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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-045

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING MAP AMENDMENTS TO THE  
SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP)  
AND ZONING MAP AMENDMENTS TO IMPLEMENT CHANGES TO MAP 2, MINERAL  
RESOURCE LANDS, MINERAL RESOURCE OVERLAY  
(MRO 6 HILLIS AND SMOKEY POINT CONCRETE)

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

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LANDS, MINERAL RESOURCE OVERLAY (MRO 6 HILLIS AND SMOKEY POINT CONCRETE)

1 WHEREAS, the Snohomish County Planning Commission held a public hearing and  
2 received public testimony on Final Docket XII on January 22, 2008, and January 29, 2008; and  
3

4 WHEREAS, on January 29, 2008, the Snohomish County Planning Commission  
5 deliberated on Final Docket XII at the conclusion of the public hearing and voted to recommend  
6 adoption of the proposed GMACP and regulatory amendments, with certain modifications as  
7 enumerated in its recommendation letter of February 26, 2008; and  
8

9 WHEREAS, the Snohomish County Council held a public hearing on April 30, 2008,  
10 continued to May 12 and June 3, 2008, to consider the entire record, including the planning  
11 commission recommendations on Final Docket XII, and to hear public testimony on this  
12 Amended Ordinance No. 08-045.  
13

14 NOW, THEREFORE, BE IT ORDAINED:  
15

16 **Section 1.** The county council makes the following findings:  
17

- 18 A. The county council adopts and incorporates the foregoing recitals as findings as if set forth  
19 fully herein.
- 20 B. The proposal by Hillis and Smokey Point Concrete (MRO 6) is to amend *Map 2, Mineral*  
21 *Resource Overlay (MRO)* of the GMA Comprehensive Plan by adding 44.04 acres to the  
22 MRO and changing the zoning on 34.13 acres of the proposal site from A-10 to Forestry and  
23 is located near Arlington off of State Route 530, Hillis Road and Grant Creek Road, north of  
24 Cicero.
- 25 C. The county council includes in its findings and conclusions the final review and evaluation  
26 of the proposal completed by PDS in accordance with chapter 30.74 SCC, which is hereby  
27 made a part of this ordinance as if set forth herein.
- 28 D. The proposal meets GPP Objective LU 9.A, "Identify and designate mineral resource lands  
29 that are not already characterized by urban growth and that have long term significance for  
30 the extraction of minerals." The subject site is located in land designated Forestry and the  
31 applicant contends that the resource is viable for long-term commercial production.
- 32 E. This proposal meets GPP LU Policy 9.A.12 which states that landowner requests for changes  
33 in the mineral resource land designation are subject to the docketing process and should be  
34 reviewed for consistency with LU Policies 9.A.1, 9.A.2 and 9.A.3. LU Policy 9.A.3 is not  
35 applicable as it refers to proposals for islands fewer than 10 acres.
- 36 F. This proposal meets GPP Policy LU 9.A.1, which states that the county should utilize the  
37 1998 "Prospect Identification and Preliminary Classification" inventory report and maps to  
38 identify potential sand, gravel and bedrock resources for designation as mineral resource  
39 land. According to this report, the mineral resources pertaining to this proposal are part of an  
40 area classified as Type "D" resources. Type D prospect resources were excluded from  
41 consideration during the designation of the Mineral Resource Overlay in 2005. However, the  
42 1998 inventory and classification study is used as a guide to identify potential sand, gravel

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1 and bedrock resources. One of the limitations identified in the aforementioned study is that  
2 the field work performed for the study was generally confined to readily accessible areas, and  
3 therefore it is conceivable that relatively small prospects are present within the study area  
4 that were not initially identified during the study. Further, the applicant contends that the type  
5 and quantity of material located in the subject site are viable for long-term commercial  
6 production.

7 G. The proposal does not meet any of the exclusionary criteria in GPP Policy LU 9.A.2. The  
8 site is not within an urban growth area, National Forest or tribal land. The site does not have  
9 a land use designation of Riverway Commercial Farmland, Upland Commercial Farmland, or  
10 Local Commercial Farmland and is not within a floodplain.

11 H. The proposal is consistent with SCC 30.22.110 and LU Policy 9.B.1. Forestry is an  
12 implementing zone for the excavation and processing of minerals.

13 I. The proposed amendment complies with the requirements of GMA, including RCW  
14 36.70A.170(2) which states that the county shall consider the guidelines for classifying  
15 resource lands established pursuant to RCW 36.70A.050. Those guidelines for mineral  
16 resource lands include a list of factors in WAC 365-190-070(2)(d) to be analyzed to evaluate  
17 whether the proposed land has long-term significance for the extraction of minerals including  
18 whether they are characterized by urban growth. An analysis of those factors demonstrates  
19 that the property does meet the requirements for designated mineral resource lands of long-  
20 term commercial significance:

21 (i) General land use patterns in the area: The surrounding land uses are large forested  
22 vacant lots and single family residential on large wooded lots. The surrounding GPP  
23 FLUM designations are: Commercial Forest- Forest Transition Area to the north,  
24 Rural Residential-5 to the west, Riverway Commercial Farmland to the east and  
25 Rural Low Density Residential-20 to the south.

26 (ii) Availability of utilities: No public utilities service the site.

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

29 (iv) Surrounding parcel sizes and surrounding uses: 420 and 360-acre forest reserve  
30 parcels exist to the north, 10-acre timber land parcel exist to the east, 6 to 39-acre lots  
31 to the south used for open space agriculture, single family residential or vacant land  
32 and 40-acre timber land parcel to the west. Setbacks are required as part of the  
33 Conditional Use Permit to minimize the effects of the land use.

34 (v) Availability of public roads and other public services: The site is accessible via  
35 Grant Creek Road, a local road, near State Route 530, a rural principal arterial.

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

- 1 (vii) Accessibility and proximity to the point of use or market: The closest point of use or  
2 market is the urban growth area of Arlington, which is accessible via State Route  
3 530.
- 4 (viii) Physical and topographic characteristics of the mineral resource site: The proposal  
5 site is currently vacant forested land and contains two streams and associated  
6 wetlands.
- 7 (ix) Depth of the resource: According to Plate 3 of the 1998, "Prospect Identification and  
8 Preliminary Classification" the subject site area is classified as "Type D" sand and  
9 gravel based on quality and quantity. Type D prospect deposits are considered  
10 unfeasible for economic resources due to high fine or organic content or limited  
11 thickness. Type D prospect resources were excluded from consideration during the  
12 designation of the Mineral Resource Overlay in 2005. However, the applicant  
13 believes that the type and quantity of material located in the subject site (delineate is  
14 viable for long-term commercial production. The applicant has identified that the  
15 proposed mining site within the 80-acre subject site will yield in excess of 4 million  
16 tons of material for use in the production of concrete. With a production rate of  
17 250,000 tons per year, this equates to 16 years. Further, one of the limitations  
18 identified in the aforementioned study is that the field work performed for the study  
19 was generally confined to readily accessible areas, and therefore it is conceivable that  
20 relatively small prospects are present within the study area that were not initially  
21 identified during the study. The 1998 inventory and classification study is used as a  
22 guide to identify potential sand, gravel and bedrock resources.
- 23 (x) Depth of the overburden: According to Plate 3 of the 1998, "Prospect Identification  
24 and Preliminary Classification" the subject site area is classified as "Type D" sand  
25 and gravel based on quality and quantity. Type D prospect deposits are considered  
26 unfeasible for economic resources due to high fine or organic content or limited  
27 thickness. However, the applicant believes that the type and quantity of material  
28 located in the subject site (delineated in the attached site plan) is viable for long-term  
29 commercial production. Further, one of the limitations identified in the  
30 aforementioned study is that the field work performed for the study was generally  
31 confined to readily accessible areas, and therefore it is conceivable that relatively  
32 small prospects are present within the study area that were not initially identified  
33 during the study. The 1998 inventory and classification study is used as a guide to  
34 identify potential sand, gravel and bedrock resources
- 35 (xi) Physical properties of the resource including quality and type: According to Plate 3  
36 of the 1998, "Prospect Identification and Preliminary Classification" the subject site  
37 area is classified as "Type D" sand and gravel based on quality and quantity. Type D  
38 prospect deposits are considered unfeasible for economic resources due to high fine  
39 or organic content or limited thickness. Type D prospect resources were excluded  
40 from consideration during the designation of the Mineral Resource Overlay in 2005.  
41 However, the applicant believes that the type and quantity of material located in the  
42 subject site (delineated in the attached site plan) is viable for long-term commercial

1 production. Further, one of the limitations identified in the aforementioned study is  
2 that the field work performed for the study was generally confined to readily  
3 accessible areas, and therefore it is conceivable that relatively small prospects are  
4 present within the study area that were not initially identified during the study. The  
5 1998 inventory and classification study is used as a guide to identify potential sand,  
6 gravel and bedrock resources

7 (xii) Life of the resource: According to Plate 3 of the 1998, "Prospect Identification and  
8 Preliminary Classification" the subject site area is classified as "Type D" sand and  
9 gravel based on quality and quantity. Type D prospect deposits are considered  
10 unfeasible for economic resources due to high fine or organic content or limited  
11 thickness. Type D prospect resources were excluded from consideration during the  
12 designation of the Mineral Resource Overlay in 2005. However, one of the  
13 limitations identified in the aforementioned study is that the field work performed for  
14 the study was generally confined to readily accessible areas, and therefore it is  
15 conceivable that relatively small prospects are present within the study area that were  
16 not initially identified during the study. Further, the applicant believes that the type  
17 and quantity of material located in the subject site (delineated in the attached site  
18 plan) is viable for long-term commercial production. The 1998 inventory and  
19 classification study is used as a guide to identify potential sand, gravel and bedrock  
20 resources

21 (xiii) Resource availability in the region: Currently, there are 110,532 acres of bedrock  
22 and 19,990 acres of sand and gravel designated within the Mineral Resource Overlay  
23 (MRO). However, not all of this acreage designated in the MRO is actively being  
24 excavated.

25 J. Based on the analysis of the list of factors in WAC 365-190-070(2)(d) the proposal site  
26 demonstrates that it does meet the requirements for designated mineral resource land of long-  
27 term commercial significance.

28 K. A draft supplemental environmental impact statement (DSEIS) to the EIS issued for the 2005  
29 Snohomish County GMACP 10-Year Update was issued on December 26, 2007, for the  
30 proposed amendments. A Final SEIS, including response to comments on the DSEIS, was  
31 prepared following the 30-day comment period and was issued on April 1, 2008. The  
32 purpose of the SEIS was to analyze potential significant adverse environmental impacts of  
33 the proposals and any alternatives that were not previously identified in the EIS and to  
34 provide supplemental analysis and information relating to the proposed map and text  
35 amendments.

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

38 A. The proposal by Hillis and Smokey Point Concrete (MRO 6) to amend *Map 2, Mineral*  
39 *Resource Overlay (MRO)* of the GMA Comprehensive Plan by adding 44.04 acres to the  
40 MRO and changing the zoning from A-10 to Forestry located near Arlington off of State  
41 Route 530, Hillis Road and Grant Creek Road, north of Cicero, more closely meets the goals,  
42 objectives and policies of the of the GPP than the existing plan.

AMENDED ORDINANCE No. 08-045  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH  
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- 1 B. The proposed GMACP map amendments and zoning map amendments are consistent with  
2 the following final review and evaluation criteria of chapter 30.74 SCC:
- 3 1. The proposed amendments maintain consistency with other elements of the GMACP.
  - 4 2. All applicable elements of the GMACP support the proposed amendments.
  - 5 3. The proposed amendments meet the goals, objectives, and policies of the GMACP as  
6 discussed in the specific findings.
  - 7 4. The proposed amendments are consistent with the Countywide Planning Policies (CPPs).
  - 8 5. The proposed amendments comply 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 amendments are 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 amendments to the GMACP satisfy the procedural and substantive requirements of the  
14 GMA.
- 15 E. The amendments maintain 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 amendments meet 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 **Section 3.** The county council bases its findings and conclusions on the entire record of the  
24 county council, including all testimony and exhibits. Any finding, which should be deemed a  
25 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.  
26

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

32 **Section 5.** Based on the foregoing findings and conclusions, the area-wide zoning map, last  
33 amended by Ordinance No. 07-139, is amended as indicated in Exhibit B to this ordinance,  
34 which is attached hereto and incorporated by reference into this ordinance as if set forth in full.  
35

36 **Section 6.** The county council directs the Code Reviser to update SCC 30.10.060 pursuant to  
37 SCC 1.02.020(3).  
38


1 Section 7. Severability. If any section, sentence, clause or phrase of this ordinance shall be held  
2 to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of  
3 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or  
4 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,  
5 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by  
6 the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect  
7 prior to the effective date of this ordinance shall be in full force and effect for that individual  
8 section, sentence, clause or phrase as if this ordinance had never been adopted.

9  
10 PASSED this 3rd day of June, 2008.

11  
12 SNOHOMISH COUNTY COUNCIL  
13 Snohomish County, Washington

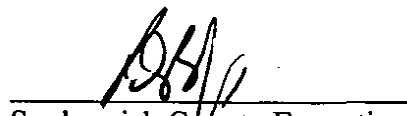
14  
15   
16  
17 Council Chair

18 ATTEST:

19   
20 Asst. Clerk of the Council

21  
22  APPROVED  
23  EMERGENCY  
24  VETOED

25 DATE: 18 Jun 2008

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

32 ATTEST:

33   
34 Approved as to form only:

35  
36  
37 Deputy Prosecuting Attorney

D.20

Exhibit A  
Amended Ordinance No. 08-045  
Final Docket XII, GMACP Map #2 Amendments  
MRO 6 Hillis and Smokey Point Concrete

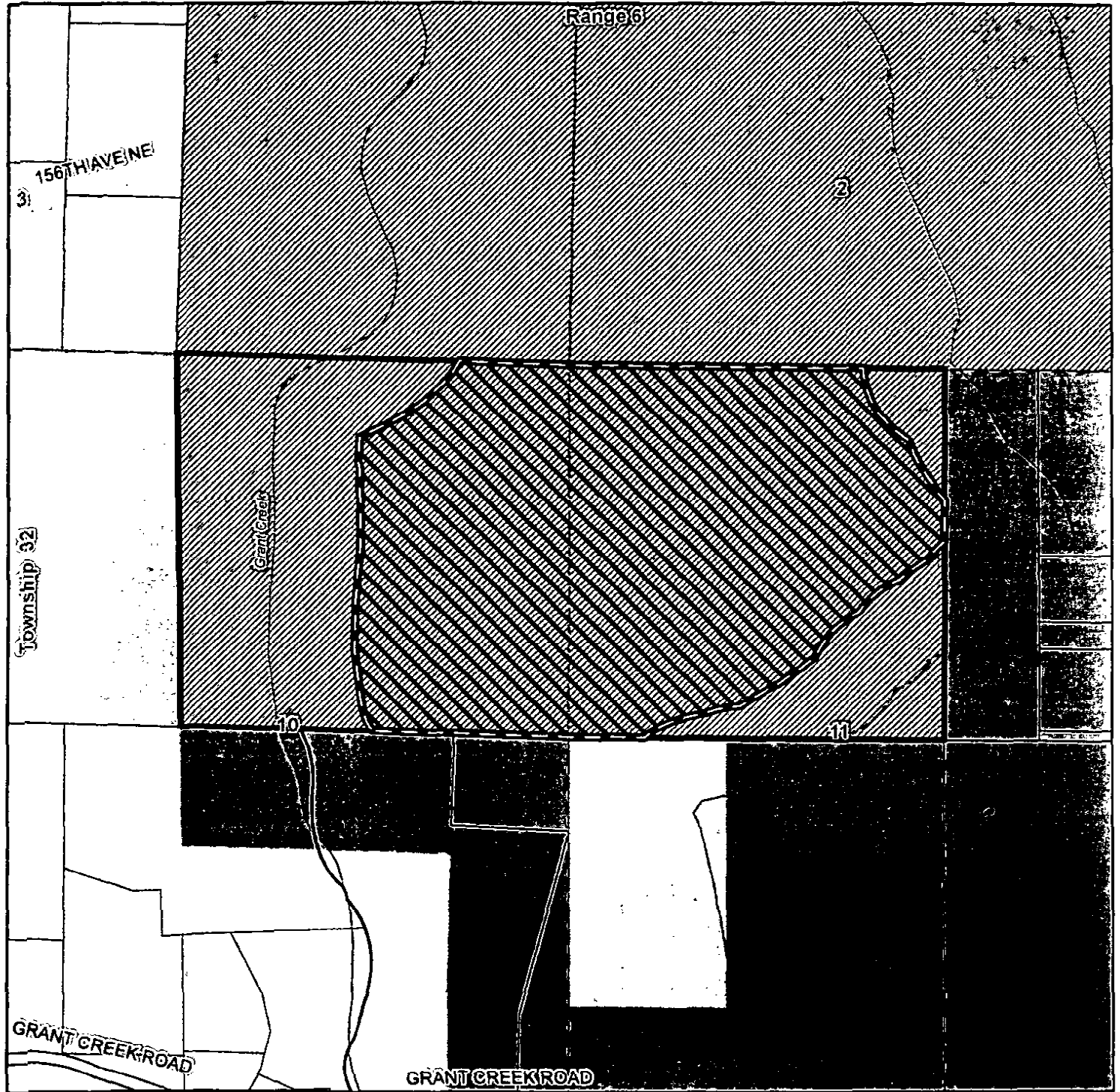
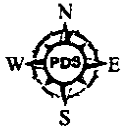
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# Docket XII

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






## Hillis / Smokey Point Concrete (MRO6)








**Proposed Plan Amendment:**

 **Hillis / Smokey Point Concrete**  
Redesignate Commercial Forest/  
Forest Transition Area to Commercial  
Forest/Forest Transition Area with  
Mineral Resource Overlay

**Existing Plan Designations**

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

 UGA Boundary  
 Assessor Parcels  
 Cities  
 Township-Range Grid  
 Section Grid



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Map Document: (H:\plg\carto\doctet\Docket2007\Map\Individuals\Final\_Docket\Resource Land\Smokey Point Concrete\_FLU.mxd) 1/9/2008

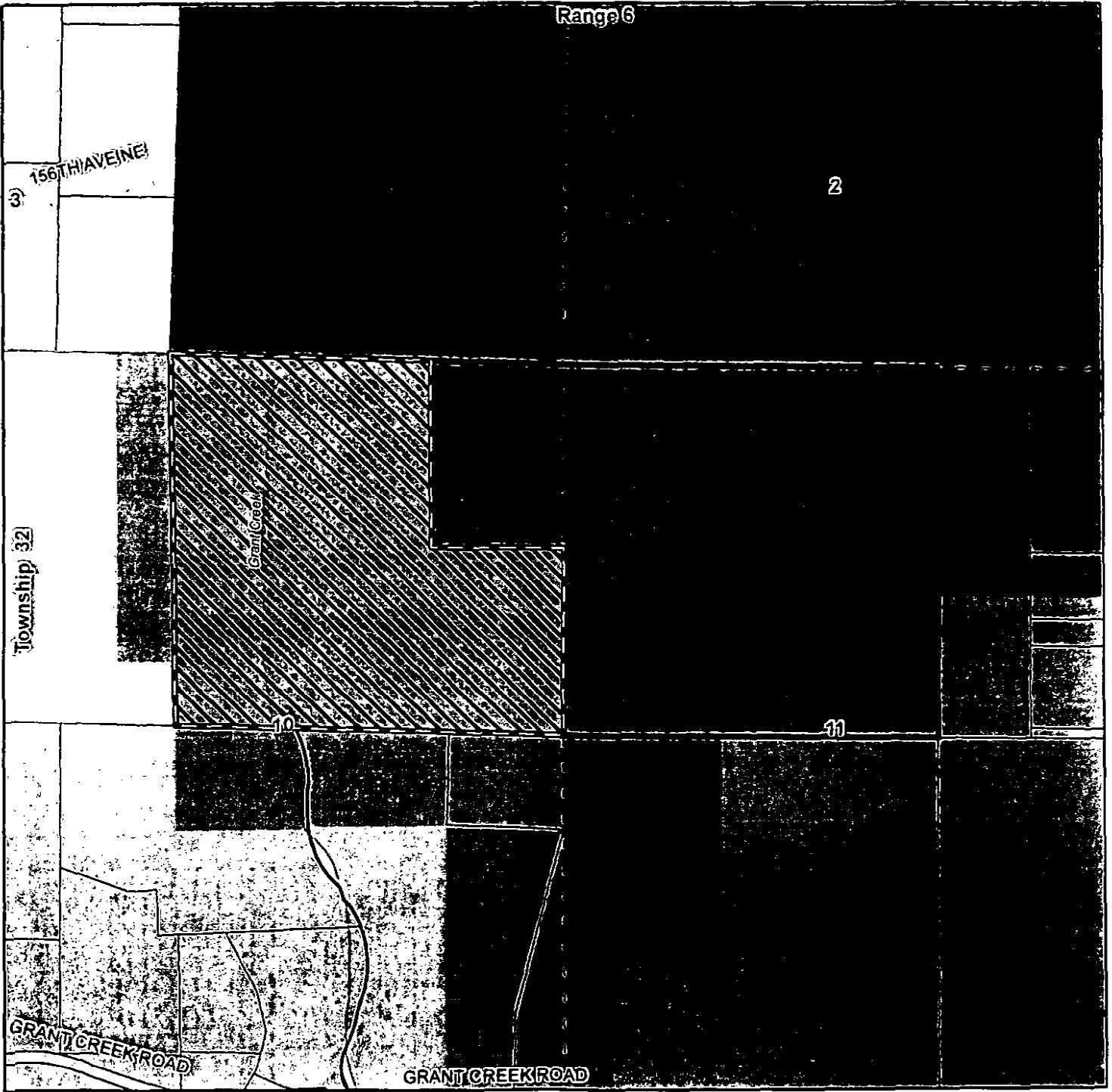
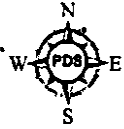
Exhibit B  
Amended Ordinance No. 08-045  
Final Docket XII, Zoning Map Amendments  
MRO 6 Hillis and Smokey Point Concrete

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# Docket XII

Final List of Proposed Amendments ( Motion No. 07-182 )  
Proposed Areawide Rezone

## Hillis / Smokey Point Concrete (MRO6)



**Proposed Rezone:**



**Hillis / Smokey Point Concrete**

Rezone A-10 to Forestry

**Existing Zoning:**

A-10

F

R-5

UGA Boundary

Assessor Parcels

Cities

Township-Range Grid

Section Grid



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Map Document: (W:\planning\docket\docket2007\maps\individual\Final\_DocketResource Land\Smokey Point Concrete\_Zoning.mxd) 1/9/2008