

1 Adopted: August 21, 2013

2 Effective: *Sept 2, 2013*

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5
6 SNOHOMISH COUNTY COUNCIL
7 SNOHOMISH COUNTY, WASHINGTON

8
9 ORDINANCE NO. 13-060

10
11
12 RELATING TO THE GROWTH MANAGEMENT ACT, AMENDING THE LAND
13 USE CHAPTER AND MAP 2 OF THE GENERAL POLICY PLAN OF
14 THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT
15 COMPREHENSIVE PLAN FOR CONSISTENCY WITH THE
16 SHORELINE MANAGEMENT PROGRAM (GPP2)

17
18 WHEREAS, RCW 36.70A.130 directs counties planning under the Growth
19 Management Act (GMA) to adopt procedures for interested persons to propose
20 amendments and revisions to the GMA Comprehensive Plan (GMACP) or development
21 regulations; and

22
23 WHEREAS, the Snohomish County Council (county council) determined that the
24 proposed amendments to the GMACP promote a county purpose as established under
25 RCW 36.70A.130; and

26
27 WHEREAS, by Amended Ordinance No. 05-069, the county council adopted
28 policies to guide the designation of mineral resource lands; and

29
30 WHEREAS, by Amended Ordinance No. 05-069, the county council adopted
31 Map 2, *Mineral Resource Lands – Mineral Resource Overlay (MRO)*, of the General
32 Policy Plan (GPP) of the GMACP to designate mineral resource lands of long-term
33 commercial significance; and

34
35 WHEREAS, RCW 90.58.080 and WAC 173-26-176 provide direction and
36 guidelines for local jurisdictions in adopting and updating their shoreline master
37 programs consistent with the Shoreline Management Act; and

38
39 WHEREAS, updates to the Snohomish County Shoreline Management Program
40 (SMP) were approved by the county council on June 6, 2012, by Amended Ordinance
41 No. 12-025 and approved by Ecology on July 13, 2012, effective July 27, 2012; and

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ORDINANCE No. 13-060
RELATING TO THE GROWTH MANAGEMENT ACT, AMENDING
THE LAND USE CHAPTER AND MAP 2 OF THE GENERAL
POLICY PLAN OF THE SNOHOMISH COUNTY GROWTH
MANAGEMENT ACT COMPREHENSIVE PLAN FOR
CONSISTENCY WITH THE SHORELINE MANAGEMENT
PROGRAM (GPP2)

1 WHEREAS, under RCW 36.70A.480(1), the goals and policies of the SMP are
2 considered an element of the Snohomish County's GMACP; and
3

4 WHEREAS, a component of the SMP is a series of 44 maps indexed by township
5 and range and originally compiled at a scale of 1:24,000 that comprise the official
6 delineation of the county's shoreline jurisdiction and assignment of shoreline
7 environment designations; and
8

9 WHEREAS, components of the SMP are critical areas regulations in chapters
10 30.62A, 30.62B and 30.62C of the of the Snohomish County Code (SCC) as adopted in
11 Amended Ordinance No. 06-061 on August 1, 2007 and chapter 30.65 SCC as adopted
12 in Amended Ordinance No. 07-005 on February 21, 2007; and
13

14 WHEREAS, under RCW 36.70A.480(1), the shoreline regulations in chapter
15 30.67 SCC are part of the County's development regulations; and
16

17 WHEREAS, the county council approved Amended Motion No. 12-238 on August
18 1, 2012, approving further processing of a list of county-initiated comprehensive plan
19 amendments, including GPP2 – Mineral Lands and Shorelines; and
20

21 WHEREAS, pursuant to chapter 30.73 SCC, Planning and Development
22 Services (PDS) completed final review and evaluation of GPP2, and forwarded
23 recommendations to the Snohomish County Planning Commission (planning
24 commission); and
25

26 WHEREAS, PDS briefed the planning commission on the GPP2 proposal on
27 April 23, 2013; and
28

29 WHEREAS, the planning commission held a public hearing and received public
30 testimony on the proposed amendments, GPP2, on May 28, 2013; and
31

32 WHEREAS, on May 28, 2013, the planning commission completed deliberations
33 on the proposed GPP2 amendments, and recommended approval as enumerated in its
34 recommendation letter of June 13, 2013; and
35

36 WHEREAS, on August 21, 2013 the county council held a public hearing after
37 proper notice, and considered public comment and the entire record related to the
38 proposed amendments contained in this ordinance; and
39

40 WHEREAS, following the public hearing, the county council deliberated on the
41 proposed amendments contained in this ordinance;
42
43

1 NOW, THEREFORE, BE IT ORDAINED:
2

3 Section 1. The county council adopts the following findings in support of this ordinance:
4

5 A. The county council adopts and incorporates the foregoing recitals as findings as if
6 set forth fully herein.
7

8 B. The proposed GPP2 amendments would provide consistency between policies in
9 the Mineral Lands section of the Land Use chapter of the GPP and the SMP.
10

11 C. The proposed GPP2 amendments would provide consistency between GPP Map 2 –
12 Mineral Resource Lands - Mineral Resource Overlay (MRO) and the SMP.
13

14 D. The proposed amendments are consistent with and advance the planning goals of
15 the GMA (RCW 36.70A.020), in particular:
16

17 1. Goal 5, "Economic development. Encourage economic development throughout
18 the state that is consistent with adopted comprehensive plans, promote
19 economic opportunity for all citizens of this state, especially for unemployed and
20 for disadvantaged persons, promote the retention and expansion of existing
21 businesses and recruitment of new businesses, recognize regional differences
22 impacting economic development opportunities, and encourage growth in areas
23 experiencing insufficient economic growth, all within the capacities of the state's
24 natural resources, public services, and public facilities."
25

26 2. Goal 8, "Natural resource industries. Maintain and enhance natural resource-
27 based industries, including productive timber, agricultural, and fisheries
28 industries. Encourage the conservation of productive forest lands and productive
29 agricultural lands, and discourage incompatible uses."
30

31 3. Goal 9, "Open space and recreation. Retain open space, enhance recreational
32 opportunities, conserve fish and wildlife habitat, increase access to natural
33 resource lands and water, and develop parks and recreation facilities."
34

35 4. Goal 10, "Environment. Protect the environment and enhance the state's high
36 quality of life, including air and water quality, and the availability of water."
37

38 E. The proposed amendments are consistent with and advance the Puget Sound
39 Regional Council (PSRC) Multicounty Planning Policies (MPP), in particular:
40

41 1. Ec-22 "Support economic activity in rural and natural resource areas at a size
42 and scale that is compatible with the long-term integrity and productivity of these
43 lands."

- 1
2 2. En-13 “Maintain natural hydrological functions within the region’s ecosystems
3 and watersheds and, where feasible, restore them to a more natural state.”
4

5 F. The proposed amendments are consistent with and advance the Countywide
6 Planning Policies (CPP), in particular:
7

- 8 1. Env-1 “All jurisdictions shall protect and enhance natural ecosystems through
9 their comprehensive plans, development regulations, capital facilities programs,
10 and management practices. Jurisdictions should consider regional and
11 countywide strategies and assessments, as well as best available qualitative and
12 quantitative information, in formulating plans and regulations that are specific to
13 their community.”
14
15 2. Env-5 “In recognition of the broad range of benefits from ecological systems, the
16 County and cities should establish policies and strategies to restore – where
17 appropriate and possible – the region’s freshwater and marine shorelines,
18 watersheds, and estuaries to a natural condition for ecological function and
19 value.”
20

21 G. The proposed GPP2 amendments comply with and implement the following GMACP
22 GPP goals, objectives and policies:
23

- 24 1. LU Policy 9.A.14 “The county may consider removing the mineral resource
25 designation, by amendment to the comprehensive plan, from sites where substantial
26 evidence of unique circumstances determines that mineral excavation is not an
27 appropriate use for the site.”
28
29 2. LU Policy 9.A.16 “The county shall investigate the economic viability
30 requirements of the mineral industry and review and amend, as appropriate, the
31 mineral lands designation criteria in Policy LU 9.A.2.”
32
33 3. LU Policy 9.D.6 “Application of the criteria in policy 9.A.2 results in elimination of
34 Shorelines of the State from mineral resource designation. There-fore, proposals
35 including mineral operations within Shorelines of the State shall not be eligible for
36 permits from the county.”
37
38 4. GOAL LU 10 “Identify and protect open space, natural and scenic resources and
39 shoreline areas.”
40
41 5. Objective LU 10.C “Preserve and enhance public access and recreational
42 opportunities through the Shoreline Master Program. See Shoreline Master Program

1 for Goals and Policies related to areas of Snohomish County subject to the
2 Shoreline Management Act.”

3
4 6. Objective NE 1.C “Protect and enhance natural watershed processes, wetlands,
5 fish and wildlife habitat conservation areas, shorelines, and water resources with the
6 long-term objective of protecting ecological function and values.”

7
8 7. NE Policy 1.C.3 “The county shall protect and enhance the ecological functions
9 of shorelines through the Snohomish County Shoreline Management Program.”

10
11 8. Goal NE 3 “Comply with the requirements of state, federal and local laws for
12 protecting and managing critical areas, shorelines, and water.”

13
14 9. NE Policy 3.A.5 “The county shall design development regulations to avoid or mi-
15 nimize impacts to the ecological functions and values of critical areas.”

16
17 10. Objective NE 3.F “Protect ecological functions of shoreline natural re-sources
18 through the Snohomish County Shoreline Management Program.”

19
20 11. NE Policy 3.F.1 “The county’s Shoreline Management Program shall address no
21 net loss of ecological functions of shoreline resources, provide oppor-tunities for
22 public access to shoreline areas and promote water de-pendent uses and
23 development which cannot be located anywhere else.”

24
25 12. NE Policy 3.F.2 “The county shall develop shoreline environment designations
26 that are based on existing use patterns, and the biological and physical character of
27 the shoreline.”

28
29 13. SMP Mining Policy 1 “Permit mining that is consistent with the county’s GMA
30 comprehensive plan and is located in areas designated for such use by the county’s
31 mineral resources overlay.”

32
33 H. No inconsistencies between the proposed amendments and the GPP plan elements
34 or development regulations have been identified.

35
36 I. Procedural requirements.

37
38 1. The environmental impacts on the proposal are within the range of impacts
39 analyzed by the draft environmental impact statement (DEIS) and final
40 environmental impact statement (FEIS) during the Ten-Year Update to the
41 GMACP in 2005. No new impacts have been identified for this proposal, and
42 State Environmental Policy Act (SEPA) requirements for this non-project action

1 have been met through issuance of Addendum No. 38 to the FEIS for the Ten-
2 Year Update to the GMACP in 2005.

- 3
4 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
5
6 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
7 transmitted to the Washington State Department of Commerce for distribution to
8 state agencies on June 17, 2013.
9
10 4. The public participation process used in the adoption of this ordinance has
11 complied with all applicable requirements of the GMA and the SCC.
12
13 5. The Washington State Attorney General last issued an advisory memorandum,
14 as required by RCW 36.70A.370, in December of 2006 entitled "Advisory
15 Memorandum: Avoiding Unconstitutional Takings of Private Property" to help
16 local governments avoid the unconstitutional taking of private property. The
17 process outlined in the State Attorney General's 2006 advisory memorandum
18 was used by Snohomish County in objectively evaluating the regulatory changes
19 proposed by this ordinance.
20

21 J. This ordinance is consistent with the record.

- 22
23 1. The amendments to the Mineral Lands section of the Land Use chapter of the
24 GPP will provide greater internal consistency for the GPP and greater
25 consistency between the GPP and the SMP.
26
27 2. The amendments to Map 2 of the GPP will provide greater internal consistency
28 for the GPP and greater consistency between the GPP and the SMP.
29
30 3. The county council includes in its findings and conclusions the final review and
31 evaluation staff report completed by PDS, which is hereby made a part of this
32 ordinance as if set forth herein.
33

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

- 35
36 A. This ordinance is necessary to provide greater internal consistency for the GPP
37 and greater consistency between the GPP and the SMP.
38
39 B. The amendments are consistent with the CPPs and the MPPs.
40
41 C. The proposed amendments meet the goals, objectives and policies of the GPP
42 as discussed in the specific findings.
43

1 D. The amendments are consistent with and comply with the procedural and
2 substantive requirements of the GMA.

3
4 E. The County has complied with all SEPA requirements in respect to this non-project
5 action.

6
7 F. The amendments do not result in an unconstitutional taking of private property for a
8 public purpose.

9
10 Section 3. The county council bases its findings and conclusions on the entire record
11 of the planning commission and the county council, including all testimony and exhibits.
12 Any finding which should be deemed a conclusion, and any conclusion which should be
13 deemed a finding, is hereby adopted as such.

14
15 Section 4. The Mineral Resource Lands section of the Land Use Chapter of the GPP,
16 last amended by Amended Ordinance 06-102 on December 20, 2006 is amended as
17 indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by
18 reference to this ordinance.

19
20 Section 5. Map 2 of the GPP, *Mineral Resource Lands - Mineral Resource Overlay*
21 (*MRO*), last amended by Amended Ordinance No. 12-045 on October 17, 2012 is
22 amended as indicated in Exhibit B to this ordinance, which is attached hereto and
23 incorporated by reference to this ordinance.

24
25 Section 6. The county council directs the Code Reviser to update SCC 30.10.060
26 pursuant to SCC 1.02.020(3).

27
28 Section 7. Severability. If any section, sentence, clause or phrase of this ordinance
29 shall be held to be invalid by the Growth Management Hearings Board, or
30 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality
31 shall not affect the validity or constitutionality of any other section, sentence, clause or
32 phrase of this ordinance. Provided, however, that if any section, sentence, clause or
33 phrase of this ordinance is held to be invalid by the Board or court of competent
34 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective
35 date of this ordinance shall be in full force and effect for that individual section,
36 sentence, clause or phrase as if this ordinance had never been adopted.

1 PASSED this 21st day of August, 2013.

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

6
7
8 *J. Wright*
9 Council Chair

8 ATTEST:

10 *Sheela McAllister*
11 Asst. Clerk of the Council

- 13 APPROVED
- 14 EMERGENCY
- 15 VETOED

16 DATE: 8/23/13

17
18 *John Farnsworth*
19 County Executive

23 ATTEST:

24 *Shirley Law*

27 Approved as to form only:

29 _____
30 Deputy Prosecuting Attorney

D-7

Exhibit A

Ordinance No. 13-060

Mineral Lands Section of the
Land Use Chapter of the GPP

Mineral Lands

Snohomish County has a wealth of mineral resources including sand, gravel and bedrock with additional deposits of precious metals located primarily in the mountainous region within the national forest lands. It is the intent of the county to preserve these resource areas for future access to the minerals. However, it is also the intent of the county to identify adjacent incompatible uses and to balance the resource land needs with those of the surrounding land owners and the environment.

The mineral resource lands subelement is intended to:

- identify and designate mineral resource lands;
- ensure that these lands continue to be available for mining;
- minimize the impacts of mining on the environment, communities, and other land uses; and
- ensure that mining sites are left in a condition compatible with subsequent uses.

The foundation of the mineral resource lands subelement is the goals and requirements of the GMA (RCW 36.70A), the minimum guidelines for classifying resource lands (WAC 365-190) and the direction provided in the 1995 General Policy Plan for detailed mineral lands planning.

The Growth Management Act requires counties to identify and conserve natural resource lands (RCW 36.70A.060). This includes designating mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals (RCW 36.70A.170). Conservation in this context is intended to maintain such lands for potential mineral extraction. Counties must also protect these lands by ensuring that the use of adjacent lands does not interfere with mineral extraction. (RCW 36.70A.060(1)).

Policies in the 1995 Snohomish County General Policy Plan directed the county to identify and designate an adequate supply of mineral resource deposits to meet the 20-year projected demand in Snohomish County. In 1997, Snohomish County initiated the mineral resource lands planning project to fulfill this directive. A Mineral Lands Task Force was established in 1998 to provide input to the county during the planning process.

A geologic inventory was completed in 1999 and identification and classification of mineral resource lands was completed in 2000 after analysis of alternative designation approaches. Associated policy and regulatory measures were then developed and evaluated in a Draft Supplemental Environmental Impact Statement issued November 21, 2001, an Addendum issued July 5, 2002, and a Final Supplemental Environmental Impact Statement issued August 6, 2003. Five public workshops were conducted between January and July, 2002.

Public hearings were held by the planning commission in November 2002 and the county council in July and August 2003. Public input prompted further review and analysis to address land use compatibility, traffic impacts and groundwater concerns. In 2004, representatives from the mineral resource industry participated in analysis of the supply and demand for minerals expected through 2025 and forecasts of the resulting heavy truck traffic.

Mineral resource land designation and the associated policies in this subelement are based on:

- a geologic inventory supplemented by parcel specific resource data;
- a hierarchical classification of resources based on resource quality and quantity;

- designation criteria consistent with WAC 365-190-170 addressing resource value, land use compatibility and environmental concerns; and
- policies to minimize potential land use, environmental and transportation conflicts while recognizing the economic necessity of the mineral resource industry.

The mineral resource land designation represents a reduction in area from the overall resource inventory, which identified 177,000 acres of potentially viable mineral resource deposits. Areas were excluded from consideration based on jurisdictional and legal issues, environmental constraints and land use compatibility. Of the 177,000 acres identified in the inventory, 131,000 acres are designated as an overlay (Mineral Resource Overlay or MRO) on the Future Land Use Map (FLUM). This represents all of the mineral resource deposits in the county which meet the criteria for volume, quality and extractability; are under county jurisdiction and are not slated for more intensive urban development; and are located in predominantly undeveloped, low density rural (10-20 acre lot size) or forest areas where land use incompatibility issues have been addressed at a countywide level. Mineral resources are also designated in limited 5-acre rural areas at the request of landowners where it was determined that the individual sites met all of the designation criteria established in the policies.

The volume of mineral resources designated

on the FLU map will meet demand well beyond the 20-year planning horizon. The designation and the associated policies balance the goals of the GMA to protect the resource lands, provide for a variety of rural land uses and support economic opportunities in rural areas. Designation of mineral resources in predominantly undeveloped rural areas allows rural land owners the opportunity to extract minerals from their property, provides policy direction for development patterns which can be compatible with mineral resource uses and reduces transportation costs by designating some resource supply closer to urban market areas.

Mineral resource land designation is an overlay with forest resource or rural designations underneath. Where mineral resources are designated in forest areas, mineral resource uses are allowed with appropriate permits. Where mineral resources are designated in rural areas, mineral resource uses will be preferred and other uses which would preclude future mineral extraction will be limited or required to utilize innovative site design techniques to preserve the resource deposits for future use.

Designation means that mineral resources are present, planning level environmental review has been completed and designated sites are eligible to apply for the permits needed for extraction and/or processing of minerals. Designation does *not* mean that all designated lands will become active mines or quarries. Every proposal for extraction or processing must complete additional environmental review at the project level and obtain the required permits.

GOAL LU 9

Conserve mineral resource lands for mineral extraction, minimize the detrimental effects

Objective LU 9.A Identify and designate mineral resource lands that are not already characterized by urban growth and that have long term significance for the extraction of minerals.

- LU Policies** 9.A.1 The county shall use the “Prospect Identification and Preliminary Classification” inventory report and maps completed December 1998, and as subsequently revised and updated based on further site-specific geologic data, to identify sand, gravel and bedrock resources potentially eligible for designation as mineral resource land. Determination of eligibility for designation considers the following criteria:
- physical properties of the resource including quality and type;
 - depth of the resource;
 - depth of the overburden; and
 - life of the resource.
- 9.A.2 The county shall exclude selected mineral resources identified on the inventory from potential designation because of legal, environmental or policy conflicts. Lands which shall be excluded are those:
- located within incorporated city, Urban Growth Area, or National Forest boundaries;
 - identified as Tulalip Tribal Trust Lands;
 - developed at densities greater than or equal to 0.15 lot per acre (average lot size of 6.67 acres) in neighborhoods with 5 or more homes;
 - containing hard-to-replace public facilities (cemeteries, schools/colleges, hospitals, libraries, parks and trails);
 - designated Riverway Commercial Farmland, Upland Commercial Farmland, or Local Commercial Farmland by the Snohomish County comprehensive plan;
 - designated as a ~~((Natural or Conservancy))~~ shoreline environment by the Snohomish County Shoreline Management Master Program;
 - located within a 300-foot Chinook Salmon/Bull Trout corridor;
 - located within a 100-year floodplain;
 - isolated islands less than 10 acres, except as provided in 9.A.3; and/or
 - land with 5-acre or smaller underlying land use designation and/or zoning, except in cases in which the landowner requests mineral resource designation and the site otherwise meets the criteria in 9.A.1 and 9.A.2.

- 9.A.3 The county shall consider proposals for mineral resource designations or extraction on islands less than 10 acres under the following conditions:
- the resource is needed for emergency purposes;
 - the resource is of an exceptional quality needed to satisfy requirements of a specific project;
 - the resource, including precious metals, is part of an official mining claim within the boundaries of the National Forest; or
 - the landowner requests mineral resource designation and the site otherwise meets all criteria in 9.A.1 and 9.A.2.
- 9.A.4 Mineral resource lands are classified and designated in the comprehensive plan as shown on the Mineral Resource Lands Map (Map 2) and in greater detail in the county's Geographic Information System (GIS) coverage. The mineral resource land designation is an "overlay," referred to as the Mineral Resource Overlay (MRO), to the Future Land Use Map designation of the comprehensive plan.
- 9.A.5 When interpreting the Mineral Resource Lands Map at the project level, any parcel shown on the map to contain any amount of designated mineral resource shall be considered to be designated for the purpose of eligibility to submit permit applications.
- 9.A.6 Designation as mineral resource land signifies that the use of mineral lands has been anticipated and evaluated at an area-wide level in terms of potential environmental impacts. The environmental documents associated with the mineral lands subelement may be used, as permitted by the SEPA rules, when making threshold determinations and/or preparing environmental documents.
- 9.A.7 Designation as mineral resource land indicates eligibility for permitting by the county as a mineral excavation site and that, at the comprehensive plan level, such land is potentially appropriate for mineral excavation.
- 9.A.8 Designation as mineral resource land does not substitute for any permit or approval required for mineral extraction and should not create a presumption of approval for any required permits.
- 9.A.9 Certain undesignated lands are eligible for permitting by the county under the following conditions:
- expansion of existing legally established mineral operations onto adjacent undesignated land where a portion of the existing site has been designated or zoned Mineral Conservation; ((~~or~~))

- private actions within National Forest boundaries for extraction of mineral resources, including precious metals, where the proponent's rights to the minerals ~~((has))~~ have been acknowledged by the Bureau of Land Management~~((:));or~~
- mining activities allowed and subject to standards of the Shoreline Management Program as an integral part of certain projects, including, but not limited to:
 - Ecological restoration or enhancement
 - Flood hazard management
 - To alleviate an emergency situation
 - For use in forest practices
 - Removal of mineral resources deposited above the ordinary high water mark by flood events onto designated agricultural lands under the county's comprehensive plan for the purpose of maintaining or restoring land for agricultural activities; or
 - Dredging.

- 9.A.10 Presence or absence of a mineral resource land designation does not change the current conditional use or legal non-conforming use status of existing mining sites.
- 9.A.11 Retention of conditional use or non-conforming use status for existing mine sites shall not exclude county monitoring, review or certification under updated policies and rules developed after the effective date of the Growth Management Act.
- 9.A.12 Landowner requests for changes in the mineral resource land designations shall be subject to the county's GMA comprehensive plan amendment process. Such requests should be reviewed for consistency with LU Policies 9.A.1, 9.A.2 and 9.A.3.
- 9.A.13 The county shall remove, by amendment of the comprehensive plan, the mineral resource land designation of any mineral site certified as restored by the Washington Department of Natural Resources. If the mineral site lies within one mile of a tribal reservation or Urban Growth Area boundary, the county shall consult with the affected tribe or city regarding the comprehensive plan amendment.
- 9.A.14 The county may consider removing the mineral resource designation, by amendment to the comprehensive plan, from sites where substantial evidence of unique circumstances determines that mineral excavation is not an appropriate use for the site.
- 9.A.15 **RESERVED** ~~((The county shall study the consideration of landowners' requests for mineral resource designation on their~~

~~property in river shorelines of the state through the county's GMA comprehensive plan amendment process. The following designation criteria in LU Policy 9.A.2 will be considered during the study:~~

- ~~• Designated as a Natural or Conservancy environment by the Snohomish County Shoreline Management Master Program;~~
- ~~• Located within a 300-foot Chinook Salmon/Bull Trout corridor;~~
- ~~• Located within a 100-year floodplain; and/or~~
- ~~• Designated as Riverway Commercial Farmland by the Snohomish County comprehensive plan.))~~

9.A.16 The county shall investigate the economic viability requirements of the mineral industry and review and amend, as appropriate, the mineral lands designation criteria in Policy LU 9.A.2.

Objective LU 9.B

Protect designated mineral resource lands from development that would prevent future excavation on those lands.

- LU Policies**
- 9.B.1 The county shall establish and retain a rural residential or commercial forest comprehensive plan designation and implementing zoning for mineral resource land.
- 9.B.2 The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation. Where the MRO covers only a portion of a rural 5-acre designated parcel, the parcel may be subdivided provided that:
- a. minimum lot size requirements can be met according to underlying zoning;
 - b. rural cluster subdivision is used; and
 - c. the portion of the property having the MRO overlay shall be preserved for future mineral resource use by adequate buffers, setbacks and open space.
- 9.B.3 Any subdivision of mineral resource land outside of 5-acre rural designations (e.g. 1 du/10 acres, 1 du/20 acres, or local forest) shall utilize site planning and design opportunities, including rural cluster subdivisions, to retain the maximum amount of land for potential mineral resource use. Open space provisions will preserve the option for future mineral resource extraction.
- 9.B.4 The county will maintain mineral resource maps and/or GIS data and provide this resource information to landowners who wish to investigate resource potential on their lands.

Objective LU 9.C

Ensure that the use of lands adjacent to designated mineral resource lands does not interfere with the use of these lands for the extraction of minerals.

LU Policies 9.C.1

A mineral lands notice ordinance shall require that all plats, short plats, development permits, and building permits issued for development activities on or within two thousand feet of lands designated as mineral resource contain a notice that the subject property is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

- 9.C.2 The county shall maintain five-acre or larger minimum lot size comprehensive plan designations of rural lands adjacent to designated mineral resource lands.
- 9.C.3 The county shall require the use of rural cluster subdivision for subdivision of rural residential lands (e.g. 1 du/5 acres, 1 du/10 acres, or 1 du/20 acres) adjacent to designated mineral resource lands. Residential lots within the development shall be located as far as possible from designated resource lands.
- 9.C.4 The county shall consider open space, forestry, rural industry, agriculture or recreational uses as preferred land uses on parcels adjacent to designated mineral resource lands in future amendments to the comprehensive plan.

Objective LU 9.D

Ensure that the impacts of mineral extraction, processing and transporting are adequately addressed and mitigated in the permit review process.

LU Policies 9.D.1

The county shall adequately address and mitigate on-site and off-site impacts of mineral operations and transporting in the permit review process. Impact assessment shall include, at a minimum:

- Evaluation of impacts to the natural environment and critical areas both on- and off-site with particular attention to geologic hazards, impacts to groundwater used for potable supply, and fish habitat;
- Evaluation of impacts to adjacent properties including use compatibility, health, safety and welfare; and
- Evaluation of traffic impacts including safety, congestion, road characteristics and conditions, and non-vehicular users along roads impacted by large trucks generated by mineral operations taking into consideration the size, weight and performance characteristics of the large trucks.

9.D.2 As part of the permit review process for mineral extraction and processing uses, the county shall consider the impact analysis completed for this plan's environmental documents, which identifies areas with moderate to high land use, watershed and/or transportation impacts, when requesting information for permit applications, making threshold determinations or preparing site-specific environmental documents.

9.D.3 The county will evaluate transportation and hauling impacts as part of an individual site specific permit application.

9.D.4 The county shall coordinate with the mineral industry and stakeholder groups to develop a mineral lands strategy addressing education and outreach; data collection and tracking; and economic development.

9.D.5 Protection of groundwater resources is of primary importance thus the county shall require hydrogeologic site evaluations, mitigation plans and/or groundwater monitoring programs when conditions merit. The county shall also require contingency plans for alternate potable water supply in the event of groundwater contamination or aquifer breach directly resulting from mineral operations.

9.D.6 Application of the criteria in policy 9.A.2 results in elimination of Shorelines of the State from mineral resource designation. Therefore, proposals including mineral operations within Shorelines of the State shall not be eligible for permits from the county.

Objective LU 9.E **Ensure that jurisdictions potentially affected by mineral extraction activities are consulted when mineral permit applications are submitted to the county.**

LU Policies 9.E.1 Request-for-review comments on mining proposals shall be solicited from all nearby and affected cities, Indian Tribes and state and federal landowners.

9.E.2 The county shall consider interlocal agreements with jurisdictions already impacted by established mines, including, but not limited to: Gold Bar, Sultan, Monroe and Granite Falls.

9.E.3 The county shall coordinate with affected jurisdictions when reviewing new applications for mineral operations.

Objective LU 9.F **Ensure that mining site approval does not preclude or inhibit the planned post-extractive use of the mine site or the planned future use of adjacent lands.**

LU Policies 9.F.1 Post-extractive uses should be identified, at the time of permitting, for mineral resource lands that are consistent with adjacent and nearby comprehensive plan designations. Where adjacent or nearby lands are designated mineral resource land, the post-extractive use of the permitted site should be compatible with future mineral extraction activities on the adjacent or nearby lands.

9.F.2 The county shall utilize available opportunities to ensure that mine site excavation and reclamation are consistent with county, city and tribal land use plans and the state Surface Mine Reclamation Act (RCW 78.44).

9.F.3 The county shall pursue innovative reclamation plans in concert with private landowners for the final conversion of exhausted mineral resource lands into desirable uses (park land, open space, forest land, community lakes, etc.). Such reclamation plans will be considered as favorable mitigations of the mining activity during the county's SEPA review process.

Exhibit B
Ordinance No. 13-060
Map 2 of the GPP

Map 2
**Snohomish County
GMA Comprehensive Plan**
MINERAL RESOURCE LANDS
Mineral Resource Overlay (MRO)
EFFECTIVE DATE: Xxxxx xx, 2013

- Bedrock Deposits (110,058 Acres)
- Sand and Gravel Deposits (19,905 Acres)
- Areas Not Inventoried
- Urban Growth Area Boundary
- Incorporated City Boundary
- Tulalip Indian Reservation Boundary (Boundary Not Intended to Display Reservation Tidelands)
- Major Arterial Roadway
- Arterial Roadway
- Railway

SNOHOMISH COUNTY DATA and MAP DISCLAIMER
All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.
Parcel lines and designation boundaries are adjusted to the Snohomish County Assessor Integrated Land Records Parcel Data Base as of Nov. 10, 2012.

Last Revised by Ordinance 13-xxx

This map is a graphic representation applied from the Snohomish County Geographic Information System. It does not represent survey accuracy. This map is based on the best available information as of the date shown on the map.
For the purposes of land use application review, final determination of future land use designations will be made by the County during the review process.

