



CO00032886

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-043

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 4 STILLAGUAMISH RESOURCES, LLC AND MILLER SHINGLE)

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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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 4 STILLAGUAMISH RESOURCES, LLC AND MILLER SHINGLE)

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. 08-043.

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 Stillaguamish Resources, LLC and Miller Shingle (MRO 4) is to amend
18 Map 2, *Mineral Resource Lands, Mineral Resource Overlay (MRO)* of the GMA
19 Comprehensive Plan by adding 48.21 acres to the MRO and is located in the Arlington area
20 on State Route 9, Mile Post #21.42.
- 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 meets GPP Objective LU 9.A, "Identify and designate mineral resource lands
25 that are not already characterized by urban growth and that have long term significance for
26 the extraction of minerals." This site is in a rural area and according to the 1998 inventory; it
27 is classified as Type B-3.
- 28 E. The proposal meets GPP Policy LU 9.A.12, which states that landowner requests for changes
29 in the mineral resource land designation are subject to the docketing process and should be
30 reviewed for consistency with LU Policies 9.A.1, 9.A.2 and 9.A.3. LU Policy 9.A.3 is not
31 applicable as it refers to proposals for islands of fewer 10 acres.
- 32 F. The proposal meets GPP Policy LU 9.A.1, which states that the county should utilize the
33 1998 "Prospect Identification and Preliminary Classification" inventory report and maps to
34 identify potential sand, gravel and bedrock resources for designation as mineral resource
35 land. According to this report, the mineral resources pertaining to this proposal are part of an
36 area classified as Type B-3 and thus qualify for designation as mineral resource land.
- 37 G. The proposal for MRO designation is consistent with Policy LU 9.A.2 because it does not
38 meet any of the exclusionary criteria in GPP Policy LU 9.A.2. The site is not within an
39 urban growth area, National Forest or tribal land. The site does not have a land use
40 designation of Riverway Commercial Farmland, Upland Commercial Farmland, or Local
41 Commercial Farmland and is not within a floodplain.

1 H. The proposed amendment complies with the requirements of GMA, including RCW
2 36.70A.170(2) which states that the county shall consider the guidelines for classifying
3 resource lands established pursuant to RCW 36.70A.050. Those guidelines for mineral
4 resource lands include a list of factors in WAC 365-190-070(2)(d) to be analyzed to evaluate
5 whether the proposed land has long-term significance for the extraction of minerals,
6 including whether it is characterized by urban growth. An analysis of those factors
7 demonstrates that the property does meet the requirements for designated mineral resource
8 lands of long-term commercial significance:

- 9 (i) General land use patterns in the area: The proposal site is surrounded by rural
10 single family residential on adjacent parcels to the north and northwest. To the
11 southwest region, agricultural activities are present. Large vacant lots preside to
12 the east.
- 13 (ii) Availability of utilities: Utilities available at the site include electricity and
14 telephone service.
- 15 (iii) Availability and adequacy of water supply: The proposal site is within the PUD
16 remote area water service boundaries.
- 17 (iv) Surrounding parcel sizes and surrounding uses: 5-acre parcels are directly to the
18 north, adjacent to the east are 40-acre parcels, to the south is a 16-acre parcel and
19 to the west is 7-acre parcel. Rural single family residential uses exist to the north
20 and northwest. Setbacks are required as part of the Conditional Use Permit to
21 minimize the effects of the land use. The current CUP addresses setbacks to the
22 corresponding adjacent properties. Agriculture land exists to the southwest and
23 large vacant lots are to the east.
- 24 (v) Availability of public roads and other public services: The site is accessible by
25 State Route 9, a rural principal arterial.
- 26 (vi) Subdivision or zoning for urban or small lots: The County requires the use of
27 rural cluster subdivision on lots adjacent to designated mineral resource lands for
28 subdivision of rural residential land (1 dwelling unit/5 acres, 1 dwelling unit/10
29 acres, 1 dwelling unit/20 acres).
- 30 (vii) Accessibility and proximity to the point of use or market: The closest point of use
31 or market is the urban growth area of Arlington, which is accessible via State
32 Route 9.
- 33 (viii) Physical and topographic characteristics of the mineral resource site:
34 According to Plate 9 of the 1998 "Prospect Identification and Preliminary
35 Classification" inventory report and maps, the subject site is named the
36 "Arlington North I Prospect", and is classified as "Type B-3" sand and gravel.
37 The assigned letter (A, B, C) refers to the quality characteristics of the prospect,
38 while the assigned number (1, 2 and 3) refers to the quantity aspects. This study
39 classifies Type B material as moderate grade aggregate with some variations in
40 grain size that may require additional washing or handling in order to meet
41 product specifications.

1 (ix) Depth of the resource: According to Plate 9 of the 1998 "Prospect Identification
2 and Preliminary Classification" inventory report and maps, the subject site is
3 named the "Arlington North I Prospect", and is classified as "Type B-3" sand and
4 gravel. The assigned letter (A, B, C) refers to the quality characteristics of the
5 prospect, while the assigned number (1, 2 and 3) refers to the quantity aspects.
6 Type 3 materials are classified as having generally 50 feet or less of thickness,
7 with a varying life expectancy.

8 (x) Depth of the overburden: According the aforementioned inventory and
9 classification report, type B-3 sand and gravel, in general, are considered to have
10 an overburden of less than or equal to 15 feet.

11 (xi) Physical properties of the resource including quality and type: According to the
12 aforementioned inventory and classification report, the sand and gravel material at
13 the proposal site is type B-3 material, which in general, is considered to have a
14 sand to gravel ratio ranging from 70:30 to 30:70, and up to 15 percent fines.

15 (xii) Life of the resource: According to the aforementioned inventory and
16 classification report, type B-3 sand and gravel in general, is considered to have a
17 life expectancy of less than or equal to 10 years, with an average of 15,000 to
18 80,000 cubic yards per acre.

19 (xiii) Resource availability in the region: Currently, there are 110,532 acres of bedrock
20 and 19,990 acres of sand and gravel designated within the Mineral Resource
21 Overlay (MRO), however not all designated resources are currently being
22 excavated.

- 23 I. Based on the analysis of the list of factors in WAC 365-190-070(2)(d) the proposal site
24 demonstrates that it does meet the requirements for mineral resource lands of long-term
25 commercial significance.
- 26 J. A draft supplemental environmental impact statement (DSEIS) to the EIS issued for the 2005
27 Snohomish County GMACP 10-Year Update was issued on December 26, 2007, for the
28 proposed amendments. A Final SEIS, including response to comments on the DSEIS, was
29 prepared following the 30-day comment period and was issued on April 1, 2008. The
30 purpose of the SEIS was to analyze potential significant adverse environmental impacts of
31 the proposals and any alternatives that were not previously identified in the EIS and to
32 provide supplemental analysis and information relating to the proposed map and text
33 amendments.

34
35 **Section 2.** The county council makes the following conclusions:

- 36
37 A. The proposal by Stillaguamish Resources, LLC and Miller Shingle (MRO 4) to amend Map
38 2, *Mineral Resource Lands, Mineral Resource Overlay (MRO)* of the GMA Comprehensive
39 Plan by adding 48.21 acres to the MRO located in the Arlington area on State Route 9, Mile
40 Post #21.42 on the east side more closely meets the goals, objectives and policies of the GPP
41 than the existing plan designation.

- 1 B. The proposed GMACP map amendment is consistent with the following final review and
2 evaluation criteria of chapter 30.74 SCC:
- 3 1. The proposed amendment maintains consistency with other elements of the GMACP.
 - 4 2. All applicable elements of the GMACP support the proposed amendment.
 - 5 3. The proposed amendment meets the goals, objectives, and policies of the GMACP as
6 discussed in the specific findings.
 - 7 4. The proposed amendment is consistent with the Countywide Planning Policies (CPPs).
 - 8 5. The proposed amendment complies with the GMA.
 - 9 6. New information is available which was not considered at the time the plan or regulation
10 was amended.
- 11 C. The amendment is consistent with the GMA requirement that the comprehensive plan of a
12 county or city be an internally consistent document (RCW 36.70A.070).
- 13 D. The amendment to the GMACP satisfies the procedural and substantive requirements of the
14 GMA.
- 15 E. The amendment maintains the GMACP's consistency with the CPPs for Snohomish County.
- 16 F. The county has met the state and local requirements for public participation and
17 interjurisdictional coordination.
- 18 G. The proposed amendment meets the goals, objectives and policies of the GMACP as
19 discussed in the specific findings.
- 20 H. All SEPA requirements with respect to this non-project action have been satisfied.
- 21 I. 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 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,

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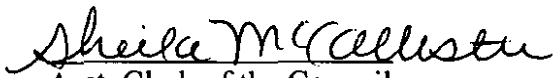
1 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by
2 the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect
3 prior to the effective date of this ordinance shall be in full force and effect for that individual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

7 PASSED this 3rd day of June, 2008.
8

9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington


11
12 
13 _____
14 Council Chair

15 ATTEST:

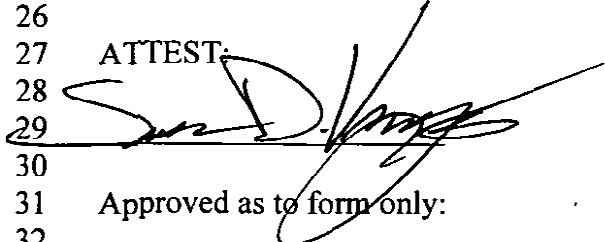
16 
17 Asst. Clerk of the Council
18

19 APPROVED
20 EMERGENCY
21 VETOED
22

23 DATE: 10 June 2008 2008

24
25 
26 _____
27 Snohomish County Executive
28 PETER B. CAMP
29 Executive Director

30 ATTEST:

31 
32 Approved as to form only:
33 _____
34 Deputy Prosecuting Attorney
35

D-18

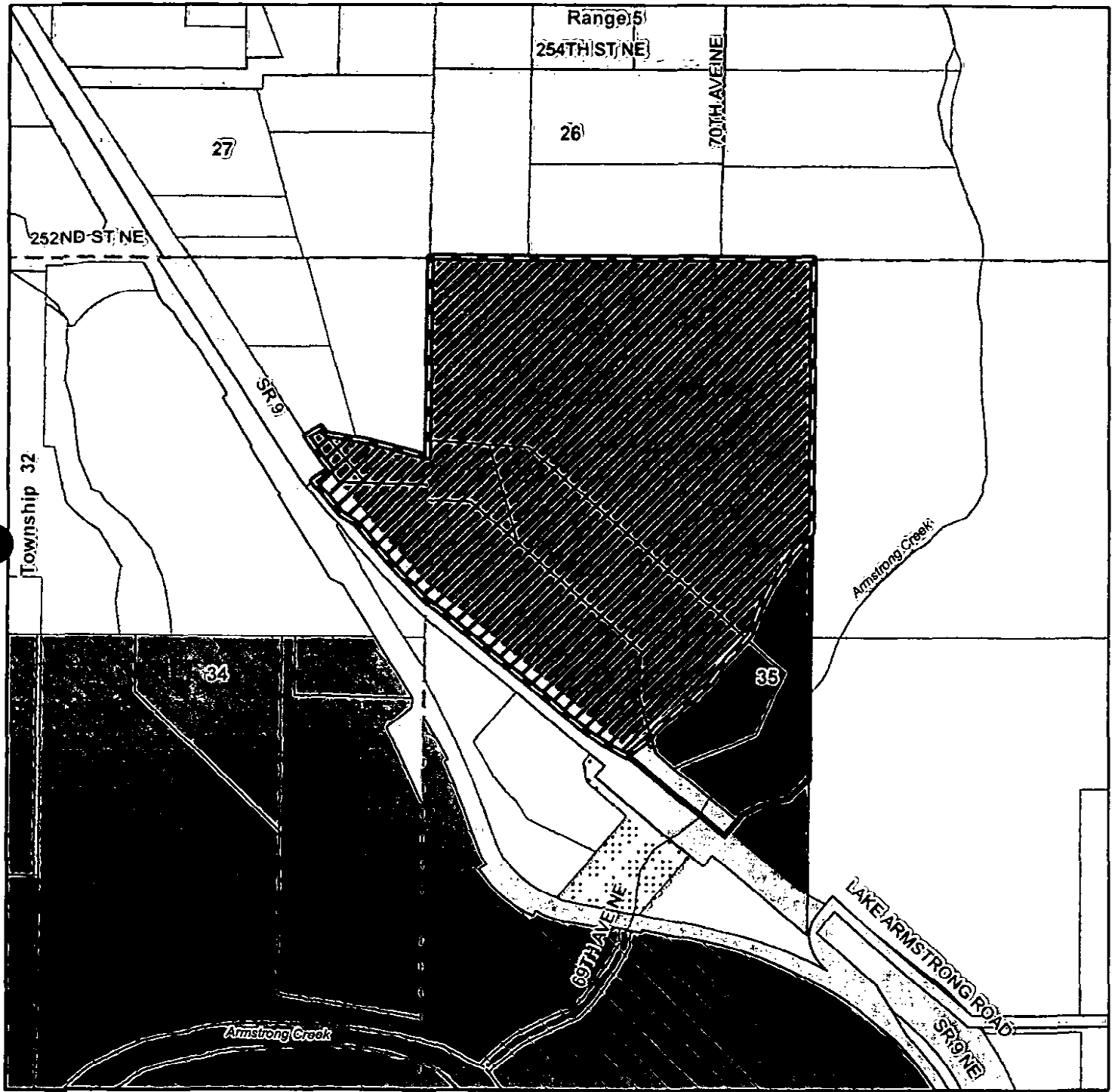
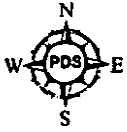
Exhibit A
Amended Ordinance No. 08-043
Final Docket XII, GMACP Map #2 Amendments
MRO 4 Stillaguamish Resources LLC and Miller Shingle

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Docket XII

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

Stillaguamish Resources (MRO4)



Proposed Plan Amendment:

Stillaguamish Resources
 Redesignate Rural Industrial to Rural Industrial with Mineral Resource Overlay

Existing Plan Designations

- Stillaguamish Tribal Land
- Riverway Com. Farmland
- Rural Res. (1DU/5 Ac. - Basic)
- Rural Industrial

- TDR Sending Area
- UGA Boundary
- Assessor Parcels
- Cities
- Township-Range Grid
- Section Grid

0 250 500 750 1,000 Feet

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