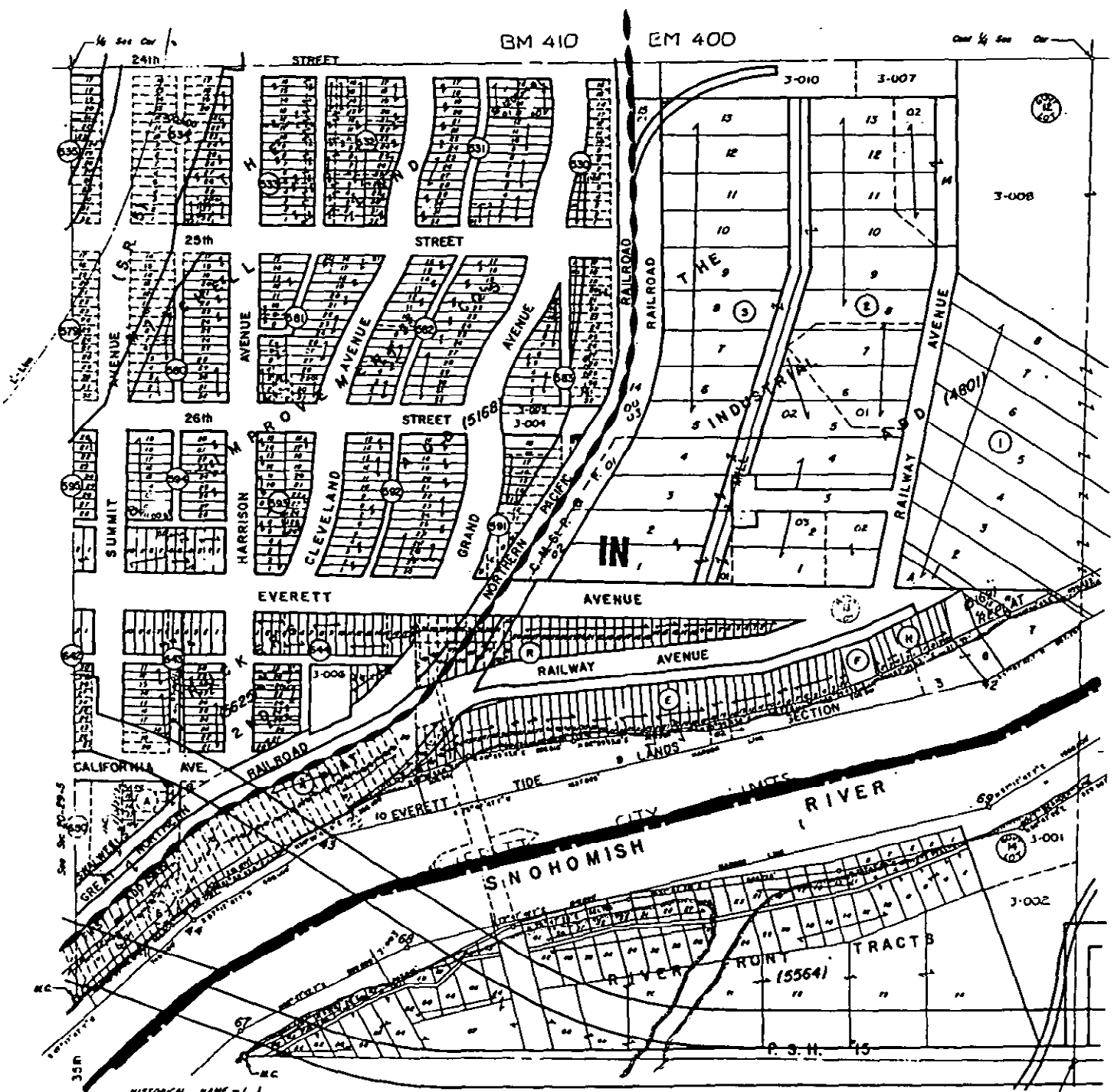


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NOTE:  
This is not a survey, it is a parcel map  
made for the purpose of...

MAY 25 1935

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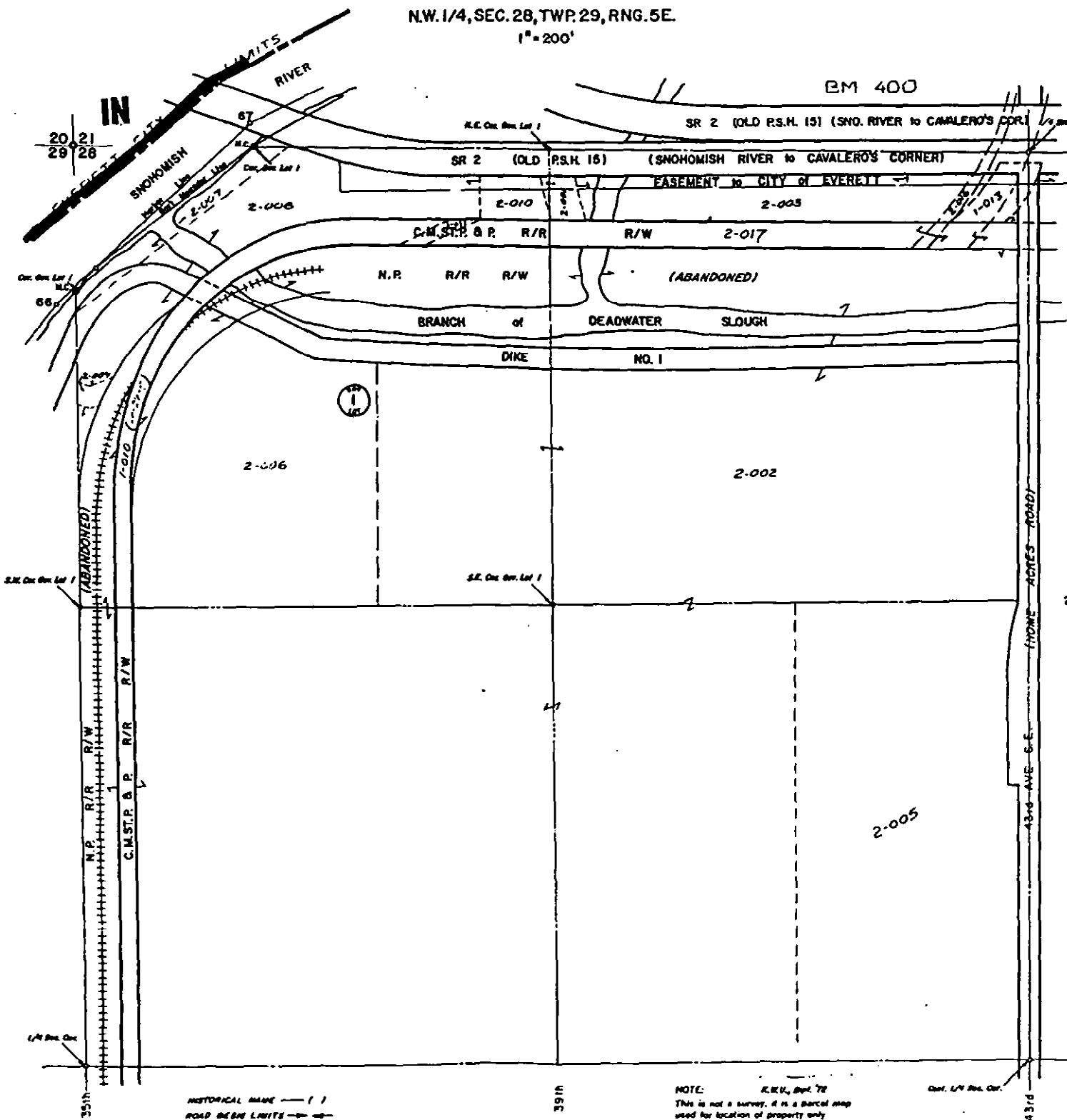


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NOTE:  
 This is not a survey, it is a parcel map  
 used for location of property only

MAY 25 1895

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 1" = 200'



HISTORICAL NAME — ( )  
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NOTE: This is not a survey, it is a parcel map used for location of property only.

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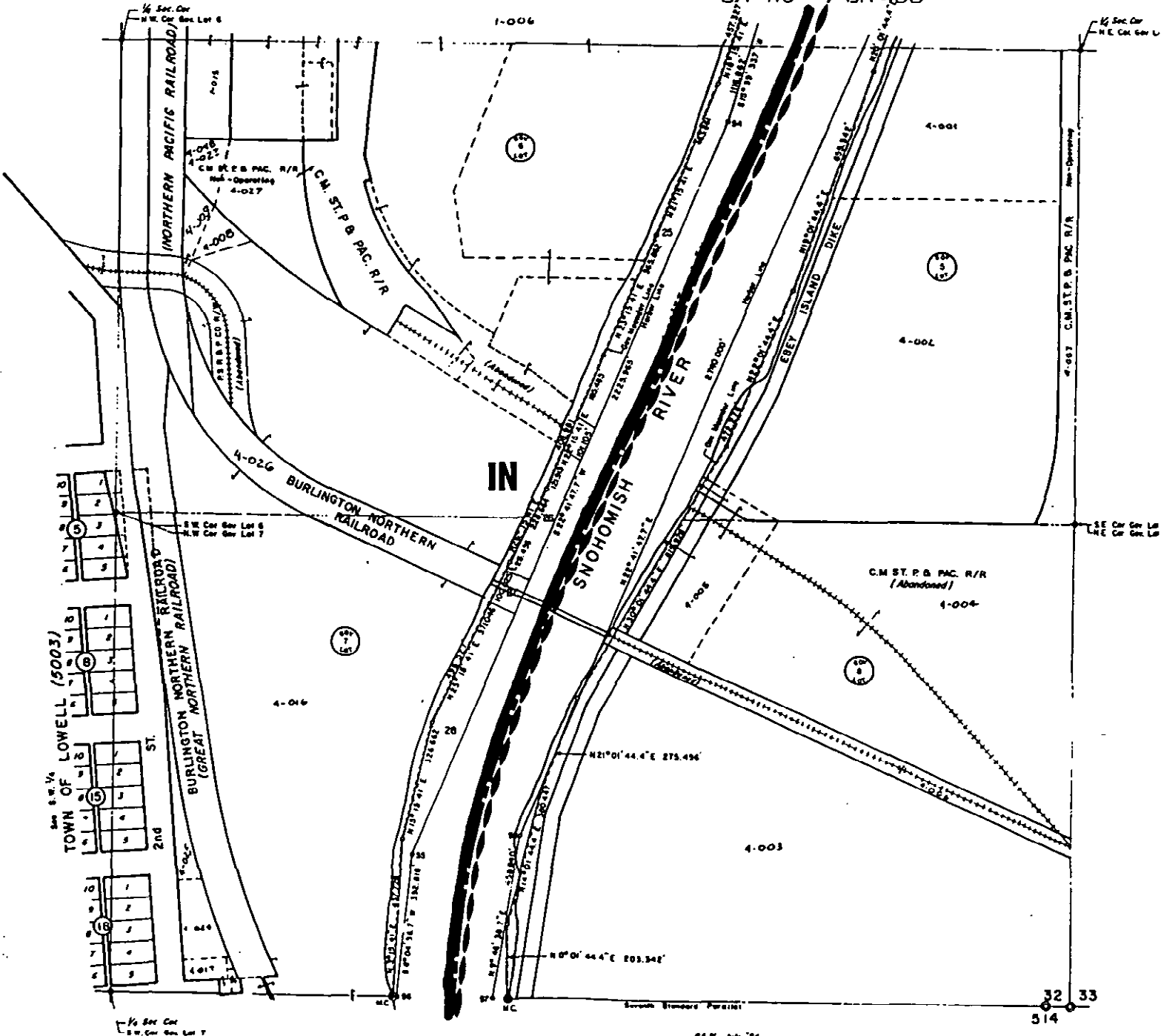


S.E. 1/4, SEC. 32, T. 29N, R. 5E.W.M.

1" = 200'

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RAM, July '74  
 NOTE:  
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 used for taxation of property only.

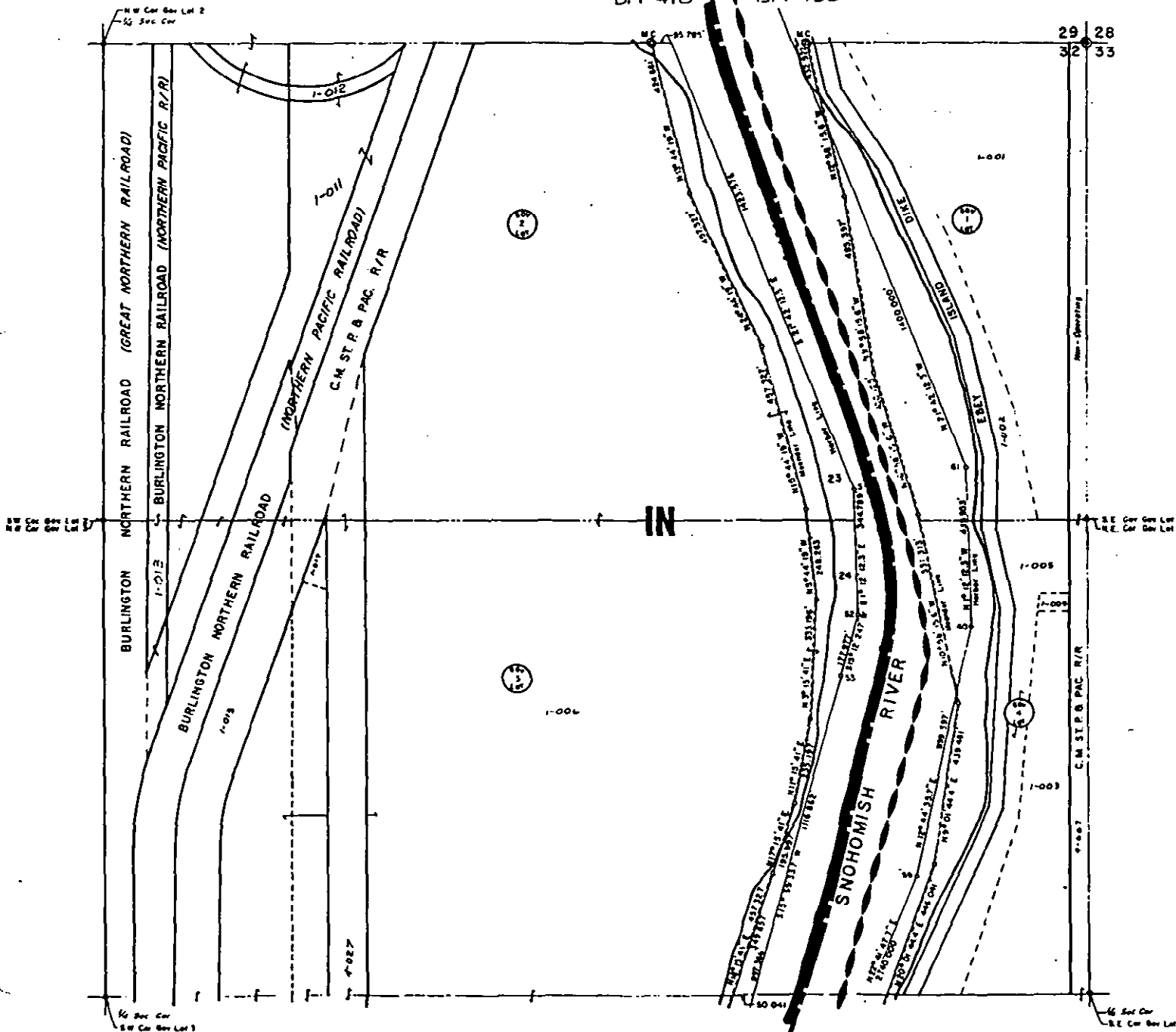
MAY 25 1995

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1"=200'

BM 410

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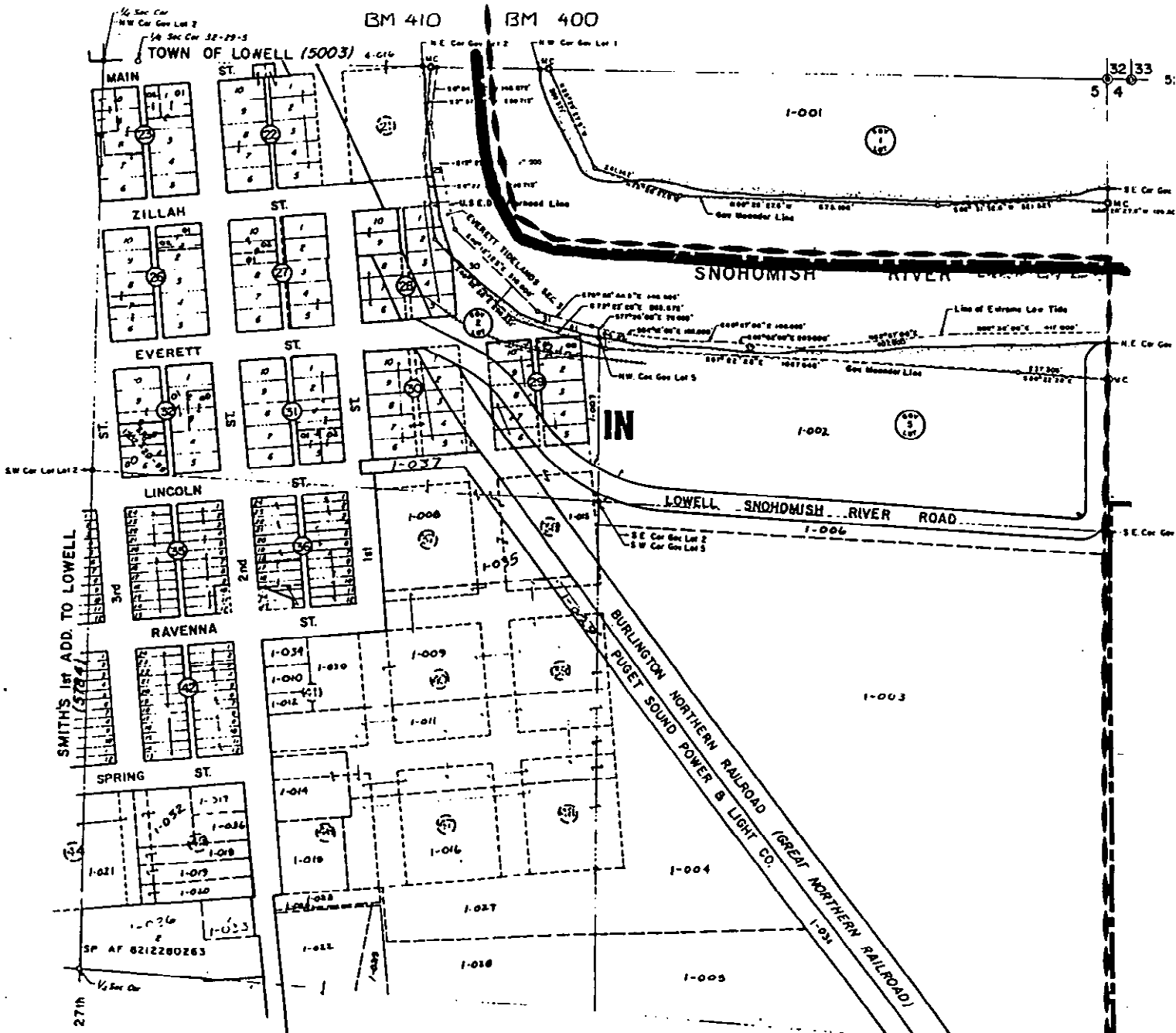
NOTE:  
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and the location of property only.

MAY 25 1935

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1" = 200'

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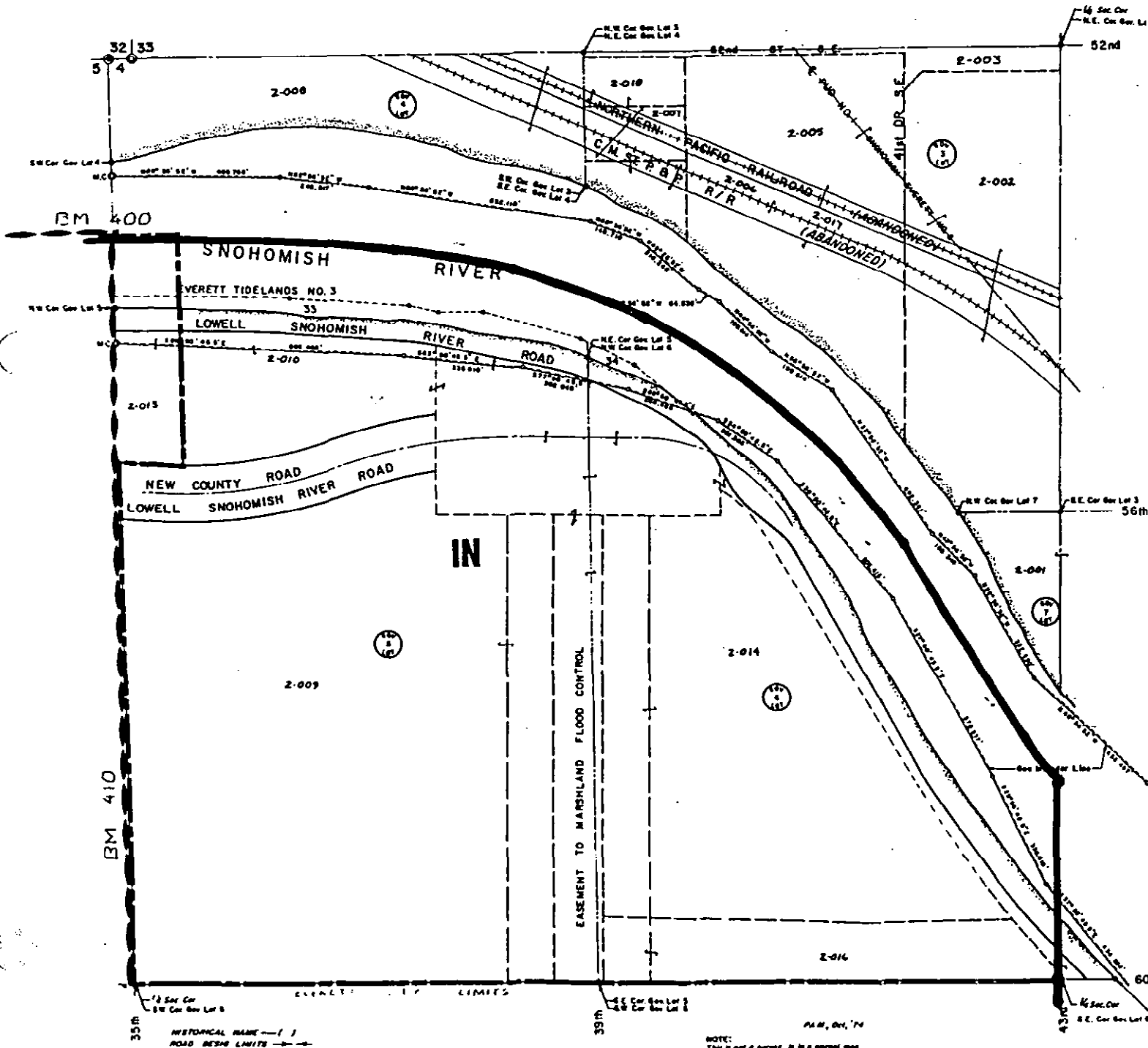
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NOTE:  
This is not a survey, it is a parcel map  
used for record of property only

MAY 25 1935



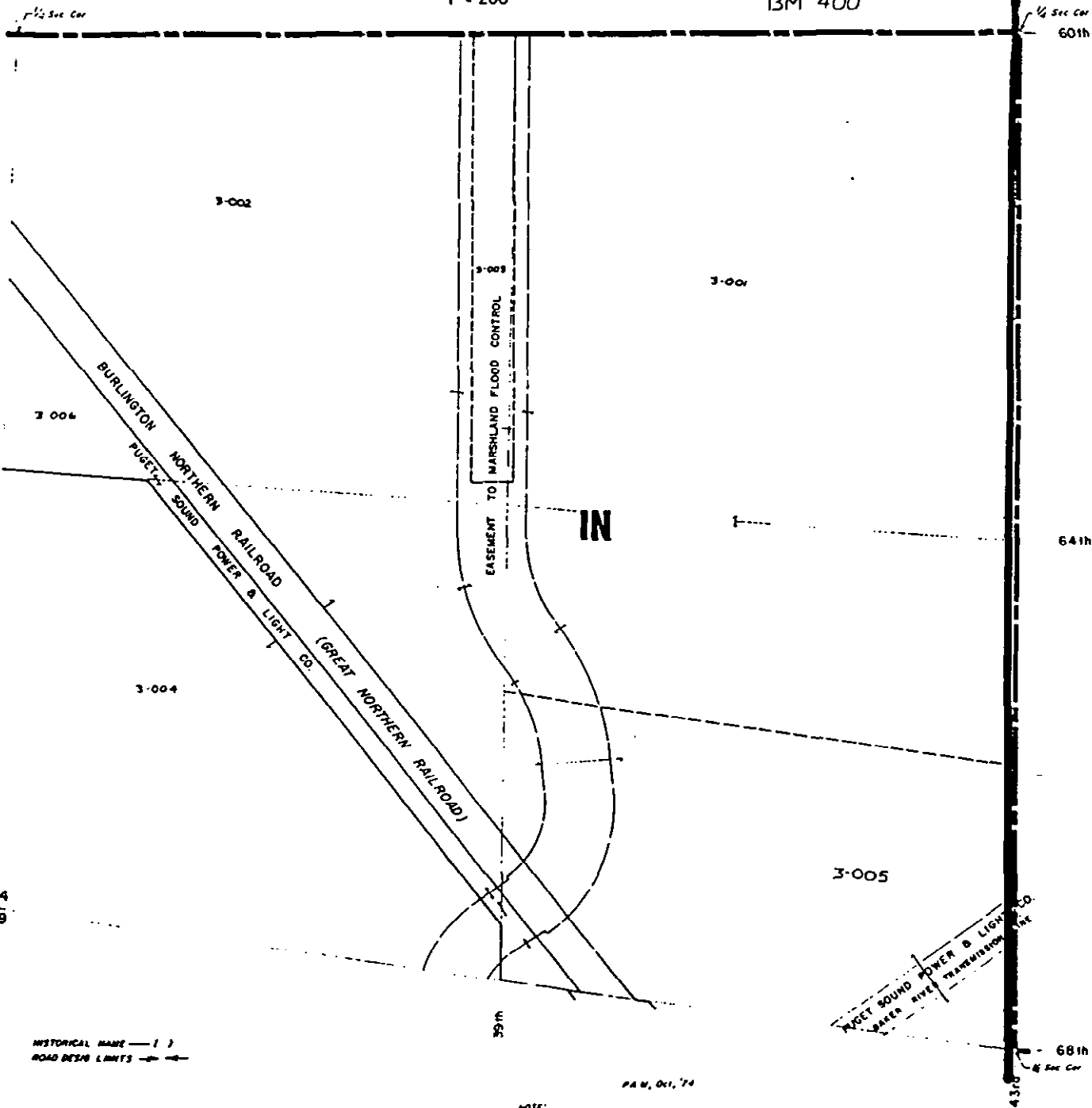
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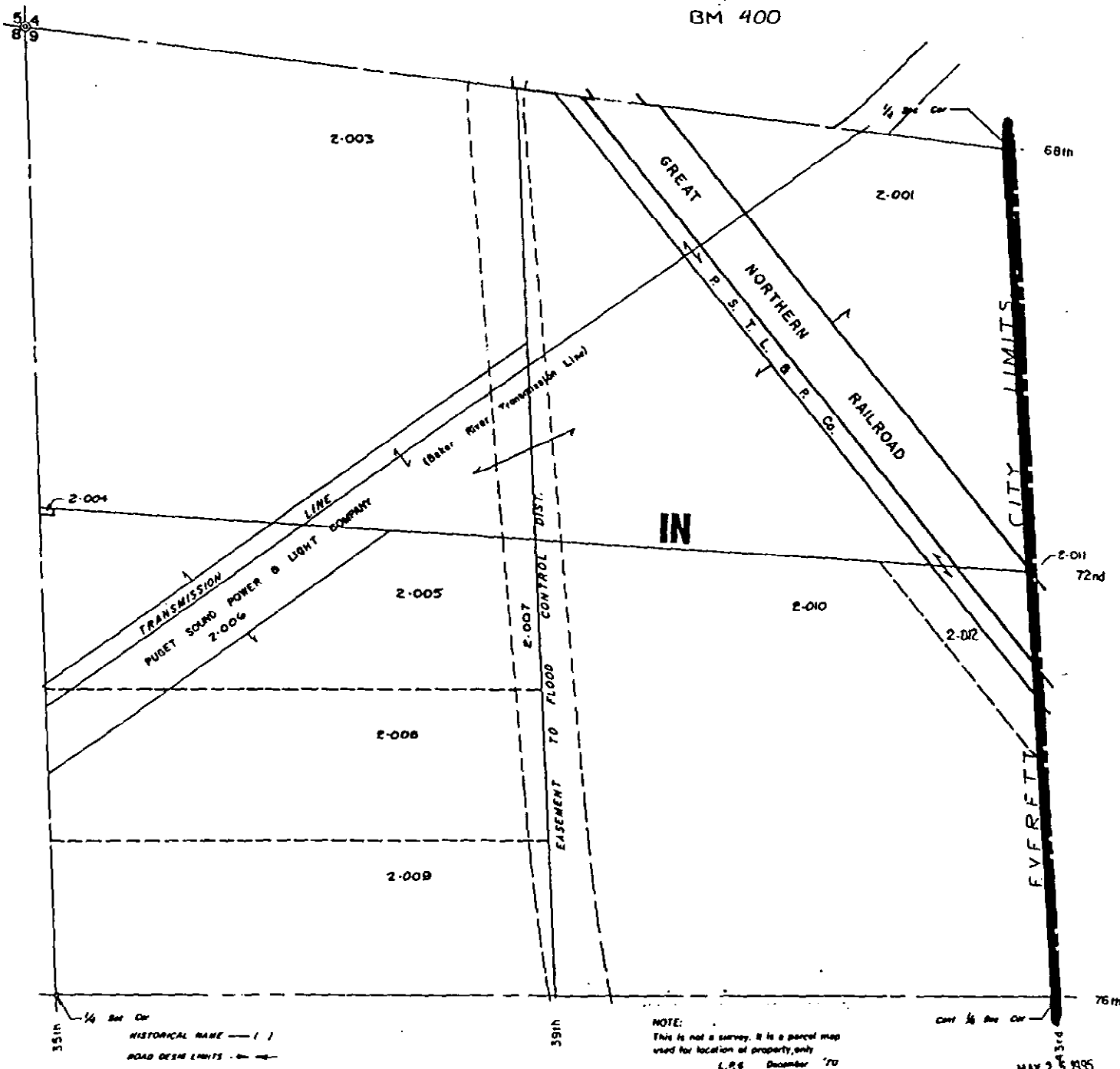
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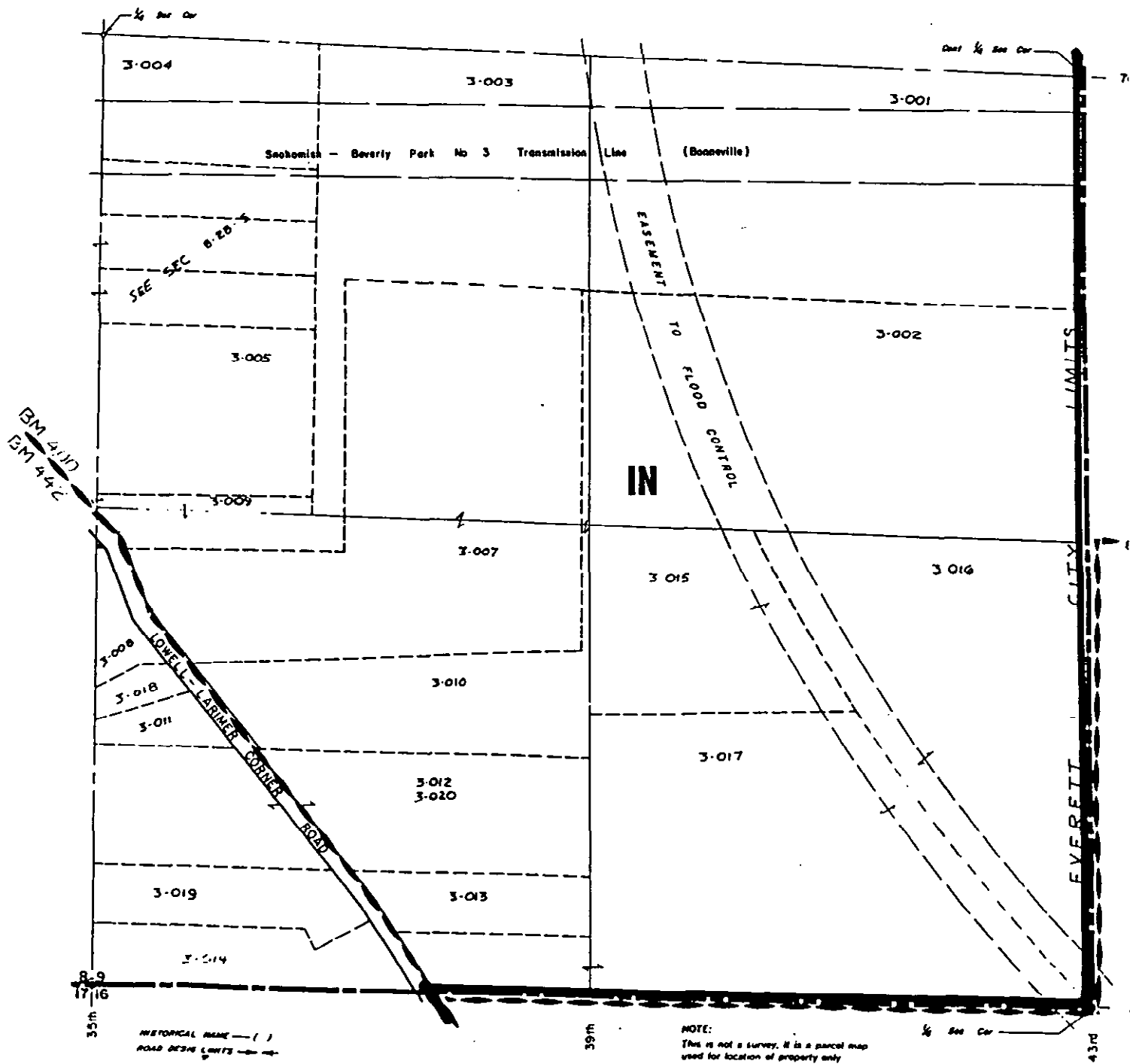


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S.W. 1/4 SEC. 9, T. 28, R. 5  
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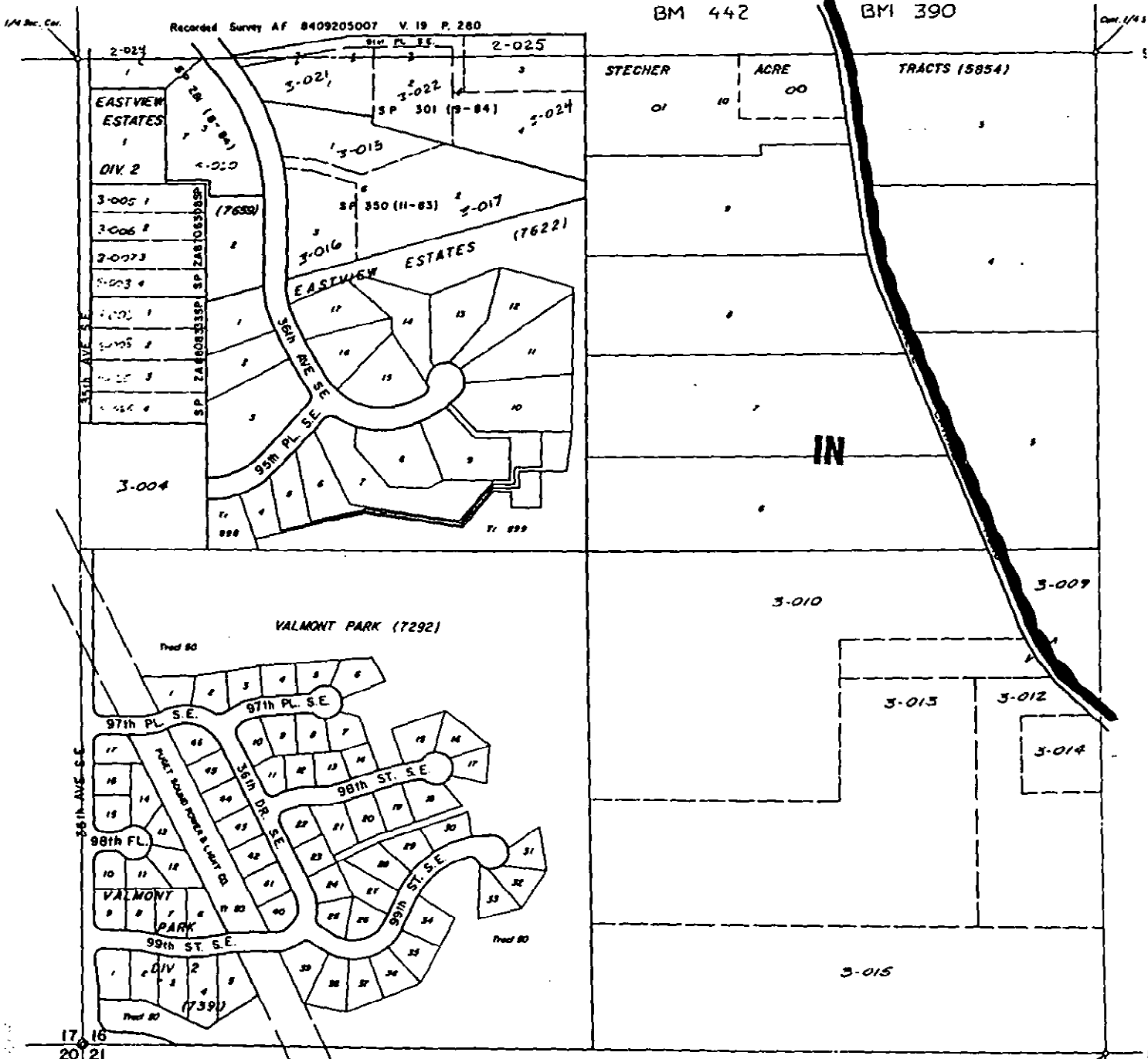


HISTORICAL NAME — ( )  
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NOTE:  
 This is not a survey, it is a parcel map  
 used for location of property only  
 L.R.B. December '70



S.W. 1/4, SEC. 16, TWP. 28, RNG. 5E.  
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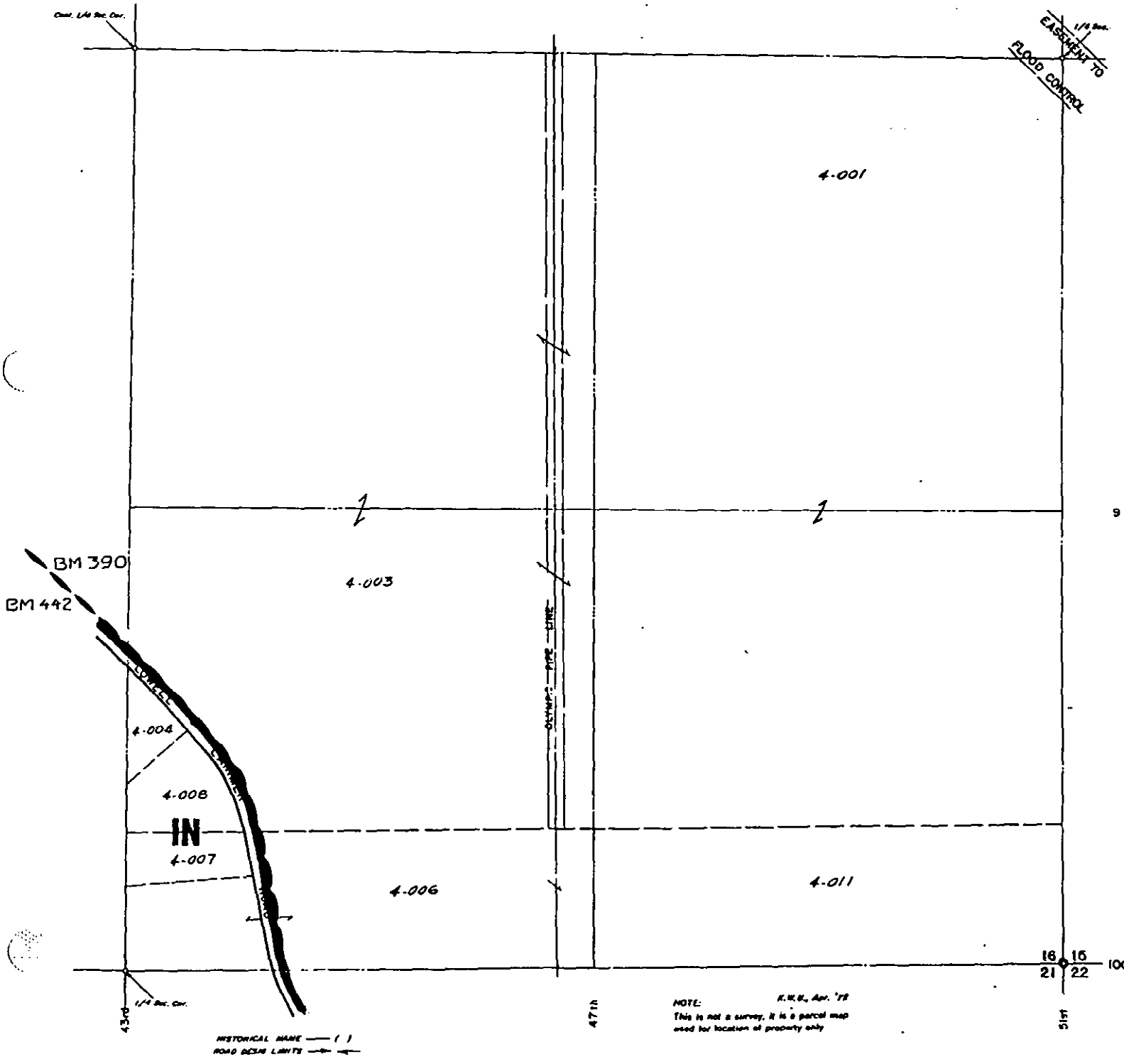
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This is not a survey, it is a parcel map  
used for location of property only

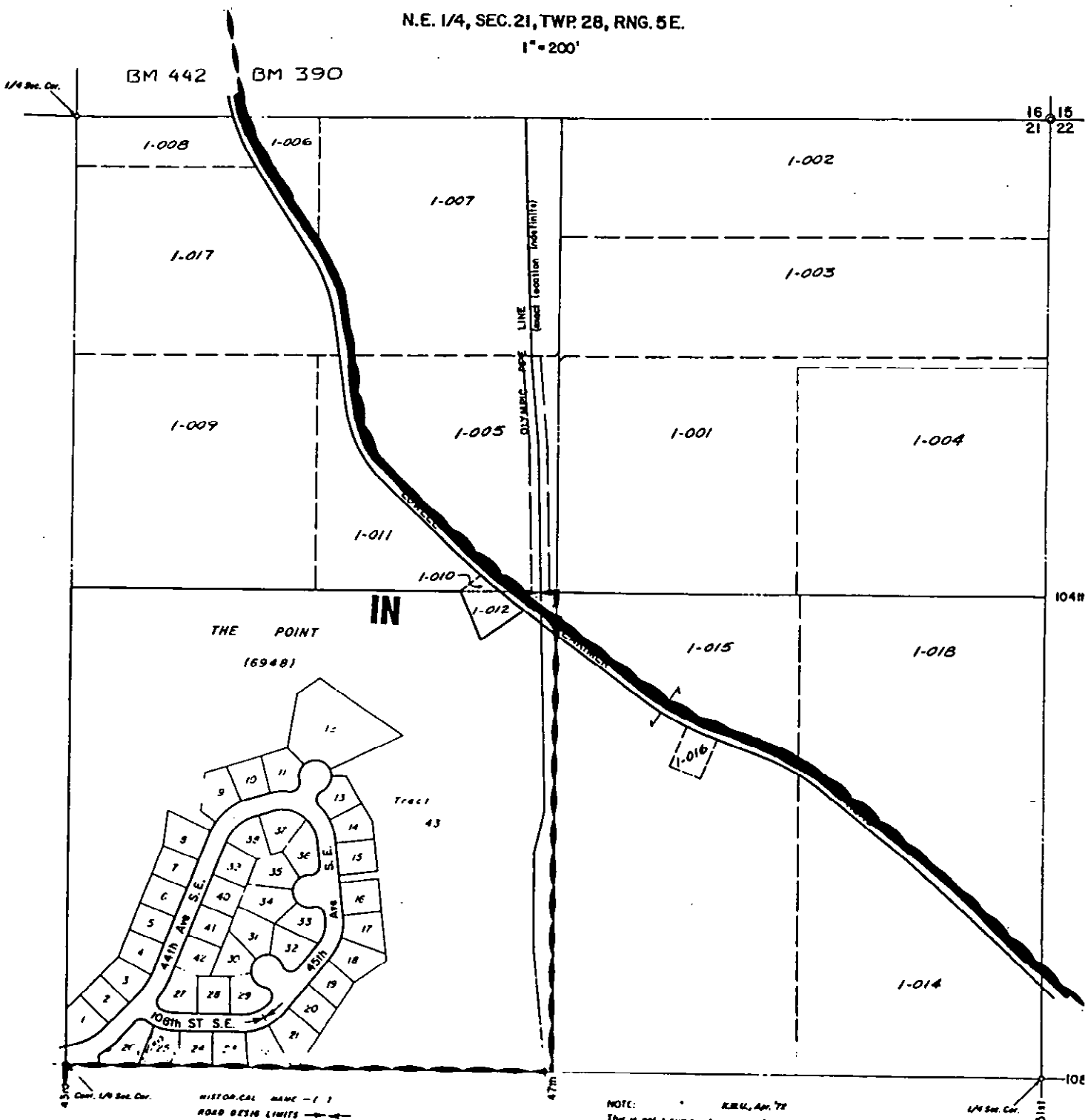
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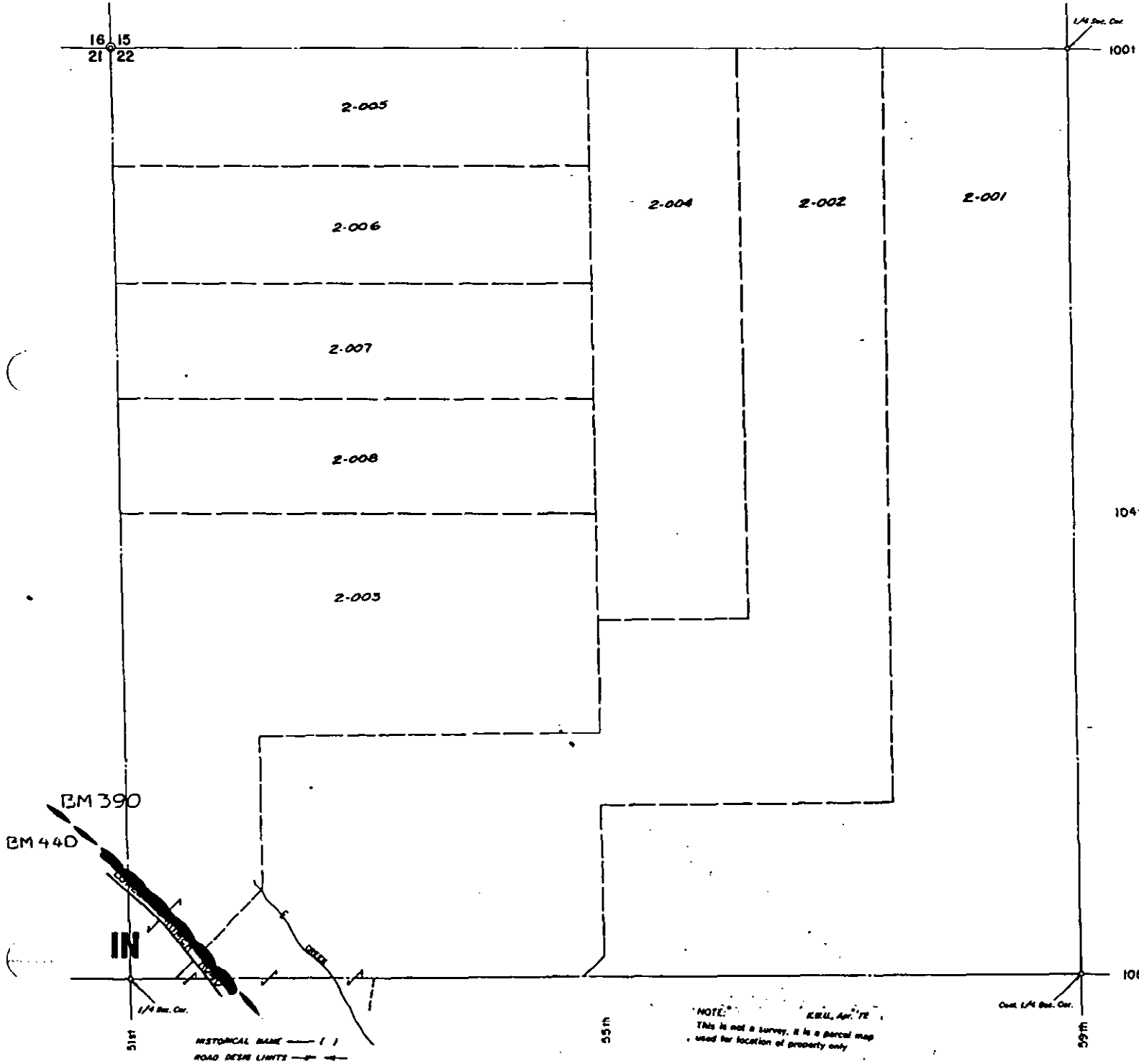
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NOTE: R.E.M., Apr. 72  
This is not a survey, it is a parcel map  
used for location of property only



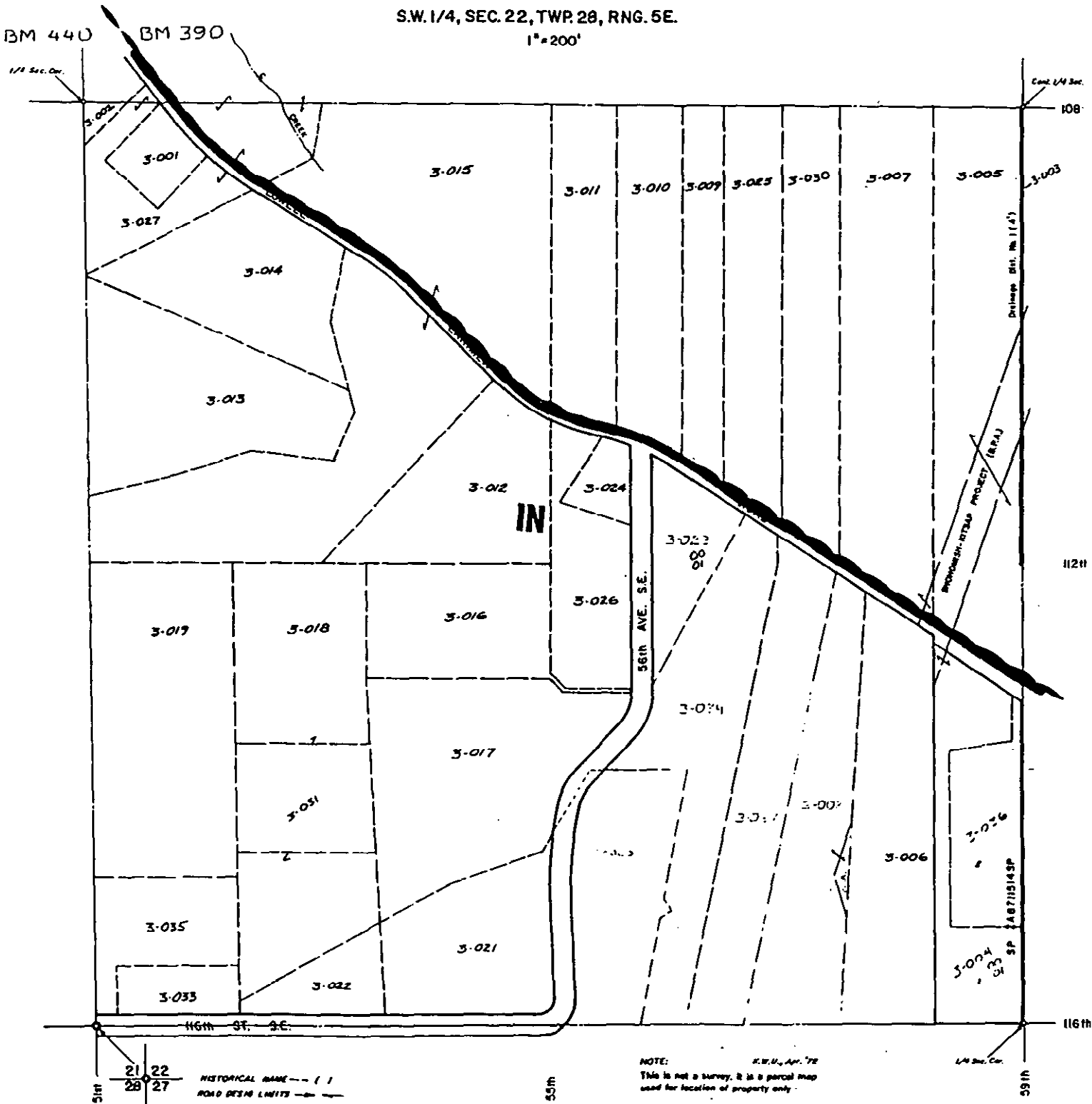
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NOTE: This is not a survey, it is a parcel map used for location of property only.  
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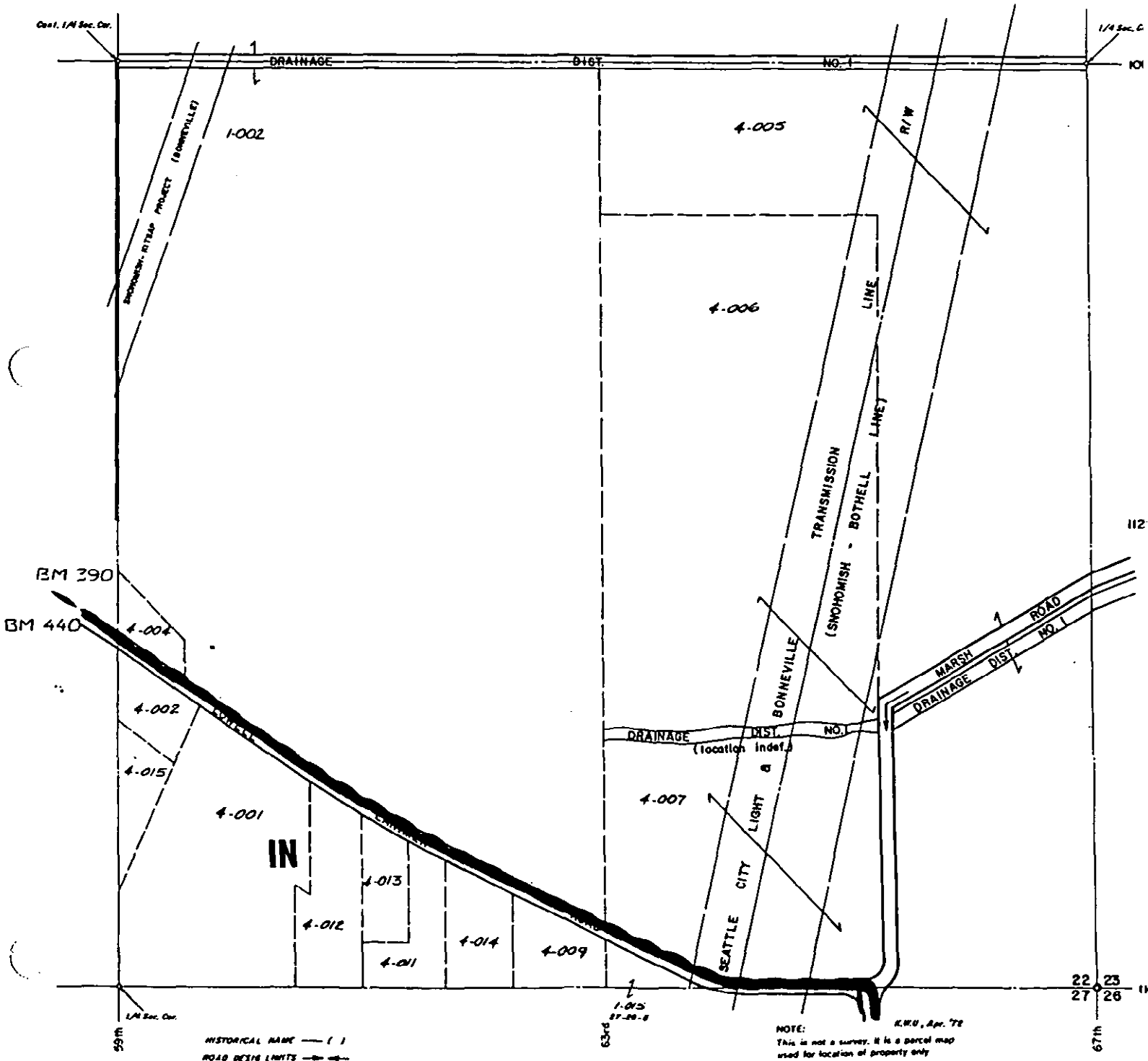
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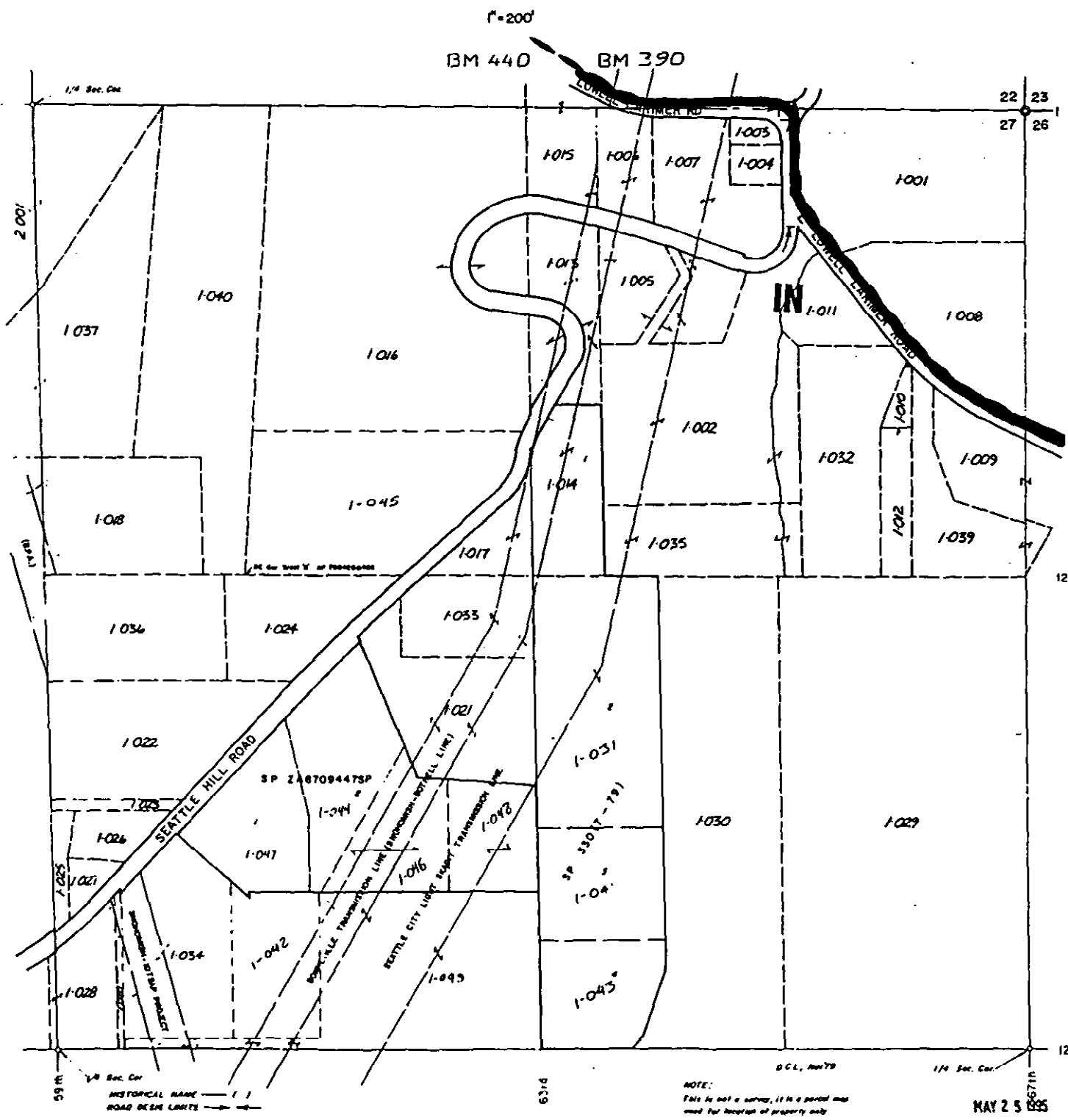


NOTE: This is not a survey. It is a parcel map used for location of property only.

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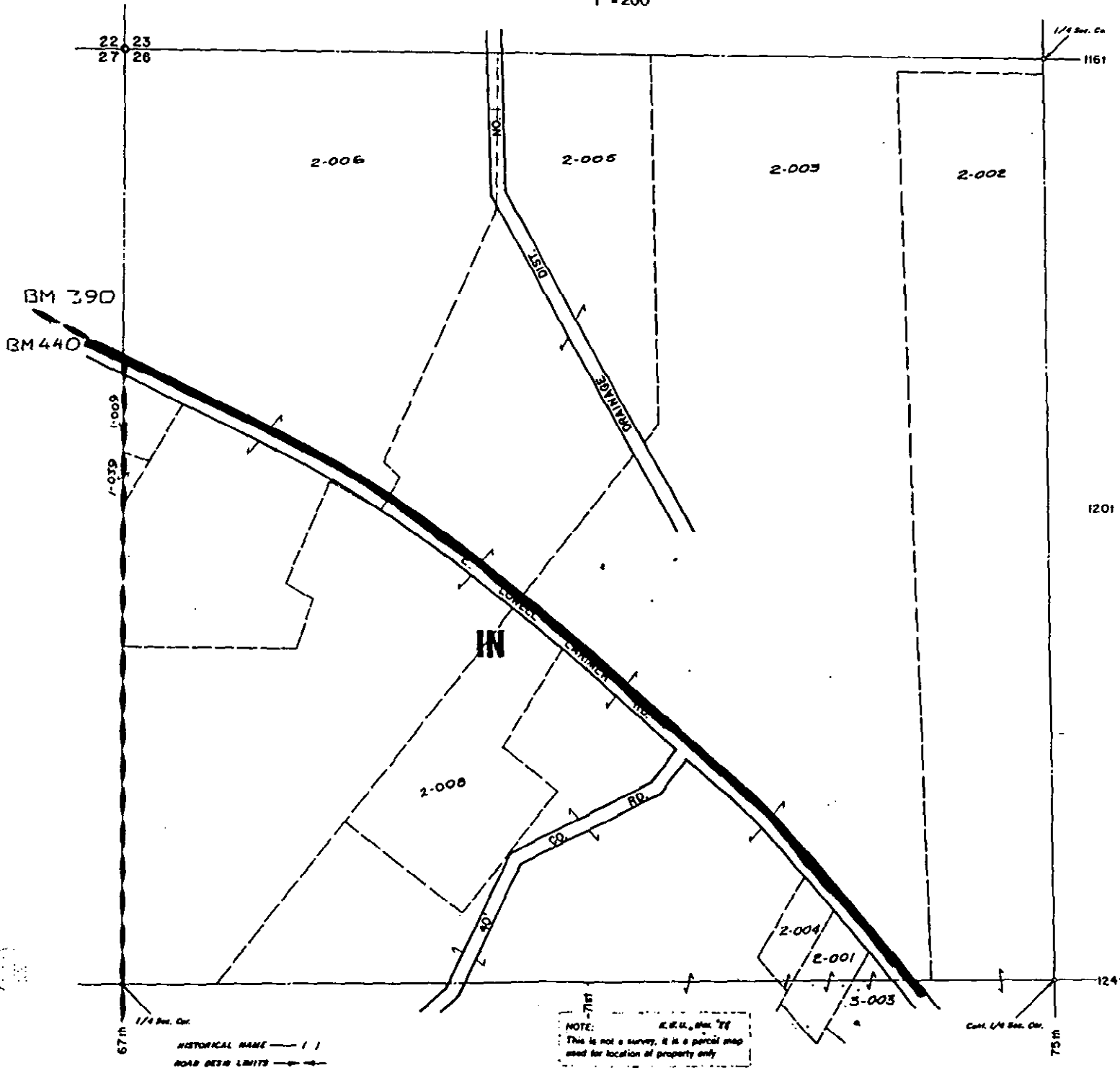
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MAY 25 1995

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

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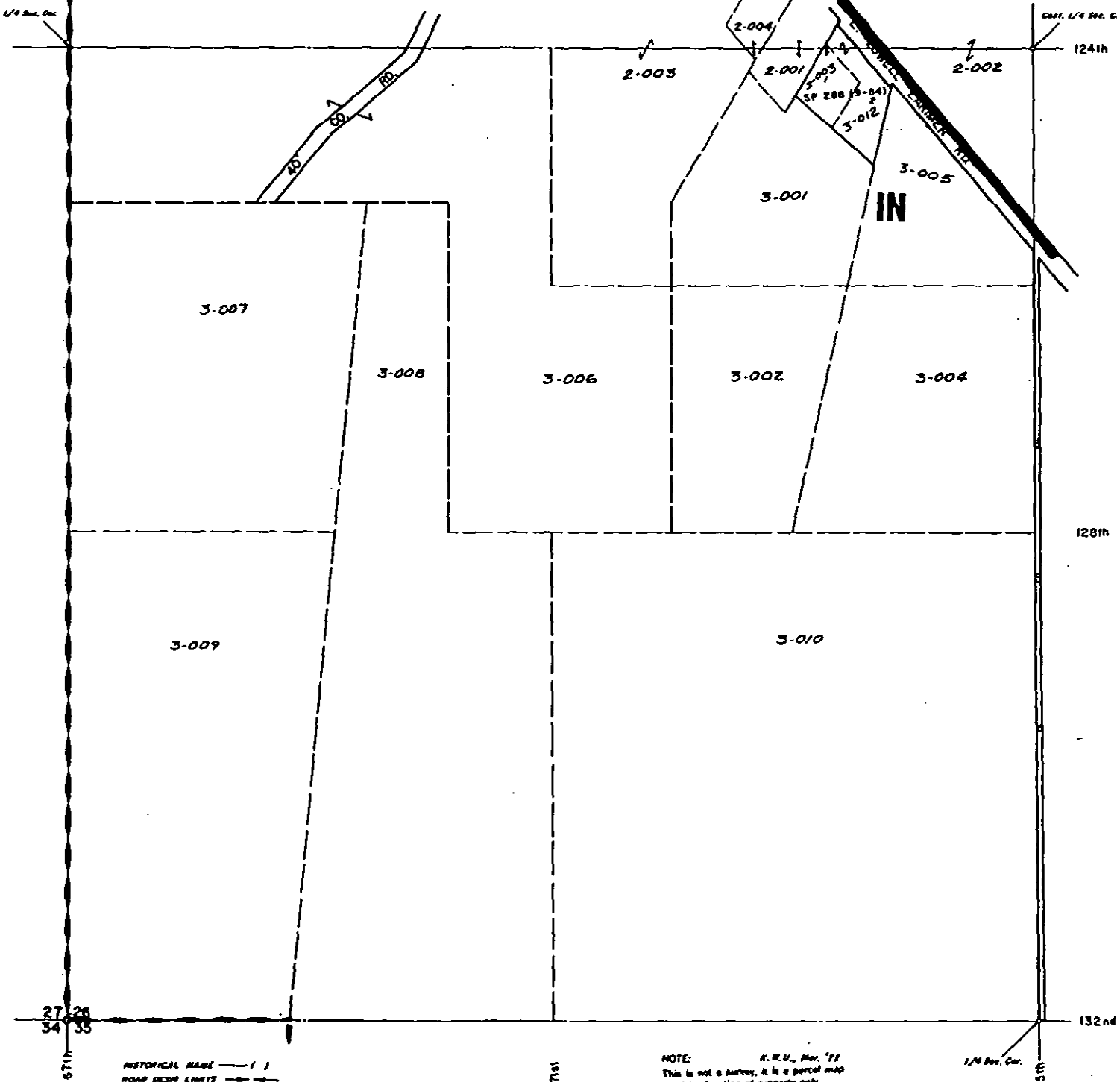


MAY 25 1895

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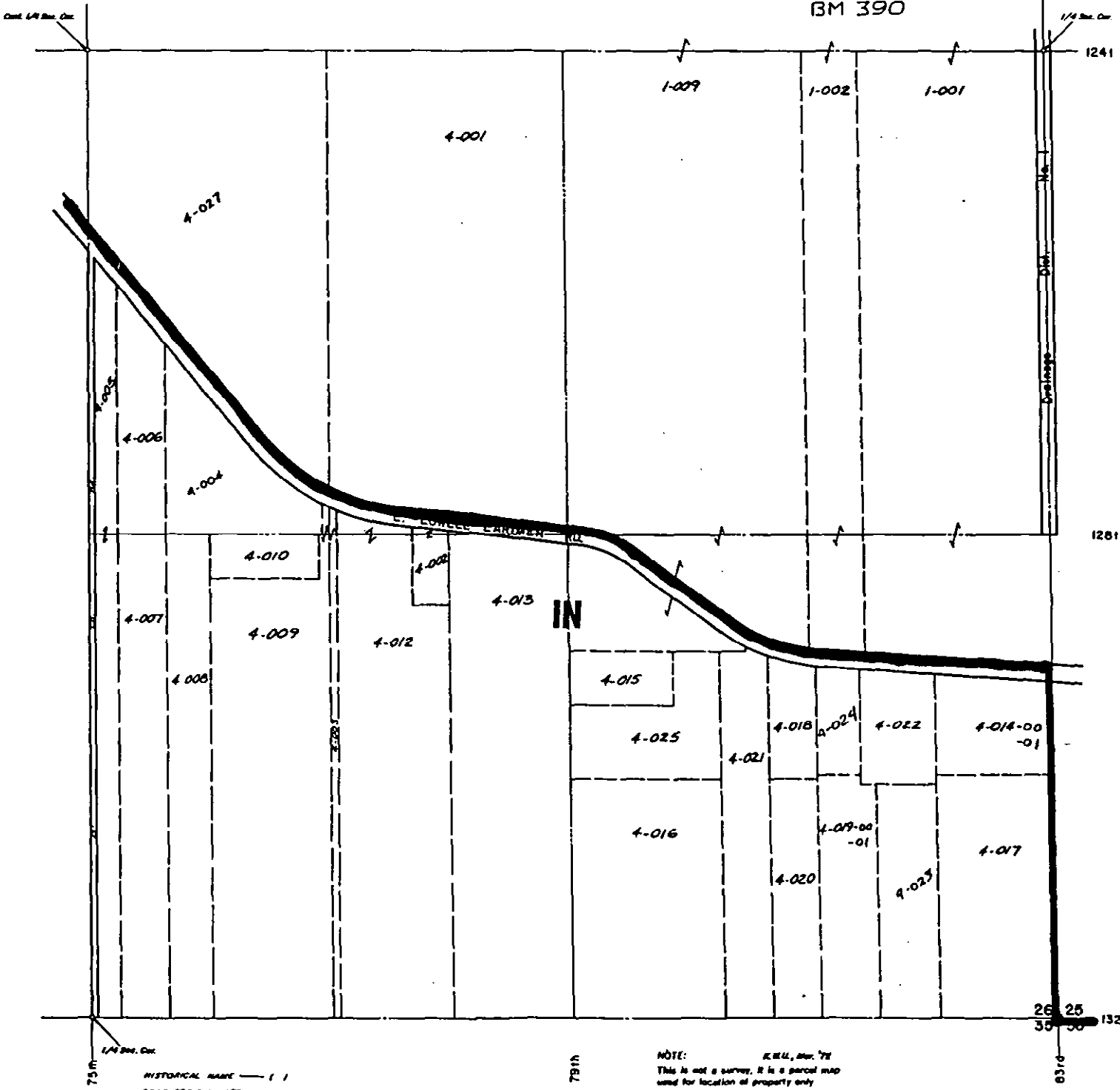
NOTE: R.W.V., Mar. '72  
This is not a survey, it is a parcel map  
used for location of property only

MAY 25 1935

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

1" = 200'

BM 390



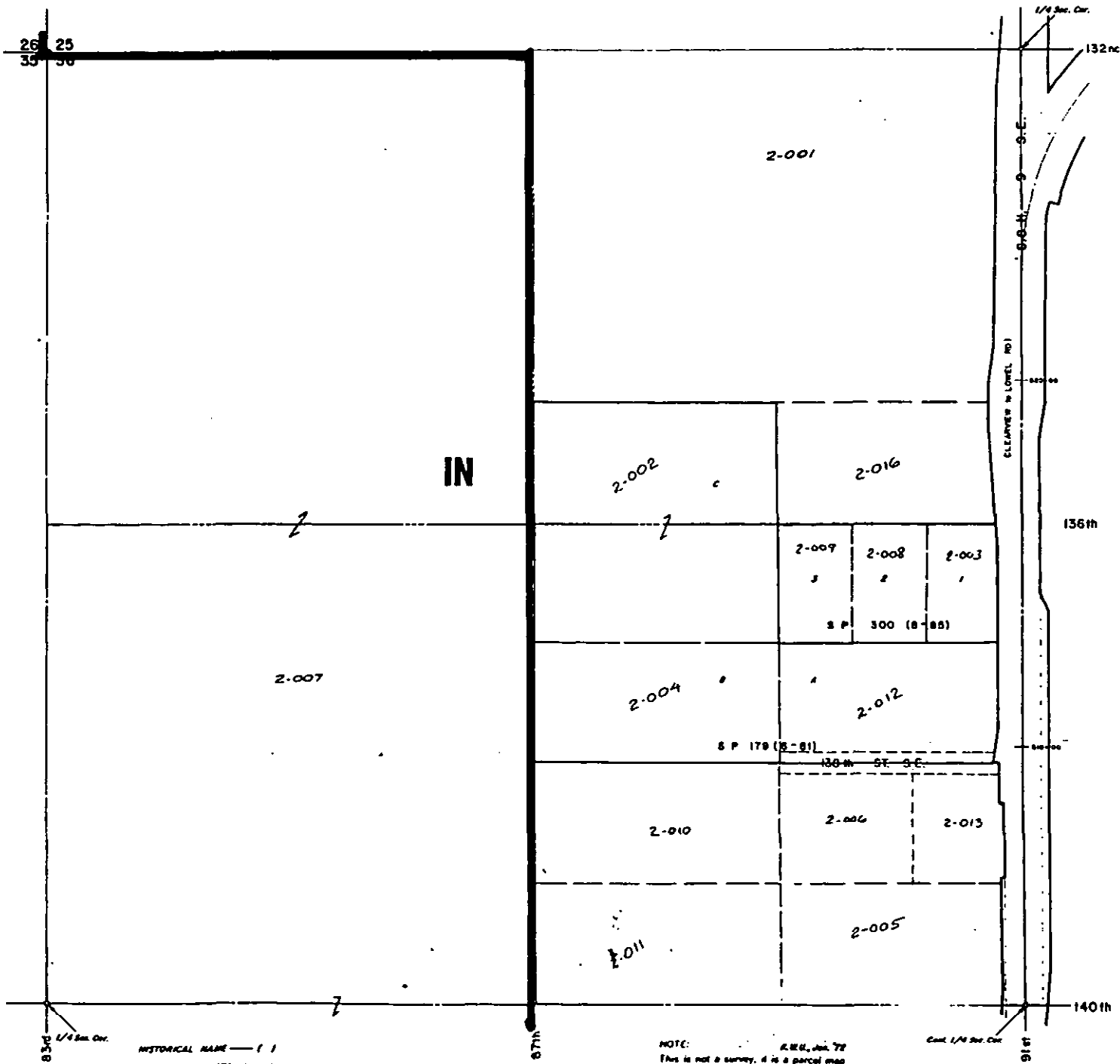
NOTE: This is not a survey, it is a parcel map used for location of property only.

MAY 25 1935

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MAY 25 1995

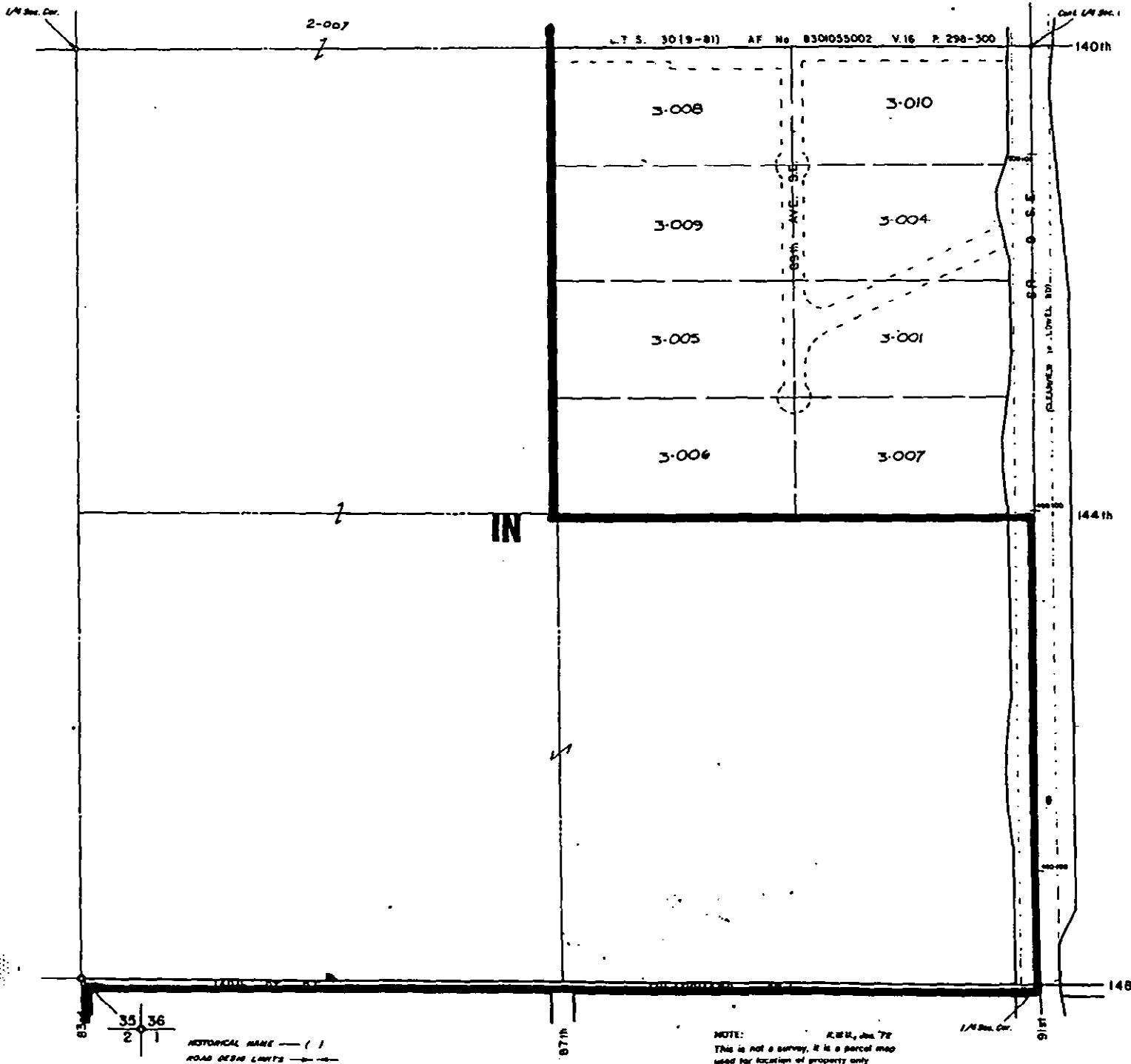




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L.T.S. 3019-81) AF No 830055002 V.16 P. 298-300

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Cont. 1/4 Sec. 1

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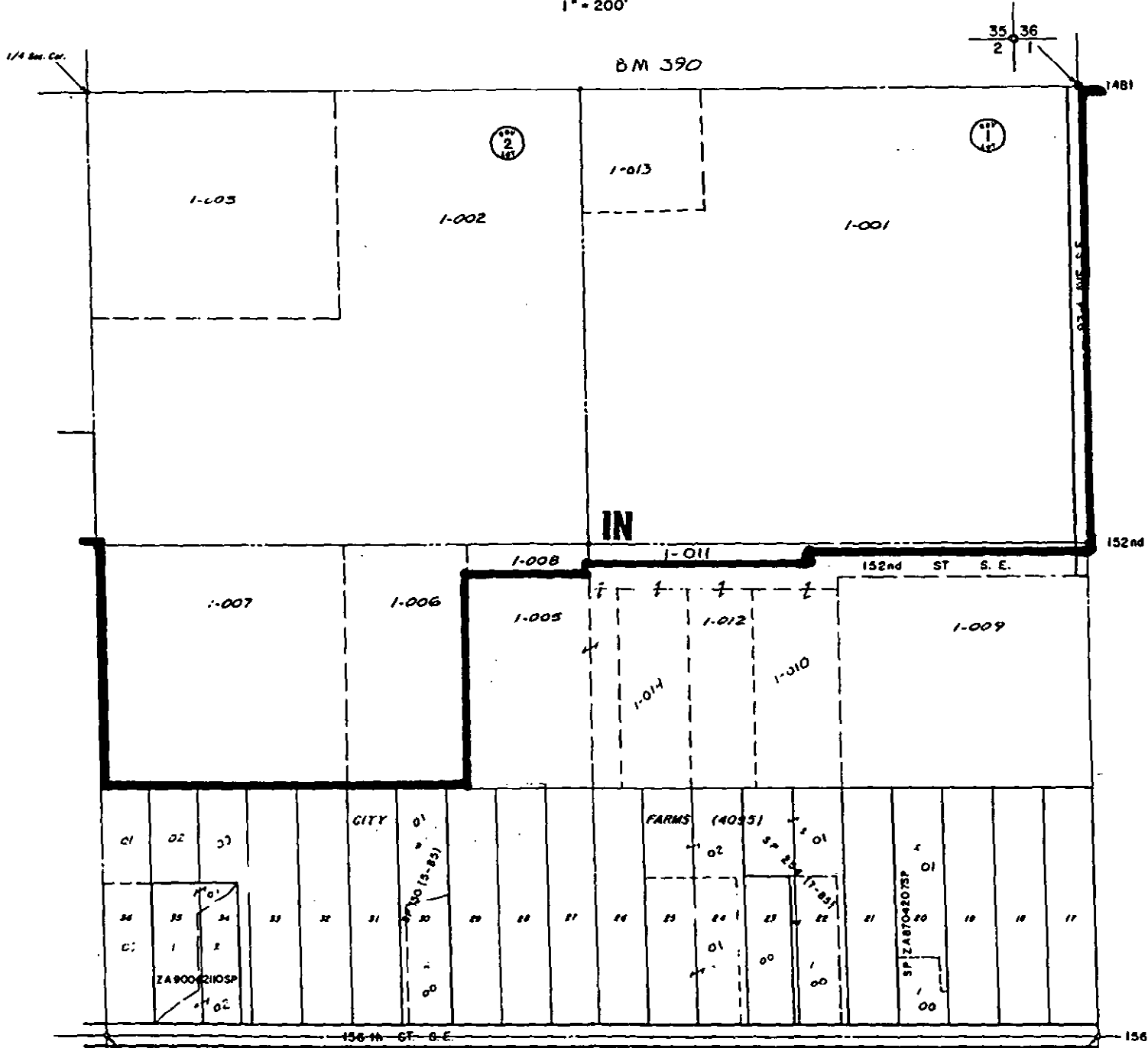
35 36  
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HISTORICAL NAME ( )  
ROAD DASH LIGHTS (—+—)

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

MAY 25 1995

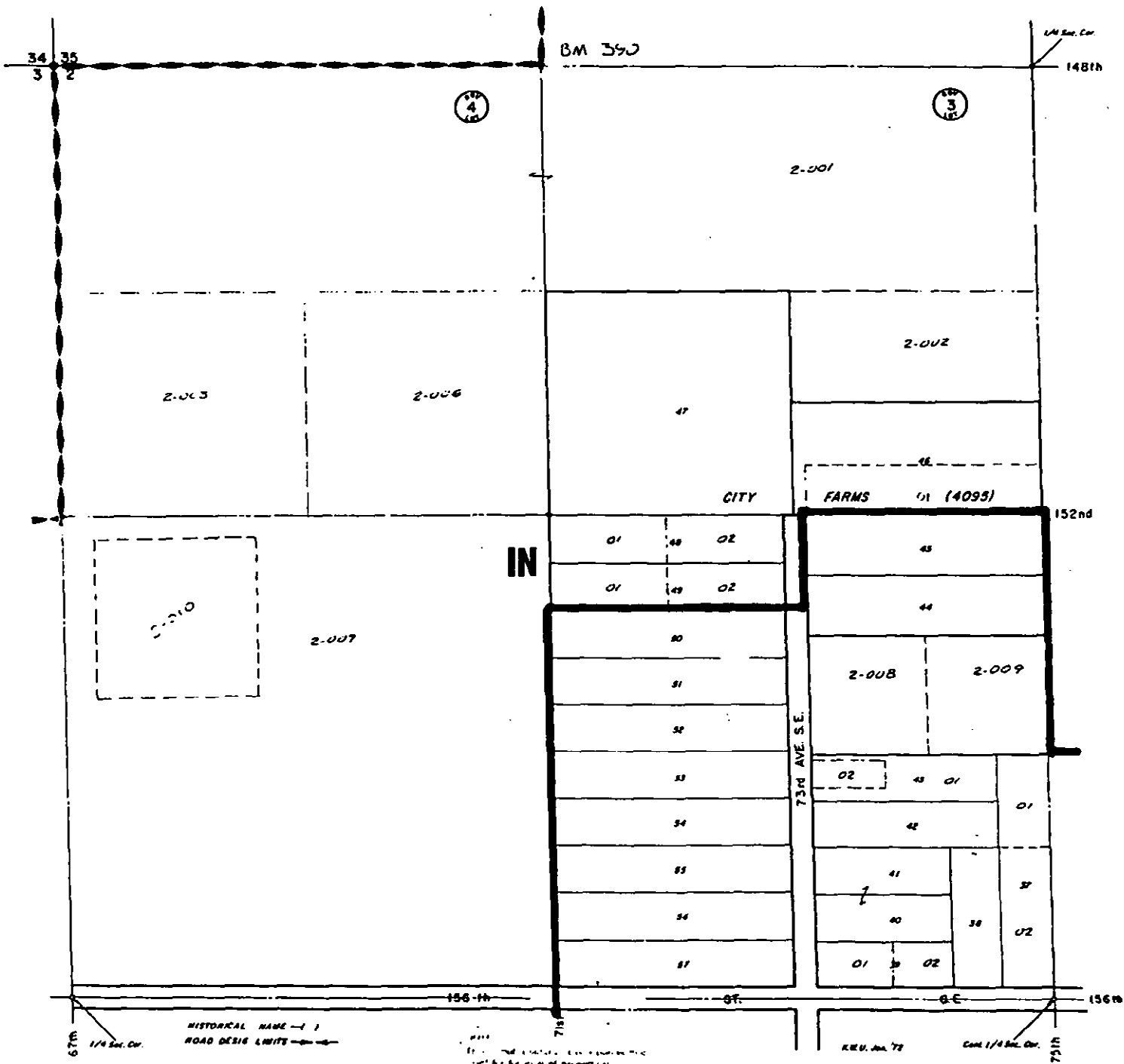
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1" = 200'



73' E. Cont. 1/4 Sec. Cor. HISTORICAL NAME - ( ) ROAD BASIS LIMITS - - - - - NOTE: This is not a survey, it is a parcel map used for location of property only. E. Cont. Jan. '72 1/4 Sec. Cor. 83'

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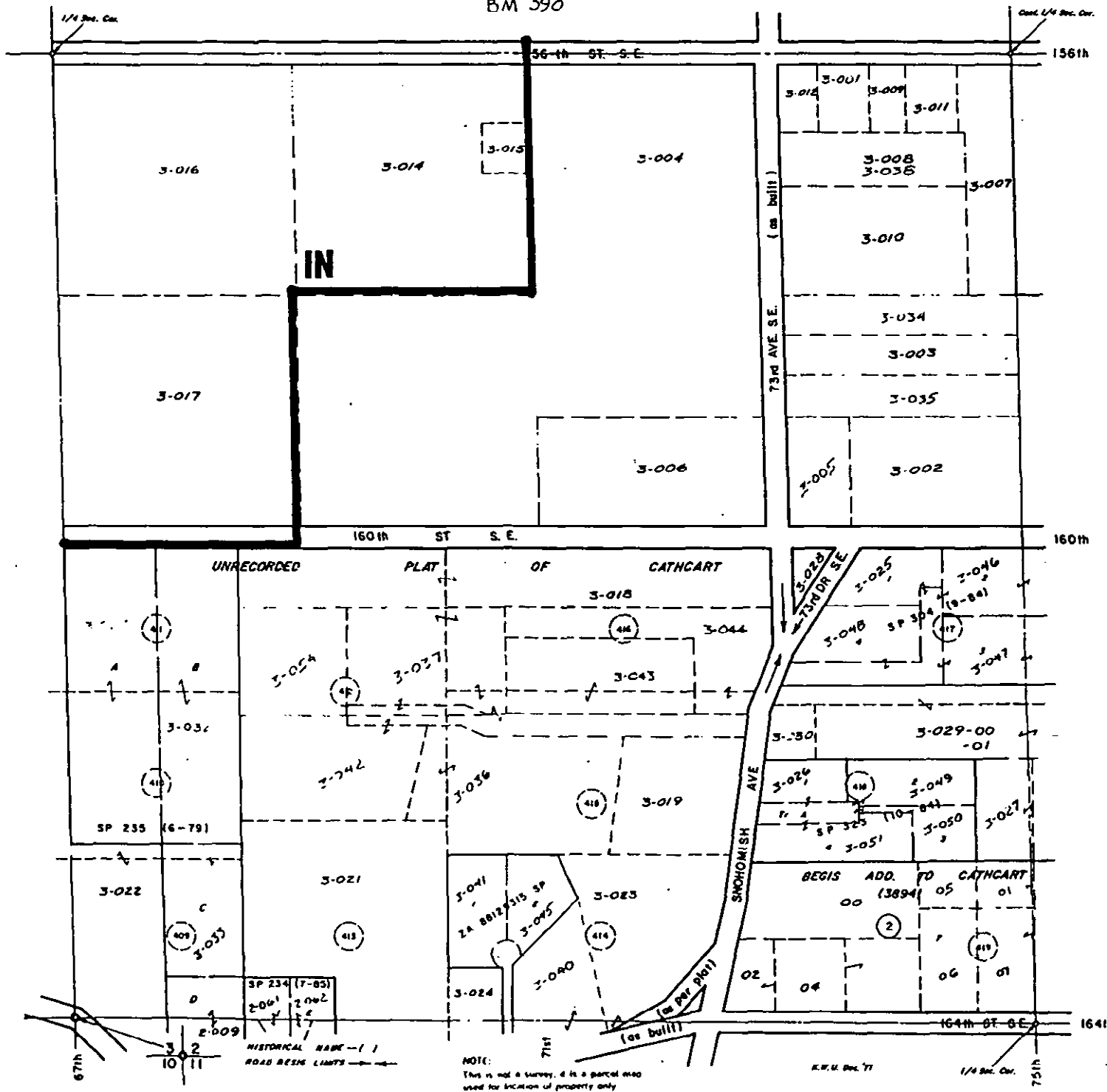
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1" = 200'  
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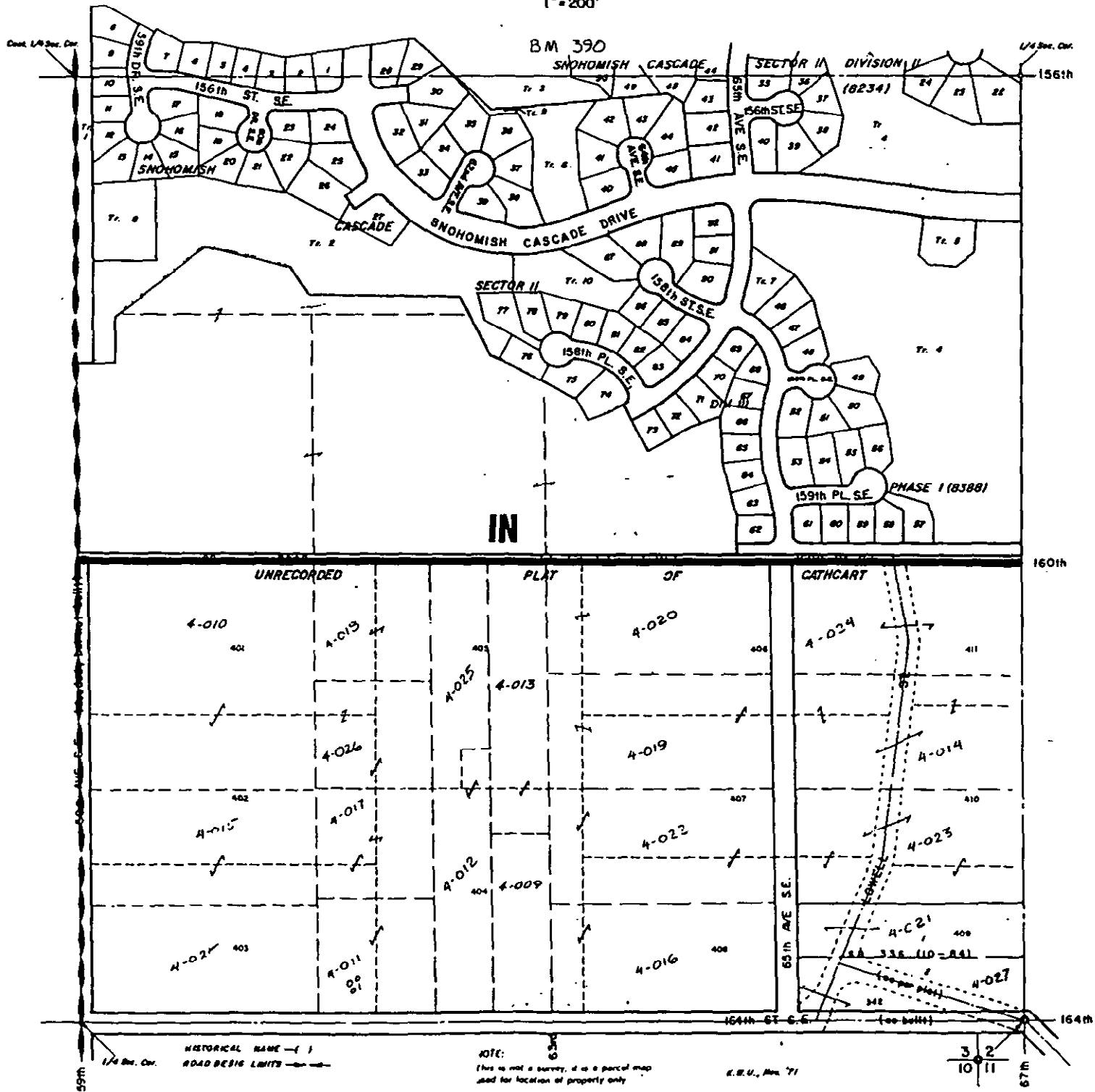


NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

MAY 7 1995

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

1" = 200'



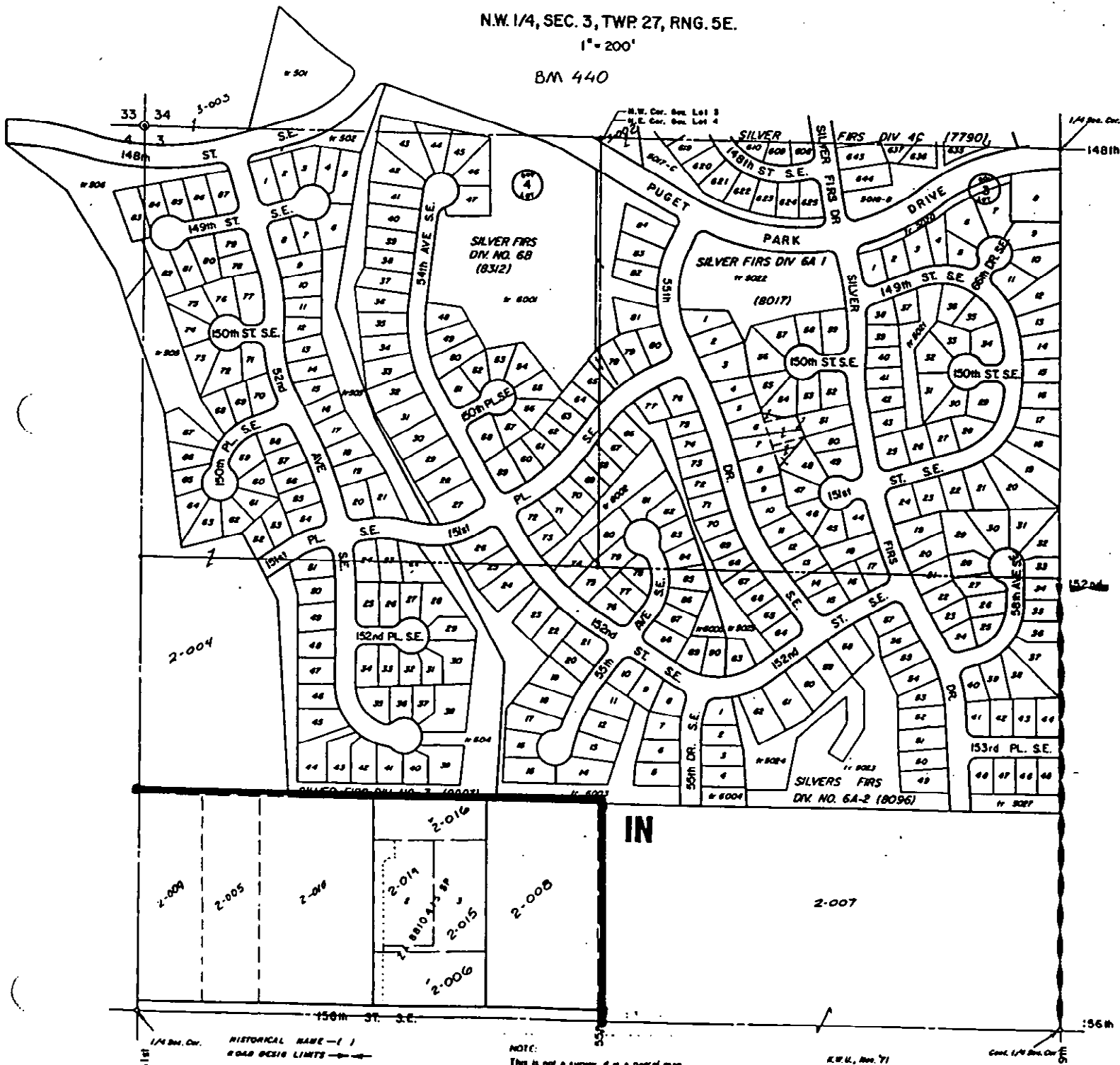
MAY 25 1995



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

1" = 200'

BM 440



1/4 Sec. Div. HISTORICAL NAME - ( ) ROAD DESIGN LIMITS

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

K.W.U., Nov. 71

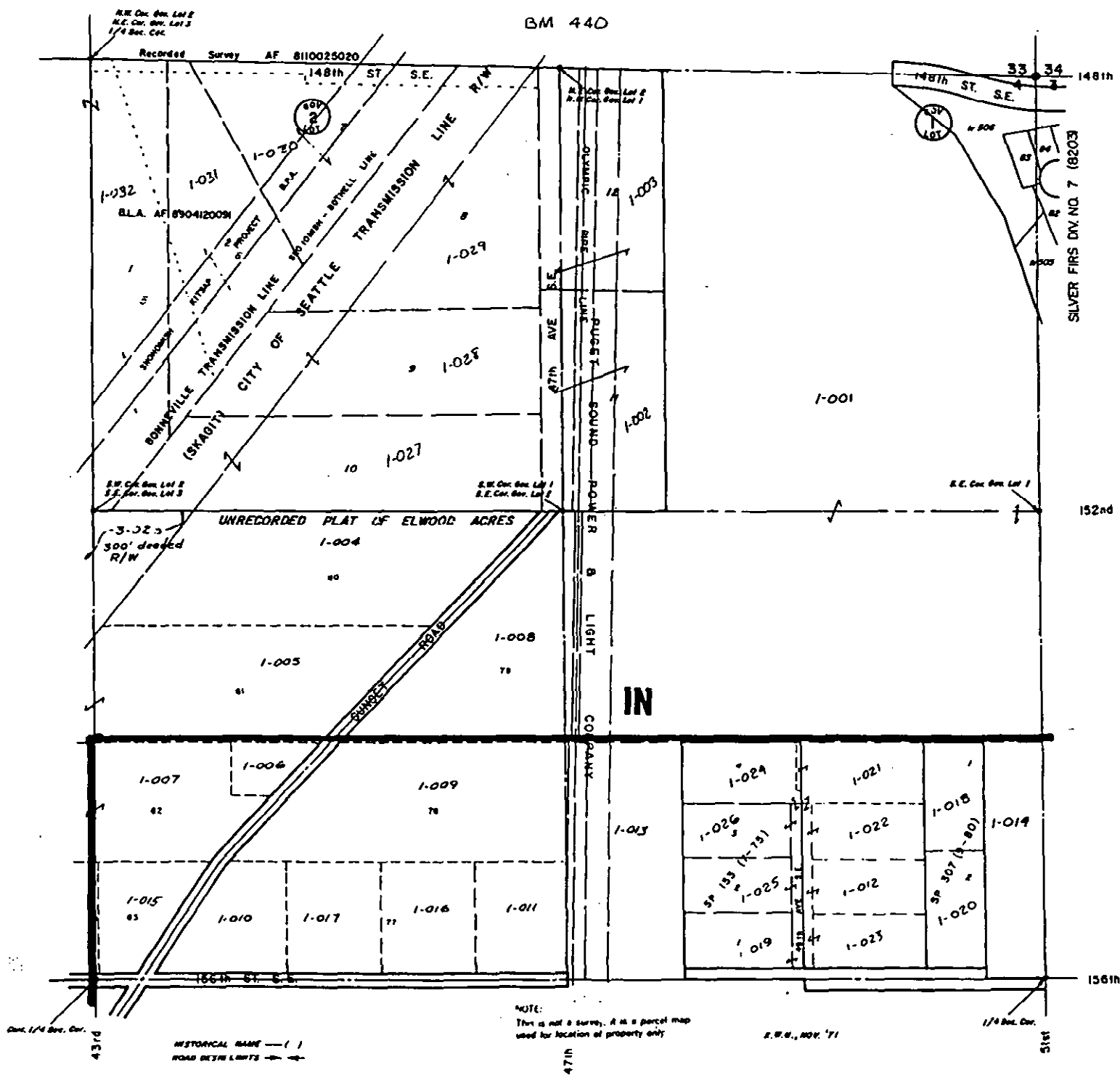
Cont. 1/4 Sec. Div. SE



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

1" = 200'

BM 440



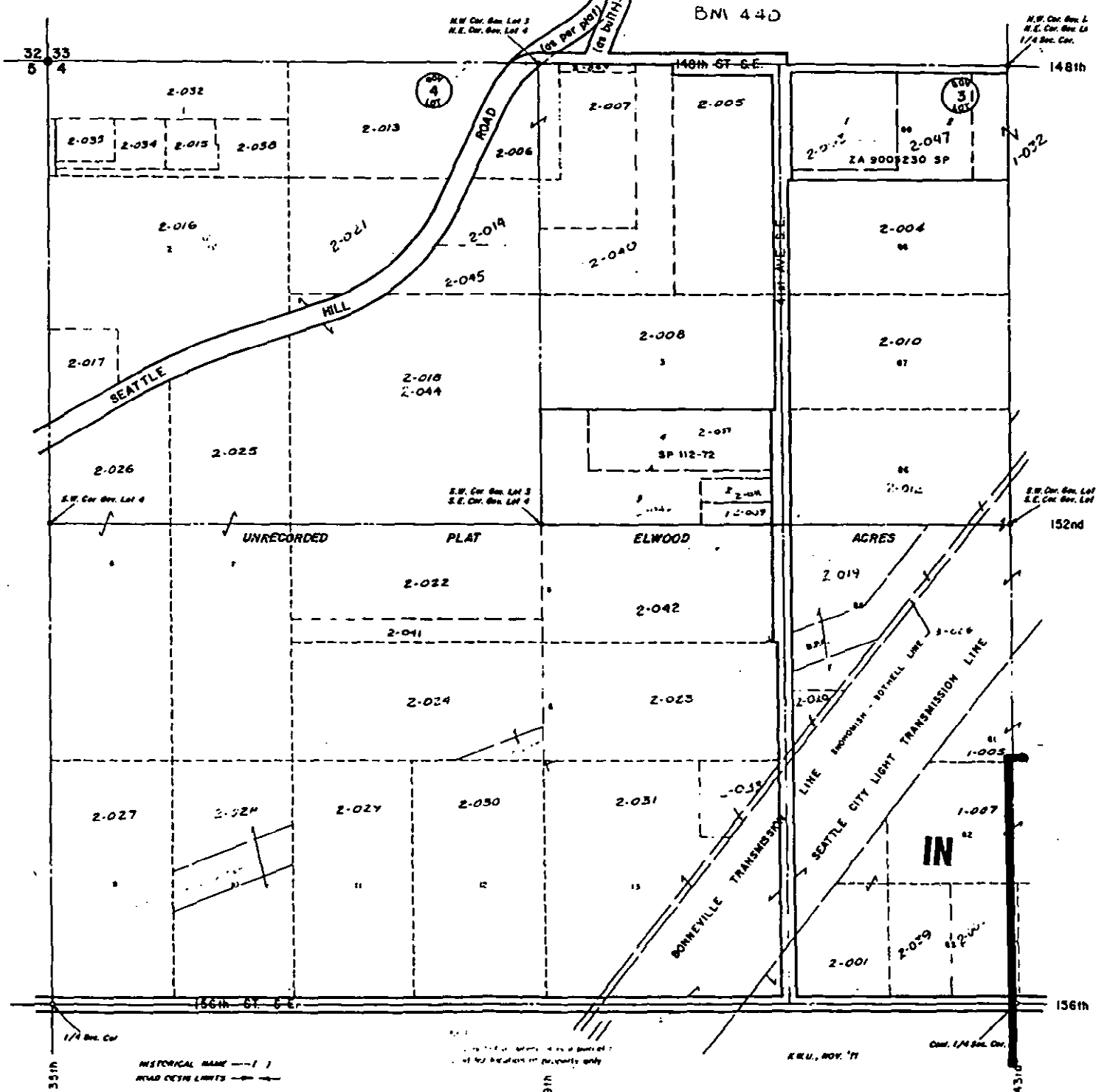
NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

E.W.M., NOV. '71

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

1" = 200'

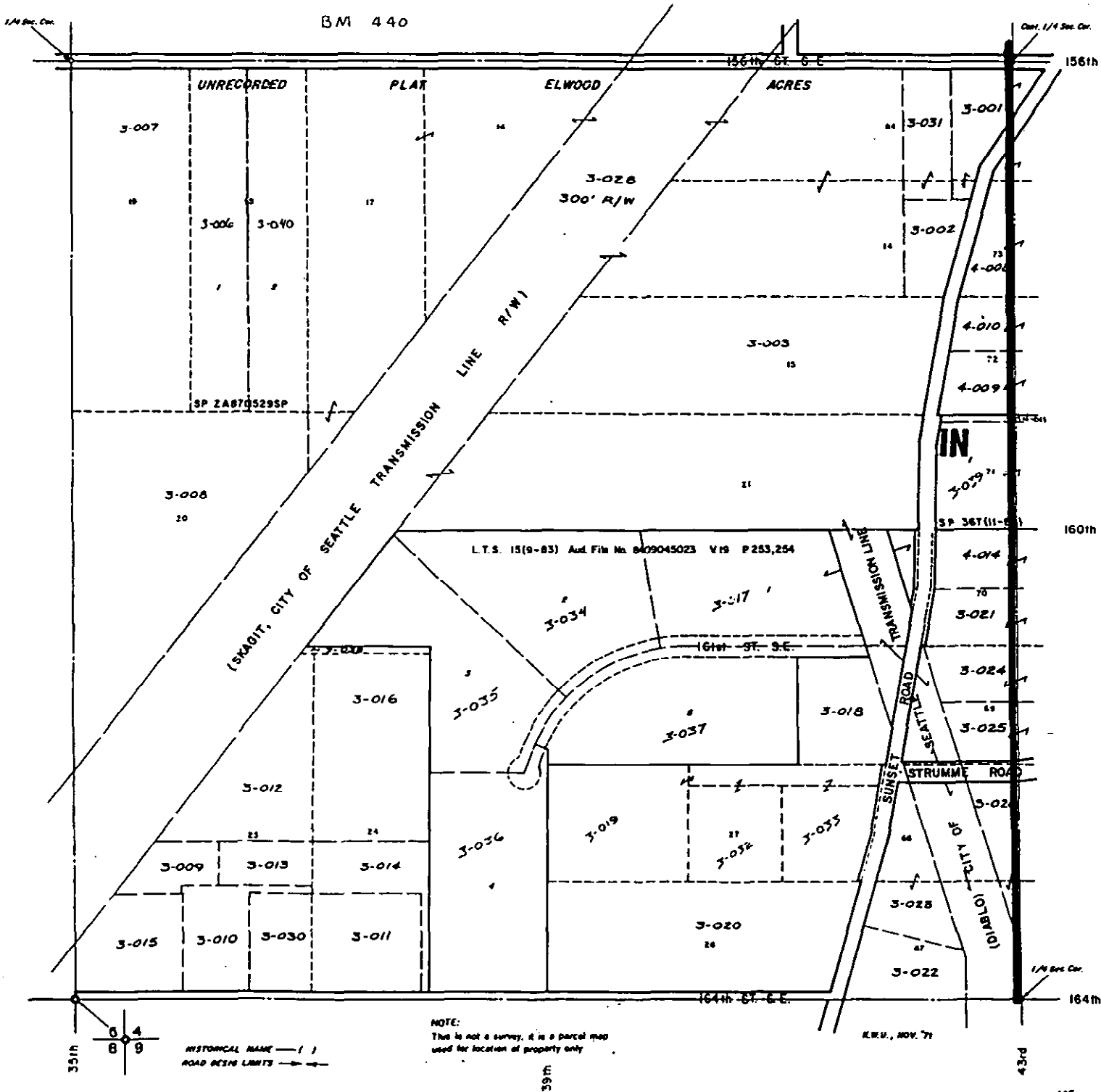
BM 440



HISTORICAL NAME --- 1 ---  
ROAD CENTER LINES --- 2 ---

MAY 25 1935

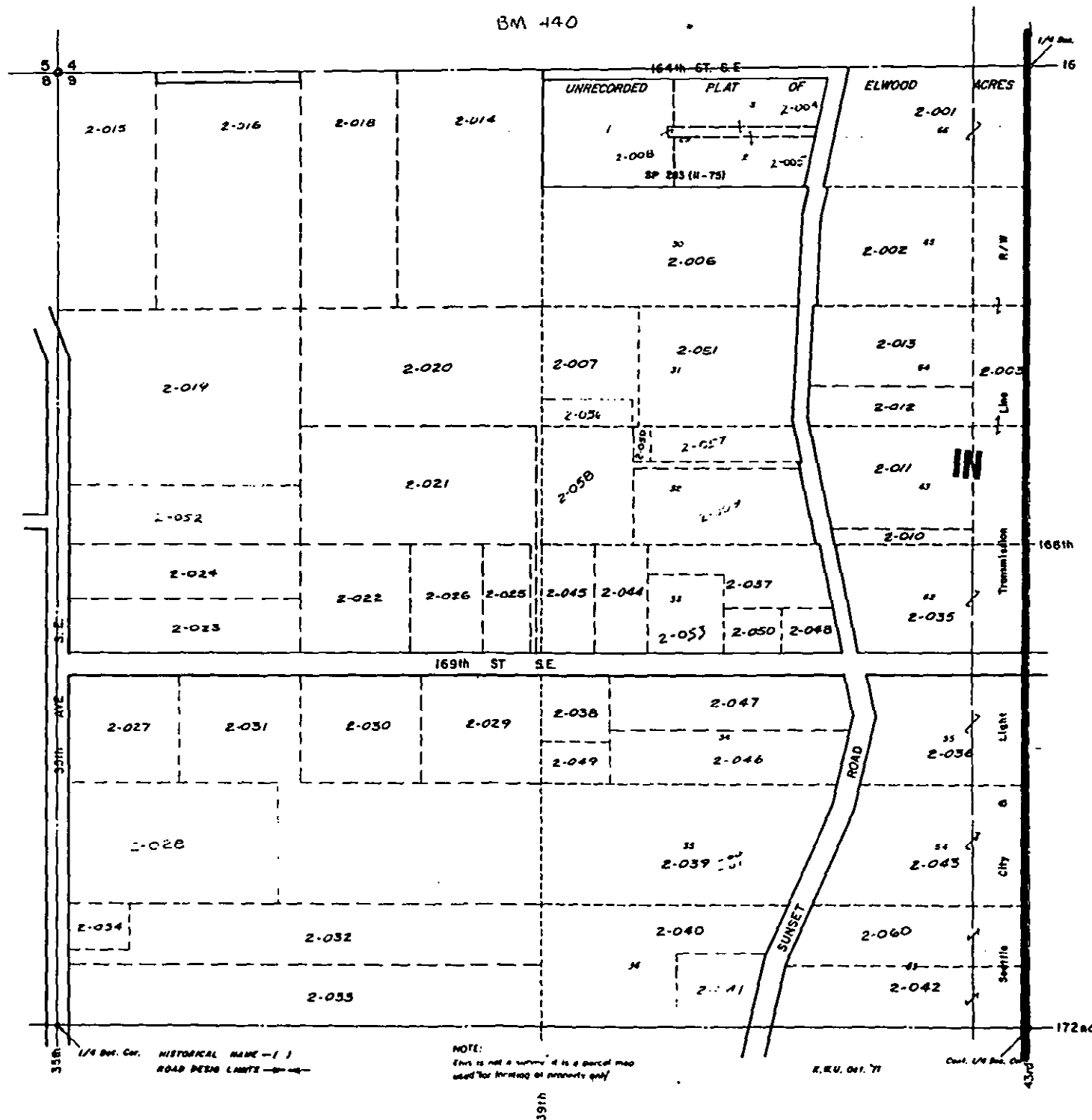
S.W. 1/4, SEC. 4, TWP. 27, RNG. 5E.  
1" = 200'



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

1"=200'

BM 440



1/4 Sec. Cor. HISTORICAL NAME - ( )  
ROAD BEING LAMPT

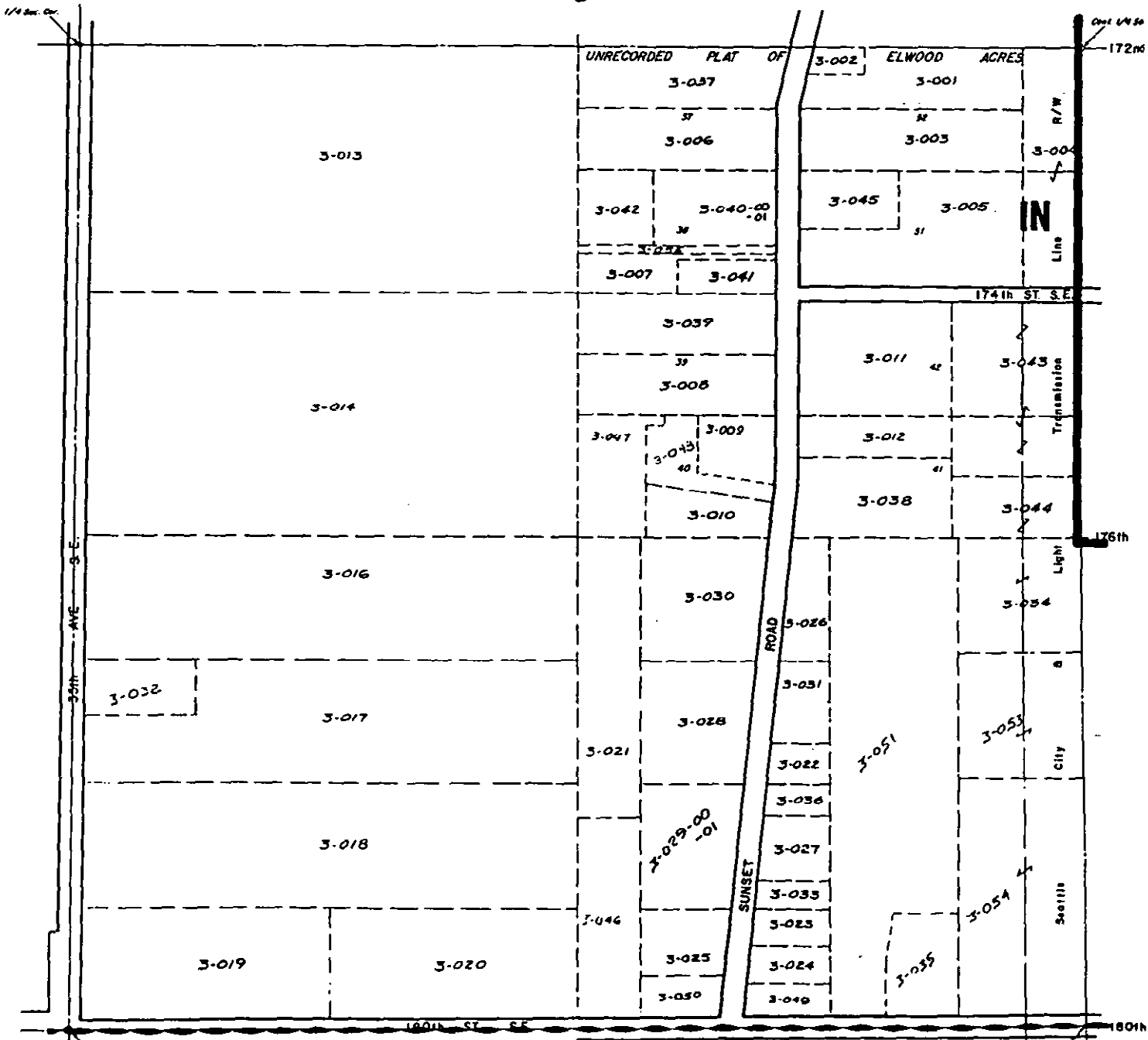
NOTE:  
This is not a warranty of a parcel map  
used for anything of permanent value

R.K.U. 061.77

Cont. 1/4 Sec. Cor.

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

BM 440



HISTORICAL BASE - ( )  
ROAD DESIGN LIMITS - - - -

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

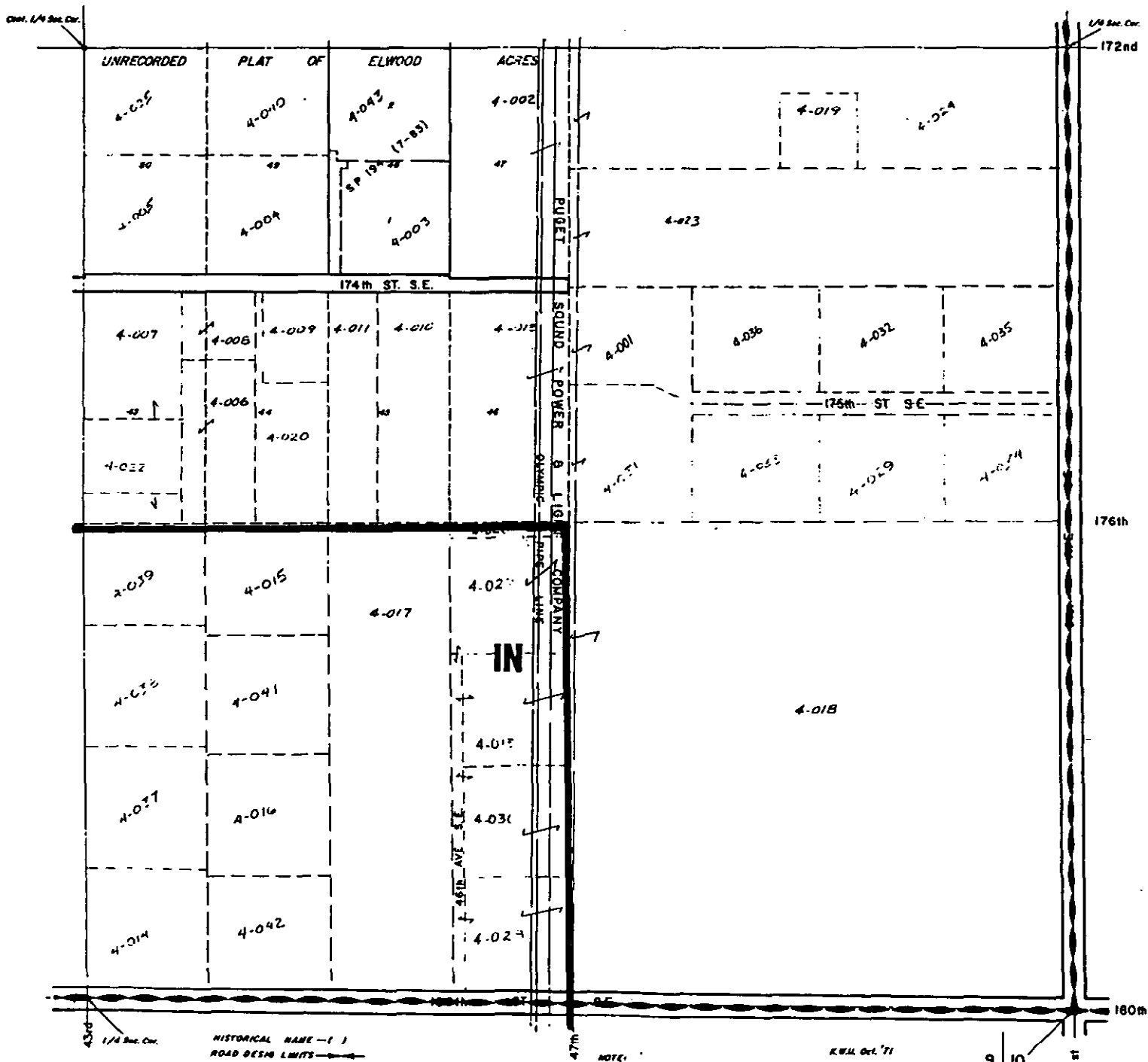
K.W.H. Oct '77

MAY 7 5 1995

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

1" = 200'

BM 440



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

R.W.M. Oct. '71

9 10  
16 13

HISTORICAL NAME - ( )  
ROAD DESM LIMITS

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

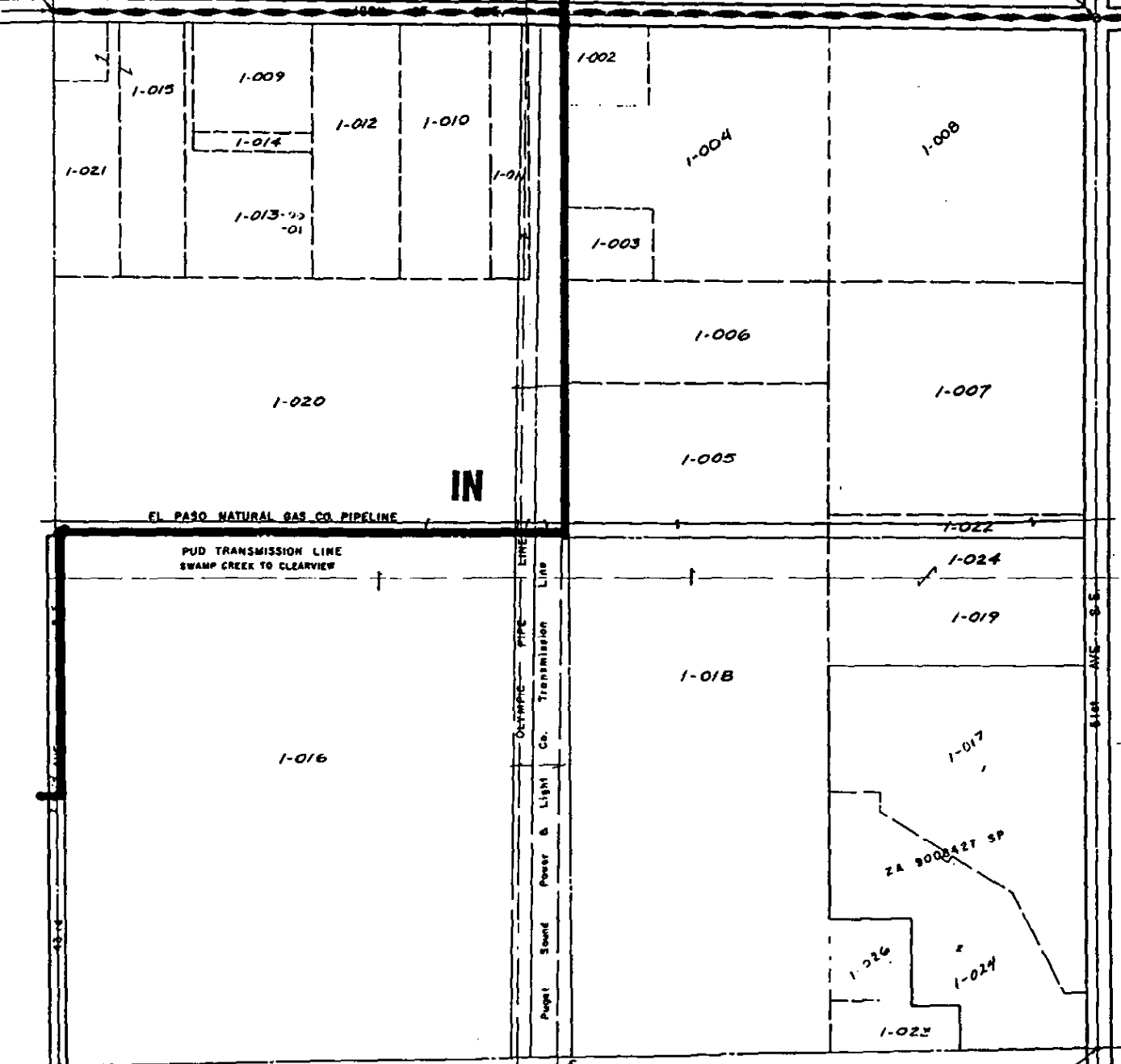
1" = 200'

BM 380

9 10  
16 15

1/4 Sec. Cor.

180



1/4 Sec. Cor.

HISTORICAL NAME - ( )  
ROAD DESIGN LIGHTS

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

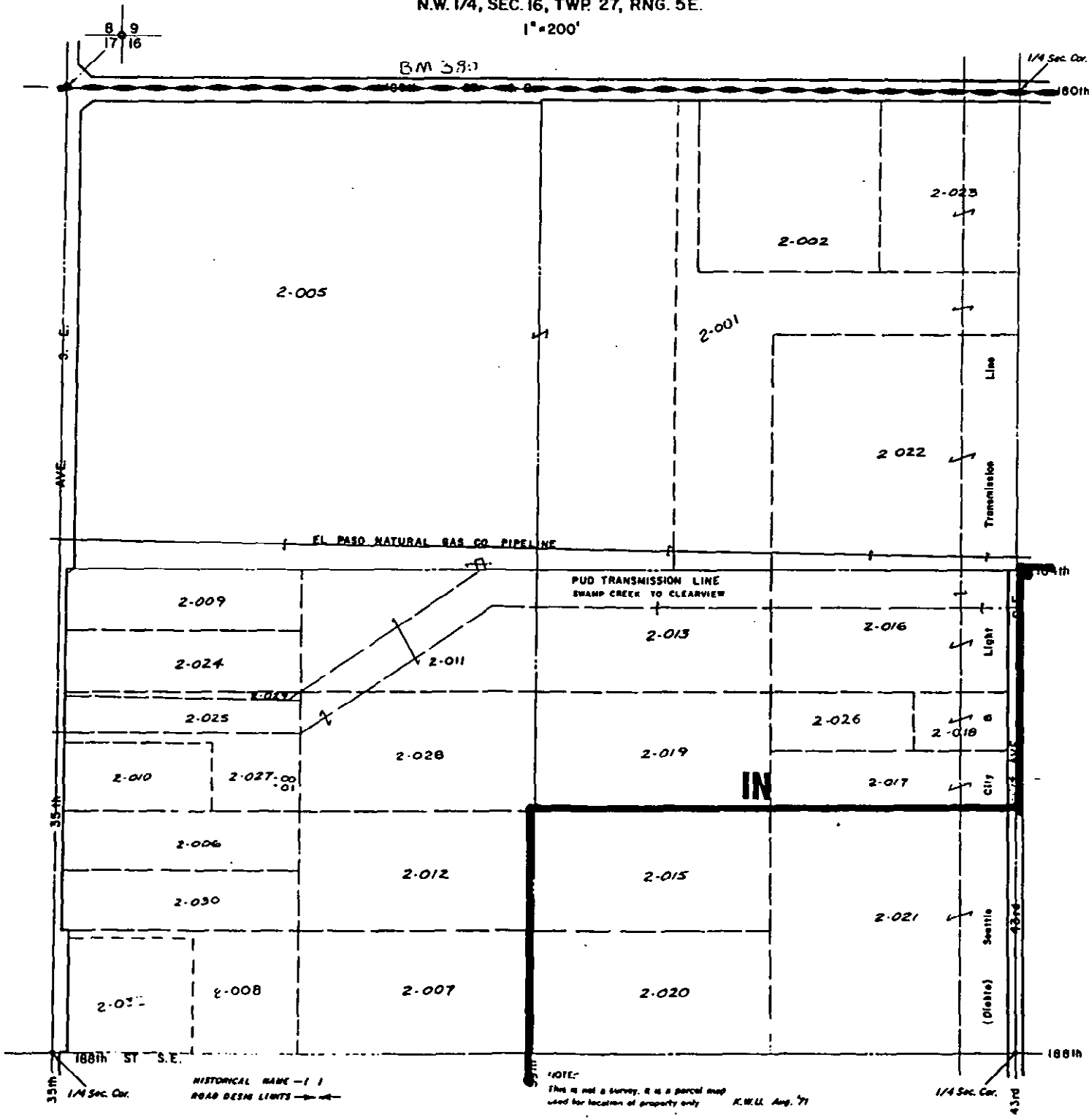
K.W.U. Aug. '71

1/4 Sec. Cor.

51st

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

1"=200'

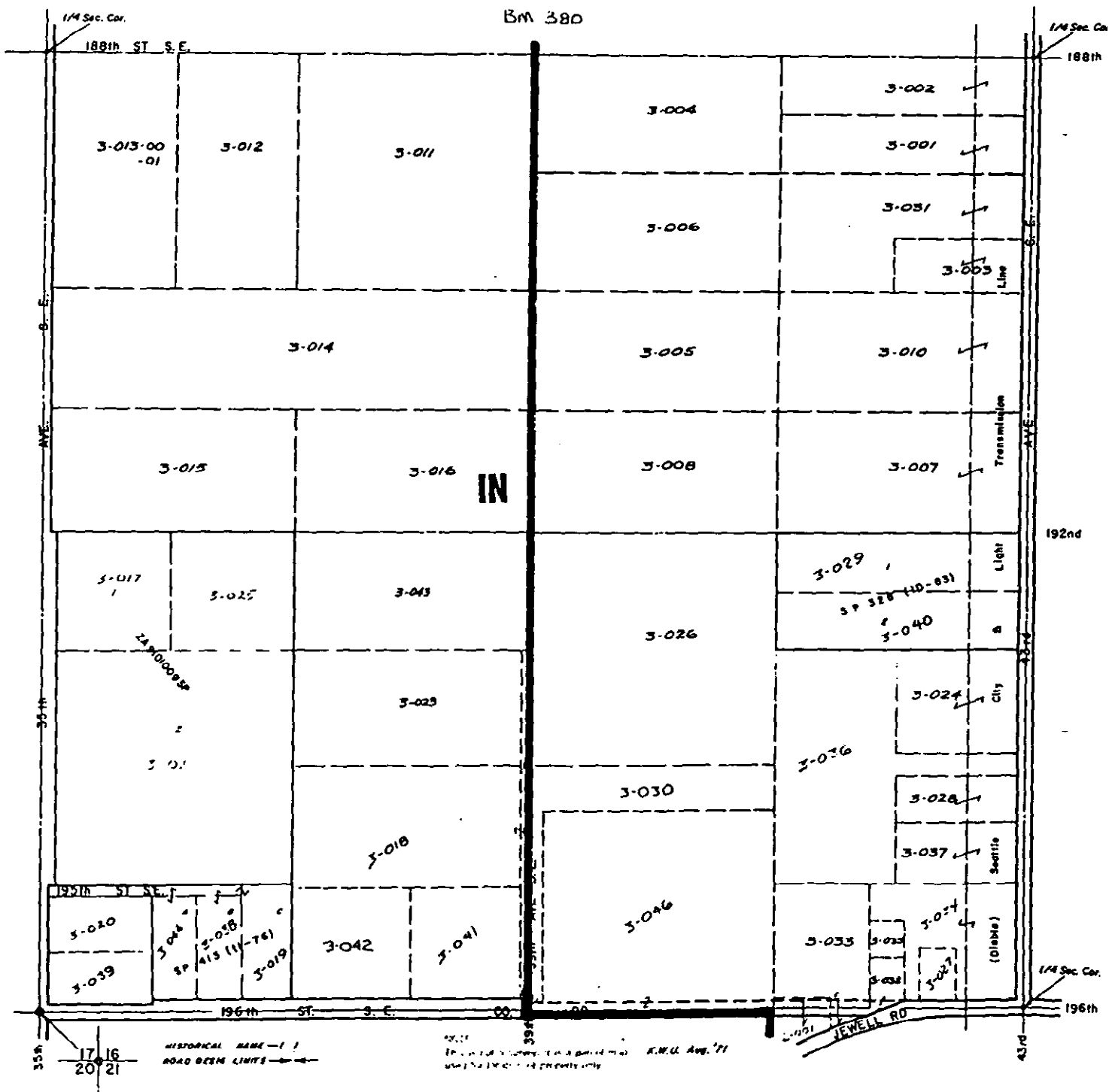


NOTE:  
This is not a survey, it is a parcel map  
used for location of property only. R.W.L. Aug. 71

HISTORICAL NAME - I I  
ROAD DESIG. LIGHTS



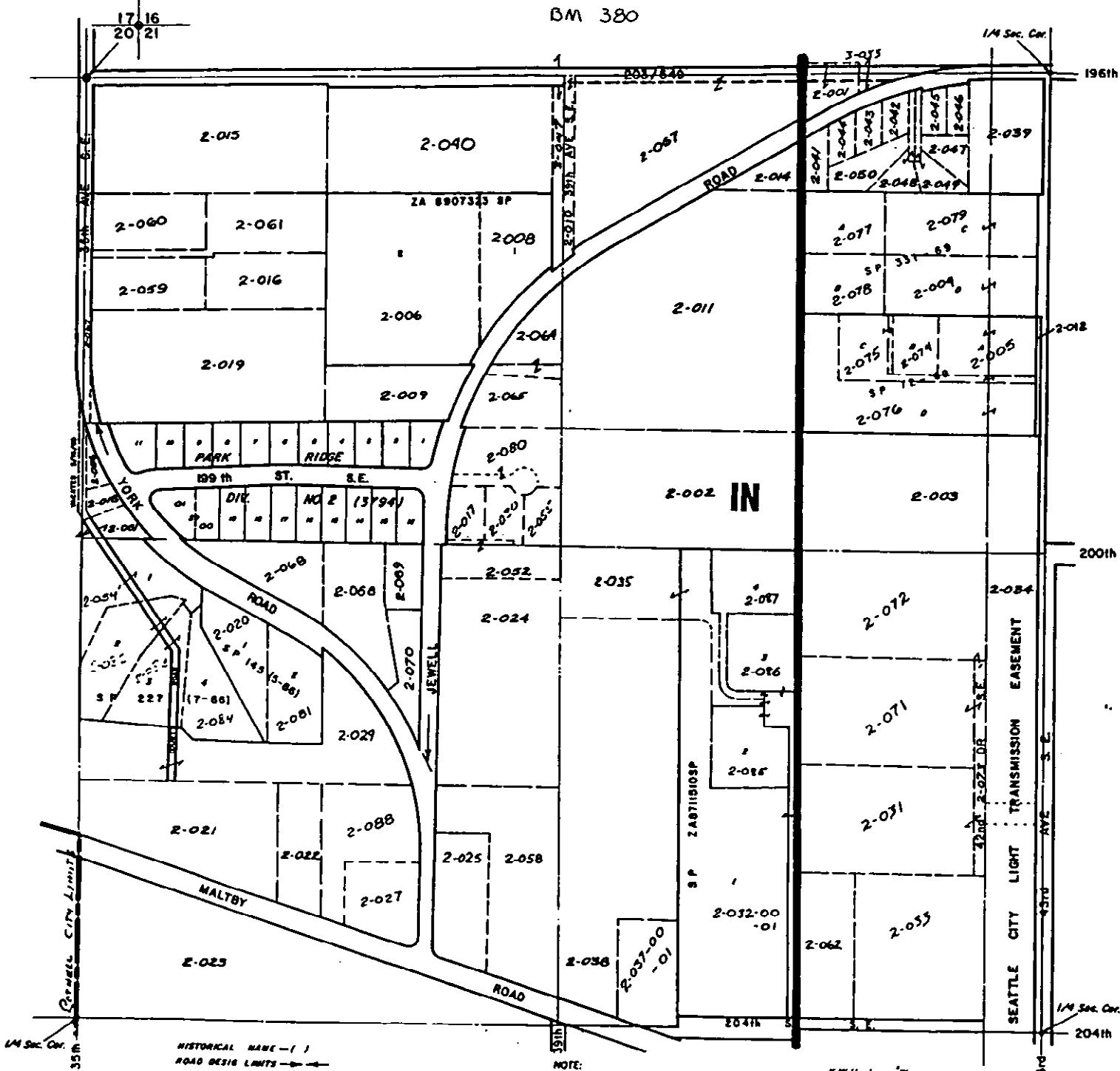
SW 1/4, SEC. 16, TWP. 27, RNG. 5E.  
1" = 200'



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

1"=200'

BM 380

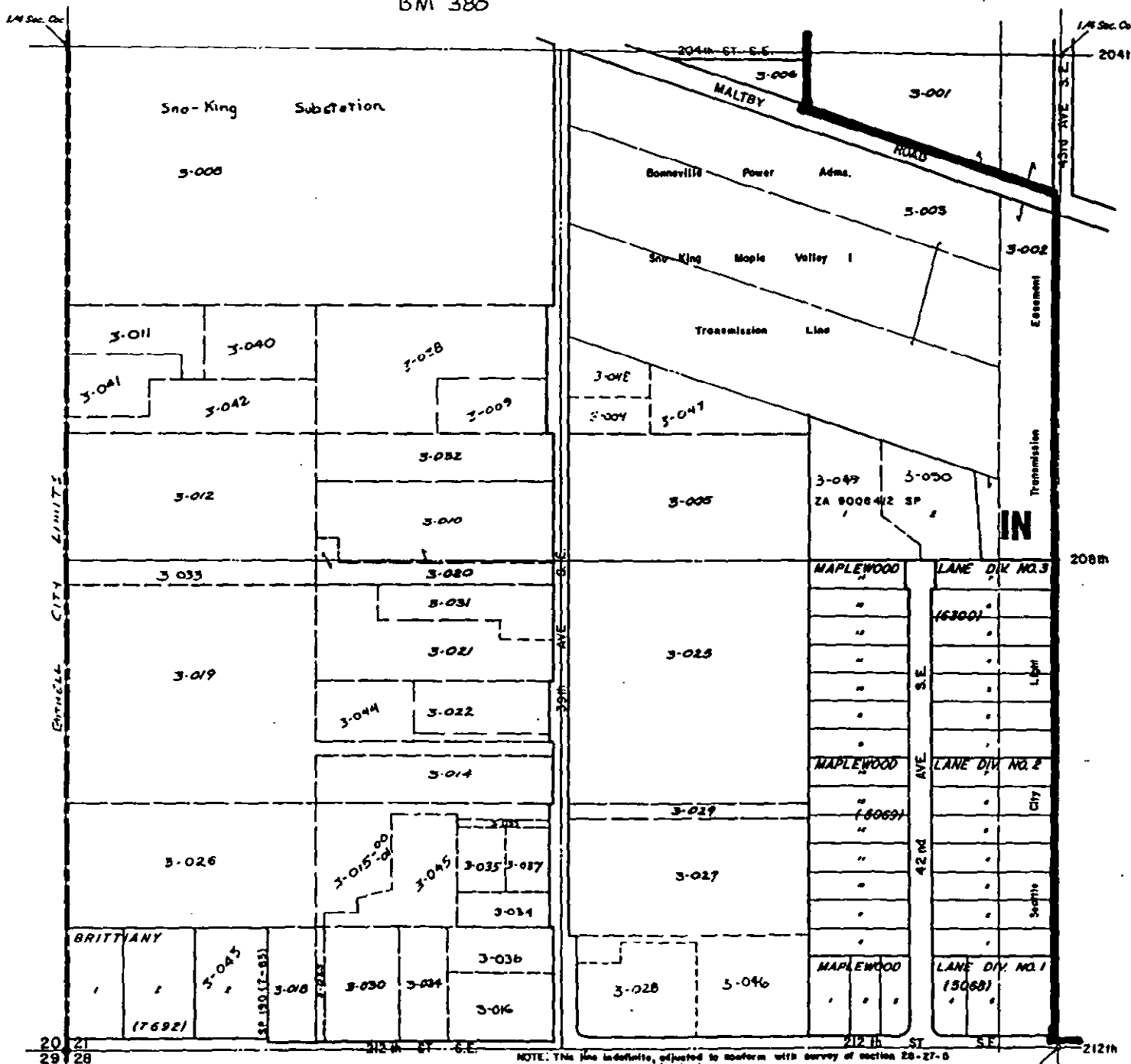


NOTE:  
This is not a survey, it is a parcel map  
used for location of property only.

K.W.U. June '71

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

BM 380



HISTORICAL NAME - ( )  
ROAD BEING 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

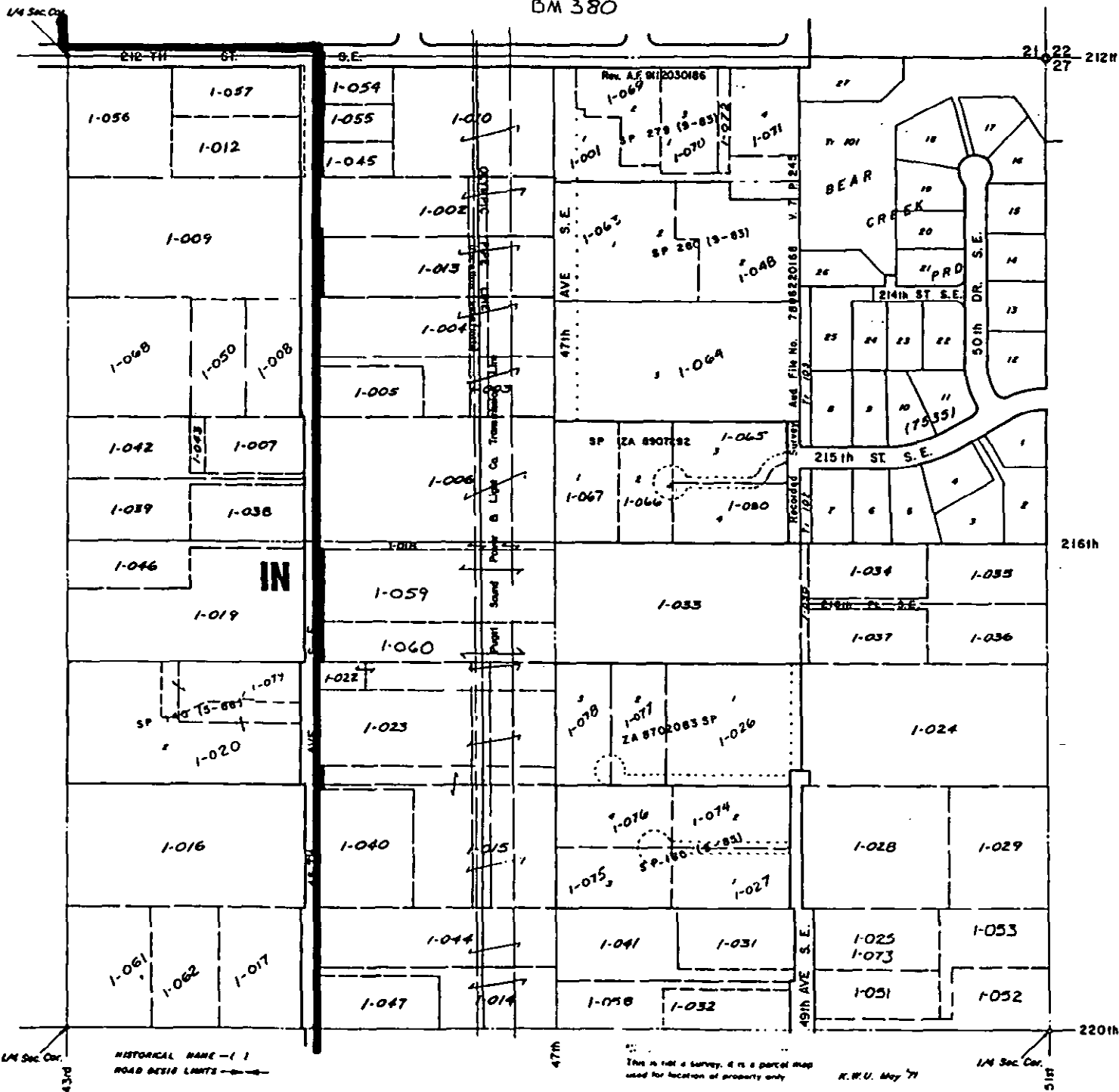
KRU. June 71

MAY 25 1995

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

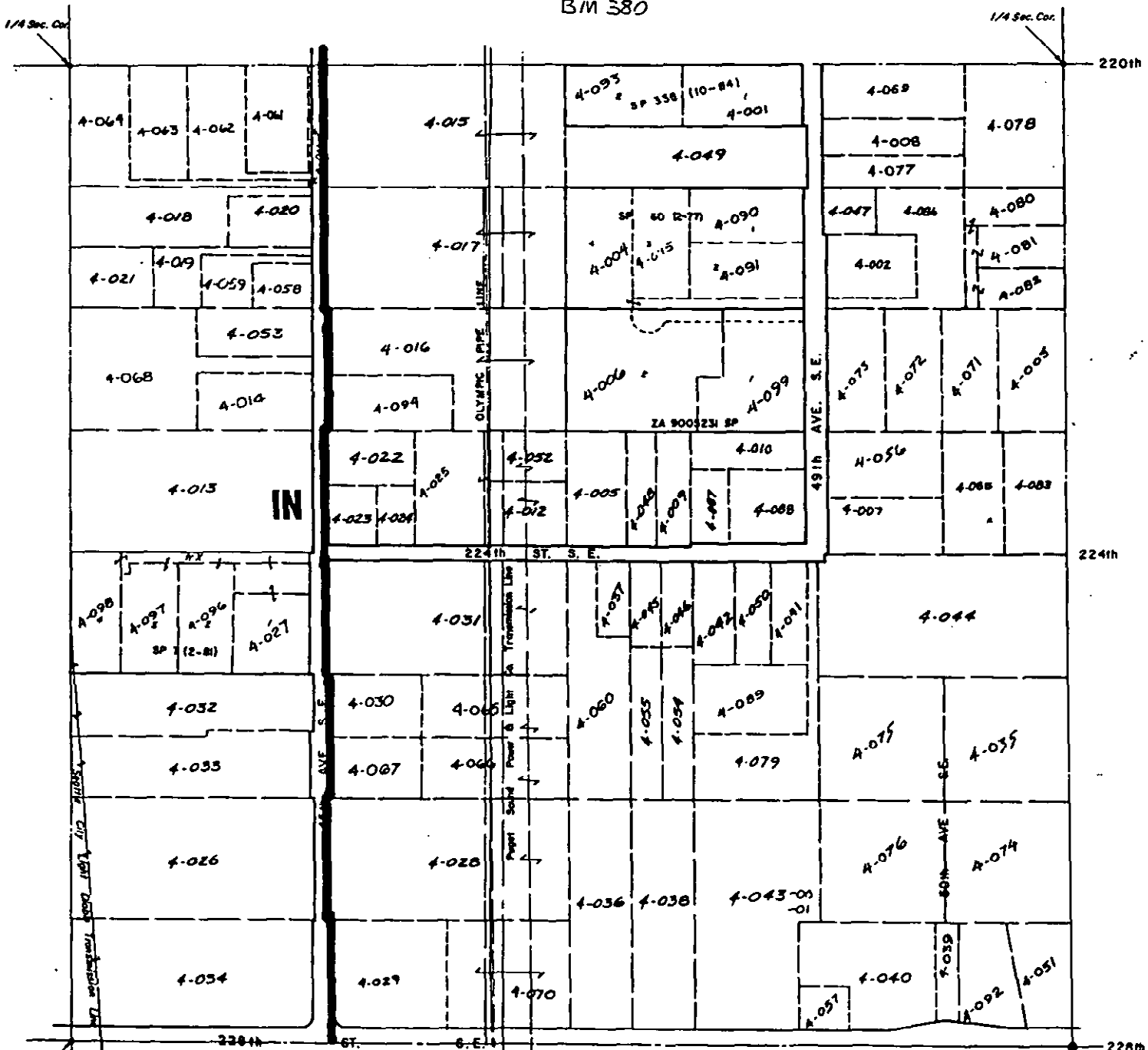
1"=200'

BM 380



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

B/M 380



HISTORICAL NAME - I /  
ROAD DESIG LIMITS

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

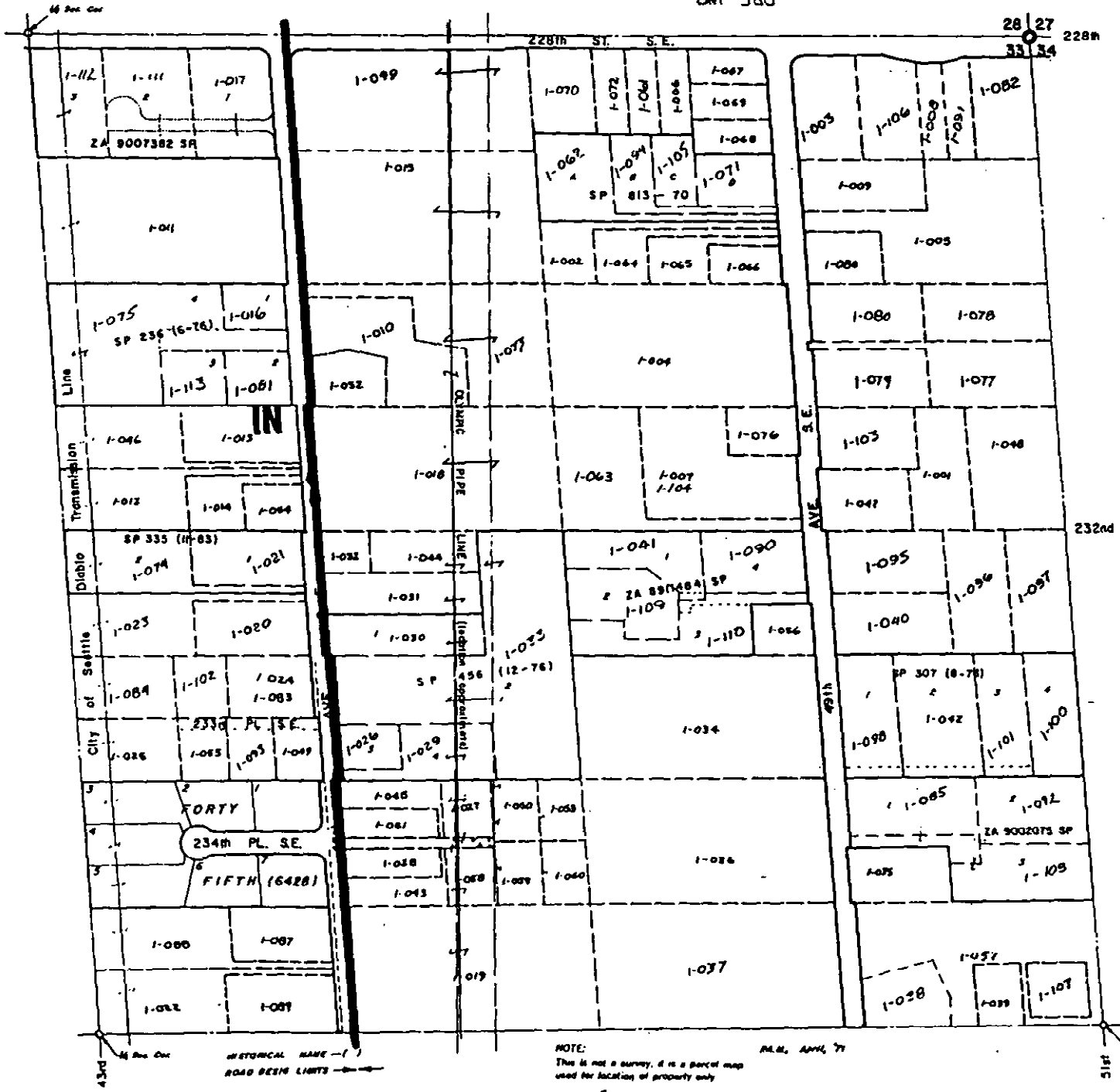
K.W.U. May '71

28 27  
33 54

MAY 2 5 1935

N.E. 1/4, SEC. 33, T.27N., R.3E.  
1" = 200'

BM 380



HISTORICAL NAME -  
ROAD BEEN LIGHTS

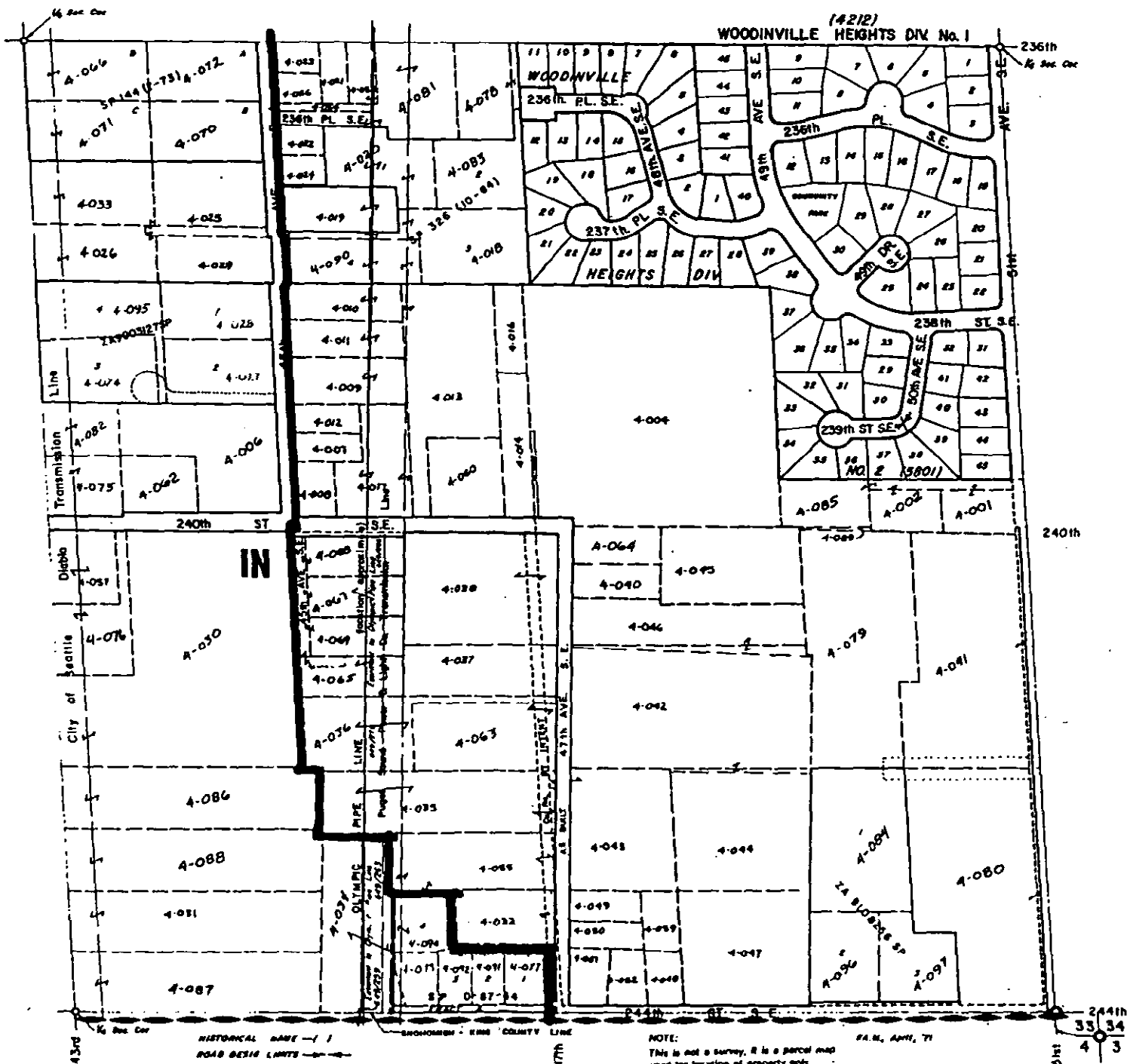
NOTE:  
This is not a survey, it is a parcel map  
used for location of property only

P.M., APRIL 71

MAY 7 5 1995

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

BM 380



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