



CO00032885

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-042

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 3 SEA-MOUNT RESOURCES, INC.)

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

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. 08-042.
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 Sea-Mount Resources, Inc. (MRO 3) is to amend *Map 2, Mineral Resource*
18 *Overlay (MRO) of the GMA Comprehensive Plan* by removing 17.82 acres from the MRO
19 and is located in the vicinity of Gold Bar at 42233 May Creek Road.
- 20 C. The county council includes in its findings and conclusions the final review and evaluation of
21 the proposal completed by PDS in accordance with chapter 30.74 SCC, which is hereby
22 made a part of this ordinance as if set forth herein.
- 23 D. The proposal is consistent with GPP Policy LU 9.A.12, which states that landowner requests
24 for changes in the mineral resource land designations shall be subject to the county's
25 docketing process and be consistent with LU Policies 9.A.1, 9.A.2 and 9.A.3.
- 26 E. The proposal meets one of the criteria in GPP Policy LU 9.A.2, for excluding lands from
27 designation as selected resource lands, "Lands which shall be excluded are those: . . . land
28 with 5-acre or smaller underlying land use designation and/or zoning, except in cases in
29 which the landowner requests mineral resource designation and the site otherwise meets the
30 criteria in 9.A.1 and 9.A.2." The proposal is consistent with GPP Policy LU 9.A.2 as the
31 land use designation of the proposal site is Rural Residential-5 and the property owner has
32 requested removal of the MRO designation. Had not the previous owner requested inclusion
33 into the MRO, this site would have been excluded based on its Rural Residential-5 land use
34 designation, pursuant to Policy LU 9.A.2.
- 35 F. The mineral resource identified on the 1998 "Prospect Identification and Preliminary
36 Classification" inventory has since been excavated and removed from the site and no longer
37 qualifies the site for the MRO designation under Policy LU 9.A.1. This is reinforced by the
38 fact that the site is currently in the post extraction process of reclamation through the
39 Washington Department of Natural Resources. Therefore removal of the MRO designation
40 under the terms of GPP Policy 9.A.12 is consistent with Policy 9.A.1
- 41 G. The subject property is over 10 acres in size; therefore, GPP Policy LU 9.A.3 does not apply.

- 1 H. The proposal meets GPP Policy LU 9.A.14, which states that the county can consider
2 removal of the MRO through the docketing process from properties where there is substantial
3 evidence of unique circumstance that mineral excavation is not an appropriate use for the
4 site. Site constraints including critical areas and associated buffers comprise the
5 circumstances that make mineral extraction not an appropriate use for this site:
- 6 1. A wetland, steep slopes and a Type 3 creek (Ammons Creck) are present. The subject site
7 is within a Critical Aquifer Recharge Area (Gold Bar Well-3) and is rated 'High'
8 according to the USGS Aquifer Sensitivity.
 - 9 2. This excavation site received county Conditional Use Permit, ZA 8303070 in 1983 with
10 an estimated volume of 600,000 cubic yards. The projected period for this excavation
11 site was through August 10, 2003, and therefore the life of the resource at the proposal
12 site is nearly depleted.
 - 13 3. The site is in the process of reclamation through the Washington Department of Natural
14 Resources and the present landowners have requested removal of the MRO.
- 15 I. The proposed amendment complies with the requirements of GMA, including RCW
16 36.70A.170(2) which states that the county shall consider the guidelines for classifying
17 resource lands established pursuant to RCW 36.70A.050. Those guidelines for mineral
18 resource lands include a list of factors in WAC 365-190-070(2)(d) to be analyzed to evaluate
19 whether the proposed land has long-term significance for the extraction of minerals. An
20 analysis of those factors demonstrates that the property does not meet the requirements for
21 mineral resource lands:
- 22 (i) General land use patterns in the area: The surrounding land use is primarily
23 residential. The GPP FLUM designation for the surrounding area is Rural
24 Residential-5 Basic.
 - 25 (ii) Availability of utilities: Electricity is available at the site.
 - 26 (iii) Availability and adequacy of water supply: The proposal is within a rural area and is
27 not served by a public water supply.
 - 28 (iv) Surrounding parcel sizes and surrounding uses: 14-acre parcel to the north, several
29 1-acre lots to the northwest and northeast, and a 5-acre parcel to the east. The site is
30 surrounded by wooded single family residential and vacant wooded lots.
 - 31 (v) Availability of public roads and other public services: The site is accessible from
32 May Creek Road, a rural minor collector, which leads directly into the Gold Bar
33 UGA.
 - 34 (vi) Subdivision or zoning for urban or small lots: The County requires the use of rural
35 cluster subdivision on lots adjacent to designated mineral resource lands for
36 subdivision of rural residential land (1 dwelling unit/5 acres, 1 dwelling unit/10 acres,
37 1 dwelling unit/20 acres).
 - 38 (vii) Accessibility and proximity to the point of use or market: The closest point of use or
39 market is the urban growth area of Gold Bar, which is accessible via May Creek
40 Road.

- 1 (viii) Physical and topographic characteristics of the mineral resource site: A wetland
 2 area, steep slopes and a Type 3 creek (Ammons Creek) are present. The subject site
 3 is within a Critical Aquifer Recharge Area (Gold Bar Well-3) and is rated 'High'
 4 according to the USGS Aquifer Sensitivity.
- 5 (ix) Depth of the resource: This excavation site received county Conditional Use Permit,
 6 ZA 8303070 in 1983 with an estimated volume of 600,000 cubic yards. The
 7 projected period for this excavation site was through August 10, 2003, and therefore
 8 the life of the resource at the proposal site is nearly depleted.
- 9 (x) Depth of the overburden: This excavation site received county Conditional Use
 10 Permit, ZA 8303070 in 1983 with an estimated volume of 600,000 cubic yards. The
 11 projected period for this excavation site was through August 10, 2003, and therefore
 12 the life of the resource at the proposal site is nearly depleted.
- 13 (xi) Physical properties of the resource including quality and type: The 1998 "Prospect
 14 Identification and Preliminary Classification" refers to this resource prospect as the
 15 "Index West I Prospect" and classified this resource as Type C-3 sand and gravel.
 16 Type C is the lowest quality considered for designation by the county from a range of
 17 A-C. Type 3 refers to the quantity of sand and gravel based on a scale of 1-3.
 18 However, according to county Conditional Use Permit ZA 8303070 issued in 1983,
 19 the estimated volume of material from this site was 600,000 with a projected period
 20 of excavation through August 10, 2003. Therefore, the resource at the proposal site
 21 is nearly depleted.
- 22 (xii) Life of the resource: This excavation site received county Conditional Use Permit,
 23 ZA 8303070 in 1983 with an estimated volume of 600,000 cubic yards. The
 24 projected period for this excavation site was through August 10, 2003, and therefore
 25 the life of the resource at the proposal site is nearly depleted.
- 26 (xiii) Resource availability in the region: Currently, there are 110,532 acres of bedrock
 27 and 19,990 acres of sand and gravel designated within the Mineral Resource Overlay
 28 (MRO). As the site is under reclamation and the resource is nearly depleted, removal
 29 of 5 acres from the MRO will not significantly affect the availability of sand and
 30 gravel in the region.

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

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

37
 38 **Section 2.** The county council makes the following conclusions:
 39

40 A. The proposal by Sea-Mount Resources, Inc. (MRO 3) to amend *Map 2, Mineral Resource*
 41 *Overlay (MRO) of the GMA Comprehensive Plan* by removing 17.82 acres from the MRO

1 located in the vicinity of Gold Bar at 42233 May Creek Road more closely meets the goals,
2 objectives and policies of the GPP than the existing plan designation.

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

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

13 C. The amendment is consistent with the GMA requirement that the comprehensive plan of a
14 county or city be an internally consistent document (RCW 36.70A.070).

15 D. The amendment to the GMACP satisfies the procedural and substantive requirements of the
16 GMA.

17 E. The amendment maintains the GMACP's consistency with the CPPs for Snohomish County.

18 F. The proposed amendment meets the goals, objectives and policies of the GMACP as
19 discussed in the specific findings.

20 G. All SEPA requirements with respect to this non-project action have been satisfied.

21 H. The County complied with state and local public participation requirements under the GMA
22 and chapter 30.73 SCC.

23
24 **Section 3.** The county council bases its findings and conclusions on the entire record of the
25 county council, including all testimony and exhibits. Any finding, which should be deemed a
26 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

27
28 **Section 4.** Based on the foregoing findings and conclusions, the Snohomish County GMA
29 Comprehensive Plan – General Policy Plan Map 2, Mineral Resource Overlay - last amended by
30 Ordinance No. 07-139, is amended as indicated in Exhibit A to this ordinance which is attached
31 hereto and incorporated by reference into this ordinance as if set forth in full.

32
33 **Section 5.** The county council directs the Code Reviser to update SCC 30.10.060 pursuant to
34 SCC 1.02.020(3).

35
36 **Section 6.** Severability. If any section, sentence, clause or phrase of this ordinance shall be held
37 to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of
38 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
39 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,

AMENDED ORDINANCE No. 08-042
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH
MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP) TO IMPLEMENT CHANGES TO MAP 2, MINERAL RESOURCE
LANDS, MINERAL RESOURCE OVERLAY (MRO 3 SEA-MOUNT RESOURCES, INC.)

1 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by
2 the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect
3 prior to the effective date of this ordinance shall be in full force and effect for that individual
4 section, sentence, clause or phrase as if this ordinance had never been adopted.
5
6
7

8 PASSED this 3rd day of June, 2008.
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10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington

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13 
14 _____

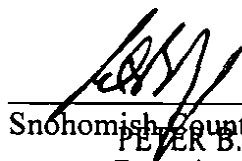
Council Chair

15 ATTEST:

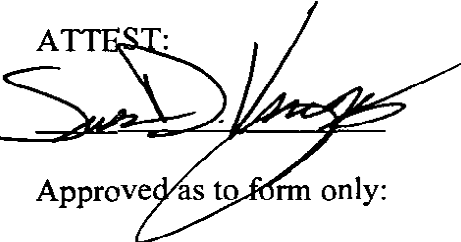
16
17 
18 _____
19 Asst. Clerk of the Council

- 20 APPROVED
21 EMERGENCY
22 VETOED

23 DATE: 10 June 2008, 2008
24

25
26 
27 _____
28 Snohomish County Executive
29 PETER B. CAMP
30 Executive Director

31 ATTEST:

32 
33 _____
34 Approved as to form only:
35
36 _____
Deputy Prosecuting Attorney

D-17

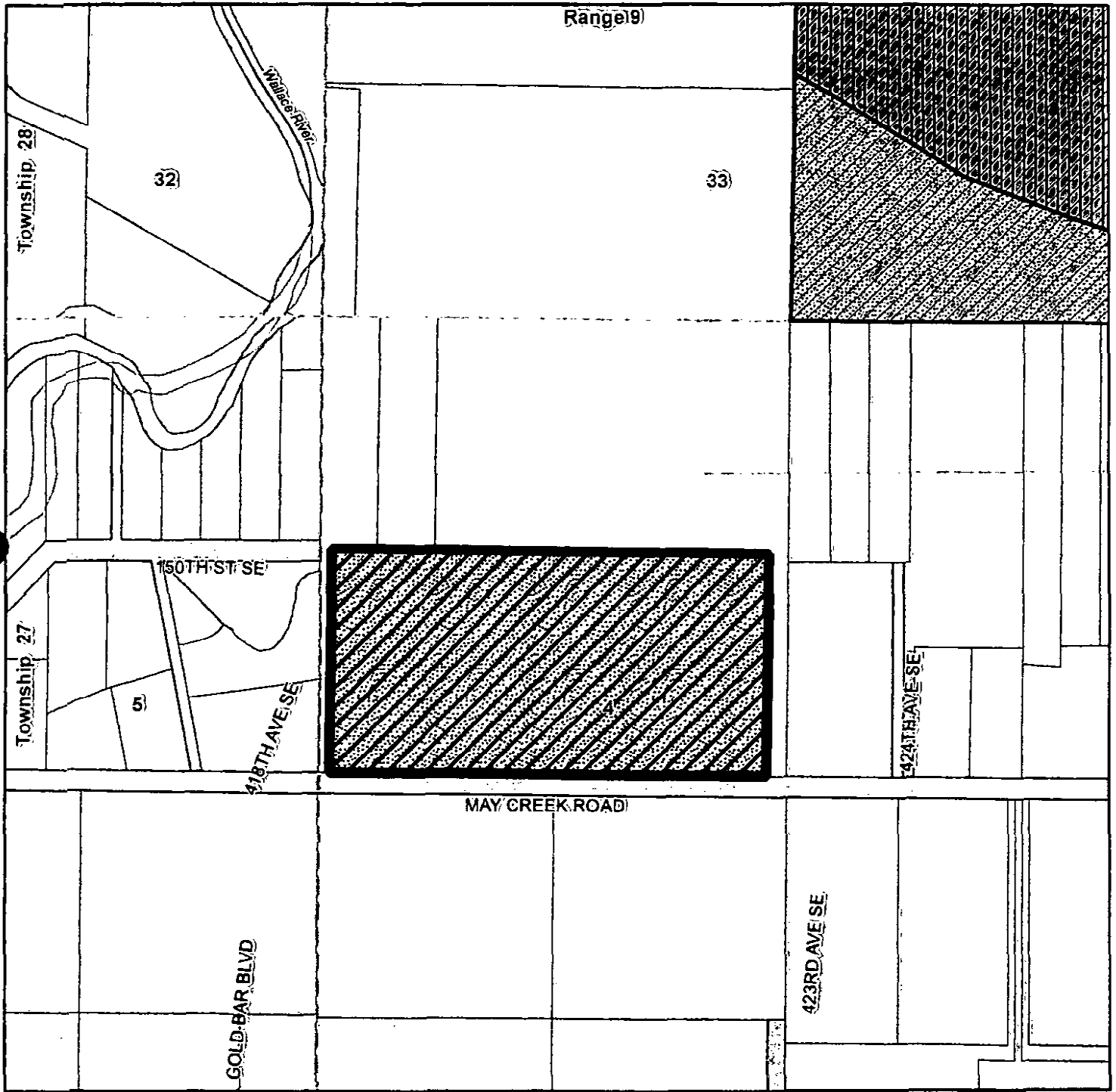
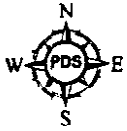
Exhibit A
Amended Ordinance No. 08-042
Final Docket XII, GMACP Map #2 Amendments
MRO 3 Sea-Mount Resources Inc.

AMENDED ORDINANCE No. 08-042
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH
MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP) TO IMPLEMENT CHANGES TO MAP 2, MINERAL RESOURCE
LANDS, MINERAL RESOURCE OVERLAY (MRO 3 SEA-MOUNT RESOURCES, INC.)

Docket XII

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

Sea-Mount Resources Inc. (MRO3)



Proposed Plan Amendment:

Sea-Mount Resources Inc.

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

Existing Plan Designations

- Com. Forest/Forest Transition
- Rural Res. (1 DU/5 Ac.-Basic)
- MRO-Bedrock
- MRO-Sand and Gravel

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



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Map Document: (W:\p\g\carto\docket\1\2007\Map\Individual\Final_Docket1 Resource Land\Sea-Mount Resources Inc_FLU_rev110507.mxd) 11/9/2007