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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-126

AN ORDINANCE RELATING TO COMMERCIAL FORESTRY DESIGNATIONS, AMENDING THE FUTURE LAND USE MAP NARRATIVE TEXT; RESPONDING TO THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED BY THE GROWTH MANAGEMENT ACT (GMA), RCW 36.70A.130

WHEREAS, RCW 36.70A.130 directs counties planning under the Growth Management Act (GMA) to take legislative action to review and, if needed revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements in chapter 36.70A RCW; and

WHEREAS, Snohomish County adopted the Snohomish County Growth Management Act Comprehensive Plan ("GMACP") on June 28, 1995; and

WHEREAS, in 2002 the Legislature amended RCW 36.70A.130 to extend the deadline for the initial compliance review to December 1, 2004 for several jurisdictions, including Snohomish County; and

WHEREAS, in the spring of 2003 the County provided general notice it was, pursuant to RCW 36.70A.130, undertaking "the seven-year review process" (hereinafter referred to as the "seven-year compliance review"), along with the separate 10-year update process, through its widely disseminated Focus on Tomorrow Newsletter and through updates to the county website; and

WHEREAS, public open houses concerning the seven-year compliance review, as well as the 10-year update, were held in Everett on February 4, 2003, in Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

WHEREAS, on November 8, 2003, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review and 10-year update with the public; and

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WHEREAS, in April 2004, the County updated the public on the seven-year compliance review and 10-year update process through its widely disseminated Focus on the Future Newsletter and placed on the county website and through updates to the county website; and

WHEREAS, the County held public hearings concerning the seven-year compliance review and 10-year update in Arlington on June 1, 2004, and June 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, an all-day event known as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review update and 10-year update with the public; and

WHEREAS, Snohomish County Department of Planning and Development Services ("PDS") staff hosted public workshops on the seven-year compliance review and 10-year update in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, a joint public hearing before the County Council and Planning Commission hearing was held in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the seven-year compliance review and 10-year update to the Planning Commission and the County Council Planning Committee; and

WHEREAS, based on the information and comment gained during the public process and on extensive internal review of the County's GMACP and GMA development regulations, PDS prepared a list of tasks to be taken in response to the seven-year compliance review required by RCW 36.70A.130, and forwarded the same to the County Council for consideration on July 27, 2004; and

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WHEREAS, on July 28, 2004, the County Council scheduled a public hearing for August 11, 2004 to consider the scope of the seven-year compliance review based upon the recommended task list provided by PDS, which was advertised to the public; and

WHEREAS, at the public hearing on August 11, 2004, the County Council heard public testimony on the scope of review for the seven-year compliance review recommended by PDS and responded to written comments from the public; and

WHEREAS, following public testimony at the hearing on August 11, 2004, the County Council passed Amended Motion 04-329, which adopted the task list recommended by PDS as Exhibit A, with minor corrections to improve the accuracy of information contained in PDS list and attached exhibits; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the Planning Commission on September 21, 2004, to consider the GMA Plan amendment adopted by this ordinance and recommendations provided by PDS; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the County Council on November 17, 2004 to consider the entire record and to hear public testimony concerning the GMA Plan amendment adopted by this ordinance.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council bases its findings of fact and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits.

Section 2. The County Council adopts and incorporates the foregoing recitals as findings and conclusions as if set forth fully herein.

Section 3. The County Council makes the following additional findings and conclusions regarding proposals to amend the comprehensive plan to ensure that the GMACP and implementing development regulations are internally consistent and that they comply with the GMA:

- A. The proposed amendment to the narrative text of the Land Use Element, Future Land Use Map, set forth on page LU-71, deleting narrative reference to Phase 2 planning for a new forestry zone is necessary in order to achieve consistency with the current framework of the County's forestry zones and to acknowledge that the GMACP no longer requires Phase 2 planning.
- B. The proposed amendment maintains consistency with other elements of the GMA comprehensive plan;
- C. All applicable elements of the GMA comprehensive plan support the proposed amendment;
- D. The proposed amendment more closely meets the goals, objectives and policies of the GMA comprehensive plan as discussed in the specific findings; and
- E. The proposed amendment is consistent with the countywide planning policies (CPPs).
- F. Review of this ordinance under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, has been performed. Addendum No. 40 to the Final Environmental Impact Statement (EIS) for the GMACP was issued on August 11, 2004. This addendum describes the amendment adopted by this ordinance and adds information and analysis of the significant impacts identified for the alternatives analyzed in the Draft EIS dated April 11, 1994 and Final EIS issued on June 21, 1995. The information and analysis in Addendum No. 40 expanded on previously identified alternatives but did not substantially change the analysis of significant impacts and alternatives analyzed in the county's adopted

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environmental documents. No additional significant impacts beyond those identified in the EIS are expected to occur.

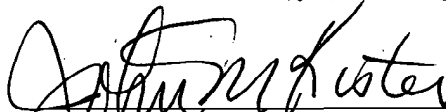
- G. The amendment adopted by this ordinance is within the scope of analysis contained in the FEIS for the GMACP, June 21, 1995, and related environmental documents adopted by the County. Addendum No. 40, which was issued on August 11, 2004, performs the function of keeping the public apprised of the refinements adopted by this ordinance by adding new information, but it does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- H. The State Environmental Policy Act requirements with respect to this proposed action have been satisfied by this addendum.
- I. There has been early and continuous public participation in the review of the proposed amendment as required by chapter 30.73 SCC and 30.74 SCC.
- J. The county council held public hearings on November 17, 2004 to consider the planning commission's recommendation.
- K. The public was notified of the public hearings held by the planning commission and the county council by means of published legal notices in The Everett Herald and local newspapers.
- L. The proposed ordinance has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

Section 4. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance 94-125 on June 28, 1995 and last amended by Ordinance No 04-057 on May 24, 2004 is amended as indicated in General Policy Plan Amendment to Land Use Policies, which is attached hereto as Exhibit A and incorporated by reference into this ordinance as if set forth in full.

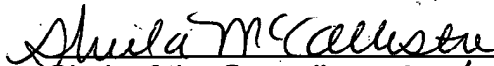
Section 5. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance.

PASSED this 17th day of November, 2004

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Chairperson

ATTEST:


Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 11/30/04

ATTEST: 


Snohomish County Executive

Approved as to form only:

Deputy Prosecuting Attorney

D-19

EXHIBIT A

General Policy Plan Text Amendment

The narrative text related to the Future Land Use Map designations set forth in the Land Use Element of the GPP to the GMACP dated August 2004 under the subheading "Commercial Forest (CF)" on page LU-71 is amended to read:

Forest Land Designations

The designations listed below include state and private forest lands. These designations are based on the Interim Forest Land Conservation Plan and the Forest Advisory Committee Findings and Conclusions on the Designation of Commercial Forest Lands, January 5, 1995. The text of these documents is incorporated into this document by reference. Designated Commercial Forest lands within the Mt. Baker-Snoqualmie National Forest and other selected forest lands will be further evaluated for their ability to meet the criteria described in Policy 8.A.2 and the County's GMA Comprehensive Plan Future Land Use map will be amended during the development of Phase 2 rural/resource planning. The boundaries of these designations are shown in parcel specific detail in a volume of assessor maps which will be adopted as part of development regulations concurrently with this plan. Rural/resource planning will be accomplished through a public involvement process. This plan will include refinements to the forest land designations and regulations consistent with the policy direction established in this plan.

Commercial Forest (CF). This designation includes primarily large forest land tracts that may not be subdivided for residential development. These lands may be segregated only into tracts of eighty acres or larger. ~~((The existing Forestry zone within this designation will remain until replaced by a new zone to be developed as part of Phase 2 planning.))~~

Local Forest (LF). (Tulalip Reservation Only) This designation includes productive forest lands which are an integral part of the Tulalip Tribes' designated forest lands and are intended to contribute to the preservation of a large contiguous area of land within the interior of the Tulalip Reservation for management of sustainable natural resources. Local Forest lands and adjacent tribal forest lands collectively provide timber production, surface and ground water resources, fisheries and wildlife habitat, and recreation opportunities. The Local Forest designation provides landowners a means of residing on their property while providing protection from rural residential activities that could conflict with forest practice operations. The implementing zone for the Local Forest designation is the Forestry (F) zone (1 dwelling unit per 20 or more acres). The rural cluster subdivision technique may be used in the Forestry zone and the basic lot yield is calculated using a minimum lot size of 20 acres.

Forest Transition Area (CF-FTA). This designation is an overlay to the Commercial Forest (F-C) designation. The FTA consists of a one quarter mile wide band of Commercial Forest land on the edge of the Commercial Forest Land designation bordering non-resource lands. The use of FTA lands is the same as Commercial Forest lands unless adjacent land uses prevent normal forest practices, in which case limited low density development options also apply.

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