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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-040

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING MAP AMENDMENTS TO THE
SNOHOMISH COUNTY GROWTH MANAGEMENT
ACT COMPREHENSIVE PLAN (GMACP)
TO IMPLEMENT CHANGES TO MAP 2, MINERAL RESOURCE LANDS, MINERAL RESOURCE
OVERLAY (MRO 1 HALVERSON FAMILY L. PARTNERSHIP)

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 GMACP or development regulations; and

WHEREAS, the Snohomish County Council adopted chapter 30.74 SCC,
"Growth Management Act Public Participation Program Docketing," to comply with the
requirements of RCW 36.70A.130 and .470; and

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

WHEREAS, on May 21, 2007, and May 29, 2007, the Snohomish County Council held
public hearings to receive public testimony on proposed county and non-county initiated
amendments to the GMACP for consideration on the 2007 Final Docket XII; and

WHEREAS, the Snohomish County Council, on June 25, 2007, approved, by Motion No.
07-182, a list of proposed comprehensive plan amendments for inclusion on Final Docket XII
and authorized the County Executive, through the Department of Planning and Development
Services (PDS), to process Final Docket XII consistent with chapters 30.73 and 30.74 SCC; and

WHEREAS, Final Docket XII, including the proposals to amend the map and text of the
GMACP were presented to the Planning Advisory Committee (PAC) of Snohomish County
Tomorrow (SCT); and

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

WHEREAS, the Snohomish County Planning Commission held a public hearing and
received public testimony on Final Docket XII on January 22, 2008, and January 29, 2008; and

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MINERAL RESOURCE OVERLAY (MRO 1 HALVERSON L. PARTNERSHIP)

1 WHEREAS, on January 29, 2008, the Snohomish County Planning Commission
2 deliberated on Final Docket XII at the conclusion of the public hearing and voted to recommend
3 adoption of the proposed GMACP and regulatory amendments, with certain modifications as
4 enumerated in its recommendation letter of February 26, 2008; and
5

6 WHEREAS, the Snohomish County Council held a public hearing on April 30, 2008,
7 continued to May 12 and June 3, 2008, to consider the entire record, including the planning
8 commission recommendations on Final Docket XII, and to hear public testimony on this
9 Amended Ordinance No. 08-040.

10
11 NOW, THEREFORE, BE IT ORDAINED:

12
13 **Section 1.** The county council makes the following findings:

- 14
15 A. The county council adopts and incorporates the foregoing recitals as findings as if set forth
16 fully herein.
- 17 B. The proposal by Halverson Family Limited Partnership (MRO 1) is to amend *Map 2,*
18 *Mineral Resource Overlay (MRO)* of the GMA Comprehensive Plan by removing 30.09
19 acres from the MRO and is located in the vicinity of Arlington at 14011 Jordan Road,
20 between Arlington and Granite Falls at the intersection of Jordan and Trangen Roads.
- 21 C. The county council includes in its findings and conclusions the final review and evaluation of
22 the proposal completed by PDS in accordance with chapter 30.74 SCC, which is hereby
23 made a part of this ordinance as if set forth herein.
- 24 D. The proposal is consistent with GPP Policy LU 9.A.12, which states that landowner requests
25 for changes in the mineral resource land designations shall be subject to the county's
26 docketing process and be consistent with LU Policies 9.A.1, 9.A.2, and 9.A.3. LU Policy
27 9.A.3 is not applicable as it refers to proposals for islands fewer than 10 acres.
- 28 E. Pursuant to GPP Policy LU 9.A.1, the subject site is eligible for inclusion into the MRO
29 designation.
- 30 F. The proposal meets one of the criteria in GPP Policy LU 9.A.2, for excluding lands from
31 designation as selected resource lands, "Lands which shall be excluded are those: . . . land
32 with 5-acre or smaller underlying land use designation and/or zoning, except in cases in
33 which the landowner requests mineral resource designation and the site otherwise meets the
34 criteria in 9.A.1 and 9.A.2." The proposal is consistent with GPP Policy LU 9.A.2 as the
35 subject site land use designation is Rural Residential-5 and the property owner has requested
36 removal of the MRO designation. Had not the previous owner requested inclusion into the
37 MRO, this site would have been excluded based on its Rural Residential-5 land use
38 designation, pursuant to Policy LU 9.A.2.
- 39 G. The proposed amendment complies with the requirements of GMA, including RCW
40 36.70A.170(2) which states that the county shall consider the guidelines for classifying
41 resource lands established pursuant to RCW 36.70A.050. Those guidelines for mineral

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1 resource lands include a list of factors in WAC 365-190-070(2)(d) to be analyzed to evaluate
2 whether the proposed land has long-term significance for the extraction of minerals. An
3 analysis of those factors demonstrates that the property does not meet the requirements for
4 mineral resource lands:

- 5 (i) General land use patterns in the area: The surrounding land use is predominately
6 residential. The surrounding GPP FLUM designations are: Rural Residential-5 Basic
7 to the west, northwest, south and east and Rural Low Density Residential to the north
8 (with MRO on the northeastern tip).
- 9 (ii) Availability of utilities: Public power is available at Jordan Road.
- 10 (iii) Availability and adequacy of water supply: The subject site is not currently served
11 with public water or sewer. Public water is available at Jordan Road.
- 12 (iv) Surrounding parcel sizes and surrounding uses: Relative to the proposal site, there is
13 an 80-acre parcel directly north, 5-acre parcels to the west, and east, and 5 to 20-acres
14 lots to the south.
- 15 (v) Availability of public roads and other public services: The site is accessible via
16 Jordan Road, a rural major collector.
- 17 (vi) Subdivision or zoning for urban or small lots: The County requires the use of rural
18 cluster subdivision on lots adjacent to designated mineral resource lands for
19 subdivision of rural residential land (1 dwelling unit/5 acres, 1 dwelling unit/10 acres,
20 1 dwelling unit/20 acres).
- 21 (vii) Accessibility and proximity to the point of use or market: The closest point of use or
22 market is the urban growth area of Arlington, which is accessible via Jordan Road,
23 Arlington Heights Road, and State Route 530 northeast.
- 24 (viii) Physical and topographic characteristics of the mineral resource site: The site
25 contains DNR Type 3 streams on both parcels, wetlands-NWI# 3354 on parcel
26 3106350030110, wetland NWI# 3336 on both parcels and some steep slopes. The
27 subject site is within a Critical Aquifer Recharge Area. A Critical Area Site Plan,
28 AF# 9812090507, exists pertaining to both parcels.
- 29 (ix) Depth of the resource: According to the 1998 "Prospect Identification and
30 Preliminary Classification", the proposal site is within area classified as Type "C"
31 and "D" material. Type C material is considered lower quality material and less
32 suitable for extraction.
- 33 (x) Depth of the overburden: Depth of the overburden is not an attribute considered in
34 classifying bedrock.
- 35 (xi) Physical properties of the resource including quality and type: The site contains
36 DNR Type 3 streams on both parcels, wetlands-NWI# 3354 on parcel
37 3106350030110, wetland NWI# 3336 on both parcels and some steep slopes. The
38 subject site is within a Critical Aquifer Recharge Area. A Critical Area Site Plan,
39 AF# 9812090507, exists pertaining to both parcels.

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1 (xii) Life of the resource: According to Plate 10 of the 1998 "Prospect Identification and
2 Preliminary Classification" inventory report and maps, the subject site is classified as
3 "Type D" sand and gravel and "Type C" bedrock based on quality and quantity.
4 Type D prospect deposits are considered unfeasible for economic resources due to
5 high fine and organic content or limited thickness. Type D prospect resources were
6 excluded from consideration during the designation of the Mineral Resource Overlay
7 in 2005. The proposal site is 30.09 acres of designated bedrock, and therefore
8 removal of this land from the MRO would not significantly affect the amount of
9 designated resource in the county.

10 (xiii) Resource availability in the region: Currently, there are 110,532 acres of bedrock
11 and 19,990 acres of sand and gravel designated within the Mineral Resource Overlay
12 (MRO). The proposal site is 30.09 acres of designated bedrock, and therefore
13 removal of this land from the MRO would not significantly affect the amount of
14 designated resource in the county.

15 H. Based on the analysis of the list of factors in WAC 365-190-070(2)(d) the proposal site
16 demonstrates that it does not meet the requirements for mineral resource lands of long-term
17 commercial significance.

18 I. A Determination of Nonsignificance was issued on December 26, 2007, for the proposed
19 amendments. PDS, as the lead agency, determined that these proposals do not have a
20 probable, significant adverse impact on the environment.

21
22 **Section 2.** The county council makes the following conclusions:

23
24 A. The proposal by Halverson Family Limited Partnership (MRO 1) to amend *Map 2, Mineral*
25 *Resource Overlay (MRO)* of the GMA Comprehensive Plan by removing 30.09 acres from
26 the MRO located in the vicinity of Arlington at 14011 Jordan Road, between Arlington and
27 Granite Falls at the intersection of Jordan and Trangen Roads more closely meets the goals,
28 objectives and policies of the GPP than the existing plan designation.

29 B. The proposed GMACP map amendment is consistent with the following final review and
30 evaluation criteria of chapter 30.74 SCC:

- 31 1. The proposed amendment maintains consistency with other elements of the GMACP.
- 32 2. All applicable elements of the GMACP support the proposed amendment.
- 33 3. The proposed amendment meets the goals, objectives, and policies of the GMACP as
34 discussed in the specific findings.
- 35 4. The proposed amendment is consistent with the Countywide Planning Policies (CPPs).
- 36 5. The proposed amendment complies with the GMA.
- 37 6. New information is available which was not considered at the time the plan or regulation
38 was amended.

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- 1 C. The amendment is consistent with the GMA requirement that the comprehensive plan of a
2 county or city be an internally consistent document (RCW 36.70A.070).
- 3 D. The amendment to the GMACP satisfies the procedural and substantive requirements of the
4 GMA.
- 5 E. The amendment maintains the GMACP's consistency with County's CPPs.
- 6 F. The county has met the state and local requirements for public participation and
7 interjurisdictional coordination.
- 8 G. The proposed amendment meets the goals, objectives and policies of the GMACP as
9 discussed in the specific findings.
- 10 H. All SEPA requirements with respect to this non-project action have been satisfied.
- 11 I. The County complied with state and local public participation requirements under the GMA
12 and chapter 30.73 SCC.

13 **Section 3.** The county council bases its findings and conclusions on the entire record of the
14 county council, including all testimony and exhibits. Any finding, which should be deemed a
15 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
16

17 **Section 4.** Based on the foregoing findings and conclusions, the Snohomish County GMA
18 Comprehensive Plan – General Policy Plan Map 2, Mineral Resource Overlay - last amended by
19 Ordinance No. 07-139, is amended as indicated in Exhibit A to this ordinance which is attached
20 hereto and incorporated by reference into this ordinance as if set forth in full.

21 **Section 5.** The county council directs the Code Reviser to update SCC 30.10.060 pursuant to
22 SCC 1.02.020(3).
23
24

25 **Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held
26 to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of
27 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
28 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,
29 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by
30 the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect
31 prior to the effective date of this ordinance shall be in full force and effect for that individual
32 section, sentence, clause or phrase as if this ordinance had never been adopted.
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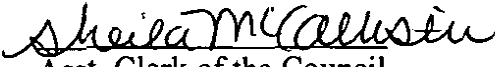
PASSED this 3rd day of June, 2008.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

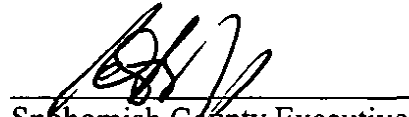
ATTEST:



Asst. Clerk of the Council

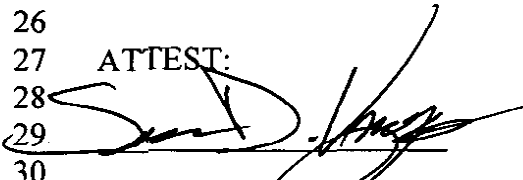
- APPROVED
- EMERGENCY
- VETOED

DATE: 10 June 2008, 2007



Snohomish County Executive
PETER B. CAMP
Executive Director

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-15

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Exhibit A
Amended Ordinance No. 08-040
Final Docket XII, GMACP Map #2 Amendments
MRO 1 Halverson L. Family Partnership

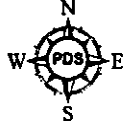
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Docket XII

Final List of Proposed Amendments (Motion No. 07-182)
Proposed Comprehensive Plan Amendment

Halverson Family L. Partnership (MRO1)



Proposed Plan Amendment:

Halverson Family L. Partnership

Redesignate Rural Residential - 5 (1 DU/5 Ac.) with Mineral Resource Overlay to Rural Residential - 5 (1 DU/5 Ac.) without Mineral Resource Overlay

Existing Plan Designations

- Com. Forest/Forest Transition
- Rural Low Den. Res. (1 DU/20 Ac.)
- Rural Res.-5 (1DU/5 Ac.)

Mineral Resource

- UGA Boundary
- Assessor Parcels
- Cities
- Township-Range Grid
- Section Grid



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Map Document: (W:\p\g\carto\doctet\Docket 2007\Maps\Individual\Final_Docket_Resource Land\Halverson Family L. Partnership_FLU_rev110507.mxd) 11/9/2007