



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-044

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 5 RINKER MATERIALS)

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

AMENDED ORDINANCE No. 08-044
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 5 RINKER MATERIALS)

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2 WHEREAS, on January 29, 2008, the Snohomish County Planning Commission
3 deliberated on Final Docket XII at the conclusion of the public hearing and voted to recommend
4 adoption of the proposed GMACP and regulatory amendments, with certain modifications as
5 enumerated in its recommendation letter of February 26, 2008; and
6

7 WHEREAS, the Snohomish County Council held a public hearing on April 30, 2008,
8 continued to May 12 and June 3, 2008 to consider the entire record, including the planning
9 commission recommendations on Final Docket XII, and to hear public testimony on this
10 Amended Ordinance No. 08-044.

11
12 NOW, THEREFORE, BE IT ORDAINED:

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

- 15
16 A. The county council adopts and incorporates the foregoing recitals as findings as if set forth
17 fully herein.
- 18 B. The proposal by Rinker Materials (MRO 5) is to amend Map 2, Mineral Resource Overlay
19 (MRO) of the GMA Comprehensive Plan by removing 59.02 acres from the MRO and is
20 located in the Maltby area at, 19000 Yew Way, Snohomish.
- 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 Goal LU 9, which states, conserve mineral resource lands for
25 mineral extraction, minimize the detrimental effects of mineral extraction on the environment
26 and other land uses, and plan for the eventual post-extractive use of mine sites. Removal of
27 the Mineral Resource Overlay from this exhausted mine site is a precursor in the planning for
28 post-extractive uses of the mine site.
- 29 E. The proposal to remove the MRO designation meets GPP Policy LU 9.A.12, which states
30 that landowner requests for changes in the mineral resource land designations shall be subject
31 to the county's docketing process and be consistent with LU Policies 9.A.1, 9.A.2 and 9.A.3.
- 32 F. The mineral resource identified on the 1998 "Prospect Identification and Preliminary
33 Classification" inventory has since been excavated and removed from the site and no longer
34 qualifies the site for the MRO designation under Policy LU 9.A.1. This is reinforced by the
35 fact that the site is currently in the post extraction process of reclamation through the
36 Washington Department of Natural Resources. Therefore removal of the MRO designation
37 under the terms of GPP Policy 9.A.12 is consistent with Policy 9.A.1. The subject site no
38 longer qualifies for the MRO designation under Policy 9.A.1 due to the exhaustion of the
39 mineral resource on site. There is no policy to preserve the site for its mineral resources
40 when they have already been extracted.
- 41 G. The proposal meets one of the criteria in GPP Policy LU 9.A.2, for excluding lands from
42 designation as selected resource lands, "Lands which shall be excluded are those: . . . land
43 with 5-acre or smaller underlying land use designation and/or zoning, except in cases in

1 which the landowner requests mineral resource designation and the site otherwise meets the
2 criteria in 9.A.1 and 9.A.2.” The proposal is consistent with GPP Policy LU 9.A.2 as the
3 land use designation of the proposal site is Rural Residential-5 and the property owner has
4 requested removal of the MRO designation. Had not the previous owner requested inclusion
5 into the MRO, this site would have been excluded based on its Rural Residential-5 land use
6 designation, pursuant to Policy LU 9.A.2.

7 H. Policy 9.A.3 does not apply to this proposal as it refers to requirements for the addition of the
8 Mineral Resource Overlay. The MRO designation is over 10 acres and does not constitute an
9 island.

10 I. The proposal is consistent with GPP Policy LU 9.A.14, which states that the county can
11 consider removal of the MRO from properties where there is substantial evidence of unique
12 circumstance that mineral excavation is not an appropriate use for the site. The sand and
13 gravel resource at the proposal site is exhausted, and the site is currently in the process of
14 reclamation through the Washington Department of Natural Resources.

15 J. 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 sand and gravel
23 retail business, single family residential on wooded lots, a commercial nursery, a
24 mineral resource distribution site and a wood waste recycling site.

25 (ii) Availability of utilities: Electricity and phone service is available at the proposal site.

26 (iii) Availability and adequacy of water supply: The proposal is within a rural area and is
27 not serviced by a public water supply.

28 (iv) Surrounding parcel sizes and surrounding uses: The proposal site is predominately
29 surrounded by 5-10 acre lots, which range in use from an aggregate sorting and
30 storage site, a nursery, vacant land and residential. sand and gravel retail business

31 (v) Availability of public roads and other public services: The proposal site is accessed
32 by Yew Way, a rural minor collector.

33 (vi) Subdivision or zoning for urban or small lots: The County requires the use of rural
34 cluster subdivision on lots adjacent to designated mineral resource lands for
35 subdivision of rural residential land (1 dwelling unit/5 acres, 1 dwelling unit/10 acres,
36 1 dwelling unit/20 acres).

37 (vii) Accessibility and proximity to the point of use or market: The closest point of use or
38 market is within the Maltby area, as there is an aggregate sorting and distribution site
39 located directly west. However, the sand and gravel resource at the proposal site has
40 been exhausted, and proximity to a market is not relevant to this proposal.

1 (viii) Subdivision or zoning for urban or small lots: The sand and gravel resource at the
2 proposal site is exhausted, and the site is currently in the process of reclamation
3 through the Washington Department of Natural Resources. Therefore, the physical
4 and topographic characteristics of the mineral resource site will be changing
5 according to the reclamation plan.

6 (ix) Physical and topographic characteristics of the mineral resource site: The sand and
7 gravel resource at the proposal site is exhausted, and the site is currently in the
8 process of reclamation through the Washington Department of Natural Resources.
9 Therefore this characteristic of the resource does not apply.

10 (x) Depth of the overburden: The sand and gravel resource at the proposal site is
11 exhausted, and the site is currently in the process of reclamation through the
12 Washington Department of Natural Resources.

13 (xi) Physical properties of the resource including quality and type: The sand and gravel
14 resource at the proposal site is exhausted, and the site is currently in the process of
15 reclamation through the Washington Department of Natural Resources.

16 (xii) Life of the resource: The sand and gravel resource at the proposal site is exhausted,
17 and the site is currently in the process of reclamation through the Washington
18 Department of Natural Resources.

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

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

25 L. A Determination of Nonsignificance was issued on December 26, 2007, for the proposed
26 amendments. PDS, as the lead agency, determined that these proposals do not have a
27 probable, significant adverse impact on the environment
28
29

30 Section 2. The county council makes the following conclusions:
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32 A. The proposal by Rinker Materials (MRO 5) to amend Map 2, Mineral Resource Overlay
33 (MRO) of the GMA Comprehensive Plan by removing 59.02 acres from the MRO located in
34 the Maltby area at, 19000 Yew Way, Snohomish, more closely meets the goals objectives
35 and policies of the GPP than the existing plan designation.

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

- 38 1. The proposed amendment maintains consistency with other elements of the GMACP.
- 39 2. All applicable elements of the GMACP support the proposed amendment.

- 1 3. The proposed amendment meets the goals, objectives, and policies of the GMACP as
2 discussed in the specific findings.
- 3 4. The proposed amendment is consistent with the Countywide Planning Policies (CPPs).
- 4 5. The proposed amendment complies with the GMA.
- 5 6. New information is available which was not considered at the time the plan or regulation
6 was amended.
- 7 C. The amendment is consistent with the GMA requirement that the comprehensive plan of a
8 county or city be an internally consistent document (RCW 36.70A.070).
- 9 D. The amendment to the GMACP satisfies the procedural and substantive requirements of the
10 GMA.
- 11 E. The amendment maintains the GMACP's consistency with the CPPs for Snohomish County.
- 12 F. The proposed amendment meets the goals, objectives and policies of the GMACP as
13 discussed in the specific findings.
- 14 G. All SEPA requirements with respect to this non-project action have been satisfied.
- 15 H. The County complied with state and local public participation requirements under the GMA
16 and chapter 30.73 SCC.

17
18 Section 3. The county council bases its findings and conclusions on the entire record of the
19 county council, including all testimony and exhibits. Any finding, which should be deemed a
20 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

21
22 Section 4. Based on the foregoing findings and conclusions, the Snohomish County GMA
23 Comprehensive Plan – General Policy Plan Map 2, Mineral Resource Overlay - last amended by
24 Ordinance No. 07-139, is amended as indicated in Exhibit A to this ordinance which is attached
25 hereto and incorporated by reference into this ordinance as if set forth in full.

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27 Section 5. The county council directs the Code Reviser to update SCC 30.10.060 pursuant to
28 SCC 1.02.020(3).

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

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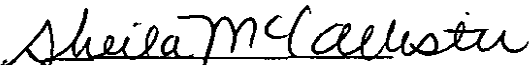
PASSED this 3rd day of June, 2008.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

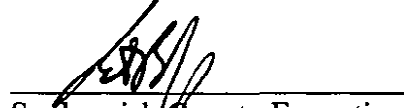
ATTEST:



Asst. Clerk of the Council

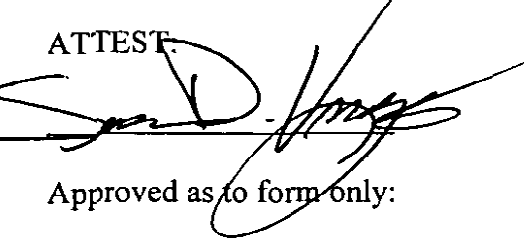
- APPROVED
- EMERGENCY
- VETOED

DATE: 10th June 2008, 2007



Snohomish County Executive
PETER B. CAMP
Executive Director

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-19

Exhibit A
Amended Ordinance No. 08-044
Final Docket XII, GMACP Map #2 Amendments
MRO 5 Rinker Materials

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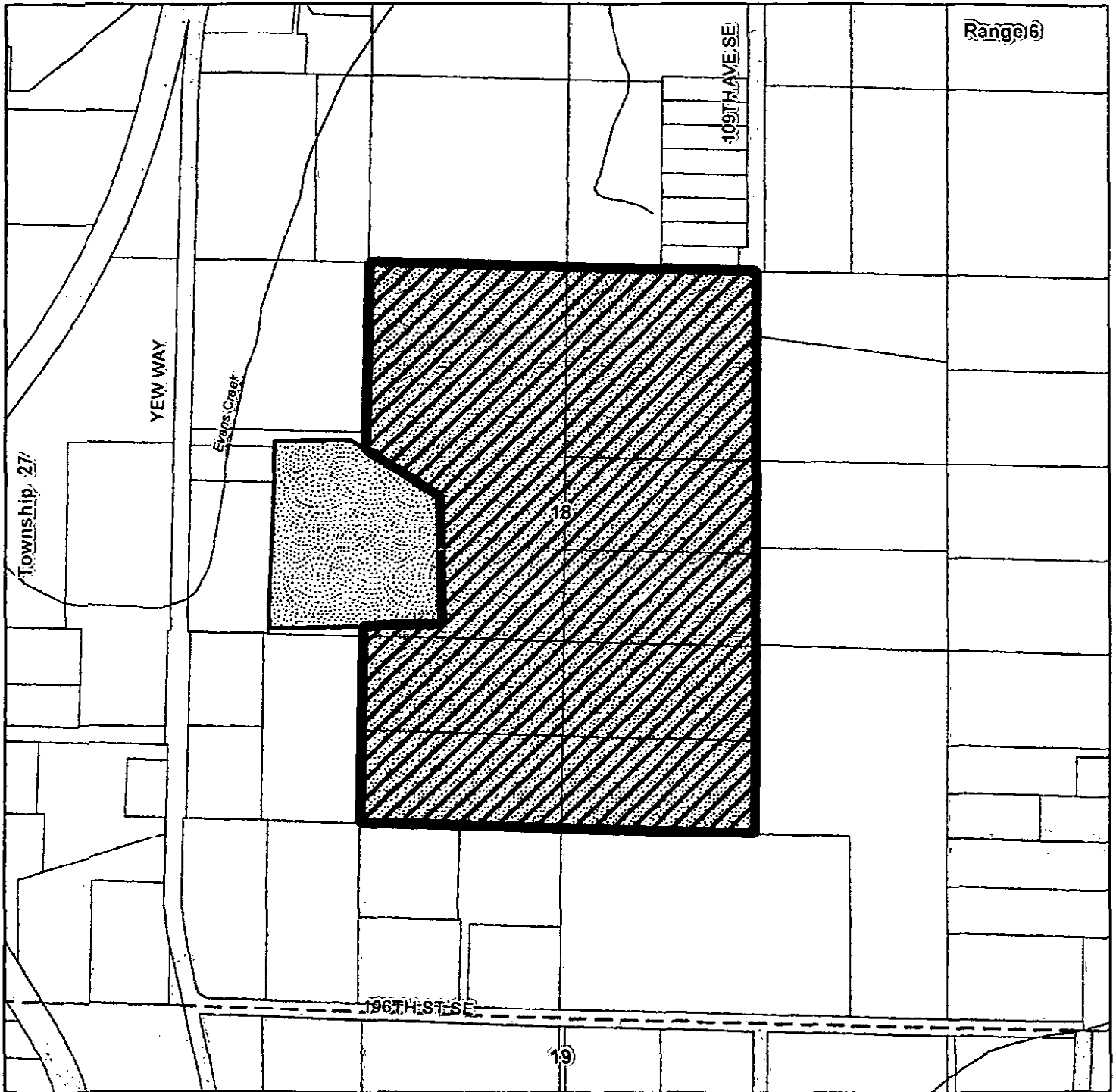
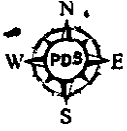
Docket XII

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



Snohomish County

Rinker Materials (MRO5)



Proposed Plan Amendment:



Rinker Materials

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

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

UGA Boundary

- Assessor Parcels
- Cities

- Township-Range Grid
- Section Grid



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