

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



ORDINANCE NO. 02-025

AMENDING SNOHOMISH COUNTY CODE  
CHAPTER 32.13 RELATING TO FOREST LAND CONSERVATION  
REGULATIONS ABOUT RURAL CLUSTER SUBDIVISIONS

WHEREAS, the county executive and county council have identified regulatory reform of land use regulations as a high priority for county government; and

WHEREAS, the Snohomish county council adopted the Snohomish County GMA Comprehensive Plan-General Policy Plan (GPP) which includes a land use goal, objectives, and policies regarding our forest lands natural resource; and

WHEREAS, GPP policy language was implemented by adoption of chapter 32.13 Snohomish County Code (SCC)-Forest Land Conservation Regulations. SCC 32.13.020-Subdivision restrictions outlines options for the division of designated commercial and local forest lands; and

WHEREAS, GPP policy LU 8.D.1 was amended on two occasions since its original adoption, to currently read: "Rural cluster subdivisions shall be utilized for the division of land adjacent to the designated commercial forest lands, *except that rural cluster subdivisions shall not be utilized on lands designated Rural Residential-RD and located outside a Rural/Urban Transition Area.* Home sites within the rural cluster subdivision shall be sited away from adjacent designated commercial forest land property boundaries"; and

WHEREAS, an amendment to SCC 32.13.020 regarding the division of rural land adjacent to designated local or commercial forest lands was adopted shortly after the policy amendments noted above, yet did not contain the policy revision language; and

WHEREAS, SCC 32.13.020 remains inconsistent with GPP policy LU 8.D.1, and county staff have recommended revised code language for SCC 32.13.020 that conforms to the GPP policy; and

WHEREAS, the planning commission conducted a public hearing to consider the proposed amendment on January 22, 2002, wherein public testimony was taken; and

WHEREAS, the planning commission has recommended adoption of the proposed amendment; and

WHEREAS, the proposed amendment to subdivision restrictions for forest lands conservation regulations provide consistency between GPP policy and GMA adopted development regulations.

THEREFORE, BE IT ORDAINED:

**Section 1.** The Snohomish county council adopts the following findings of fact and conclusions:

1. The Snohomish County GMA Comprehensive Plan-General Policy Plan (GPP) adopted on June 28, 1995 contains a goal, objectives, and policies regarding our forest lands natural resource.

2. Goal LU 8 states: "Identify and designate, conserve and promote sustainable use of valuable forest resource land in the county."
3. Objective LU 8.D reads: "Ensure that adjacent land uses do not interfere with commercial forest management activities".
4. Policy LU 8.D.1 established rural cluster subdivisions as the method of land division to be used on rural land adjacent to designated commercial forest lands: "Rural cluster subdivisions shall be utilized for the division of land adjacent to the designated commercial forest lands, and home sites within the rural cluster subdivision shall be sited away from adjacent designated commercial forest land property boundaries."
5. To implement policy language provided in the general policy plan, the county council adopted chapter 32.13 Snohomish County Code (SCC)-Forest land conservation regulations on July 10, 1995. SCC section 32.13.020 entitled "Subdivision restrictions" addressed options for the division of designated commercial and local forest lands.
6. GPP policy LU 8.D.1 has been amended on two occasions since its original adoption. Ordinance #96-074, adopted on November 27, 1996, added the following (in italics): "Rural cluster subdivisions shall be utilized for the division of rural land adjacent to the designated commercial forest lands, *except that rural cluster subdivisions shall not be utilized on lands designated Rural Residential-RD.* Home sites within the rural cluster subdivision shall be sited away from adjacent designated commercial forest land property boundaries." Ordinance #00-091, adopted on December 20, 2000, added this language (in italics): "Rural cluster subdivisions shall be utilized for the division of rural land adjacent to the designated commercial forest lands, *except that rural cluster subdivisions shall not be utilized on lands designated Rural Residential-RD and located outside a Rural/Urban Transition Area.* Home sites within the rural cluster subdivision shall be sited away from adjacent designated commercial forest land property boundaries."
7. By separate action, per Ordinance # 99-030, adopted on July 21, 1999 a new subsection (3) was added to SCC 32.13.020 regarding the division of rural land adjacent to designated local or commercial forest lands. "(3) Any subdivision or short subdivision of rural land adjacent to designated local or commercial forest lands shall only occur through a rural cluster subdivision as provided under chapter 32.30 SCC."
8. The language added by Ordinance # 99-030 implemented the original 1995 GPP policy LU 8.D.1, but does not reflect the policy amendments adopted in 1996 and 2000.
9. PDS staff has initiated and recommends approval of a proposed code amendment to correct the inconsistency and provide language which implements the current GPP policy LU 8.D.1.
10. A determination of nonsignificance was issued for the proposed action on May 2, 2001, pursuant to the provisions of the state environmental policy act (SEPA, chapter 197-11 WAC), and Title 23 SCC, and satisfies SEPA requirements.
11. The county council held a public hearing on July 24, 2002 to consider the planning commission's recommendation.

**Section 2.** Snohomish County Code section 32.13.020, last amended by Ordinance No. 99-030 on July 21, 1999, is **AMENDED** to read:

**32.13.020 Subdivision restrictions.**

- (1) There shall be no subdivision of land designated commercial forest. Subdivision to allow installation of communication and utility facilities may be allowed if all the following requirements are met:
  - (a) The facility cannot suitably be located on undesignated land;
  - (b) The installation cannot be accomplished without subdivision;
  - (c) The facility is to be located on the lowest feasible grade of forest land; and
  - (d) The facility removes as little land as possible from timber production.
- (2) Land designated local forest shall not be divided into parcels of less than 80 acres in size except through a rural cluster subdivision as provided under chapter 32.30 SCC.
- (3) Any subdivision or short subdivision of rural land adjacent to designated local or commercial forest lands shall only occur through a rural cluster subdivision as provided under chapter 32.30 SCC (-); except that, if such rural land is designated rural residential-RD and located outside a rural/urban transition area, rural cluster subdivisions shall not be allowed, and the subdivision or short subdivision procedures of Title 19 SCC and Title 20 SCC must be used.

PASSED this 24<sup>th</sup> day of July, 2002.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ATTEST:

Barbara Sitoristi  
Asst. Clerk of the Council

[Signature]  
Chair

- APPROVED  
 EMERGENCY  
 VETOED

DATE: 7/30/02

[Signature]  
County Executive  
STEPHEN L. HOLT  
Executive Director

ATTEST: [Signature]

Approved as to form only:

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Deputy Prosecuting Attorney

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